

## PART D SCHEME OF DELEGATION TO OFFICERS AND COMMITTEES

### D1 GENERAL PROVISIONS

D1.1 The Lake District National Park Authority (“the Authority”) is a legal entity known as a ‘body corporate’ and was established by **section 63** of the Environment Act 1995. The constitution of the Authority is set out at **Schedule 7** of the Environment Act 1995 and in the **National Park Authorities (England) Order 2015**. The constitution is reflected in the Authority’s structure and its Core Documents.

D1.2 The Authority was set up with purposes and a duty to which it must adhere (sections **61** and **62** of the Environment Act 1995). These statutory purposes are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the Lake District National Park; and
- To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

and in pursuing those purposes the Authority must:

- Seek to foster the economic and social well-being of local communities within the National Park by working closely with the agencies and local authorities responsible for these matters.

D1.3 To enable the Authority to undertake its statutory purposes the Authority has been given power to undertake a variety of activities that are set out in legislation. The key pieces of legislation are:

- the **National Parks and Access to the Countryside Act 1949**;
- the **Countryside Act 1968**;
- the Town and Country Planning Act 1990;
- the **Environment Act 1995**, particularly **Schedule 8** and **Schedule 9**; and
- the **Natural Environment and Rural Communities Act 2006**.

In the exercising of its functions the Members of the Authority and those exercising delegated functions in accordance with the terms of this Scheme of Delegation must implement the statutory purposes.

D1.4 Apart from some statutory roles of Officers which are set out in D5 below where the Officers' powers and duties are set out in statute, all power vests in the Members of the Authority. To facilitate the business of the Authority, Members of the Authority have agreed to delegate some of their powers to Committees and Officers in accordance with this Scheme of Delegation, which is made in accordance with **section 101** of the Local Government Act 1972.

D1.5 Committees, Sub-Committees, or Officers may sub-delegate their powers as follows:

- Any Committee to which powers are delegated may sub-delegate them to a Sub-Committee or Officer of the Authority or any other local authority.
- Any Sub-Committee may also sub-delegate functions to an Officer of the Authority or any other local authority.
- Any Officer to whom functions are delegated may authorise other Officers of the Authority or any other local authority to exercise such functions on their behalf.

Any function that is sub-delegated may also be exercised concurrently by the Authority Committee, a Committee, a Sub-Committee, or an Officer making such delegation. Where a function is sub-delegated, the Authority Committee, a Committee, a Sub-Committee, or an Officer making the delegation must be informed of any decisions taken.

D1.6 Any delegated powers must be exercised in compliance with the Authority's Standing Orders, Financial Regulations, and Contract Standing Orders. Any actions authorised under such Standing Orders, Financial Regulations, and Contract Standing Orders are authorised by this Scheme of Delegation.

D1.7 In accordance with the **Member Code of Conduct** and the provisions of sections 29 to 33 the **Localism Act 2011**, any Member with a personal or registrable interest in a decision must declare the existence and nature of that interest and, if

the interest is a Disclosable Pecuniary Interest, the Member must have no involvement in making the decision.

D1.9 All delegations of responsibilities, powers, and functions under this Scheme of Delegation include power to authorise the execution or issuing of any document, or the taking of any other action, necessary to give effect to the decision, including authorising the affixing of the Authority's seal to any document in accordance with Standing Orders.

D1.10 This scheme of delegation shall come into effect on 18 September 2025.

D1.11 Nothing in this Scheme of Delegation shall invalidate any actions taken under any previous scheme of delegation.

## **D2 FUNCTIONS AND POWERS RESERVED TO THE FULL AUTHORITY MEMBERSHIP SITTING AS A COMMITTEE**

Only the full Authority Membership will exercise the following functions, and no provision of this Scheme of Delegation shall be interpreted in a manner that is inconsistent with these provisions:

