Document Status	
Date adopted	13 December 2022
Adopted by	Authority
Lead Officer	Director of Corporate Services
Date of next review	December 2027

Scheme of Delegation to Committees and Officers

(Terms of Reference)

December 2022

(as amended 26 March 2024, 9 December 2024,20 February 2025 and 24 June 2025)

A General Provisions

A1 This Scheme of Delegation is made by the Yorkshire Dales National Park Authority under Section 101 of the Local Government Act 1972. Any Committee to which powers are delegated may sub-delegate them to a Sub Committee or Officer of the Authority. Any Sub Committee may also sub delegate powers to an Officer. Any officer to whom powers are delegated may authorise other Officers, in writing, to exercise such powers on his/her behalf.

A2 Each Committee shall be authorised to appoint Members to Sub-Committees agreed by the Authority and to delegate its powers and duties to those Sub-Committees.

A3 Powers delegated to any Committee, Sub-Committee or Officer of the Authority shall always be exercised in compliance with the Authority's Standing Orders and Financial Regulations, except to the extent that they may be suspended in accordance with their terms. Conversely, this Scheme of Delegation operates to authorise Committees, Sub Committees and Officers to take actions permitted to them by the Authority's Financial Regulations. Decisions taken under delegated powers shall be made in accordance with any applicable policies and strategies of the Authority, including its approved budget.

A4 No general reference to a power, duty, function or other matter in relation to one Committee shall include any matter which the Scheme of Delegation specifically refers to another Committee.

A5 In the absence of the Chief Executive, the Deputy to the Chief Executive is authorised to perform any functions and exercise any powers conferred on the Chief Executive by this Scheme of Delegation.

A6 The Authority, or a Committee or Sub-Committee, may give such direction as it considers appropriate for action taken under delegated powers to be reported periodically.

A7 Before exercising any delegated power, an Officer should consider whether the nature of the matter to be determined makes it appropriate for the decision to be taken by the Authority, a Committee or Sub Committee, by a Director or by an Officer.

A8 Without prejudice to these delegations, each Officer with delegated powers is expected to liaise in appropriate cases with the Chief Executive, and in appropriate cases to:

a) consult with the appropriate Chair (or in their absence the Deputy Chair); and/or
b) ensure that any Member with a local or special interest is advised of the exercise of delegated powers; and/or
c) ensure that the Monitoring Officer and/or Section 151 Officer is consulted or informed.

A9 All delegations of responsibilities, powers and functions under this Delegation Scheme include power to authorise the execution or issuing of any document, or the

taking of any other action, necessary to give effect to the decision, including affixing the Authority's seal to any document where necessary.

A10 References to any statutory provision shall include any statutory modification or re-enactment of such provision for the time being in force and references to the "Chief Executive" shall include reference to the National Park Officer.

B Delegation of Powers to Committees

B1 Planning Committee

B1.1 To exercise all development control/development management and enforcement functions which are conferred upon local planning authorities and mineral planning authorities, with the exception of those functions specifically delegated to officers.

B1.2 To consider and report to the Authority upon any matter which the Authority may from time to time refer to the Committee.

B2 Finance and Resources Committee

B2.1 To act on behalf of the Authority in relation to the proper administration of the Authority's financial affairs, except as provided in (b) below (where the final decision on the annual budget is made by the Authority), and including:-

a) cash balances, capital or reserve funds, borrowing arrangements and the investment of any surplus funds;
b) management and monitoring of financial forecasts and budgets, approving the Statement of Financial Accounts (which shall then be signed by the Committee's Chair), and making recommendations to the Authority regarding the annual allocation of resources;
c) monitoring Treasury Management performance (and any variances);
d) reviewing and approving revisions of the Financial Regulations;
e) overseeing the application of the Local Government Superannuation Acts and associated regulations;
f) advising the Authority in relation to its Members' Allowances Scheme and dealing with related matters; and
g) determining applications for Sustainable Development Fund grants in excess of £10,000.

B2.2 To determine the Authority's Human Resources policies and monitor their implementation, including administration, recruitment, training, discipline (including dismissal), determination of wage and salary scales, health and safety, regrading, grievances, conditions of service and welfare of all staff and the legislation relating to industrial relations and pensions, subject to the requirement that the appointment of a Chief Executive Officer, or the dismissal of the Chief Executive Officer, the Chief Financial Officer or the Monitoring Officer must be approved by the Authority.

