Report: URGENT ITEM  Title: Amendment to Scheme of Delegation

1. **Purpose of Report**
   
   To make changes to the Authority’s Scheme of Delegation relating to how decisions are taken by the Authority should extraordinary circumstances apply.

2. **Recommendations**
   
   The Authority is recommended to:
   
   i) Amend the Scheme of Delegation to enable the Chief Executive to make urgent decisions on all planning matters when Development Management Committee are unable to meet.
   
   ii) Amend the Scheme of Delegation to enable that a nominated Director in exceptional circumstances to exercise all powers delegated to the Chief Executive under the amended Scheme of Delegation.
   
   iii) In line with changes from last year’s Leadership Team Review add the words Director at B-4.6, C-1.03, C-1.04, C-1.05, C-1.06 and C-1.07.

3. **Proposed amendments**
   
   The existing scheme of delegation provides far reaching delegation to the Chief Executive. This delegation is however limited in certain circumstances such as planning decisions, some of which are reserved to the planning committee.

   The Local Government Act 1972 requires local authorities to meet face to face to take decisions in public. As the current coronavirus pandemic spreads there is a risk that the Authority and its planning committee is not able to meet on a face to face basis or is not able to achieve a quorum.

   It is therefore proposed that the Chief Executive is authorised to act on behalf of the National Park Authority in relation to any matters within the Authority’s remit in such exceptional circumstances. The Chief Executive would of course continue to liaise with the Chair or Deputy Chair of Planning Committee or the Authority Chairman on any delegated decisions, however, these changes allow for all eventualities.

   It is therefore proposed to amend paragraph 4 (c) of the Scheme of delegation to add the words

   “In extraordinary circumstances the Chief Executive is authorised to take such decisions in the absence of consultation with the Chairman of the Authority or Chairman of Development Management Committee.”

B- It is further proposed that paragraph 13 be amended as follows

13 The Chief Executive is authorised to determine all planning and related applications and to carry out duties relating to such applications as required by The Town and Country Planning Acts, The Planning (Listed Buildings And Conservation Areas) Act 1990 and other associated legislation, in accordance with the circumstances set out in Development Management Scheme of Delegation (Part D).
“In accordance with” replaces “apart from in these”, and that Part D is amended as follows:

**It is further proposed to amend Part D: to read**

The Development Management Committee and in extraordinary circumstances the Chief Executive shall exercise the functions as follows:

4. **Onward delegation by the Chief executive**

In circumstances where the Chief Executive becomes indisposed during such exceptional circumstances it is recommended that a nominated (in advance by the Chief Executive) Director be given the powers under the scheme of delegation to exercise all powers delegated to the Chief Executive.

5. **Clarifying references**

Following the 2018 Leadership Team Review a number of minor changes are proposed to align the terms in the Scheme of Delegation with the new management structure.

6. **Conclusion**

The changes to how people can congregate during the coronavirus represent an exceptional set of circumstances and a challenge to how the Authority takes decisions.

Current local government meeting rules constrain how local authorities can take decisions. National Parks have requested a relaxation of these rules but this has not yet been confirmed.

For this reason it is proposed to amend the Scheme of Delegation to allow the Authority to transact business and deliver our statutory purposes and any other roles which may be required of us in the near future.

The powers hereby delegated would only be used in exceptional circumstances and as a last resort and where possible in consultation with the Chairman and relevant committee Chair.

Should government allow a move to virtual meetings in order for local authorities to take decisions in the near future the Authority will be brought together to reverse these changes.

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**Background papers:**
**Scheme of Delegation to Committees, Groups and Officers July 2019**