

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

October/November 2023 – Updated to reflect organisational staffing changes and remove reference to Covid-19 Government guidance.

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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 normally be held at the National Park Office, Aldern House, Bakewell or at such other places as the Chair shall determine.
Covid-19)

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, 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, 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 on the Authority's website and, where the meeting is called by Members of the Authority, the notice shall identify 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 authorised by the Chief Executive (National Park Officer) shall be sent by email to every Member of the Authority using the email address provided by the Authority. A copy will also be emailed to the proper officer of every Council for every principal area the whole or any part of which is within the National Park, Natural England and the Secretary of State for the Environment, Food and Rural Affairs. (Covid-19)

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) 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 they are 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)

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- (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) In accordance with the Local Audit and Accountability Act 2014 members of the public may record and report on open meetings of the Authority and its Committees using sound, video, film, photograph or any other means this includes blogging or tweeting, posts on social media sites or publishing on video sharing sites. Members of the public wishing to record or report on a meeting will be encouraged to contact the Monitoring Officer or their deputy in advance to make sure suitable facilities are available, it will not cause disruption and it is carried out in accordance with any protocols and guidance published by the Monitoring Officer.
(LA&A Act 2014 1/8/14)
- (7) The Chair has discretion to withdraw or suspend this permission should s/he 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 and publish either a digital audio or video 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 for a period of three years from the date of the meeting 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.
(NPA Meeting 6/12/13 and amended 3/2/17) (Covid-19)

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 the Chair 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 The Customer and Democratic Support Team will record attendance at every meeting of the Authority, and after the meeting update the attendance register published on the Authority's website.
- (Local Government Act) (Covid-19)

ORDER OF BUSINESS

- 1.9 The order of business at every meeting of the Authority shall, subject to any statutory requirements and to Order 1.28(3) 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 Authority Solicitor, 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 1.20(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 following the 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) (Covid-19)
- (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 Natural England 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.
- (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 normally 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 their 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 their vote for the question or against the question or whether they 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 1.18 may be moved without notice) shall be given in writing and confirmed by the Member or Members of the Authority giving the notice, and emailed at least 10 days before the next meeting of the Authority to the Authority Solicitor. 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.

(Covid-19)

MOTION TO BE SET OUT IN SUMMONS

1.15 The Authority Solicitor 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 they 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.

The Authority Solicitor, or their Deputy, may reject a motion if it relates to an ongoing investigation relating to the conduct or capability of an employee of the Authority.(NPA 07/12/18)

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 1.26;
- (15) motion under Section 100A of the Local Government Act 1972 to exclude the public;
- (16) that a Member named under Order 1.22(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 has been given to the Authority Solicitor by email 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 emailed to the Authority Solicitor not later than 9.30 am on the day of the meeting. (Covid-19)
- (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 Authority Solicitor 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 1.14 it shall, if required by the Chair, be put into writing and emailed to the Chair before it is further discussed or put to the meeting. (Covid-19)

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 (10) or (12) 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 1.22(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 their opinion the matter before the meeting has been insufficiently discussed, they 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 their opinion the matter before the meeting has been insufficiently discussed, they 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 their right of reply under paragraph (10) of this Standing Order before putting their motion to the vote;

- (c) On a motion "to adjourn the debate or the meeting"; if in their opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion they shall put the adjournment motion to the vote without giving the mover of the original motion their 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 they consider it has been broken. A personal explanation shall be confined to some material part of a former speech by them 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 themselves 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 their 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 they in their 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 them may, without question put, adjourn the meeting

of the Authority for such a period as they in their 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 them. If they continue the interruption the Chair shall order their 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 1.14 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 on the Authority website 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 (Covid-19)
 - (b) By reason of special circumstances, which shall be specified in the minutes, the Chair of the meeting, after consultation with the Authority Solicitor 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 published on the Authority website for 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. (Covid-19)

- (5) The minutes of meetings that were open to the public shall be available to the public on the Authority website after copies of the minutes are available to Members of the Authority. (Covid-19)
- (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 published on the Authority website at the same time as the Agenda and supporting reports are published and made available for inspection by members of the public for four years. (Covid-19)
- (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) Links to the Agenda of every meeting of a Committee and of the standing Sub-Committees together with the reports of the officers shall be sent by email to every Member of the Authority so that they may be informed of all business arising thereat. (Local Government Act) (Covid-19)

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 they are 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, they 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 they are 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 Interest, which is not registered, nor sent to the Monitoring Officer to register, they must notify it to the Monitoring Officer within the next 28 days, so that it can go on the Register of Interests.

INTEREST OF OFFICERS IN CONTRACTS AND OTHER MATTERS

- 1.31 (a) The Authority Solicitor 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 they have 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, they shall as soon as practicable give notice in writing to the Authority Solicitor 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 Authority Solicitor of such an interest.
- (d) The Authority Solicitor 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 Authority Solicitor.
- (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 Authority Solicitor.
- (g) The Authority Solicitor 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 they are related to any Member or Senior Officer of the Authority shall when making application disclose that relationship to the Head of People Management. 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 Head of People Management any relationship known to them to exist between themselves and any person whom they know is a candidate for an appointment under the Authority. The Head of People Management shall report to the Authority or to the appropriate Committee any such disclosure made to them.

- (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 Programmes and Resources Committee and persons shall be deemed to be related if they are partners or if either of them or the partner of either of them is the son or daughter or grandson or grand-daughter or brother or sister or nephew or niece of the other, or of the partner 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), the Monitoring Officer, Authority Solicitor, the Customer and Democratic Support Manager or the Senior Lawyer. An 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 - Authority meeting 02/07/21)

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 Authority Solicitor or Senior Lawyer or in their absence, by the Chief Executive.

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 their 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 Authority Solicitor upon their 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 to 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 Authority Solicitor.
 - (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 1.40.
- (2) 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.
- (3) 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.
- (4) 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 they are 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.

(Environment Act)

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

Planning Committee
Programmes and Resources Committee

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

- (i) The Chair and Vice Chair of the Standing Committee (previously appointed by the Authority under Standing Order 1.39).
- (ii) 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 Programmes and Resources Committee.

(NPA Meeting – 5/7/19)

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 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 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)

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

- 1.45 (1) On the basis set out in Paras (2) and (4) below, Chair and Deputy Chair of the Authority or the Chairs and Vice-Chairs of Standing Committees may attend meetings of Standing Committees other than those to which they have been appointed subject to the normal rules governing debate and participation in meetings, and may take part in the discussion (but may not vote nor propose a motion or amendment) unless:
- (i) it would be unlawful or contrary to any of the Authority's procedures, codes or other protocols to do so; or
- (ii) the Authority or, in the case of the appointment of a Sub-Committee, the Committee in a particular case determines otherwise.
- (2) The Chair and Deputy Chair of the Authority and a Chair of a Committee may attend a meeting of a Standing Committee;
- (3) The Chair of a Committee may attend a meeting of a Sub-Committee appointed by the Committee on the same basis as in Para (1) above;
- (4) Under Paras (2) and (3), the Chair of a Committee may appoint the Vice-Chair to attend in their place.
- (NPA Meeting – 3/7/15)
- 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 (6) below is required to give prior notice to the Authority Solicitor, 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 discloseable pecuniary interest.

Where a Member of a Committee or Sub-Committee and any Member at an Authority meeting, has a discloseable 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 Authority Solicitor 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 Officer 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

CONTRACT PROCEDURE RULES

25/04/2023 – Amendments to reflect changes to the requirements of the Local Government Transparency Code 2015 (details of contracts to be published at least quarterly) and amendments to Chapter 8 of the Public Contracts Regulations 2015 (only contracts above £30,000 required to be advertised on Contracts Finder).

October/November 2023 – Amendments to reflect organisational staffing changes

February 2025 – Amendments to reflect legislative changes

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CP1 Introduction, Aims and Application of Orders

- 1.1 This Part 2 of Standing Orders sets out the rules which must be followed by the Authority when it procures goods, services or works. They shall apply to the issue of any Order and the entry into of any Contract.
- 1.2 The objectives of this Part 2 of Standing Orders are:
 - 1.2.1 To ensure that the Authority’s procurement procedures assist the Authority to deliver Best Value services to the public
 - 1.2.2 To seek to promote fairness, competition, openness and transparency in the Authority’s procurement procedures
 - 1.2.3 To comply with the laws which govern the spending of public money
 - 1.2.4 To demonstrate good corporate governance
 - 1.2.5 To protect the Authority and its Officers from allegations of wrong-doing regarding specific procurement decisions.
- 1.3 Orders and Contracts shall also comply with the Financial Regulations in Part 3 of Standing Orders. In particular, this specifies the authorisation schedule for awarding expenditure as follows:

Below £30,000	£30,001-£50,000	£50,001-£150,000	Above £150,000
Head of Service, Moors for the Future Partnership Manager or Authorised Officer	Business case agreed with Head of Service or Moors for the Future Partnership Manager and Chief Finance Officer	Business case consulted with Resources Management Meeting	Committee

- 1.4 Every Contract shall comply with all applicable legal requirements. In the case of any conflict or inconsistency between these Standing Orders and any legal requirement, the legal requirement shall apply. Public procurement in the UK is regulated by the Public Contracts Regulations 2015 (PCR 2015) (for procurements which were started before 24 February 2025), the Procurement Act 2023 (PA 2023) and the Procurement Regulations 2024 (PR 2024) (for procurements started on or after 24 February 2025). Together these are referred to as ‘Procurement Laws’.
- 1.5 Officers must have regard to the National Procurement Policy Statement (NPPS) in conducting all procurements.
- 1.6 The Chief Executive, after consultation with the Finance Manager may from time to time change the thresholds in these Standing Orders to take account of changes in the retail prices index so that the effectiveness and impact of the thresholds is maintained.
- 1.7 The Chief Executive, after consultation with the Authority Solicitor and Finance Manager, may from time to time amend these Contract Procedure Rules to correct an

obvious error, to reflect changes in the law, or to reflect changes in the Authority's Standing Orders or establishment.

1.8 This Part 2 of Standing Orders does not apply:

1.8.1 To contracts of employment.

1.8.2 To contracts that relate solely to the purchase or sales of land and property where there is no other requirement specified by the Authority as part of the land transaction. Property transactions must comply with Part 3 Financial Regulations, Part 7 Delegation Scheme and the Asset Disposal Procedure.

1.8.3 Where the proposed Contract is for the supply of services or the execution of works undertaken by the Authority's own staff.

1.8.4 Grants awarded by the Authority.

CP2 Contract Value

2.1 The 'estimated value' of a Contract shall be the total value of the Contract inclusive of VAT estimated to be payable over the entire term of the Contract, including any extensions.

2.2 Where the Contract period is indefinite or uncertain, the estimated value shall be calculated on the basis that the Contract will be for a period of four years.

2.3 Contracts must not be artificially separated so as to circumvent the application of any part of these Standing Orders or the Procurement Laws.

2.4 Where the Authority estimates the value of two or more contracts, and the goods, services or works to be supplied under the contracts could reasonably be supplied under a single contract, the Officer must estimate the value of each of the contracts as including the value of all of the contracts, unless the Officer has good reasons not to do so. Contracts which are each of a value below the relevant Threshold under the PA 2023 may nevertheless be subject to full tendering requirements of the PA 2023, where they constitute a series of related or repeat purchases. Advice should be sought where this is the case, in order that the relevant procurement method can be adopted.

2.5 It should be noted that the value of a contract does not only include the value of the original contract, but also the value of any variations. All contract variations must comply with Standing Order 11 of this Part 2. If any proposed variation brings the total value of a contract over the relevant Threshold, a new tender will be required (including placing of notices in the FTS). Advice should be sought where this is the case, or likely to be the case, in order that the relevant procurement method can be adopted.