B2.3 To appoint no more than 5 of its members to act as the Investigating and Disciplinary Committee ("IDC**")**, as referred to in the Joint Negotiating Committee for Local Authority Chief Executives National Salary Framework & Conditions of Service

Handbook (as amended from time to time) when considering disciplinary action against the Authority's Statutory Officers (D1 refers), and to appoint no more than 5 of its members to act as the Appeal Committee (as referenced in the Authority's Statutory Officers' Disciplinary Procedure), as appropriate.

B2.4 To act on behalf of the Authority in relation to any matters, powers or duties concerned with the securing, management and disposal of the resources, including land, property and other assets, necessary to fulfil the Authority's statutory purposes, agreed policies and strategic direction, including monitoring the efficient and effective use of these resources.

B3 Audit and Review Committee

B3.1 To act on behalf of the Authority as follows:

a) reviewing the Authority's performance in pursuing its policies and objectives, in particular those in the Corporate Plan; and reporting to the Authority, its Committees or Sub-Committees, as appropriate;
b) acting as the lead Committee on the implementation and monitoring of the Authority's performance assessment process;
c) leading on improvement planning and learning from major projects and on-going programmes;
d) instigating a programme of reviews in areas where the Authority is under-performing, needs to reduce costs, and/or needs to improve value for money, and report back to the Authority;
e) advising the Authority on its corporate governance policies and agenda, and implementing and managing the Authority's agreed policies in this area including overseeing its risk management strategy and anti-fraud and corruption policy, reviewing and approving the Annual Governance Statement and considering the Annual Governance Report;
f) arranging for the audit, both internal and external, of the Authority's affairs, including financial controls and accounts;
g) receiving external and internal audit plans and reports, and monitoring the implementation of audit recommendations; and
h) monitoring the Authority's complaints procedure, and as appropriate, determining any claims of maladministration and appropriate remedies.

NB. The Member Champion for Corporate Management cannot be a member of the Audit & Review Committee.

B4 Standards Committee

The Standards Committee will have the following roles and functions:

B4.1 To promote and maintain high standards of conduct by Members of the Authority.

B4.2 To monitor compliance with the Authority's Code of Conduct for Members and related policies or protocols.

B4.3 To decide upon written applications by Members of the Authority for a dispensation to speak, or to speak and to vote, on any matter coming before the Authority and/or

its Committees in relation to which the Member making the application has a disclosable pecuniary interest; and to decide the terms of any dispensation granted where this function has not been delegated to the Monitoring Officer.

B4.4 To make recommendations to the Authority on issues of Member conduct, where these arise out of its consideration of matters referred to in paragraphs B4.1 – B4.3 above.

B4.5 To make recommendations to the Authority on the Authority's Code of Conduct for Members and related policies or protocols.

B5 Standards Committee Hearing Panel

The Standards Committee Hearing Panel will have the following roles and functions:

B5.1 To decide (in accordance with the Authority's Determination Procedure) whether a Member of the Authority has or has not failed to comply with the Authority's Code of Conduct for Members.

B5.2 Following a decision by the Hearing Panel that a Member of the Authority has failed to comply with the Authority's Code of Conduct for Members, to decide whether to take action in relation to the Member and, if so, what action to take or recommend the Authority to take.

C Delegation of Powers to Officers

C1 Chief Executive

C1.1 Urgent Action

The Chief Executive may authorise urgent action requiring an immediate decision on any matter, subject to consultation with the Chair of the Authority or the Chair of the appropriate Committee to which the function is delegated, and to a subsequent report to the Authority or Committee.

C1.2 Entry and Inspection

The Chief Executive is authorised to approve the exercise of the Authority's powers of entry, inspection and survey of land, buildings or premises and may issue any necessary evidence or authority as may be appropriate in relation to the execution of Officers' or the Authority's duties and powers.

C1.3 Property

Within the provision of the financial regulations concerning capital payment and/or annual rental, the Chief Executive is authorised to:-

a) approve the acquisition of land and taking of leases, licences, dedications and easements of or over any land (including buildings) whether by way of valuable consideration or exchange;
b) approve applications to release restrictive covenants where the market value of lifting the restriction is £20,000 or less;
c) declare land surplus to requirements;

d) approve the disposal of land and the granting or variation of leases, licences and dedication agreements of or over any land;
e) approve the submission of planning applications for development by or on behalf of the National Park Authority.