- D2.1 appointing the Chair and Deputy Chair of the Authority;
- D2.2 agreeing and/or amending the terms of reference for committees and deciding on their composition and membership (save that where a member is replaced on the Authority by their nominating body, the replacement member will take over their role on any committees until the next Annual Meeting);
- D2.3 appointing representatives to outside bodies;
- D2.4 co-opting members of Committees and appointing Independent Persons;
- D2.5 confirming the appointment and dismissal of the Chief Executive (National Park Officer), Directors, section 151 Officer, and Monitoring Officer;
- D2.6 being responsible for the Health, Safety, and Wellbeing of the Authority's staff and volunteers and sitting as a panel of three members, to determine relevant staffing appeals in accordance with the People policies as agreed by the Authority from time to time);
- D2.67 approval and adoption of the following documents
  - The Core Documents: the Standing Orders, the Contract Standing Orders (save as provided for at D3.4 below), the Financial Regulations (save as provided for at D3.4 below) and this Scheme of Delegation
  - The Business Plan
  - The Lake District National Park Partnership Management Plan (the National Park Management Plan) including the Vision
  - Revenue and Capital Budgets
  - The ~~Medium Term~~ Medium-Term Financial Strategy

- The Code of Corporate Governance
- The Lake District National Park Local Plan (save as provided for at D3.3 below)
- any Members' Allowances Scheme
- the Member Code of Conduct and associated guidance

D2.78 appointing the Authority's external auditors

D2.89 making a decision about the acquisition or disposal of any interest in land (save as expressly delegated to the Chief Executive and/or the Head of Resources) outside the approved budget framework and outside amounts allowable under the capital virement limits as set out in the Financial Regulations

D2.810 making, amending, revoking, re-enacting, or adopting byelaws and promoting or opposing the making of local legislation or private Bills; and

D2.119 all other matters which, by law, must be reserved to the full Membership of the Authority.

D2.12 Authority Committee will be supported by the Resources Meeting, the Strategy Meeting, and the Conservation Covenants Board whose roles are set out below

### **D2.13 Resources Meeting**

To consider, advise, and review

- the Authority's capital and revenue budgets and all matters relating to the planning and monitoring of the Authority's finances, including making recommendations for in year adjustments in revenue and capital budgets in accordance with the provisions of the financial regulations
- the control and management of assets and resources, including property, finance, staff, and volunteers
- the Business Plan, including recommendations for in year changes to Business Plan actions, where factors have significantly impacted on our ability to deliver planned work

- performance and risk management
- the documents forming part of the Authority Handbook

save for those matters expressly delegated to Officers under this Scheme of Delegation.

**Membership: 10**

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**D2.14 Strategy Meeting**

- To oversee the preparation of the Local Plan, the Lake District National Park Partnership's Management Plan, and the Vision for the Lake District National Park.
- To advise on all statutory functions of the Authority except for functions comprised within the terms of reference for the Authority, one of its committees, or the Resources Meeting.
- To consider the formulation of all policies relating to the work of the Authority and to monitor and scrutinise the interpretation, application, and effect of those policies (excluding those related to matters comprised within the terms of reference for the Authority, one of its committees, or the Resources Meeting). For the avoidance of doubt, this includes Supplementary Planning Documents, Local Development Orders, Neighbourhood Plans, and the designation of Conservation Areas.
- To secure the achievement of the Authority's statutory purposes and duties through working with the Lake District National Park Partnership and also in partnership with other local authorities, public bodies, and others, including the review and monitoring of all relevant reports, minutes and other paperwork.

**Membership: 12**

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## **D2.15 Conservation Covenants Board**

The Conservation Covenants Board is a Working Group comprised of the Chairs of Development Control Committee, Governance Committee, ~~Park Strategy & Vision Committee Meeting~~ and Resources ~~Committee Meeting~~. Its purpose is to consider, ~~and advise upon~~ ~~and determine~~ applications for the Authority to act as Responsible Body for a Conservation Covenant made under the provisions of the Environment Act 2021. ~~Authority delegates the following authority to the Conservation Covenants Board subject to the decisions being reported to the first Authority Committee following the date of the decision:~~

- ~~D2.10~~ To ~~determine~~ ~~advise on~~ all applications for the Authority to act as Responsible Body for a Conservation Covenant made under the provisions of the Environment Act 2021.
- ~~\_\_\_\_\_~~
- ~~\_\_\_\_\_~~
- ~~D2.11~~ To recommend which remedies, if any, are to be pursued in the event that action to enforce the terms of any Conservation Covenant for which the Authority is the Responsible Body is required.