2.6 If it is not possible to estimate the value of a contract, for example where the contract period or the number of items to be ordered is uncertain, it shall be treated as having an estimated value of more than the Threshold amount for the type of contract, and therefore treated as an above PA 2023 Threshold procurement

CP3 Framework Agreements, Open Frameworks, Suppliers Lists and Dynamic Markets

- 3.1 Any Head of Service or Moors for the Future Partnership Manager may compile and maintain Lists of potential Suppliers for supplies, services or works, within their area of responsibility.
- 3.2 In creating a Suppliers List the Head of Service or Moors for the Future Partnership Manager must not restrict the number of suppliers to be included on the List by reference to an assessment of a supplier's suitability to perform the contract, including a reference to a supplier's legal and financial capacity or technical ability. The Authority Solicitor should be consulted before setting up a Suppliers List.
- 3.3 Suppliers Lists:
- 3.3.1 shall indicate the nature and value of Contracts for which the Contractors listed may be used. The value of any Contract entered into may not exceed the relevant Threshold.
- 3.3.2 shall be reviewed and re-established at least every three years.
- 3.4 Any Contractor may, by giving written notice, withdraw from any Suppliers List.
- 3.5 In addition, Heads of Service, with the assistance of the Finance Manager, may set up a Framework Agreement or an Open Framework (together called 'Frameworks') with one or more suppliers of particular goods and services.
- 3.6 An Open Framework is a scheme of Framework Agreements that provides for the award of successive frameworks on substantially the same terms. An Open Framework must be 're-opened' periodically throughout the term, to allow new suppliers to tender for a place on the Framework.
- 3.7 When advertising for Frameworks the advertisement must indicate:
- 3.7.1 That it is a framework which is being tendered
- 3.7.2 The duration of the arrangement (which must not exceed 4 years for a Framework Agreement, or 8 years for an Open Framework)
- 3.7.3 The expected maximum number of suppliers
- 3.7.4 The total estimated value of the contracts to be covered by the arrangement
- 3.7.5 The award criteria for choosing suppliers and subsequent criteria for placing orders
- 3.8 The estimated value in relation to a Framework is the estimated maximum value over its lifetime. This must be carefully considered in the context of the PA 2023 Thresholds.
- 3.9 In any case where a Framework Agreement or an Open Framework is in place:
- 3.9.1 Subsequent 'call-offs' from that Framework must not contain substantial amendments to the original terms of the agreement
- 3.9.2 Call offs from the Framework may be conducted in accordance with the terms and conditions of the Framework.
- 3.9.3 A call off can be awarded without further competition if only one supplier is on the Framework, or where the Framework sets out the core terms of the contract and an objective mechanism for supplier selection. In all other cases, a call off

contract should be awarded following a competitive selection process, which has been set out in the Framework, and all suppliers capable of meeting the requirement must be given the opportunity to bid.

- 3.9.4 New Contractors may not be added to the Framework other than in accordance with the terms of an Open Framework. Otherwise, if new Contractors are required, a new tender process must be pursued.
- 3.10 Where there is no Framework, an Authorised Officer shall use an approved tender procedure in accordance with these Standing Orders.
- 3.11 Dynamic Markets are only permitted for contracts which are above the PA 2023 Thresholds. The Authority Solicitor should be consulted before setting up a Dynamic Market.

CP4 Conflicts of interest assessment

- 4.1 A conflict assessment should be undertaken for all procurement activity **before** any activity commences. The assessment should take account of all those involved in or influencing the procurement (including developing the specification and tender documentation) and the future management of the Contract including officers, Members, consultants and suppliers. The conflict assessment must identify any actual, potential or perceived conflicts of interest throughout the life of the contract and be proportionate to the level of the contract.
- 4.2 Officers and Members must comply with their respective Codes of Conduct to avoid any conflict between their own interests and those of the Authority. Anyone who has reason to believe there is a conflict of interests in respect of a particular Supplier should report this to the Monitoring Officer.
- 4.3 Where procurements have been jointly procured by another local authority, public sector consortium or collaboration of which the Authority is a party but not the lead authority a separate conflict assessment must still be undertaken prior to commencing the joint procurement.
- 4.4 If a conflict/potential conflict/perceived conflict of interest is identified the assessment must set out what reasonable steps (mitigation) is being put in place to ensure that suppliers are not put at an unfair advantage or disadvantage. The Monitoring Officer must approve all conflict assessments where mitigation is being put in place. If it is considered that a conflict of interest puts a supplier at an unfair advantage, and either the advantage cannot be avoided or the supplier will not take steps the Authority considers necessary to avoid the unfair advantage, that supplier should be excluded from participating in the procurement.
- 4.5 Evidence of the conflicts assessment must be held with the procurement documents and must be regularly reviewed throughout the life of the contract by the Contract Manager.

CP5 Procurement Methods

5.1 The procurement method to be used is dependent on the estimated value of the Contract. The table below summarises the various procurement methods.

Estimated value	Procurement Method	Details	Format
Up to £500	No formal requirement	Link/attach any documentation if available to the Order	Order or Contract
£501 to £5,000	Request for Quotation	At least one written Quotation must be obtained	Order or Contract
£5,001 to £30,000	Request for Quotation	At least three written Quotations must be requested	Order or Contract
Above £30,000 but below PA 2023 Thresholds	Tender	At least three Tenders must be invited	Written Contract
Above PA 2023 Thresholds	Tender compliant with PA 2023	Procurement Laws must be complied with	Written Contract
Any	Existing or new Framework Agreement or Open Framework	Must ensure that the Framework is compliant with relevant Procurement Laws	

5.2 For the avoidance of doubt, the Authority, Statutory Officers, or a Head of Service may require a tender process in respect of any procurement, whatever the estimated value.

5.3 Once a tender process has been commenced for the execution of any work or for the supply of goods, services or materials, no further negotiations shall take place with any person in respect of that work, goods, services or materials except in accordance with these Tendering Procedures, until such time as the tendering process has been fully completed.

5.4 In the event that it is believed to be desirable or advantageous for the Authority to abandon, suspend or modify a tender process, so as to proceed other than in accordance with the Tendering Procedures, advice shall be obtained from the Authority Solicitor before any such action is resolved or taken.

5.5 Where the procurement method used is a Tender, the Authority's E procurement portal must be used once it has been fully implemented. A request not to use the portal should be treated as a request for exemption from Standing Orders CP12.

5.6 Before inviting the submission of quotations or tenders, officers must have regard to the fact that SMEs may face particular barriers in competing for a contract, and must consider whether such barriers can be removed or reduced. This does not apply to the award of a call-off contract under a Framework.

- 5.7 When carrying out a procurement for Below-threshold Contracts, officers must not restrict the submission by reference to an assessment of a supplier's suitability to perform the contract. This includes a reference to a supplier's legal and financial capacity and technical ability, for example through use of conditions of participation. Examples of this include assessment of suppliers' experience, financial accounts, or taking into account any relevant convictions, professional misconduct or whether the supplier has been or is insolvent or bankrupt. This means that there cannot be a separate suitability stage before the submission of quotes or tenders as a way of reducing the number of suppliers who are invited to bid. This does not prevent asking for this information in a Request for Quote or Invitation to Tender and assessing suitability at the award stage. This assessment can also be supported with data available on the Government's central digital platform if the supplier is registered. This prohibition does not apply to i) the award of a call-off contract under a Framework or ii) where a contract is awarded to a supplier without competition.

CP6 Procurement Procedures for Contracts over £500 but not exceeding £30,000

- 6.1 Where the estimated value of a proposed Contract exceeds £500 but does not exceed £30,000, the Contractor or supplier shall be selected in the following way:

6.1.1 Where there is a suitable Framework available, that Framework may be used.

6.1.2 Where no Framework is available:

- i) at least one written Quotation shall be obtained before entering into any Contract where the estimated value exceeds £500 but does not exceed £5,000
- ii) at least three written Quotations shall be requested before entering into any Contract where the estimated value exceeds £5,000 but does not exceed £30,000

For the avoidance of doubt, copies of up-to-date trade catalogues count as written Quotations, and CP6.3 to CP6.5 do not apply where Quotations are taken from trade catalogues.

- 6.2 Aggregated value of contracts:

6.2.1 Except where there is a suitable Framework, if, in any 12 month period, two or more contracts below the value of £5,000 are awarded to the same Contractor by the Authority with an aggregated value of £5,000 or more, or the proposed contract takes the value over £5,000, no further contract can be awarded to that Contractor without inviting at least 3 written Quotations.

6.2.2 Except where there is a suitable Framework, if, in any 12 month period, two or more contracts below the value of £30,000 are awarded to the same Contractor with an aggregated value of £30,000 or more, no further contract can be awarded to that Contractor without following the Tendering Procedures.

6.2.3 The relevant Officer should carry out a check to ascertain whether a potential Contractor has been awarded contracts in the previous 12 month period from the relevant reports in the Finance reporting system (the finance team can assist if necessary). For the purposes of calculating the aggregated

value of contracts awarded to the same Contractor over a 12 month period, any contracts awarded following a competitive Quotation or Tendering process are to be excluded.

6.3 All Quotations must specify:

6.3.1 The goods, services or works to be supplied

6.3.2 When they are to be supplied

6.3.3 The proposed price

6.3.4 Responses should be clearly labelled as “Quotations” with the due date and the name of the project and the lead officer identified on the Quotation

6.3.5 The evaluation criteria to be adopted for the Contract. These must be capable of objective assessment, include price and other relevant factors, and be weighted by relative importance.

6.4 The due date set for the submission of Quotations must allow sufficient time relevant to the complexity of the request for suppliers to respond.

6.5 Quotations should be opened at the same time after the due date and witnessed by another Officer, with the amounts and signatures of attending Officers recorded.

6.6 The criteria for award must ensure that best value is achieved in line with the specified requirements. Where the value of the contract exceeds £5,000 evaluation of the Quotations should be carried out by the relevant Head of Service or Moors for the Future Partnership Manager and the result recorded.

6.7 The relevant Officer should carry out a check of the Authority’s enforcement and legal files to ascertain whether any of the potential Contractors are the subject of any enforcement action. Any such potential Contractors will be excluded from consideration.

6.8 Any potential Contractor known to be subject to pending investigations from either the Authority or other public agencies, in respect of planning, environmental or any other regulatory matters or have contravened environmental or animal welfare legislation (and where concerns still remain about their standards), will not be considered. The Authority will also exclude from consideration for Contracts any potential Contractors engaging in activities which clearly contravene the Authority’s environmental policies.

6.9 It shall be permissible to enter into a Contract not exceeding £30,000 in value on the basis of an Order alone, without a Written Contract. An Order should, as a minimum, define cost, goods, delivery and timescales. The Authority’s standard terms and conditions should, if possible, be incorporated into or be attached to all Orders.

6.10 Although a Written Contract is not required under these Standing Orders where the contract value is less than £30,000, it may be more appropriate where a unique, unusual or bespoke service, supply or works are to be provided to use a Written Contract to ensure that the Authority is adequately protected. Advice from the Authority Solicitor should be sought in such circumstances.

6.11 Tenders can be invited in respect of any proposed Contract, even if the estimated value is below £30,000. If Tenders are to be invited, the Tendering Procedures set out at Standing Order 7 of this Part 2 must be followed.

- 6.12 Where Written Contracts are used, signed original Contracts must be forwarded to Legal Services to be put on the Authority's database and stored in the deeds safe. Electronic copies must be retained by the relevant contract manager.
- 6.13 The following details will be published in respect of all Contracts and Orders exceeding £5,000 in value at least quarterly:
- 6.13.1 the Contract reference number
 - 6.13.2 the title of the agreement
 - 6.13.3 the department responsible
 - 6.13.4 the name of the Contractor
 - 6.13.5 a summary of the works to be executed or the goods and services supplied
 - 6.13.6 the Contract duration
 - 6.13.7 the sum to be paid over the length of the contract or the estimated annual spending or budget for the contract
 - 6.13.8 start, end and review dates
 - 6.13.9 whether or not the contract was the result of an invitation to quote or a published invitation to tender, and
 - 6.13.10 whether or not the supplier is a SME or VCSE and where it is, the relevant registration number

CP7 Procurement Procedures for Contracts exceeding £30,000

- 7.1 Where the estimated value of a proposed Contract exceeds £30,000, the Contractor or supplier shall be selected in the following way:
- i) if there is a suitable Framework available, that Framework shall be used.
 - ii) Where no Framework is available, at least three competitive Tenders shall be invited. Where a relevant Approved List exists, the Tenders should be sought from Contractors included on it. Where no Approved List is available, the Tenders should be invited following the Tendering Procedures set out at Standing Order 8 of this Part 2.
- 7.2 All Contracts exceeding £30,000 in value shall be in the form of a Written Contract and not on the basis of an Order alone.