C2 All Directors (including the Chief Executive)

C2.1 Directors are authorised to act in determining the management of the human, financial (both income and expenditure) and material resources made available to their Directorate, for the purposes defined in the Authority's approved policies, plans and budget, except as otherwise provided in this Scheme of Delegation.

C2.2 Directors are authorised to act (for staff at Band A and below) in relation to the appointment, dismissal, discipline and determination of all matters relating to the employment of staff and the conditions upon which they are employed as are specified in the Human Resources Policies of the Authority, except in relation to matters as provided in section C3 below.

C2.3 Directors are authorised to make or refuse financial grants in all circumstances where the Authority has power so to act. In exercise of this delegated power, the Director will act in accordance with the overall budgets and any scheme approved by the Authority or any of its Committees or Sub-Committees.

C2.4 Directors are authorised to sign grant claim forms and acceptance forms in relation to any project or matter which itself has been authorised by the Authority or under delegated powers.

C3 Director of Corporate Services

C3.1 The Director of Corporate Services is authorised:

a) to act in relation to the extension of compassionate leave for any employee of the Authority;
b) to approve special leave for any employee of the Authority;
c) to authorise relocation expenses;
d) to approve arrangements for employees of the Authority to undertake election duties;
e) to make minor amendments to Human Resources policies to reflect legislative changes or to remove any inconsistency or ambiguity;
f) to ensure that the Authority makes appropriate insurance arrangements;
g) to determine Lawful Development Certificate applications;
h) after consultation with the Head of Park Management as necessary, to decide whether or not to make a Definitive Map Modification Order under the Wildlife and Countryside Act 1981;
i) to make or refuse to make Public Path Orders under the Highways Act 1980 or the Town and Country Planning Act 1990;
j) to confirm unopposed orders under the Highways Act 1980, the Wildlife and Countryside Act 1981 and the Town and Country Planning Act 1990; to submit opposed orders under the 1981 Act or the 1990 Act to the Secretary of State; and in respect of opposed orders under the 1980 Act, either to decide not to confirm them, or to submit them to the Secretary of State as opposed orders;

k) to empower the service of statutory notices to ascertain the legal interest of any person in land;
l) to institute, defend, participate in, settle or withdraw from any legal proceedings in the name of the Authority or an individual Officer of the Authority at Common Law or under any enactment, statutory instrument, order or byelaw conferring functions upon the Authority or in respect of functions undertaken by them and to lodge an appeal against any decision taken in such proceedings. For the avoidance of doubt this authority extends to the taking of all procedural steps, including the service of notices, statutory or otherwise, counter-notices and Notices to Quit;
m) to authorise Officers of the Authority to prosecute or defend or appear in any legal proceedings by virtue of the provisions of Section 223 of the Local Government Act, 1972 and to appear on behalf of the Authority at any inquiries, tribunal or other body responsible for matters affecting the Authority;
n) to authorise prosecutions for obstructions to Rights of Way under Section 137 of the Highways Act 1980;
o) to act as proper officer for the receipt of written requests by Members for a dispensation under Section 33 of the Localism Act 2011 to speak, or to speak and vote, notwithstanding that the Member has a disclosable pecuniary interest;
p) following receipt of a written allegation that a Member of the Authority has failed to comply with the Authority's Code of Conduct for Members, to consider (in accordance with the Authority's Procedure for Local Assessment of Member Code of Conduct Complaints) what action, if any, should be taken, and in particular whether an investigation should be undertaken;
q) to appoint three Members to a Standards Committee Hearing Panel who will determine whether the subject Member has breached the Code of Conduct and if so, whether any sanction should be applied;
r) to set legal charges in connection with Section 106 Agreements; and
s) to make minor amendments to the Scheme of Delegation to reflect legislative changes or to remove any inconsistency or ambiguity.

C4 Director of Conservation and Community

C4.1 The Director of Conservation and Community may determine the procedures to be followed in preparing the documents required by the approved Local Development Scheme.