### **D3 DELEGATION OF FUNCTIONS TO COMMITTEES**

The Authority has decided to establish the standing committees described in D3.1 to D3.6 which shall have the terms of reference, delegated powers, and composition as set out below.

#### **D3.1 DEVELOPMENT CONTROL COMMITTEE**

##### **TERMS OF REFERENCE**

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

##### **DELEGATED FUNCTIONS**

- 1 To determine all applications for planning permission and listed building consent pursuant to the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning and Compensation Act 1991, the Planning and Compulsory Purchase Act 2004 and any legislation relating to the functions of local planning authorities and mineral planning authorities (save for those expressly delegated to Officers under this Scheme of Delegation).
- 2 To make decisions in relation to all functions of the Authority as Local Planning Authority and Mineral Planning Authority (except for the making or confirmation of public path orders under the provisions of the Planning Acts and functions of the Authority under Part II of the Planning (Listed Buildings and Conservation Areas) Act 1990) save for matters delegated to Officers under this scheme.

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## **D3.2 GOVERNANCE COMMITTEE**

### **TERMS OF REFERENCE**

#### **1 Audit Activity**

- To consider the following:
  - the internal auditor's annual report and opinion and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Authority's corporate governance arrangements.
  - reports of the Authority's internal auditor relating to their work, findings and investigations.
  - reports dealing with the management and performance of the providers of internal audit services.
  - reports relating to progress with implementation of internal audit recommendations within agreed timescales.
  - the external auditor's annual letter, relevant reports, and the report to those charged with governance.
  - specific reports as agreed with the external auditor.
- To comment on the scope and depth of external audit work and to ensure it gives value for money.
- To commission work from internal and external audit.

#### **2 Regulatory Framework**

- To review any issue referred to it by the Authority, any of its committees or by the chief executive, a director, s.151 officer or the monitoring officer.
- To monitor the effective development and operation of corporate governance in the Authority.
- To consider the Authority's arrangements for corporate governance and agree necessary actions to ensure compliance with best practice.
- To approve and monitor policies on whistleblowing, fraud and corruption and complaints.
- To consider the effectiveness of the Authority's risk management arrangements
- To oversee the production of the Authority's Annual Governance Statement.
- To consider the Authority's compliance with its own and other published standards and controls.

### 3 Accounts

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

### 4 Standards Function

- To promote and maintain high standards of conduct by the members of the Authority as required by section 27 and 28 of the Localism Act 2011.
- To advise the Authority on the adoption or revision of a code of conduct for members.
- To monitor the operation of the Authority's code of conduct for members.
- To advise on training of members of the Authority on matters relating to the Authority's code of conduct, including induction.
- To assist members of the Authority to observe the Authority's code of conduct and to grant dispensations where appropriate.
- To consider and make recommendations to the Authority in respect of any matters relating to ethical corporate governance or relating to the conduct of Members of the Authority.

Sitting as a panel of three members:

- To carry out initial assessments of complaints alleging breaches of the authority's code of conduct and reviews of such assessments.
- To hold hearings in respect of any allegations relating to breaches of the code of conduct by Members of the Authority referred to the Committee.
- To consider the recommendations of the Monitoring Officer in respect of matters referred to him for investigation and determine whether to hold a hearing in respect of any alleged breach of the code of conduct by a Member of the Authority.

- In respect of any matter referred to the committee for hearing to impose sanctions authorised by regulations where a breach of the code of conduct has occurred.

### DELEGATED FUNCTIONS

- 1 To carry out all the functions allocated to the committee by the Authority's Financial Regulations.
- 2 To approve the statement of accounts and take any action required to comply with the Accounts and Audit Regulations 2015 as amended, including any mandatory reporting of the Auditor's Annual Report to the Authority Committee.
- 3 To approve the annual statement on internal control/governance statement in accordance with the provisions of the Accounts and Audit Regulations 2015 as amended.
- 4 To adopt policies relating to matters within the committee's terms of reference.
- 5 To determine applications for dispensations.
- 6 To carry out such initial assessments, reviews and investigations and hold such hearings as may be required in connection with investigating alleged breaches of the Authority's code of conduct for Members in accordance with regulations made pursuant to the Localism Act 2011 or any re-enactment or modification thereof.
- 7 To impose such sanctions as may be authorised by regulations made pursuant to the Localism Act 2011 or any re-enactment or modification thereof in respect of any Member of the Authority where a breach of the code of conduct has been found to have occurred.