CP8 Tendering Procedures

- 8.1 Where a contract is valued at £30,000 or above, **before** advertising an Invitation to Tender by any means, a 'Below-threshold Tender Notice' setting out the information required by the PA 2023 and the PR 2024 **must** be published on Find a Tender Service (FTS).
- 8.2 The invitation to tender must state:
- 8.2.1 The nature and purpose of the contract
 - 8.2.2 The closing date and time for the receipt of Tenders
 - 8.2.3 How and to whom any interested party is to respond if it wishes to be considered
 - 8.2.4 Any other requirements for participating in the procurement
 - 8.2.5 The reference number
 - 8.2.6 The title
 - 8.2.7 A description of the goods and/or services sought
 - 8.2.8 Start, end and review dates
 - 8.2.9 The department responsible

- 8.2.10 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, or via the Authority's e-tendering system if applicable
- 8.2.11 That no name, mark or wording which might indicate the sender should appear on the cover of the special envelope bearing the Tender
- 8.2.12 That Tender envelopes should bear the correct postage, be properly sealed and addressed to the Finance Manager, or, if using the e-tendering system, delivered in accordance with the requirements of that system
- 8.2.13 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
- 8.2.14 The evaluation criteria to be adopted for the Contract. These must be capable of objective assessment, include price and other relevant factors, and be weighted by relative importance
- 8.2.15 That the Authority does not bind itself to accept the lowest or any Tender
- 8.2.16 That failure to comply with any of the foregoing requirements may render a Tender liable to disqualification.

8.3 Receipt, custody and opening of Tenders

- 8.3.1 On receipt, all tender envelopes shall be endorsed with the time and date of receipt and kept secure and unopened in the custody of the Finance Manager until the time appointed for their opening.
- 8.3.2 No Tenders received after the specified date and time shall be considered and shall be returned promptly to the tenderer. A late Tender may be opened to ascertain the name of the tenderer but no details of the Tender shall be disclosed.
- 8.3.3 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 Finance Manager or their deputy and Head of Service, Moors for the Future Partnership Manager or their deputy.
- 8.3.4 All Tenders received shall be recorded in the tender book.

8.4 Alteration of Tenders

- 8.4.1 Tenderers shall not be allowed to alter their Tenders after the date fixed for their receipt, 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 Head of Service or Moors for the Future Partnership Manager in consultation with the Finance Manager 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.

8.5 Evaluation and Acceptance of Tenders

- 8.5.1 The Officer responsible for leading the procurement exercise shall ensure that the Tenders received are evaluated in accordance with the evaluation criteria that have been adopted for the Contract, and stated in the invitation to tender. In some instances (particularly where there are several tender returns or the tender is complex) an

evaluation table may be used to score the tenderers against the evaluation criteria. An example can be found at

<https://democracy.peakdistrict.gov.uk/ecSDDisplayClassic.aspx?NAME=SD598&ID=598&RPID=4527058&sch=doc&cat=13219&path=13073%2c13219>

- 8.5.2 The opportunity must be given to the Finance Manager to assess whether a financial viability test is required prior to contract award. All tenderers must be vetted by the Head of Service or Moors for the Future Partnership Manager for technical competence.
- 8.5.3 The relevant Officer should carry out a check of the Authority's enforcement and legal files to ascertain whether any of the tenderers are the subject of any enforcement action or other pending investigations from either the Authority or other public agencies, in respect of planning, environmental or any other regulatory matters. Any such tenderers will be excluded from consideration.
- 8.5.4 Any tenderer known to have contravened environmental or animal welfare legislation, and where concerns still remain about their standards, will not be considered. The Authority will also exclude from consideration for Contracts any tenderers engaging in activities which clearly contravene the Authority's environmental policies.
- 8.5.5 The relevant Officer shall produce a report evaluating each Tender received against the evaluation criteria. The report shall identify the tenderer who has submitted the Tender that achieves the highest score in the evaluation (or if scoring is not being used, the lowest price), and recommend the award of the Contract to that tenderer. A form of tender return report can be found here <https://democracy.peakdistrict.gov.uk/ecSDDisplayClassic.aspx?NAME=SD598&ID=598&RPID=4527058&sch=doc&cat=13219&path=13073%2c13219> The Authorised Officer's recommendation in the tender return report should be approved by the following in consultation with the Finance Manager:
- 8.5.5.1 Contracts under £30,000: Head of Service or Moors for the Future Partnership Manager
 - 8.5.5.2 Contracts over £30,000: Head of Service or Moors for the Future Partnership Manager
 - 8.5.5.3 Contracts over £150,000: Chief Executive Officer or Head of Service in consultation with Chair of appropriate committee
(Note that this is subject to any particular requirements of any committee authorisation for the contract).
- A copy of the authorisation should be given to the Finance Manager.
- 8.5.6 No Contract may be awarded unless the expenditure involved has been included in approved estimates or on capital or revenue accounts, or has been otherwise approved by, or on behalf of, the Authority.
- 8.5.7 Where scoring is being used, a tender other than the highest scoring shall only be accepted after the approval from the Chief Executive. If scoring is not used, a Tender other than the lowest shall only be accepted after approval from the Chief Executive.
- 8.5.8 If, following receipt or acceptance of Tenders, it becomes necessary to enter into negotiations with any of the tenderers, the Authority Solicitor must be consulted before commencing such negotiations.

CP9 Form and Content of Contracts

9.1 Every Contract with a value of £30,000 or more shall be in the form of a Written Contract. All Written Contracts shall:

9.1.1 Be in writing and signed by the Authority Solicitor or Senior Lawyer or Chief Executive

9.1.2 Be in a form and contain such clauses as are approved by Legal Services;

9.1.3 Specify:

- i) The goods, materials, advice or services to be supplied and the work to be performed;
- ii) The total price to be paid together with details of the proportion of the price payable for any discrete part or parts of the contractual obligations
- iii) The time or times within which the Contract is to be performed and whether time of the essence of the contract
- iv) Any milestones set for completion of specified tasks or parts of the Contract
- v) The specifications and standards to be applied to the Contract, such as appropriate British Standard Specification, British Standard Code of Practice, etc, and including full details of outputs, outcomes and performance assurance measures;
- vi) Responsibility for monitoring performance of the Contract, together with controls over sub-contractors;
- vii) Any liquidated damages payable on default or other sufficient security for due performance;
- viii) The circumstances in which the Contract may be terminated, cancelled or suspended with or without notice and the consequences of such termination;
- ix) Payment to be made within 30 days of receipt or due date of a valid, undisputed invoice;
- x) All such other conditions and terms as may be agreed between the parties.

9.1.4 Comply with all legislative requirements, including Health and Safety at Work Regulations;

9.1.5 Contain a requirement that the Contractor indemnify the Authority against:

- i) 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;
- ii) any claim for bodily injury to or damage to property of third parties;
- iii) (if applicable) any claim which may be made in respect of Professional Indemnity insurance

- 9.1.6 Include a clause empowering the Authority to terminate the Contract and to recover all its loss in the event of corruption (including but not limited to any offence under Section 117(2) of the Local Government Act 1972 and the Bribery Act 2010) by the Contractor, its employees or anyone acting on the Contractor's behalf.

9.2 The Contract should also address the questions (where relevant) of:

- 9.2.1 Insurance; loss in transit; non-delivery of goods;
- 9.2.2 Delivery; acceptance; testing; trial periods; return of goods;
- 9.2.3 Intellectual property rights (e.g. Copyright)
- 9.2.4 Indemnity, liability and insurance;
- 9.2.5 Data protection and/or confidentiality and Freedom of Information;
- 9.2.6 National insurance and superannuation;
- 9.2.7 VAT
- 9.2.8 Defects liability and retention

CP10 Post Award of Contract

- 10.1 Following award of the Contract or Order where the value is £30,000 or above, a 'Below-threshold Contract Details Notice' setting out the details required by the PA 2023 and the PR 2024 **must** be published on FTS as soon as reasonably practicable (whether or not the opportunity was advertised).
- 10.2 Signed original Contracts must be forwarded to the Legal team to be put on the Authority's database and stored in the deeds safe. Electronic copies must be retained by the relevant contract manager.
- 10.3 The following details must be published on the Authority's website in respect of all Contracts and Orders exceeding £5,000 in value at least quarterly:
 - 10.3.1 the Contract reference number
 - 10.3.2 the title of the agreement
 - 10.3.3 the department responsible
 - 10.3.4 the name of the Contractor
 - 10.3.5 a summary of the works to be executed or the goods and services supplied
 - 10.3.6 the Contract duration
 - 10.3.7 the sum to be paid over the length of the contract or the estimated annual spending or budget for the contract
 - 10.3.8 start, end and review dates
 - 10.3.9 whether or not the contract was the result of an invitation to quote or a published invitation to tender, and
 - 10.3.10 whether or not the supplier is a SME or VCSE and where it is, the relevant registration number

CP11 Procurement Procedures for Contracts exceeding the Thresholds

- 11.1 Where the estimated value of a proposed Contract exceeds the Thresholds specified in the PA 2023, the procedures required by the PA 2023 **must** be complied with, including publication of the advertisement on FTS, and officers should consult with the Authority Solicitor to determine the method of procurement.

CP12 Contract Variation

- 12.1 Funding must be identified before any variation of any Order or Contract is approved in accordance with the Authority's Financial Regulations.
- 12.2 Variations of contracts which are below the PA 2023 Threshold are permitted without retendering or further approval, provided they do not alter the scope and nature of the original contract and are below 10% of the original Contract value (service and supply contracts) or 15% of the original Contract value (works).
- 12.3 Retendering may also not be required for variations of contracts which are below the UK Threshold where:
- 12.3.1 any increase in price does not exceed 50% of the value of the original Contract; **and either:**
 - 12.3.2
 - (a) a change of contractor cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement; **or**
 - (b) a change of contractor would cause significant inconvenience or substantial duplication of costs; **or**
 - (c) the need for the variation has been brought about by circumstances that a diligent contracting authority could not have foreseen and the modification does not alter the overall nature of the Contract.

In any of the above circumstances, an exemption form must be completed in accordance with CP13 to authorise the variation.

- 12.4 All variations to contracts above the PA 2023 Threshold, or which would result in the value of the contract going above the PA 2023 Threshold, should be referred to the Legal team.
- 12.5 Contract variations must be recorded in writing and signed by the Contractor and the Authorised Officer.
- 12.6 The above provisions do not apply to modifications which, irrespective of their monetary value, have been provided for in the initial procurement documents in clear, precise and unequivocal review clauses. Legal team should be consulted as to the applicability of the review clause to the proposed variation.

CP13 Exemption of Standing Orders

- 13.1 This Part 2 of Standing Orders shall apply to all goods, services and works purchased by the Authority. Exemption from any of the provisions of these Standing Orders may be appropriate in the following circumstances:
- 13.1.1 Partnership arrangements. A partner is defined as an individual or organisation which the Authority is statutorily obliged to employ for a particular purpose, or with whom the Authority has a written arrangement, approved by the Authority, to provide works, goods or services as a common undertaking.

- 13.1.2 Works orders placed with utility companies, eg. for re-routing cables or pipework. The term 'utilities' does not include telecommunications.
 - 13.1.3 Genuine emergencies – critical preventative or remedial work where there is a real and imminent risk to the safety of people or property or serious disruption to Authority services or significant loss would be suffered by the Authority arising from an unforeseen event or incident. Any Contract entered into under this exemption must not be for a term of more than 6 months
 - 13.1.4 Urgent situations not of the Authority's own making – the urgency must have been reasonably unforeseeable (eg. existing supplier going into liquidation, urgently imposed statutory changes, etc.) and genuinely be a case of 'time is of the essence'. Urgency arising through problems of the Authority's own making (whatever the cause and regardless of whether it involved previous delays or shortage of resources, etc.) shall not in itself justify exemption. Any contract entered into under this exemption must not be for a term of more than 6 months
 - 13.1.5 Collaborative/Joint Purchasing – where another authority/public body is acting as 'lead buyer' and provided that the body awarding the contract can demonstrate that the arrangements comply with the requirements of Best Value, the requirement to undertake competition between providers and other applicable legislation. This includes any wider public sector agreements, eg. Crown Commercial Service contracts, etc.
 - 13.1.6 Sole source of supply – where suitable goods or services are genuinely only available from one supplier (eg. if patent, copyright or other exclusive design rights exist). Similarly, for any highly specialised/niche services where, for all practicable purposes, no realistic alternative source of supply exists.
 - 13.1.7 Reasons of compatibility – if compatibility with existing goods, equipment or services is essential and where they cannot be sourced from another supplier (eg. spare parts/components for existing equipment) or where additional units are being purchased to match existing equipment and there is an overwhelming case for matching the existing items on the grounds of functionality, aesthetics, etc.
 - 13.1.8 An agreement to delegate a function of the Authority to another local authority under section 101 or 102 of the Local Government Act 1972.
 - 13.1.9 Other justifiable reason for exemption, approved by the relevant officers pursuant to clause 13.2 below.
- 13.2 Requests for exemption from Standing Orders should be submitted in writing and using the form in Appendix 1, signed by the Officers below according to the estimated value. In all instances the exemption should be sent to the Chief Finance Officer and Monitoring Officer for approval and retention.
- 13.2.1 Where the estimated value is up to £30,000, the relevant Head of Service or Moors for the Future Partnership Manager;
 - 13.2.2 Where the estimated value is over £30,000 but below £50,000, a business case agreed with the relevant Head of Service or Moors for the Future Partnership Manager and the Chief Finance Officer;
 - 13.2.3 Where the estimated value is over £50,000 but below £150,000, a business case consulted with the Resources Management Meeting;
 - 13.2.4 Where the estimated value is over £150,000, the relevant Committee.
- 13.3 The above procedure for seeking authority for exemptions does not apply to expenditure required in genuine emergencies or urgent situations where, in the opinion of the Officer

dealing with the situation and acting in good faith, it would not be possible or practicable to do so. If expenditure is to exceed £1,500, the Officer should first seek the agreement of another Officer before incurring the expenditure.