C4.2 The Director of Conservation and Community is authorised to act as follows:

a) to sign off and comply with appropriate assessments under the Conservation (Natural Habitats) Regulations 1994 and appropriate assessments arising from Part 1 of the Countryside and Rights of Way Act 2000;
b) to authorise the making of Tree Preservation Orders (TPOs) where there appears to be a threat to important trees and to confirm TPOs where no objections have been received;
c) to authorise the variation or revocation of existing but outdated TPOs and their replacement with new Orders;
d) to determine applications for works to trees covered by Tree Preservation Orders;
e) to determine notifications for works to trees in Conservation Areas;
f) to authorise the appointment of tree consultants and contractors;
g) to authorise works to important hedges under the Hedgerow Regulations;
h) to authorise the serving of Hedgerow Retention Notices;

i) to authorise the making of Limestone Pavement Orders;
j) to authorise the serving of emergency Limestone Pavement Orders;
k) to authorise the serving of Building Preservation Orders;
l) to authorise the serving of Listed Building Repairs Notices;
m)to authorise the serving of Urgent Works Notices to preserve unoccupied listed buildings.
n) to sign Woodland Management and New Native Woodland Agreements;
o) to determine that the criteria are not met or notification is not required under the Hedgerow Notification provisions;
p) to determine that a hedgerow is 'not important' against the Hedgerow Notification Criteria;
q) on behalf of the Authority to adopt a revised character appraisal for any designated conservation area within the National Park; and
r) following review of a conservation area, to determine on behalf of the Authority that no changes should be made to the boundaries of that conservation area;
s) to determine applications for Sustainable Development Fund grants of up to £5000, and, in consultation with the Chair and Deputy Chair of Finance and Resources Committee, to determine applications above £5,000 and up to £10,000;
t) to determine applications and authorise the payment of Farming in Protected Landscapes grants of up to £5,000, and to authorise payment of Farming in Protected Landscapes grants above £5,000 that have been approved by the Local Assessment Panel;
u) to set charges for professional advice in connection with the Historic Environment Record;
v) to set charges for professional advice in connection with Plan Checking Services;
w)to set fees and charges for pre-application planning advice in accordance with the principles agreed by the Authority; and
x) to set charges for providing extended planning history on land charge searches.
y) to set fees and charges in connection with securing and monitoring Section 106 Agreements for Biodiversity Net Gain.

C5 Director of Park Services

C 5.1 The Director of Park Services is authorised to act as follows:

a) to perform the responsibilities of the Authority as Relevant Authority and as Access Authority under the Countryside and Rights of Way Act 2000, including authority to determine exclusions and restrictions;
b) to carry out the responsibilities of the National Park Authority contained within the Highway Authority delegation agreements and to review and renew these agreements;
c) to consult on and authorise the making of Traffic Regulation Orders under the Road Traffic Regulation Act 1984 (as amended by section 72 of the Natural Environment and Rural Communities Act 2006);
d) to set car park charges;
e) to act as the 'Proper Officer' for the purpose of responding to notices served under the Highways Act 1980 Section 56;
f) to authorise Footpath, Bridleway and Restricted Byway Public Rights of Way Creation Agreements and Permissive Path Agreements;
g) to deal with motor rally consultations under the provisions of the Motor Vehicles (Competition and Trials) Regulations 1969;

h) to authorise temporary diversions or closures of Public Rights of Way;
i) to take action under the Highways Act 1980 to deal with obstructions to Public Rights of Way;
j) to authorise agreements under Section 147 of the Highways Act 1980;
k) to authorise motor trials on a Public Footpath, Bridleway, Restricted Byway or Byway Open to All Traffic;
l) to suspend access on Access Areas designated under the National Parks and Access to the Countryside Act 1949;
m) to grant temporary leases and licences for the ad hoc use of National Park Authority car parks and associated utilities;
n) to grant leases, and to grant sessional licences of premises for periods up to a maximum of 7 days;
o) to grant grazing agreements in respect of the use of National Park Authority owned land;
p) to authorise Access Agreements;
q) to agree the Authority's contribution to Local Transport Plans and Rights of Way Improvement Plans.
r) to set prices and charges for retail merchandise, retail publications and services, exhibitions and events, education resources, services and associated events, visitor giving and sponsorship schemes, admission charges and charges for museum services;
s) to set charges in relation to Public Path Orders, and emergency and temporary closures of Rights of Way; and
t) to respond to, and deal with, requests to grant private access through, or the purchase of small areas of land in, or adjacent to, Authority car parks.