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**Independent Member (for the Audit function of the Committee only) X**

### **D3.3 PARK STRATEGY AND VISION COMMITTEE**

#### ***TERMS OF REFERENCE***

~~1— To consider the formulation of all policies relating to the work of the Authority including the Lake District National Park Local Plan but excluding matters comprised within the terms of reference of other committees and to make recommendations to the Authority for the adoption of new policies and the review and amendment of existing policies of the Authority.~~

~~2— To oversee the preparation and implementation of the Local Plan, the Lake District National Park Partnership's Management Plan and the Vision for the Lake District National Park.~~

~~3— To perform the Authority's functions relating to conservation areas and listed buildings under Part II of the Planning (Listed Buildings and Conservation Areas) Act 1990.~~

~~4— To respond to consultation documents published by government or by non-departmental public bodies relating to the work of the Authority or pertaining to the Lake District National Park.~~

~~5— To scrutinise the interpretation, application and effect of policies of the Authority (excluding those relating to matters comprised within the terms of reference of other committees) and advise on actions to enable it to meet its statutory purposes.~~

~~6— To monitor, investigate and report to Authority on the interpretation, application and effect of policies by the Authority (excluding those relating to matters comprised within the terms of reference of other committees).~~

~~7— To secure the achievement of the Authority's statutory purposes and duties through working with the Lake District National Park~~

~~Partnership and also in partnership with other local authorities, public bodies and others.~~

~~8 To review and monitor all relevant reports, minutes and other paperwork in connection with the Lake District National Park Partnership.~~

### **DELEGATED FUNCTIONS**

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

~~1 To adopt policies relating to the work of the Authority except for the Local Plan and policies comprised within the terms of reference of other committees. For clarity, the adoption of policies includes the adoption of Supplementary Planning Documents, Local Development Orders, and Neighbourhood Plans; and the designation of Conservation Areas save for matters delegated to Officers under this scheme.~~

~~2 To perform the Authority's functions under Part II of the Planning (Listed Buildings and Conservation Areas Act 1990).~~

~~3 To respond to relevant consultation documents published by government or by non-departmental public bodies relating to the work of the Authority or pertaining to the Lake District National Park.~~

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

### **MEMBERSHIP**

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### **D3.4 RESOURCES COMMITTEE**

#### ***TERMS OF REFERENCE***

**1** ~~To be responsible for:~~

~~the Authority's capital and revenue budgets and all matters relating to the planning and monitoring of the Authority's finances~~

~~the control and management of assets and resources — including property, finance, staff, and volunteers~~

~~Business Plan performance and risk management~~

~~Procurement~~

~~Health, Safety, and Wellbeing of the Authority's staff and volunteers~~

~~and for the formulation, review and amendment of policies relating to such matters, save as for those expressly delegated to Officers under this Scheme of Delegation.~~

**2** ~~To make minor amendments to the Contract Standing Orders and Financial Regulations to ensure that they remain up to date.~~

**3** ~~To consider and determine individual staffing matters as set out in the Authority's Human Resources policies from time to time and in accordance with the Authority's Financial Regulations.~~

**4** ~~To consider as required and determine where necessary matters concerning relations with staff including terms of employment and the Officer Code of Conduct.~~

**5** ~~To consider and adopt of employment related policies including those relating to diversity and equality of opportunity.~~

#### ***DELEGATED FUNCTIONS***

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

~~relevant meeting that the matter should be referred to the Authority for decision.~~

~~1 To carry out all the functions allocated to the committee by the Authority's Financial Regulations.~~

~~2 To adopt policies relating to the work of the committee except for policies reserved to the full Membership of Authority.~~

~~3 To respond to relevant consultation documents published by government or by non-departmental public bodies relating to the work of the Authority or pertaining to the Lake District National Park and coming within the terms of reference of the committee.~~

~~4 Sitting as a panel, to determine relevant staffing appeals in accordance with the People policies agreed by the Authority from time to time.~~

~~5 To make minor amendments to the Contract Standing Orders and Financial Regulations except for any provision which has the effect of increasing the extent of delegation to this committee.~~