Glossary

In this Part 2 of Standing Orders, the following terms have the following meanings:

- 1.1 'Suppliers List' means a list of suitable Contractors drawn up under Standing Order 3 of this Part 2;
- 1.2 'Asset Disposal Procedure' means the procedure adopted by the Authority for the disposal of assets;
- 1.3 'Authorised Officer' means:
 - (1) the Chief Executive
 - (2) any Head of Service
 - (3) any Officer of the Authority duly authorised by the Chief Executive in accordance with the Schedule of Delegated Authorities to sign Orders or Contracts on behalf of the Authority;
- 1.4 'Below-threshold Contract' means a contract with an estimated value of below the current PA 2023 Thresholds;
- 1.5 'Below-threshold Tender Notice' means a notice required to be published in accordance with s87(1) PA 2023 and Regulation 24 PR 2024;
- 1.6 'Below-threshold Contract Details Notice' means a notice required to be published in accordance with s87(3) PA 2023 and Regulation 36 PR 2024;
- 1.7 The term 'Contract' shall apply to all agreements, including Orders, between the Authority and one or more person(s) for the supply and/or disposal of goods, materials or services, the execution of works, the use of consultants, or for the hire, rental or lease of goods or equipment, irrespective of value, but shall exclude contracts of employment or for the sale and purchase of any interest in land;
- 1.8 'Contractor' means the person, company, organisation, consultant or supplier undertaking the supply of goods or services or execution or works.
- 1.9 'Framework Agreement' and 'Open Framework' means a formal tendered agreement that sets out the terms and conditions under which specific purchases can be made throughout the term of the agreement from the successful tenderer in unpredicted quantities at various times during the period that the agreement is in force;
- 1.10 'FTS' means Find a Tender Service, the UK e-notification service: <https://www.find-tender.service.gov.uk>
- 1.11 'Head of Service' is an officer who reports directly to the Chief Executive (i.e. is subject to an Appraisal by the Chief Executive).
- 1.12 'Order' means an official order issued by the Authority containing the Authority's relevant standard terms and conditions which authorises or guarantees payment for the supply of goods, materials or services, or for the execution of works;
- 1.13 'PA 2023' means the Procurement Act 2023

- 1.14 'PR 2024' means the Procurement Regulations 2024
- 1.15 'PCR 2015' means the Public Contracts Regulations 2015
- 1.16 'Procurement Laws' means the PA 2023, the PA 2024 and the PCR 2015
- 1.17 'Quotation' means a written offer made in respect of the supply and/or disposal of goods, materials or services, or for the execution of works;
- 1.18 'SME' stands for 'small and medium-sized enterprise' and means; suppliers that –
- (a) have fewer than 250 staff, and
 - (b) have a turnover of an amount less than or equal to £44 million, or a balance sheet total of an amount less than or equal to £38 million;
- 1.19 Statutory Officers means the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer
- 1.20 'Tender' means a sealed bid for the supply and/or disposal of goods, materials or services, or for the execution of works, made in accordance with the provisions of the Tendering Procedures;
- 1.21 'Tendering Procedures' means the provisions set out in clause 8 of this Part 2 of Standing Orders;
- 1.22 'Thresholds' and 'PA 2023 Thresholds' means the thresholds for public advertisement of goods, works and services contracts as provided for in the PA 2023 and advised by the Government.
- 1.23 'VCSE' stands for 'voluntary community and social enterprise' and means a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives;
- 1.24 'Written Contract' means a formal contract document, drafted or approved and signed by the Authority Solicitor, Senior Lawyer or Chief Executive, containing a full statement of all the terms and conditions to be applied to the Contract.

Request for Exemption Form

To: <i>(Name of relevant Head of Service/ Partnership Manager/ RMM/ Committee approving exemption)</i>		
From: <i>(Name of Officer registering this exemption)</i>		
Name of contract: <i>(to be exempted from the recognised procurement methods within the Contract Standing Orders)</i>		
Purpose of Contract		
Proposed Contract period:	From:	To:
Total Contract Value £		
Category of Exemption		
Category of Exemption		Justification
Partnership arrangement		
Works orders placed with utility companies		
Genuine Emergencies		
Urgency not of the Authority's own making		
Collaborative/Joint Purchasing <i>(state name of lead purchasing authority)</i>		
Sole source of supply		
Reasons of compatibility		
Delegation of function		
Other Reason (please state):		
Please Attach supporting evidence		
In accordance with the Standing Orders I certify that the information given is accurate		
Signed:	[SIGNATORY @ 13.2.1-13.2.4 above]	
Date:		
Please send the completed Registration of Exemption form for approval to the Chief Finance Officer and the Monitoring Officer.		
Exemption Approved by:	[Chief Finance Officer & Monitoring Officer]	
Date:		

TABLE OF PROCUREMENT METHODS

APPENDIX 2

Estimated Value	Authorisation Required	Procurement Method	Evaluation Approval	Format	Publication of Opportunity	Publication of Contract	Exemption Request signed by
Up to £500	Authorised Officer (rule 1.3)	No formal requirement (rule 6.1.2)	N/A	Order or Contract (rule 6.9)	No	No	N/A
£501 to £5,000	Authorised Officer (rule 1.3)	At least one written Quotation must be obtained (rule 6.1.2)	Authorised Officer (rule 6.6)	Order or Contract (rule 6.9)	No	No	Head of Service or Moors for the Future Partnership Manager (rule 13.2.1)
£5,001 to £30,000	Authorised Officer (rule 1.3)	At least three written Quotations must be requested (rule 6.1.2)	Head of Service or Moors for the Future Partnership Manager (rule 6.6)	Order or Contract (rule 6.9)	No	Yes – PDNPA Website (rule 6.13)	Head of Service or Moors for the Future Partnership Manager (rule 13.2.1)
£30,001 to £50,000	Business case agreed with Head of Service or Moors for the Future Partnership Manager and Chief Finance Officer (rule 1.3)	Tender process (rule 8)	Head of Service or Moors for the Future Partnership Manager in consultation with Finance Manager if lowest priced or highest scoring tender, otherwise CEO (rule 8.5.5.2 and 8.5.7)	Written Contract (rule 9)	Yes – PDNPA Website and FTS (rule 8.1)	Yes – PDNPA website and FTS (rule 10.1 & 10.3)	Business case agreed with Head of Service or Moors for the Future Partnership Manager and Chief Finance Officer (rule 13.2.2)
£50,001 to £150,000	Business case consulted with Resources Management Meeting (rule 1.3)	Tender process (rule 8)	Head of Service or Moors for the Future Partnership Manager in consultation with Finance Manager if lowest priced or highest scoring tender, otherwise CEO (rule 8.5.5.2 and 8.5.7)	Written Contract (rule 9)	Yes – PDNPA Website and FTS (rule 8.1)	Yes – PDNPA website and FTS (rule 10.1 & 10.3)	Business case consulted with RMM (rule 13.2.3)
Above £150,000 but below PA 2023 Thresholds	Committee (rule 1.3)	Tender process (rule 8)	Head of Service or Moors for the Future Partnership Manager /CEO in consultation with Chair of	Written Contract (rule 9)	Yes – PDNPA Website and FTS (rule 8.1)	Yes – PDNPA website FTS (rule 10.1 & 10.3)	Committee (rule 13.2.4)

Peak District National Park Authority Handbook

			Committee (rule 8.5.5.3)				
Above PA 2023 Thresholds	Committee (rule 1.3)	PA 2023 and Procurement Laws must be fully complied with (rule 11)	Head of Service or Moors for the Future Partnership Manager /CEO in consultation with Chair of Committee (rule 8.5.5.3)	Written Contract (rule 9)	Yes – PDNPA Website and FTS (rule 8.1 & 11)	Yes – PDNPA website and FTS (rule 10.1 & 10.3 & 11)	Committee (rule 13.2.4)

PEAK DISTRICT NATIONAL PARK AUTHORITY

STANDING ORDERS

PART 3

FINANCIAL REGULATIONS

October/November 2023 – changes to reflect organisational staffing changes

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 them 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 Monitoring Officer.

- 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 Programmes and Resources 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 Programmes and Resources Committee.
- B3. No sale of goods or services on credit beyond the normal invoice period shall be made without prior consultation with the Finance Manager.
- B4. No new proposal which generates income to the Authority should be implemented without clearance from the Finance Manager 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. A Head of Service or Moors for the Future Partnership 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 Head of Service or Moors for the Future Partnership Manager and the Chief Finance Officer.
 - (b) Over the value of £50,000 must be the subject of a business case consulted with the Resources Management Meeting
 - (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 them 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 them.
- C6. No invoice shall be passed for payment until the Chief Executive, or their 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 People Management 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 them.
- 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-1 to 7 D-3 apply.
- E3. The Finance Manager 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-1 and 7 D-3. 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 Programmes and Resources 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 Programmes and Resources 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 Programmes and Resources 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 Programmes and Resources 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 Programmes and Resources Committee, unless the increase is less than £60,000.

H. PRESENTATION OF ACCOUNTS

- H1. In accordance with the Accounts & Audit Regulations 2015, 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 2015, 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 their 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 them 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 they think 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 Finance Manager.
- 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 Programmes and Resources 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 Finance Manager 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 Authority Solicitor 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 Authority Solicitor 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 relevant Head of Service.
- 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 Authority Solicitor shall have custody of all title deeds.
- N6. No Authority asset shall be subject to personal use by an employee unless approved by the Head of People Management.

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 Head of Service.
- O2. Sales under £10,000 in value may be approved by a Head of Service in consultation with the Finance Manager.
- 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 Programmes and Resources Committee.
- O5. Disposal of land and property is subject to the conditions of delegation in Section 7.D-3 and the requirements of the Asset Disposal Procedure.

PEAK DISTRICT NATIONAL PARK AUTHORITY

STANDING ORDERS

PART 4

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

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

Updated November 2023 – to reflect organisational changes agreed by the Authority on 28/07/23

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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 Customer and Democratic 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 Meeting 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)

PEAK DISTRICT NATIONAL PARK AUTHORITY

STANDING ORDERS

PART 5

CHIEF OFFICERS

September 2020 – Minor updates under delegation to clarify paragraphs 5.5 and 5.6

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

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 Natural England. (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 or an Officer discharging that function of appointment on behalf of the Authority. In relation to the appointment of an Officer designated as the Head of Paid Service the Authority must approve that appointment before an offer of appointment is made to that person.

(2015 Regulations)

Disciplinary action

- 5.6 (1) Any allegations made relating to the conduct or capability of the Chief Executive, Monitoring Officer, Chief Finance Officer or Head of Paid Service should be referred to a Committee or Sub Committee which has been given delegated authority to act as the Investigating & Disciplinary Committee (IDC). This Committee will determine whether the allegations warrant further investigation and if appropriate appoint an Independent Investigator to look into the allegations and make recommendations.
- (2) At the time of considering the allegations the IDC may make a decision to suspend the Officer during the investigation. Any such suspension shall be on full pay and shall be reviewed by the IDC no more than two months after the day on which the suspension takes effect.

- (3) Any decision to take disciplinary action (within the meaning of Part II of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015) which would result in the dismissal of the Authority's Head of Paid Service, Monitoring Officer or Chief Finance Officer or non-statutory Chief Officer may only be taken by the Authority, and only after the allegations have been investigated by an Independent Investigator and the proposed action considered by an Independent Panel appointed by the Authority including at least 2 Independent Persons appointed under section 28(7) of the Localism Act 2011. The Independent Panel must be appointed at least 20 working days before the meeting of the Authority which is to consider whether or not to approve a proposal to dismiss a Relevant Officer.
- (4) Before the taking of a vote at relevant meeting on whether or not to approve such a dismissal, the Authority must take into account
 - (a) any advice, views or recommendations of the Panel
 - (b) the conclusions of any investigation into the proposed dismissal
 - (c) any representations from the relevant officer.
- (5) Any decision to take disciplinary action short of dismissal may be made by the Committee or Sub Committee designated as the IDC and does not have to be considered by the Independent Panel. In this case the Relevant Officer has the right to appeal against the decision by referring it to the Authority's Appeals Panel. The Authority must approve the dismissal before notice of dismissal is given to that person

(2015 Regulations and Authority 07/12/18))

Meaning of Chief Officer

- 5.7 In this Part of the Standing Orders "Chief Officer" includes the Head of Paid Service, Monitoring Officer, the Chief Finance Officer 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).