C6 Head of Development Management

C6.1 With the exception of those functions specifically delegated in Sections C3 and C4 of this Scheme of Delegation, to the Director of Corporate Services and the Director of Conservation and Community respectively, the Head of Development Management is authorised to exercise all development control/development management and enforcement functions conferred upon Local Planning Authorities and Mineral Planning Authorities (including those related to listed buildings, conservation areas and hazardous substances) including authority to make minor variations to the planning validation lists as a consequence of changes in legislation or government guidance except the following:

a) proposals submitted by or on behalf of the Authority for its own development, or for development on Authority owned land, where an objection has been received;
b) proposals known by the Head of Development Management to have been submitted by or on behalf of a Member or employee of the Authority (or in each case their spouse or partner), where an objection has been received.

C6.2.1 Powers delegated to the Head of Development Management may only be used where the following criteria are satisfied:

a) the decision will be in accordance with policy, and in particular the relevant Local Plan and the Yorkshire Dales National Park Management Plan or, in cases where the decision will not be in accordance with policy, in the view of the Head

of Development Management any departure is not substantial and there are sound planning reasons not to comply with policy;

b) the appropriate Parish Council or Meeting has not made a recommendation which is contrary to the decision which the Head of Development Management proposes to take, provided that in the opinion of the Head of Development Management the recommendation relates to a planning matter, and provided that it has been substantiated (Consultees should be informed that simply stating "objection" or "no objection" without any further comment or substantiation would, on its own, be insufficient to warrant that application being reported to the Committee; and that the consultation letter should include a standard paragraph to indicate that an application may, subject to consultation responses, be dealt with as a delegated matter and that to ensure its consideration by the Committee, a request should be made to a Member of the Authority specifically to seek that course of action)*;* and

c) no Member has written to the Head of Development Management requesting, for some specified public interest reason, that the application be considered by the Planning Committee.

C6.2.2 The criteria specified at C6.2.1 b) above will not apply in respect of development that, in the view of the Head of Development Management, comprises minor householder development.

C6.2.3 The criteria specified at C6.2.1 b) and c) above will not apply in respect of applications for prior approval or prior notification submitted in accordance with the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

C6.3 Breach of Condition Notices, Planning Contravention Notices and Section 215 Notices shall only be served by the Head of Development Management after consultation with the Director of Corporate Services.

C6.4 Enforcement Notices and Stop Notices, including Temporary Stop Notices, shall only be served after consultation with the Director of Corporate Services and Chair of Planning Committee or, in the event of the Chair's absence or unavailability, the Deputy Chair of Planning Committee.

C6.5 Senior Planning Technicians and Planning Technicians are authorised to act as the 'Proper Officer' for the purpose of Land Charge Searches.

C6.6 The Head of Development Management is authorised to authorise Section 106 Agreements to secure off-site Biodiversity Net Gain units (Biodiversity Gain Sites).

C7 Head of Finance

C7.1 The Head of Finance Officer is authorised to act in relation to:

a) authorising such financial returns on behalf of the Authority as are required by law or by competent authorities;

b) making minor amendments to the Financial Regulations to reflect legislative changes or to remove any inconsistency or ambiguity;
c) the approval of variations to contracting quotation processes, as set out in the Authority's Financial Regulations;
d) effecting changes in relation to the Prudential Indicators between the separate agreed limits for borrowing and any other long term liabilities in accordance with value for money or other relevant factors; and
e) borrowing from the Public Works Loan Board or money markets at the most advantageous rates.

D Statutory Officers

D1 The Authority has appointed the following as its Statutory Officers:

- Head of Paid Service = Chief Executive
- Monitoring Officer = Director of Corporate Services
- Section 151 Officer = Head of Finance

D2 Statutory Officer appointments must be distinguished from powers "delegated" to Officers. Delegated powers can be confirmed at the Authority's discretion; can be withdrawn or amended; and can be made subject to the observance of conditions and/or compliance with Authority policy. The effect of the relevant statutory provisions is that the function of each Statutory Officer can only be dealt with through that officer; the function can only be discharged by that officer in the way prescribed by the statutory provision concerned; and the Authority cannot direct the way in which the function is discharged.