~~6 To make in year adjustments to revenue and capital budgets in accordance with the provisions of financial regulations.~~

~~7 To agree in year changes to Business Plan actions, where factors have significantly impacted o our ability to deliver planned work.~~

#### **MEMBERSHIP**

~~Secretary of State 5~~

~~Local Authority 5~~

## **D3.35 RIGHTS OF WAY COMMITTEE**

### **TERMS OF REFERENCE**

- 1 To consider and determine all applications for the making of agreements, the making and confirmation of orders and to discharge any other function of the Authority under the National Parks and Access to the Countryside Act 1949, the Countryside Act 1968, the Highways Act 1980, the Wildlife and Countryside Act 1981, the Road Traffic Regulation Act 1984, the Cycle Tracks Act 1984, the Road Traffic Act 1988, the Countryside and Rights of Way Act 2000, and the Natural Environment and Rural Communities Act 2006 (“the Highways Acts”).
- 2 To consider and determine all applications for the making and confirmation of public path orders under the provisions of the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning and Compensation Act 1991, the Planning and Compulsory Purchase Act 2004, and any legislation relating to the functions of local planning authorities and mineral planning authorities (“the Planning Acts”).

### **DELEGATED FUNCTIONS**

- 1 To make and confirm all definitive map modification orders in accordance with the provisions of the Wildlife and Countryside Act 1981.
- 2 To make and confirm all traffic regulation orders made under the provisions of the Traffic Regulation Act 1984.
- 3 To make and confirm all public path orders made under the provisions of the Highways Acts and the Planning Acts.
- 4 To agree to enter into dedication agreements under the provisions of the Highways Act 1980.
- 5 To discharge any other function of the Authority under the Highway Acts.
- 6 To approve changes to the terms and conditions of the Cumbria and Lakes Local Access Forum.

Save as for those expressly delegated to officers under this scheme of delegation.

**MEMBERSHIP** 6

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#### **D4 DELEGATION OF FUNCTIONS TO OFFICERS**

- D4.1 Decisions taken by Officers under delegated powers must be made in accordance with the provisions of this Scheme of Delegation and must be recorded in accordance with the provisions of the **Openness of Local Government Bodies Regulations 2014**. Officers must also comply with any relevant report by the Head of Paid Service, and/or the Monitoring Officer under **Section 4** and **Section 5** of the Local Government and Housing Act 1989 and/or the Section 151 Officer under **Section 114** of the Local Government Finance Act 1988.
- D4.2 Officers must have no involvement in decisions in which they have a personal interest and must declare any such interests in accordance with the provisions of the **Officer Code of Conduct**.
- D4.3 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 Committee, a Committee, or Sub-Committee or a more senior Officer.
- D4.4 The functions contained in the first column of Annexes 1 to 7 are delegated to the Officers specified in the Annexes to this Scheme of Delegation subject to consultation mentioned in the second column and the provisions of this D4: Delegation of Functions to Officers.
- D4.5 Where (including in accordance with the provisions of this Scheme of Delegation) the Authority Committee, a Committee, or Sub-Committee gives authority for the doing of anything, the Officer designated shall be entitled to take all necessary steps for the doing of such thing. Where authority is given but without naming an Officer such authority shall be deemed as authorising the Chief Executive or the appropriate Director or Head of Service to take such steps.
- D4.6 Any exercise of delegated powers by officers shall be subject to any statutory restrictions, the Standing Orders relating to the Proceedings and Business of the Authority, Committees, and Sub-Committees, Contract Standing Orders, Financial Regulations, and any relevant Authority policies.