(2015 Regulations)

For more information see:

- a) Authority – 5 June 2015 - <https://democracy.peakdistrict.gov.uk/mgAi.aspx?ID=2231>
- b) Authority – 7 December 2018 - <https://democracy.peakdistrict.gov.uk/mgAi.aspx?ID=9842>

PEAK DISTRICT NATIONAL PARK AUTHORITY

STANDING ORDERS

PART 6

PROPER OFFICERS

October 2016 - Updated to reflect revised job titles

December 2019 - Updated to clarify deputy arrangements if Treasurer is unable to act

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

October/November 2023 – Updated to reflect organisation changes.

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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 Chair or Deputy Chair.
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 Authority Solicitor shall be the Monitoring Officer under the Local Government and Housing Act 1989 and 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.
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Localism Act 2011

Section 29	Maintenance of the register of Member's Interests and the register of gifts and hospitality
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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 their absence or if they are otherwise unable to act, be carried out by the Officer listed in Column 2

Column 1

Column 2

National Park Officer	Head of Resources or in their absence the Head of Planning, Head of Landscape and Engagement or Head of Assets and Enterprise
Treasurer	(Only in the instance of incapacity rather than absence) the National Park Officer or Authority Solicitor to enable paragraphs 8.1 to 8.3 of the Treasury Management contract with North Yorkshire County Council for provision of s151 Officer advice.
Authority Solicitor	(Only in the instance of incapacity rather than absence) Senior Lawyer or Customer and Democratic Support Manager
Monitoring Officer	Deputy Monitoring Officer

In the event of 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

Revisions

November 2023 – Section 7.F-21 added to reflect delegation approved by the Authority on 10/11/23
(Minute No 99/23)

November 2023 - Amendments to reflect organisation structure changes agreed by Authority on 28/07/23

PART A	<u>GENERAL CONDITIONS OF DELEGATION</u>													
7.A-1.	Exercise of Powers													
	<p>The following powers have been delegated by the Authority to the Chief Executive under s101 of the Local Government Act 1972. These delegated powers shall be exercised 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> <p>The Chief Executive may delegate any of these powers to another Officer and will maintain a record of such delegations.</p>													
7.A-2.	Member Involvement													
	<p>In exercising these delegations the Chief Executive (and any Officer they delegate these powers to) should make sure that, where appropriate, Member input has been considered.</p> <p>For guidance this means that in exercising delegated Authority the proposed decision is in accordance with the POLICY framework agreed by the Authority and the APPROACH agreed by the relevant Committee. Where an Officer intends to make a decision outside of either the agreed Policy or Approach it must be taken back to a meeting of the Authority or relevant Committee as appropriate.</p> <p>A general principle of any delegation to an Officer is that there will be occasions when, for example due to reputational risks, they decide it may be prudent not to exercise their delegation and refer a matter back to a meeting involving Members for a decision. In exercising this judgement the Officer should have regard to the following risk matrix, with impact and likelihood testing the impact/likelihood on Authority Plan aim delivery or the Authority's reputation.</p> <div style="text-align: center; margin: 20px 0;"> <p>Impact</p> <hr style="width: 100%;"/> <p>Low Medium H</p> </div> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td rowspan="3" style="writing-mode: vertical-rl; transform: rotate(180deg);">Likelihood</td> <td style="text-align: center;">High</td> <td style="background-color: #90EE90; text-align: center;">Accept but monitor</td> <td style="background-color: #FFD700; text-align: center;">Manage and monitor</td> <td style="background-color: #FF0000; text-align: center;">Signifi focu atte</td> </tr> <tr> <td style="text-align: center;">Medium</td> <td style="background-color: #90EE90; text-align: center;">Accept but review periodically</td> <td style="background-color: #FFD700; text-align: center;">Management effort worthwhile</td> <td style="background-color: #FFD700; text-align: center;">Ma and n</td> </tr> <tr> <td></td> <td style="background-color: #90EE90;"></td> <td style="background-color: #90EE90;"></td> <td style="background-color: #FFD700;"></td> </tr> </table>	Likelihood	High	Accept but monitor	Manage and monitor	Signifi focu atte	Medium	Accept but review periodically	Management effort worthwhile	Ma and n				
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	Medium		Accept but review periodically	Management effort worthwhile	Ma and n									

Standing Orders – Part 7: Chief Executive Delegation

	If an item is identified as red it should automatically come to Members, if it is amber Officers should speak to the relevant Chair to decide on whether Member input is needed and what form it should take.
7.A-3.	Routine Consumable Expenditure
	The Chief Executive is authorised to place orders for routine consumable expenditure under £150,000 up to the amounts provided in the detailed annual budget, provided that such orders conform to Standing Orders, Financial Procedure Rules and this Scheme of Delegation.
7.A-4.	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.
7.A-5.	Emergency Delegation
	<p>(a) In the event of any emergency the Chief Executive (or a Head of Service if the Chief Executive is unable to act) is authorised to take any necessary action which is deemed essential for the wellbeing of the Authority or its employees where a decision is required on a matter that cannot reasonably be referred to the Authority or a meeting of the relevant Committee,</p> <p>(b) In all such cases the Chief Executive (or in their absence a Head of Service) should consult with the Chair of the Authority or the Deputy Chair of the Authority and with the Chief Finance Officer whenever urgent action has a financial consequence for the Authority, and with the Monitoring Officer. If both the Chair and Deputy Chair are unavailable or unable to act Officers are authorised to contact alternative Members such as a Committee Chair/Vice Chair or a Member Champion.</p> <p>(c) All Members are to be advised as soon as practicable of any decisions made under Paragraph (a) and the details then reported to a meeting of the National Park Authority at the earliest opportunity.</p> <p>(d) The Head of People Management, in consultation with the Chair of the Authority and (as appropriate) the Chief Executive or the Monitoring Officer, will be authorised to act where the urgent decision relates to the immediate suspension of the Chief Executive, a statutory officer or non-statutory chief officer following receipt of allegations of misconduct by the Relevant Officer which are such that their remaining presence at work poses a serious risk to the health and safety of others or the resources, information or reputation of the Authority and it is not possible to delay that decision until a meeting of the Investigating and Disciplinary Committee can take place. Any decision to suspend under this delegation should be reviewed by the Investigating and Disciplinary Committee on the earliest date on which a quorate meeting of the Committee can be convened.</p> <p style="text-align: right;">(Paragraph (d) added by Authority on 07/12/18)</p>

<u>PART B</u>	<u>GENERAL ESTABLISHMENT AND PERSONNEL POWERS</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 & appointments
	(a) To approve changes to the staff establishment, below Heads of Service posts, including making temporary posts permanent, to achieve agreed policies and programmes within the approved annual staff budget.
	(b) To approve additional temporary posts funded from income, external funding and temporary allocation of non-staff budgets.
	<p><u>For all posts below Heads of Service 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> <ul style="list-style-type: none"> (i) to permanent established posts or temporary posts (ii) to existing or new posts funded from income and external funding and temporary allocation of non-staff budget <p>(b) To make temporary appointments, including the appointment of contractors or agency staff to cover:</p> <ul style="list-style-type: none"> (i) a vacancy arising out of an employee being absent through maternity leave or long-term sickness. (ii) for an appropriate period to cover a recruitment handover (iii) vacancies arising out of secondments <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 Heads of Service.</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

Standing Orders – Part 7: Chief Executive Delegation

	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
	(a) To authorise special leave of absence without pay in line with the Flexible Working Policy and guidance notes.
	(b) To authorise leave of absence with or without pay for a period not exceeding 18 days or 36 half days in any period of 12 months: <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 Heads of Service 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.

	<p>(c) To authorise the undertaking of:</p> <p>(i) courses of study for appropriate qualifications.</p> <p>(ii) courses or other training events, or work experience in relation to personal development.</p> <p>(iii) courses or other training events for specific personal specialist needs. including the payment of fees and other expenses (i a replacement employee is required specific Committee authority will be necessary).</p>
	<p>(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.</p> <p>(Audit Resources & Performance Committee 03/06/11)</p>
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
	<p>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.</p> <p>Authorisation for the Chief Executive to be given by the Chair and Deputy Chair of the Authority.</p>
<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.
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.
	Capital Programme
	Where the project cost is under £150,000 to determine whether Individual Capital projects included in the approved Capital Programme are supported by either borrowing or the Capital Fund subject to the Authority's Prudential Framework Authorised Limit and the Chief Finance Officer's assessment that future estimated Capital Fund receipts will be achieved and are available for allocation Where the project cost is over £150,000 or not included in the approved Capital Programme Committee approval is required
<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
	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 Authority Solicitor: a) where the purchase price does not exceed £150,000 or; b) the total rental, over the term does not exceed £150,000 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-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
	<p>To dispose of or terminate an interest in or over land including buildings on terms to be approved by the Authority Solicitor:</p> <p>a) where the sale value does not exceed £150,000 or</p> <p>b) where the total lease value over the term does not exceed £150,000 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 £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-4.	Applications for Planning Consent
	<p>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.</p>
<u>PART E</u>	<u>DEVELOPMENT PLANNING</u>
7.E-1.	Agriculture and other Countryside Grant Schemes
	<p>To respond to notifications and consultations and to raise formal objections under the provisions of Agriculture and other Countryside Grant schemes</p>
7.E-2.	Forestry Acts
	<p>(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.</p> <p>(b) To submit observations to the Forestry Commission where a Tree Preservation Order is in force.</p>
7.E-3.	Environment Enhancement Scheme Agreements
	<p>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.</p>
7.E-4.	Tree Preservation and Hedgerow Protection Orders
	<p>(a) To make Tree Preservation Orders and confirm unopposed Orders under the 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 2015.
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> <ul style="list-style-type: none"> (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. (ii) Commercial or industrial development proposing a net increase over existing commitments of more than 1,000 sq m floor area. (iii) New sites for the extraction of minerals or the disposal of waste. (iv) The extension of existing sites for mineral extraction and waste disposal with an increase in site area greater than 0.1ha. (v) New telecommunications masts over 15 metres in height (vi) Individual free standing wind turbines over 15 metres in hub height <p>Provided that any delegated action above shall be subject to the following provisions:</p> <ul style="list-style-type: none"> (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>(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>
	<p>(2) To determine applications and requests for non-material amendments.</p>
	<p>(3) To sign all decision notices pursuant to a resolution or under this delegation.</p>
	<p>(4) To refuse applications on the basis of inadequate information supplied by the applicant.</p>
	<p>(5) To discharge conditions on planning and advertisement permissions and listed building consents, including determination of formal applications for discharge.</p>
	<p>(6) To grant applications which are for the renewal of unimplemented planning permissions.</p>
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 Authority Solicitor and Finance Manager in cases it is proposed to apply conditions which are different from those applied for and the effect of the new

	<p>conditions, except insofar as they are restoration or aftercare conditions, is to restrict working rights in respect of the site)</p>
7.E-22.	Conservation of Habitats and Species Regulations 2017
	<p>a) To determine whether an appropriate assessment is required under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended)</p> <p>b) To carry out appropriate assessments under regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017 (as amended) including, without limitation, to require further information, to carry out consultations (and for that purpose to determine whether the opinion of the general public should be taken) and to have regard to any representations received.</p>
7.E-23	Business and Planning Act 2020
	<p>A. Modification of conditions relating to construction working hours:</p> <ol style="list-style-type: none"> 1. To give written notice under s 74C TCPA 1990 upon an application under 74B (Modification of conditions relating to construction working hours) either to <ol style="list-style-type: none"> a) Modify conditions or the approved document in accordance with the application as applied for, b) Refuse to modify the conditions as applied for, or c) Make a determination under s74C (2) as to <ul style="list-style-type: none"> - The times that construction activities may be carried out - The dates date from which modifications are to take place - The date at the end of which the modifications are to cease to have effect <p>And for the purposes of (c) to seek the agreement of the applicant to the terms of the determination.</p> <p>B. Matters relating to automatic extension of certain planning permissions: additional environmental approval applications under s93B(3) TCPA 1990:</p> <ol style="list-style-type: none"> 1. To grant, or refuse to grant the additional environmental approval in relation to the relevant planning permission 2. To agree in writing extensions of time for determining the application (not exceeding 21 days) 3. Where the development to which the relevant planning permission relates is EIA development, to determine whether a reasoned conclusion on the significant effects of the proposed development on the environment was reached and integrated into the decision and is up to date. 4. To determine whether the Authority is satisfied that a previous assessment under regulation 63(1) of the Conservation of Habitats and Species Regulations 2017, of the implications of the development to which the permission relates for a European site, was carried out; that, in light of the assessment, the development to which the permission relates would not adversely affect the integrity of the European site and that the assessment remains up to date. <p>C. Outline planning permission: extension of limits for beginning development with additional environmental approval: applications for additional environmental approval under s 93F(3) TCPA 1990:</p>

	<ol style="list-style-type: none"> 1. To grant, or refuse to grant the additional environmental approval in relation to the relevant planning permission 2. To agree in writing extensions of time for determining the application (not exceeding 21 days) 3. Where the development to which the relevant planning permission relates is EIA development, to determine whether a reasoned conclusion on the significant effects of the proposed development on the environment was reached and integrated into the decision and is up to date 4. To determine whether the Authority is satisfied that a previous assessment under regulation 63(1) of the Conservation of Habitats and Species Regulations 2017, of the implications of the development to which the permission relates for a European site, was carried out; that, in light of the assessment, the development to which the permission relates would not adversely affect the integrity of the European site and that the assessment remains up to date.
<u>PART F</u>	<u>LEGAL</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>

Standing Orders – Part 7: Chief Executive Delegation

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 5 Directions
	To make Directions, under Article 5 of the Town and Country Planning (General Permitted Development) Order 2015, 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 of 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
	<p>(a) To institute prosecuting proceedings for:</p> <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. 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>(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.