- D4.7 Before making a decision under delegated powers Officers will satisfy themselves that the decision is authorised by law (and, if in doubt, will consult with the Monitoring Officer); and within the financial provision in the revenue and capital budget for their service (and, if in doubt, will consult with the Section 151 Officer).
- D4.8 Before making a decision under delegated powers Officers will consult other Officers as appropriate and must consult any Officer listed in the second column of the relevant Annex and will have regard to any advice given.
- D4.9 These arrangements include the power for Officers to further delegate in writing all or any of the delegated functions to other Officers (described by name and/or post) either fully, in part, or under the general supervision and control of the delegating Officer. Such delegations can be made across directorates subject to prior agreement of the relevant Director or Head of Service.
- D4.10 The Officers exercising the power to sub-delegate will keep the Monitoring Officer informed of all arrangements which they make to authorize other Officers to act on their behalf and this information will be kept by the Authority Solicitor in an electronic file which will be open for inspection by the public.
- D4.11 Any Officer exercising delegated functions in pursuance of these arrangements will be politically restricted under **Section 2(1)(g)** of the Local Government and Housing Act 1989.
- D4.12 Directors are responsible for retaining a record of delegated decisions which they (or their Officers) take and the reasons for such decisions sufficient for audit and evidential purposes (against the eventuality of evidence being required for judicial review, Employment Tribunal, Ombudsman, internal or external audit, or other proceedings or investigation), and for ensuring that all those who need to know are informed promptly of the decision, such records being subject to audit by the Head of Paid Service, Monitoring Officer, or Section 151 Officer at any time. Such decisions will contain the information required by the **Openness of Local Government Bodies Regulations 2014**.

D4.13 Officers are accountable to the Authority for any decision which they make, and may be required to report to, and to attend and answer questions from the Authority Committee or any other committee in respect of any decision which they make.

D4.14 In the event that the Chief Executive is unable to carry out the role of the Chief Executive owing to absence or illness, the Director of Sustainable Development is authorised to perform any functions and exercise any powers conferred on the Chief Executive by this Scheme of Delegation. In the event that both the Chief Executive and the Director of Sustainable Development are unable to carry out the role of Chief Executive owing to absence or illness, the Chief Executive may appoint one or more deputies to exercise his or her powers provided the Chair and Deputy Chair of the Authority are ~~consulted~~consulted. Any arrangements for deputising for the Chief Executive may be reviewed by Members of the Authority at any time.

D4.15 The Chief Executive may exercise the functions delegated to any Director or Head of Service and to any Proper Officer and any Director may exercise the functions delegated to any Head of Service or Proper Officer within their directorate except in relation to those functions allocated to the Head of Resources as Chief Finance Officer (within the meaning of **Section 151** of the Local Government Act 1972 and Sections 112-114A of the **Local Government Finance Act 1988**) and to the Monitoring Officer (within the meaning of Sections 5 and 5A of the **Local Government and Housing Act 1989**).

D4.16 The Chief Executive is the Head of Paid Service. The Head of Resources is the Chief Finance Officer. The Director of Sustainable Development is the Monitoring Officer. The Authority Solicitor is the Data Protection Officer.

D4.17 The Directors for the purpose of this scheme of delegation are:  
The Director of Sustainable Development  
The Assistant Director of Sustainable Development

D4.18 The Heads of Service for the purpose of this scheme of delegation are:  
The Authority Solicitor  
The Head of Communications and Engagement

The Head of Development Management  
The Head of People and Organisational Development  
The Head of Rangers  
The Head of Resources  
The Head of Strategy and Partnerships

- D4.19 In the event that a Director's or Head of Service's post ceases to exist or their responsibilities are transferred to another Director or Head of Service (as the case may be), temporarily or permanently, then the functions given by this Scheme of Delegation shall be exercisable by the officer in whose area of responsibility the power falls to be exercised.
- D4.20 Any reference to an Act of Parliament includes reference to any subordinate legislation made under it and to any modification and/or replacement of it or of such subordinate legislation.

## ANNEX 1

### Functions delegated to the Chief Executive, Directors, and all Heads of Service

	Function	Consultation
<b>1</b>	<b>Power of General Competence</b> The exercise of all relevant functions of the Authority necessary for the efficient performance of the authority, directorate or service unit the management of which <del>he or she is</del> <u>they are</u> responsible for subject always to the provisions of Parts 1, 2 and 4 of this Scheme of Delegation.	
<b>2</b>	<b>Appointment of staff</b>	
2.1	The selection, interview and appointment of candidates for appointment to all posts on the establishment except for the Chief Executive, Directors, and any other post specifically reserved by the Authority as a member appointment.	Head of People and Organisational Development
2.2	The temporary appointment of relief staff where essential during periods of absence through maternity, sickness or holidays or as a result of resignation.	
<b>3</b>	<b>Discipline and dismissal of staff</b> The discipline of all employees and the dismissal of any employee in accordance with the Authority's disciplinary procedures.	Head of People and Organisational Development
<b>4</b>	<b>Overtime, leave etc.</b>	
4.1	The authorisation of overtime working by employees where unavoidable.	