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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
	Finance Manager by specific prior agreement of the Chief Finance Officer except where statute prohibits delegation.
7.F-19	Local Government & Social Care Ombudsman
	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.
7.F-21	Amendments to Standing Orders and Authority Policies
	To amend Standing Orders and Authority Policies, in consultation with the Chair and Deputy Chair of the Authority, to reflect any approved changes in job titles and changes to legislation if those changes do not have a significant effect on operational matters.
<u>PART G</u>	<u>OPERATIONS</u>
7.G-1.	Charges.
	<p>To fix and vary all non planning and discretionary 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) in consultation with the Chief Finance Officer (CFO).</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 CFO and to include consultation with the Chair and Vice Chair of Programmes & Resources (P&R).</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 Meeting and to include consultation with Chair and Vice Chair of P&R.</p>

	(d) delegation to implement the national fee structure for Planning fees.
	(e) delegation to make changes to the pre-application charging schemes for developments.

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 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.	Access Land: Exclusion or Restriction of Access, carrying out of works and Dedication of Access Land.
	<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 Head of Engagement 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</p>

	<p>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.	Land Disposal and Works – Consultation
	<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, 4 December 2015, August 2016, August 2017, 13 March 2020, 4 September 2020, 4 December 2020 and 28 July 2023].

PEAK DISTRICT NATIONAL PARK AUTHORITY

STANDING ORDERS

PART 7 b

DELEGATION OF POWERS TO OFFICERS

OFFICER DELEGATION SCHEME

DELEGATION OF POWERS TO OFFICERS

Pursuant to section 101 Local Government Act 1972, the Authority, at the meeting held 10 November 2023 (minute 99/23), delegated as follows:

1. To amend the Scheme of Delegation to the Chief Executive set out in Part 7 of Standing Orders to authorise the Chief Executive, in consultation with the Chair and Deputy Chair of the Authority, 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.
2. The Standing Orders are otherwise confirmed.

Following consultation with the Chair and Deputy Chair, I determine that the following powers and functions shall be delegated to Officers of the Authority, in accordance with this Officer Delegation Scheme, following recent organisational changes and changes to job titles.



**Phil Mulligan Chief Executive
Peak District National Park Authority
November 2023**

23/11/2023 – Amendments made to reflect organisational changes agreed by the Authority on 28/07/23 and new job titles. 7.E-7 & 7.E-8 – temporary delegation to Senior Planners and Principal Planners in any absence of Area Team Managers for the period 30th June – 31st December 2023 remain in place and job titles updated where required.

23/11/23 – 7.F-21 – Amended to reflect new delegation.

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	<p><u>PEAK DISTRICT NATIONAL PARK AUTHORITY</u> <u>DELEGATION OF POWERS TO OFFICERS</u> <u>OFFICER DELEGATION SCHEME</u></p>
<u>PART A</u>	<u>CONDITIONS OF DELEGATION</u>
7.A-1	Exercise of Powers
	<p>The following powers have been delegated by the Authority to the Chief Executive under s101 of the Local Government Act 1972. The Chief Executive has been authorised to delegate these powers to another Officer. This Officer Delegation Scheme is a record of such delegations.</p> <p>These delegated powers shall be exercised in accordance with:</p> <ul style="list-style-type: none"> (a) the Standing Orders of the Authority; (b) the Financial Regulations of the Authority; (c) the appropriate, policies and internal procedures. <p>Where appropriate this record identifies the Officers who may deputise should an Officer be unable to act. No other alternative delegations may be made without the consent of the Chief Executive or their deputy.</p>
7.A-2	Member Involvement
	<p>In exercising these delegations Officers should make sure that, where appropriate, Member input has been considered.</p> <p>For guidance this means that in exercising delegated authority the proposed decision is in accordance with the POLICY framework agreed by the Authority and the APPROACH agreed by the relevant Committee. Where an Officer intends to make a decision outside of either the agreed Policy or Approach it must be taken back to a meeting of the Authority or relevant Committee as appropriate.</p> <p>A general principle of any delegation to an Officer is that there will be occasions when, for example due to reputational risks, they decide it may be prudent not to exercise their delegation and refer a matter back to a meeting involving Members for a decision. In exercising this judgement the Officer should have regard to the following risk matrix, with impact and likelihood testing the impact/likelihood on Authority Plan aim delivery or the Authority's reputation.</p>

		Impact		
		Low	Medium	High
Likelihood	High	Accept but monitor	Manage and monitor	Significant focus and attention
	Medium	Accept but review periodically	Management effort worthwhile	Management effort
<p>If an item is identified as red it should automatically come to Members, if it is amber Officers should speak to the relevant Chair to decide on whether Member input is needed and what form it should take.</p>				
7.A-3	Routine Consumable Expenditure			
	<p>The Chief Executive or a Head of Service 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 Procedure Rules and this Scheme of Delegation.</p> <p>Any 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:</p> <ul style="list-style-type: none"> (a) Over the value of £30,000 but below £50,000 must be the subject of a business case agreed with the relevant Head of Service and the Chief Finance Officer. (b) Over the value of £50,000 but below £150,000 must be the subject of a business case consulted with the Resource Management Meeting (c) All other expenditure over £150,000 requires the authority of the relevant Committee. 			
7.A-4	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>			
7.A-5	Emergency Delegation			
	<p>(a) In the event of any emergency the Chief Executive is authorised to take any necessary action which is deemed essential for the wellbeing of the Authority or its employees where a decision is required on a matter that cannot reasonably be referred to the</p>		<p>This delegation is only to be used following consultation with the Chair of the Authority (or in their absence the Deputy Chair) and with the Chief Finance Officer whenever urgent action has a financial consequence for the Authority, and with the Monitoring Officer.</p>	

	<p>Authority or a Committee.</p>	<p>If the Chief Executive is unavailable or unable to act the Head of Resources or in their absence the Head of Planning, Head of Landscape and Engagement or Head of Assets and Enterprise are authorised to make a decision in their absence.</p> <p>If both the Chair and Deputy Chair are unavailable or unable to act Officers are authorised to contact alternative Members such as a Committee Chair/Vice Chair or a Member Champion.</p> <p style="text-align: right;">Authority (4/12/15 – 126/15)</p>
	<p>(b) All Members are to be advised as soon as practicable of any decisions made under Paragraph (a) and the details then reported to a meeting of the National Park Authority at the earliest opportunity.</p>	<p>The Head of Resources or in their absence the Head of Planning, Head of Landscape and Engagement or Head of Assets and Enterprise if the Chief Executive is unavailable or unable to act.</p>
	<p>(c) To make an urgent decision relating to the immediate suspension of the Chief Executive, a statutory officer or non-statutory chief officer following receipt of allegations of misconduct by the Relevant Officer which are such that their remaining presence at work poses a serious risk to the health and safety of others or the resources, information or reputation of the Authority and it is not possible to delay that decision until a meeting of the Investigating and Disciplinary Committee can take place. Any decision to suspend under this delegation should be reviewed by the Investigating and Disciplinary Committee on the earliest date on which a quorate meeting of the Committee can be convened.</p>	<p>The Head of People Management, in consultation with the Chair of the Authority and (as appropriate) the Chief Executive or the Monitoring Officer</p>
<p><u>PART B</u></p>	<p><u>ESTABLISHMENT AND PERSONNEL</u></p>	
<p>7.B-1</p>	<p>Administration of Powers</p>	
	<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>	
<p>7.B-2</p>	<p>Establishment</p>	
	<p>(a) To approve changes to the staff establishment, below Heads of Service</p>	<p>(a) where proposals are permanent changes or temporary changes for a period of more than 2 years delegated to RMM; where proposals</p>

Standing Orders – Part 7: Delegation to Officers

<p>post, including making temporary posts permanent, to achieve agreed policies and programmes within the approved annual staff budget.</p>	<p>are temporary changes to the establishment for 2 years or less delegated to: Head of Service in consultation with Head of People Management and Finance Manager or in their absence Head of Resources</p>	
<p>(b) To approve additional temporary posts funded from income, external funding and temporary allocation of non-staff budgets.</p>	<p>(b) where proposals are for a period of more than 2 years delegated to RMM; where the proposals are for a period of 2 years or less delegated to relevant Head of Service in consultation with Head of People Management and Finance Manager or in their absence Head of Resources</p>	
<p>(c) To extend fixed term contract posts for up to 3 years where the posts are fully externally funded from specified sources.</p>	<p>(c) Relevant Head of Service in consultation with Head of People Management and Finance Manager</p>	<p>Deputies Chief Executive; Authority Solicitor for Head of People Management and Head of Resources for Finance Manager</p>
<p>Appointments for all posts below Head of Service level</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>(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>Head of Service in accordance with Human Resources Procedures</p>	<p><u>Deputy</u> Chief Executive</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>Head of Service in accordance with Human Resources Procedures</p>	<p><u>Deputy</u> Chief Executive</p>

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	(iii) vacancies arising out of secondments.		
	(c) To authorise the payment of market supplements and recruitment incentives where there is proven recruitment difficulty in accordance with the agreed principles.	Head of Service after approval by Resource Management Meeting	<u>Deputy</u> Chief Executive in consultation with Head of People Management and Finance Manager
	(d) To authorise the payment of overtime to employees.	Head of Service	<u>Deputy</u> Chief Executive
	(e) To authorise the payment of honoraria to employees.	Head of Service in consultation with Head of People Management and Finance Manager	<u>Deputy</u> Chief Executive for Head of People Management and Finance Manager
	(f) To change the job titles of established posts below the level of Head of Service.	Head of Service in consultation with Head of People Management	<u>Deputies</u> Chief Executive Head of Resources for Head of People Management
	(g) To determine salary grades of posts through the job evaluation process.	Head of People Management	<u>Deputy</u> Chief Executive for Head of People Management
	(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.	Head of Service after approval by Resource Management Meeting (RMM)	<u>Deputy</u> Chief Executive in consultation with Head of People Management and Finance Manager
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 People Management	<u>Deputy</u> Finance Manager
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	Finance Manager	<u>Deputy</u> Head of People Management

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	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.	Finance Manager	<u>Deputy</u> Head of 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 Head of Service or Chief Executive in consultation with Head of People Management	<u>Deputies</u> Chief Executive Finance Manager for Head of People Management
7.B-7	Leave of Absence for Employees		
	(a) To authorise special leave of absence without pay in line with the Flexible Working Policy and guidance notes.	Chief Executive for Head of Service, Head of Service for other staff	<u>Deputies</u> Head of Resources or Head of People Management
	(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 Head of Service Head of Service for other staff	<u>Deputies</u> Head of Resources or Head of People Management

	(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.	Chief Executive for Head of Service Head of Service for other staff	<u>Deputies</u> Head of Resources or Head of People Management
	(e) To approve applications for flexible retirement below Heads of Service posts.	Resources Management Meeting	
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 People Management after approval by the Senior Management Team	<u>Deputy</u> Chief Executive
	(b) To authorise the attendance at courses and conferences and other events including the payment of fees and other expenses.	Head of Service within delegated budget	<u>Deputy</u> Head of People Management
	(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).	Head of Service within delegated budget	<u>Deputies</u> Head of People Management

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	(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 People Management with Finance Manager	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, Head of Service in accordance with roles identified in Procedures	<u>Deputies</u> Chief Executive or Head of People Management 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 or Chief Executive	<u>Deputies</u> Chief Executive or Head of People Management

<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.	Head of Service	<u>Deputies</u> Chief Executive
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.	Applications up to £50,000 Head of Service with Grant Development Officer and Finance Manager Applications over £50,000 subject to business case to RMM for approval	<u>Deputies</u> Head of Assets and Enterprise for Grant Development Officer. Chief Executive for Head of Service and Head of Resources for Finance Manager.
	b) To accept offers of finance or grant aid up to £200,000 for funding including completing any agreements	Acceptance up to £200,000: Chief Executive with Finance Manager Acceptance over £200,000: Committee approval required	<u>Deputy</u> Head of Resources
7.C-3	Authority Grant and Award Schemes		
	The Authority agreed to temporarily suspend 7.C3 for the delivery of the Farming in Protected Landscapes programme only. (Agreed on 02/07/21 Minute No 57/21)		
	To determine applications for grants under the Authority's grant schemes where the cost to the Authority is £30,000 or less.	Relevant Head of Service	<u>Deputy</u> Chief Executive
	To authorise Environmental Quality Mark Awards.	Head of Landscape and Engagement	<u>Deputy</u> Chief Executive

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.	Head of Service (in consultation with the Chief Finance Officer)	<u>Deputy</u> Chief Executive
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 Head of Service or Chief Executive in consultation with Authority Solicitor	<u>Deputies</u> Chief Executive for relevant Head of Service and Senior Lawyer for Authority Solicitor
7.C-6	Capital Programme		
	<p>Where the project cost is under £150,000 to determine whether Individual Capital projects included in the approved Capital Programme are supported by either borrowing or the Capital Fund subject to the Authority's Prudential Framework Authorised Limit and the Chief Finance Officer's assessment that future estimated Capital Fund receipts will be achieved and are available for allocation</p> <p>Where the project cost is over £150,000 or not included in the approved Capital Programme Committee approval is required.</p>	Resources Management Meeting with Chief Finance Officer approval	

<u>PART D</u>	<u>PROPERTY</u>																							
	<p>All property powers shall be administered in accordance with the Authority’s Asset Management Plan (along with the Asset Disposal Procedure and Disposal ‘Tool Kit’) and in consultation with the Officers identified in this Plan. Where the Head of Assets and Enterprise is named in the delegation but unable to act the Chief Executive may substitute. (subject to Standing Order 7.D-1 set out below).</p> <p>In exercising any delegation under part D please note the following extract from Standing Order 7.A-2 regarding consultation:</p> <p><i>“In exercising these delegations Officers should make sure that, where appropriate, Member input has been considered.</i></p> <p><i>For guidance this means that in exercising delegated authority the proposed decision is in accordance with the POLICY framework agreed by the Authority and the APPROACH agreed by the relevant Committee. Where an Officer intends to make a decision outside of either the agreed Policy or Approach it must be taken back to a meeting of the Authority or relevant Committee as appropriate.</i></p> <p><i>A general principle of any delegation to an Officer is that there will be occasions when, for example due to reputational risks, they decide it may be prudent not to exercise their delegation and refer a matter back to a meeting involving Members for a decision. In exercising this judgement the Officer should have regard to the following risk matrix, with impact and likelihood testing the impact/likelihood on Authority Plan aim delivery or the Authority’s reputation.</i></p> <div style="text-align: center;"> <table border="1"> <thead> <tr> <th colspan="2"></th> <th colspan="3">Impact</th> </tr> <tr> <th colspan="2"></th> <th>Low</th> <th>Medium</th> <th>H</th> </tr> </thead> <tbody> <tr> <th rowspan="3" style="writing-mode: vertical-rl; transform: rotate(180deg);">Likelihood</th> <th>High</th> <td style="background-color: #90EE90;">Accept but monitor</td> <td style="background-color: #FFD700;">Manage and monitor</td> <td style="background-color: #FF0000;">Signi focu atte</td> </tr> <tr> <th>Medium</th> <td style="background-color: #90EE90;">Accept but review periodically</td> <td style="background-color: #FFD700;">Management effort worthwhile</td> <td style="background-color: #FFD700;">Ma and n</td> </tr> <tr> <th></th> <td style="background-color: #90EE90;"></td> <td style="background-color: #90EE90;"></td> <td style="background-color: #FFD700;"></td> </tr> </tbody> </table> </div> <p><i>If an item is identified as red it should automatically come to Members, if it is amber Officers should speak to the relevant Chair to decide on whether Member input is needed and what form it should take.”</i></p>			Impact					Low	Medium	H	Likelihood	High	Accept but monitor	Manage and monitor	Signi focu atte	Medium	Accept but review periodically	Management effort worthwhile	Ma and n				
		Impact																						
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Likelihood	High	Accept but monitor	Manage and monitor	Signi focu atte																				
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7.D-1	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>																							

7.D-2	Acquisition of land & property		
	<p>To acquire or renew any interest in or over land, including buildings, on terms to be approved by the Authority Solicitor 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) Head of Assets and Enterprise in consultation with the Finance Manager.</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: Head of Assets and Enterprise and Finance Manager in consultation with Chair and Vice Chair of Programmes & Resources Committee.</p> <p>Over £50,000 (capital and additional annual revenue cost or total rental payments over the term) subject to business case to RMM for approval – to include consultation with the Head of Assets and Enterprise and the Chair and Vice Chair of Programmes & Resources Committee.</p> <p>The Authorisation shall not be given by the person who has carried out the negotiations</p>	<p><u>Deputies</u> Chief Executive for the Head of Assets and Enterprise</p> <p>Head of Resources for Finance Manager</p>

	Formal signature of legal documents	Authority Solicitor or Senior Lawyer	<u>Deputy</u> Chief Executive .
7.D-3	Compulsory acquisition of land & property		
	To authorise the acquisition of 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 total value of the land or property does not exceed £20,000.	Resource Management Meeting in consultation with the Head of Assets and Enterprise	Chief Executive for Head of Assets and Enterprise
	Making, signing and sending Orders and confirmations.	Authority Solicitor or Senior Lawyer	<u>Deputy</u> Chief Executive
7.D-4	Disposal of land & property		
	To dispose of or terminate an interest in or over land including buildings on terms to be approved by the Authority Solicitor. a) where the sale value does not exceed £100,000 or b) where the total lease value over the term does not exceed £100,000 and the term is less than 7 years, or c) In the case of a periodic tenancy the overall rental charge does not exceed £100,000 and the tenancy is reviewed by officers at three yearly intervals This delegation includes transfers, leases, licences, easements and way-leaves.	Up to £30,000 (capital and additional annual revenue cost and/or rental charges) Head of Assets and Enterprise in consultation with the Finance Manager Between £30,000 and £50,000 (capital and additional annual revenue cost and/or rental charges) subject to a business case approved by: Head of Assets and Enterprise and Finance Manager in consultation with Chair and Vice Chair of Programmes & Resources Committee Over £50,000 (capital and additional annual revenue cost and/or rental charges) subject to business case to RMM for	<u>Deputies</u> Chief Executive for Head of Assets and Enterprise. Head of Resources for Finance Manager

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	Formal signature of legal documents	approval – to include consultation with Head of Assets and Enterprise Chair and Vice Chair of Programmes & Resources Committee The authorisation shall not be given by the person who has carried out the negotiations. Authority Solicitor or Senior Lawyer	<u>Deputy</u> Chief Executive
7.D-5	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.	Head of Assets and Enterprise and Development and Enforcement Manager or Area Team Managers or Principal Planners	<u>Deputies</u> Chief Executive for Head of Assets and Enterprise. Head of Planning for the Development and Enforcement Manager, Area Planning Managers and Principal Planners

<u>PART E</u>	<u>PLANNING</u> Where no Deputy is specified the Deputy is the Head of Planning or the Chief Executive		
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.	Head of Landscape and Engagement	<u>Deputy</u> Head of Planning or Chief Executive
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.	Head of Landscape and Engagement	<u>Deputies</u> Head of Assets and Enterprise or Chief Executive

	(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 £50,000 Head of Landscape and Engagement or Senior Farm Adviser (assuming annual amount less than £30,000) Over £50,000 RMM (assuming annual amount less than £30,000)	<u>Deputy</u> Chief Executive
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), (b) & (c) Head of Landscape and Engagement or Head of Planning	<u>Deputies</u> Cultural Heritage Team Manager, or Land and Nature Manager for Head of Landscape and Engagement or Head of Planning
	(b) To make Hedgerow Protection Orders under the Environment Act 1995.		
	(c) To determine applications for consents under Tree Preservation Orders.		
	(d) Making, signing & sending Orders and confirmations.	(d) Authority Solicitor or Senior Lawyer	<u>Deputy</u> Chief Executive
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.	Head of Planning, Development and Enforcement Manager, Strategic Planning Manager, Policy and Communities Manager, Area Team Manager or Principal Enforcement Planner	
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	Head of Planning, Development and Enforcement Manager, Policy and Communities Manager, Strategic Planning Manager, Area Team Manager or Principal Enforcement Planner	

	(Development Management Procedure) (England) Order 2010.	
7.E-7	General Development Order – Notifications and Prior Approvals	
	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 2015 or other relevant legislation.	<p>Head of Planning, Development and Enforcement Manager, Strategic Planning Manager, Area Team Manager or Principal Enforcement Planner</p> <p>Senior Planners (South Team) in temporary absence of AreaTeam Manager (South Team), in any absence of the Team Manager (North Team) and Principal Planners for both areas for period 30th June – 31st December 2023.</p>
7.E-8	Planning, Advertisement and Listed Building Applications	
	<p>(a) 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>Head of Planning, Development and Enforcement Manager, Strategic Planning Manager, Area Team Manager or Principal Enforcement Planner</p> <p>Senior Planners (South Team) in temporary absence of Area Team Manager (South Team) and in any absence of the Team Manager (North Team)and Principal Planners for both areas for period 30th June – 31st December 2023.</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 20 metres in height.</p> <p>(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 Planning 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>	

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	(e) That all decisions are reported to Members for information on a monthly basis on the Authority's website.	
	(2) To determine applications and requests for non-material amendments.	Head of Planning, Development and Enforcement Manager, Strategic Planning Manager, Area Team Manager or Principal Enforcement Planner Senior Planners (South Team) in temporary absence of Area Team Manager (South Team) and in any absence of the Team Manager (North Team) and Principal Planner for any area for period 30 th June – 31 st December 2023.
	(3) To refuse applications on the basis of inadequate information supplied by the applicant.	
	(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.	Head of Planning, Development and Enforcement Manager, Strategic Planning Manager, Area Team Manager or Principal Enforcement Planner
7.E-10	Enforcement Action	
	To decide not to pursue enforcement action in cases of breaches of planning control where: <div style="margin-left: 40px;">(a) The unauthorised development does not conflict with the Authority's approved policies;</div> And <div style="margin-left: 40px;">(b) The effect of the breach is considered not to be significantly harmful to public</div>	Head of Planning, Development and Enforcement Manager, Strategic Planning Manager, Area Team Manager or Principal Enforcement Planner

	<p>amenity or safety or the existing use of land or buildings meriting protection in the public interest.</p> <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>Head of Planning, Policy Planning Manager, Policy and Communities Manager, Strategic Planning Manager, Development & Enforcement Manager Area Team Manager, Principal Enforcement Planner or Head of Landscape and Engagement</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>Head of Planning, Development and Enforcement Manager, Strategic Planning Manager, Area Team Manager or Principal Enforcement Planner</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</p>	<p>(i) Development and Enforcement</p> <p><u>Deputies</u> (i) Head of Planning. (ii) Chief Executive</p>

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	decisions as to all matters relating to screening and scoping of EIA.	Manager, Strategic Planning Manager, Area Team Manager or Principal Enforcement Planner	
	b) To advise the statutory bodies of the requirement for an EIA.		(ii) Head of Landscape and Engagement
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.	Head of Planning, Development and Enforcement Manager, Strategic Planning Manager, Area Team Manager or Principal Enforcement Planner	
7.E-15	Goods Vehicle Operators Licensing Regulations		
	To make representations and to lodge holding objections on applications.	Head of Planning Head of Planning, Development and Enforcement Manager, Strategic Planning Manager, Area Team Manager or Principal Enforcement Planner	
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.	Head of Planning, Development and Enforcement Manager, Strategic Planning Manager, Area Team Manager or Principal Enforcement Planner	
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).	Head of Landscape and Engagement	<u>Deputy</u> Chief Executive
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	Head of Planning	<u>Deputies</u> Development and

	of agreements under S106 of the Town and Country Planning Act 1990 for development where applications are determined under delegated powers		Enforcement Manager, Strategic Planning Manager, Area Team Manager or Principal Enforcement Planner
	(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.	Head of Planning	
	(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.	Head of Planning	
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 Authority Solicitor).	Head of Planning	Head of Planning, Development and Enforcement Manager, Strategic Planning Manager, Area Team Manager or Principal Enforcement Planner
7.E-20	Applications made under the Localism Act 2011.		
	To approve (but not refuse) applications for designation of Neighbourhood Forums.	Authority Solicitor	<u>Deputy</u> Senior Lawyer

7.E-22	Conservation of Habitats and Species Regulations 2017		
	a) To determine whether an appropriate assessment is required under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended)	Head of Planning	Chief Executive
	b) To carry out appropriate assessments under regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017 (as amended) including, without limitation, to require further information, to carry out consultations (and for that purpose to determine whether the opinion of the general public should be taken) and to have regard to any representations received.	Head of Planning	Chief Executive

7.E-23	Business and Planning Act 2020	
	<p>A. Modification of conditions relating to construction working hours:</p> <ol style="list-style-type: none"> 1. To give written notice under s 74C TCPA 1990 upon an application under 74B (Modification of conditions relating to construction working hours) either to <ol style="list-style-type: none"> a) Modify conditions or the approved document in accordance with the application as applied for, b) Refuse to modify the conditions as applied for, or c) Make a determination under s74C (2) as to <ul style="list-style-type: none"> - The times that construction activities may be carried out - The dates date from which modifications are to take place - The date at the end of which the modifications are to cease to have effect <p>And for the purposes of (c) to seek the agreement of the applicant to the terms of the determination.</p>	<p>Head of Planning, Development and Enforcement Manager, Strategic Planning Manager, Area Team Manager or Principal Enforcement Planner</p>

	<p>B. Matters relating to automatic extension of certain planning permissions: additional environmental approval applications under s93B(3) TCPA 1990:</p> <ol style="list-style-type: none"> 1. To grant, or refuse to grant the additional environmental approval in relation to the relevant planning permission 2. To agree in writing extensions of time for determining the application (not exceeding 21 days) 3. Where the development to which the relevant planning permission relates is EIA development, to determine whether a reasoned conclusion on the significant effects of the proposed development on the environment was reached and integrated into the decision and is up to date. 4. To determine whether the Authority is satisfied that a previous assessment under regulation 63(1) of the Conservation of Habitats and Species Regulations 2017, of the implications of the development to which the permission relates for a European site, was carried out; that, in light of the assessment, the development to which the permission relates would not adversely affect the integrity of the European site and that the assessment remains up to date. 	<p>Head of Planning, Development and Enforcement Manager, Strategic Planning Manager, Area Team Manager or Principal Enforcement Planner</p>
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	<p>C. Outline planning permission: extension of limits for beginning development with additional environmental approval: applications for additional environmental approval under s 93F(3) TCPA 1990:</p> <ol style="list-style-type: none"> 1. To grant, or refuse to grant the additional environmental approval in relation to the relevant planning permission 2. To agree in writing extensions of time for determining the application (not exceeding 21 days) 3. Where the development to which the relevant planning permission relates is EIA development, to determine whether a reasoned conclusion on the significant effects of the proposed development on the environment was reached and integrated into the decision and is up to date 4. To determine whether the Authority is satisfied that a previous assessment under regulation 63(1) of the Conservation of Habitats and Species Regulations 2017, of the implications of the development to which the permission relates for a European site, was carried out; that, in light of the assessment, the development to which the permission relates would not adversely affect the integrity of the European site and that the assessment remains up to date. 	<p>Head of Planning, Development and Enforcement Manager, Strategic Planning Manager, Area Team Manager or Principal Enforcement Planner</p>
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<u>PART F</u>	<u>LEGAL</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 of compensation.</p> <p>(c) To authorise applications to the Courts for injunctions under Section 187B of the Town and Country Planning Act 1990.</p> <p>(d) To issue notices under s215 of the Town and Country Planning Act 1990. (Untidy land and buildings).</p> <p>(e) To apply to the magistrates court for a planning enforcement order under s171BA of the Town and Country Planning Act 1990</p> <p>(f) 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> <p>(g) 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>(h) To exercise the power to waive or relax the requirements of an enforcement notice under s173A of the Town and</p>	<p>(a) to (f) (Authority Solicitor or Senior Lawyer</p> <p>And</p> <p>Head of Planning</p> <p>Stop Notices – in consultation with Chief Finance Officer</p> <p>Formal signature: Authority Solicitor or Senior Lawyer</p> <p>(g) to (h) Head of Planning in consultation with Authority Solicitor or Senior Lawyer</p>
	<p><u>Deputies</u> Chief Executive for Authority Solicitor and Senior Lawyer. Head of Resources for Chief Finance Officer.</p> <p>Development and Enforcement Manager, Strategic Planning Manager, Area Team Manager or Principal Enforcement Planner for Head of Planning .</p> <p>Development and Enforcement Manager, Strategic Planning Manager, Area Team Manager or Principal Enforcement Planner for Head of Planning and Chief Executive for Authority Solicitor and Senior Lawyer.</p>	

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	Country Planning Act 1990.		
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 align="center">(Authority Meeting 01/07/11)</p>	<p>Head of Planning and Authority Solicitor</p>	<p><u>Deputies</u> Development and Enforcement Manager, Area Team Manager or Principal Enforcement Planner for Head of Planning</p> <p>and</p> <p>Senior Lawyer for Authority Solicitor.</p>
7.F-3	Control of Advertisement Regulations		
	<p>To take action where required under the Town & Country Planning (Control of Advertisements) Regulations 2007 and to issue Discontinuance Orders.</p> <p>Formal signature.</p>	<p>Authority Solicitor or Senior Lawyer and Head of Planning</p> <p>Authority Solicitor or Senior Lawyer</p>	<p><u>Deputies</u> Chief Executive for Authority Solicitor</p> <p>and</p> <p>Development and Enforcement Manager, Area Team Manager or Principal Enforcement Planner for Head of Planning</p> <p>Chief Executive</p>
7.F-4	Mineral Development – Article 5 Directions		
	<p>To make Directions, under Article 5 of the Town and Country Planning (General Permitted Development) Order 2015, in respect of mineral exploration and removal of materials from mineral working deposits.</p>	<p>Authority Solicitor or Senior Lawyer and Head of Planning</p>	<p><u>Deputies</u> Chief Executive for Authority Solicitor</p> <p>And</p> <p>Strategic Planning Manager for Head of Planning</p>

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).	Authority Solicitor or Senior Lawyer and Cultural Heritage Manager	<u>Deputies</u> Chief Executive for Authority Solicitor and Head of Planning for Cultural Heritage Manager
	Formal signature	Authority Solicitor or Senior Lawyer	Chief Executive
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.	Authority Solicitor or Senior Lawyer and Cultural Heritage Manager	<u>Deputies</u> Chief Executive for Authority Solicitor and Senior Lawyer. Head of Planning for Cultural Heritage Manager
	Formal signature	Authority Solicitor or Senior Lawyer	Chief Executive
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.	Authority Solicitor and Cultural Heritage Manager	<u>Deputies</u> Senior Lawyer for Authority Solicitor and Head of Planning for Cultural Heritage Manager
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.	Authority Solicitor or Senior Lawyer	<u>Deputy</u> Chief Executive
7.F-9	Certificates of Lawfulness of Development		
	a) To determine applications for certificates of lawfulness under Section 191 and 192 of the	Authority Solicitor or Senior Lawyer	<u>Deputy</u> Head of Planning

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	Town and Country Planning Act 1990 (as amended).		
	b) To determine applications for certificates of lawfulness under The Planning (Listed Buildings) (Certificates of Lawfulness of Proposed Works) Regulations 2014	Authority Solicitor or Senior Lawyer	<u>Deputy</u> Head of Planning
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 Director of Conservation and Planning).	Authority Solicitor or Senior Lawyer	<u>Deputy</u> Head of Planning
7.F-11	Proceedings to enforce Planning Control		
	<p>(a) To institute prosecuting proceedings for:</p> <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 notice. • 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 	(a) to (c) Authority Solicitor or Senior Lawyer	<u>Deputy</u> Chief Executive

	<p>notice</p> <ul style="list-style-type: none"> • Failure to comply with a notice requiring maintenance of land under s215 of the Town and Country Planning Act 1990. • 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>(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.	Authority Solicitor or Senior Lawyer	<u>Deputy</u> Chief Executive
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) Authority Solicitor or Senior Lawyer	<u>Deputy</u> Chief Executive
7.F-14	Notices, Orders, Contracts and Agreements		
	To sign orders, contracts, agreements and notices (except	Authority Solicitor or Senior Lawyer	<u>Deputy</u> Chief Executive

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	<p>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.</p> <p>To complete grant agreements authorised in accordance with the National Framework for the delivery of the Farming in Protected Landscapes programme only. (Agreed by the Authority on 02/07/21, Minute No 57/21).</p>	<p>Head of Landscape and Engagement</p>	<p>Chief Executive</p>
7.F-15	Proceeding relating to Access Land.		
	<p>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.</p>	<p>Authority Solicitor or Senior Lawyer</p>	<p><u>Deputy</u> Chief Executive</p>
7.F-16	Members' Attendance at Courses and Conferences etc.		
	<p>To agree Member attendances at external, courses, conferences and other events as an approved duty.</p>	<p>Customer and Democratic Support Manager</p>	<p><u>Deputy</u> Information Manger</p>
7.F-17	Outside Bodies		
	<p>(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.</p> <p>(b) To authorise the attendance of a substitute, in consultation with the appointed Member.</p>	<p>(a) to (b) Customer and Democratic Support Manager</p>	<p><u>Deputy</u> Information Manager</p>

7.F-18	Reference to Chief Finance Officer In Standing Orders		
	Finance Manager or in their absence the Head of Resources by specific prior agreement of the Chief Finance Officer except where statute prohibits delegation.		
7.F-19	Local Government & Social Care 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> Chief Executive
7.F-20	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> Customer and Democratic Support Manager
7.F-21	Amendments to Standing Orders and Authority Policies		
	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.	Monitoring Officer in Consultation with the Chair and Deputy Chair of the Authority	<u>Deputy</u> Deputy Monitoring Officer for Monitoring Officer

<u>PART G</u>	<u>OTHER</u>		
7.G-1	Charges		
	To fix and vary all non planning and discretionary 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.	Relevant Head of Service in consultation with the Chief Finance Officer.	Chief Executive .
	(b) revised or new income generating proposals with projected annual charges of between £30,000 and £50,000.	Relevant Head of Service with business case for consideration and approval by Chief Finance Officer and to include	Chief Executive

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		consultation with the Chair and Vice Chair of Programmes and Resources Committee	
	(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 Meeting and to include consultation with Chair and Vice Chair of Programmes and Resources Committee.	
	(d) delegation to implement the national fee structure for Planning fees.	Head of Planning in consultation with Chief Finance Officer.	Chief Executive
	e. delegation to make changes to the pre-application charging schemes for developments.	Head of Planning in consultation with Chair and Vice Chair of Planning Committee, with any significant changes reported to the Planning Committee.	Chief Executive
7.G-2	Public Rights of Way		
	(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	(a) to (e) Head of Landscape and Engagement	<u>Deputy</u> 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.		

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	(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.	Authority Solicitor or Senior Lawyer	Chief Executive
	(f) To authorise the making of experimental, temporary or permanent Traffic Regulation Orders under the Road Traffic Regulation Act 1984. In the case of unresolved objections to a proposed Order, a report to be made to the Relevant Committee.	Head of Landscape and Engagement	Chief Executive
	Making, signing of Orders and confirmations	Authority Solicitor or Senior Lawyer	Chief Executive
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.	(a) to (d) Head of Landscape and Engagement	<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.		
	(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		
	(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		

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	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 Head of Landscape and Engagement 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.	(e) to (g) Head of Landscape and Engagement	<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.	Head of Landscape and Engagement	<u>Deputy</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.	Head of Assets and Enterprise.	<u>Deputy</u> Chief Executive