- 4.2 The approval of the carrying over of up to five days' leave.
- 4.3 The granting of concessionary leave on compassionate grounds in accordance with HR policies.
- 4.4 The granting of unpaid leave in accordance with the Authority's policies from time to time.
- 4.5 The authorisation of timesheets, mileage, and subsistence claims and other expenses.

**5 Adjustment to staffing**

The authorisation of increment progression within grades.

Head of People and  
Organisational  
Development

**6 Attendance at Conferences etc.**

The authorisation of attendance by staff at such meetings, discussion groups, exhibitions, and conferences that appear to be in the interests of the Authority and for the efficient working of the organisation. To grant any reasonable and proper expenses in accordance with the Authority's policies from time to time.

**7 Entertainment**

The incurring of expenditure on the reception and entertainment by way of official courtesy of persons representative of or connected with local government or other public services whether inside or outside the United Kingdom (in the sum so far as Heads of Service are concerned not exceeding an annual total of £1,000).

**8 Licences, Notices etc.**

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|----------|---|--|
| 8.1      | Subject to any other provision of this scheme of delegation the determination of any application for permissions, consents or licences, or for registration within <del>his or her</del> <u>their</u> area of responsibility. |  |
| 8.2      | The issue and service of any notice or requisition for information concerned with matters within <del>his or her</del> <u>their</u> area of responsibility.   |  |
| 8.3      | The carrying out of works in default following non-compliance with any notice concerned with matters within <del>his or her</del> <u>their</u> area of responsibility.  | Authority Solicitor and Head of Resources                          |
| 8.4      | The responding to formal consultations from external organisations.   | Relevant Director  |
| <b>9</b> | <b>Contract Standing Orders and Financial Regulations</b><br>The taking of any action authorised by Contract Standing Orders and Financial Regulations.   | As specified in Contract Standing Orders and Financial Regulations |

## ANNEX 2

### Functions delegated to Chief Executive

	Function	Consultation
<b>1</b>	<b>Urgent Action</b>	
	<a href="#">1.1</a> The taking on the Authority's behalf of any action requiring an immediate decision, subject to the making of a report to the next meeting of the Authority or the relevant committee whichever is the sooner.	Chair and Deputy Chair of Authority; the Chair of any relevant Committee <a href="#">or Meeting</a> , time allowing
	<a href="#">1.2</a> The taking on the Authority's behalf of any action requiring an immediate decision of a financial nature or with financial implications, subject to the making of a report to the next meeting of the Authority or the relevant committee whichever is the sooner.	The Chair and Deputy Chair of the Authority and the Section 151 Officer
<b>2</b>	<b>Staff</b>	
	<a href="#">2.1</a> The approval and implementation of HR policies so as to ensure such policies are maintained in accordance with best practice <b>save for</b> those policies having strategic significance for the Authority and those with material financial implications	Chair and Deputy Chair and the Section 151 Officer
	<a href="#">2.2</a> The review of the Authority's staffing establishment and the adding and removal of posts from the establishment in accordance with the requirements of the Authority's business plan and revenue staffing budgets from time to time	Chair and Deputy Chair of Authority, the Section 151 Officer and the Head of People and Organisational Development

- 2.3 The determination and implementation of any matter in relation to the appointment, dismissal, discipline and determination and implementation of all other matters relating to the employment of staff and the conditions upon which they are employed other than matters expressly delegated to the Resources Committee or expressly reserved to the Authority. Head of People and Organisational Development
- 2.4 The application of all legislation relating to industrial relations, employment and health and safety. Head of People and Organisational Development Authority Solicitor
- 2.5 The application of all matters in relation to the Pensions Regulations except for those matters expressly delegated to the Resources Committee. Chair of Resources Committee and Section 151 Officer

**3 Local Government Act 2000 Section 92**

Authorisation of payments or providing of other benefits in relation to cases of maladministration etc. up to a maximum value of £5,000. Authority Solicitor

**4 Byelaws**

To grant consents and authorisations in accordance with any of the Authority's byelaws. Authority Solicitor

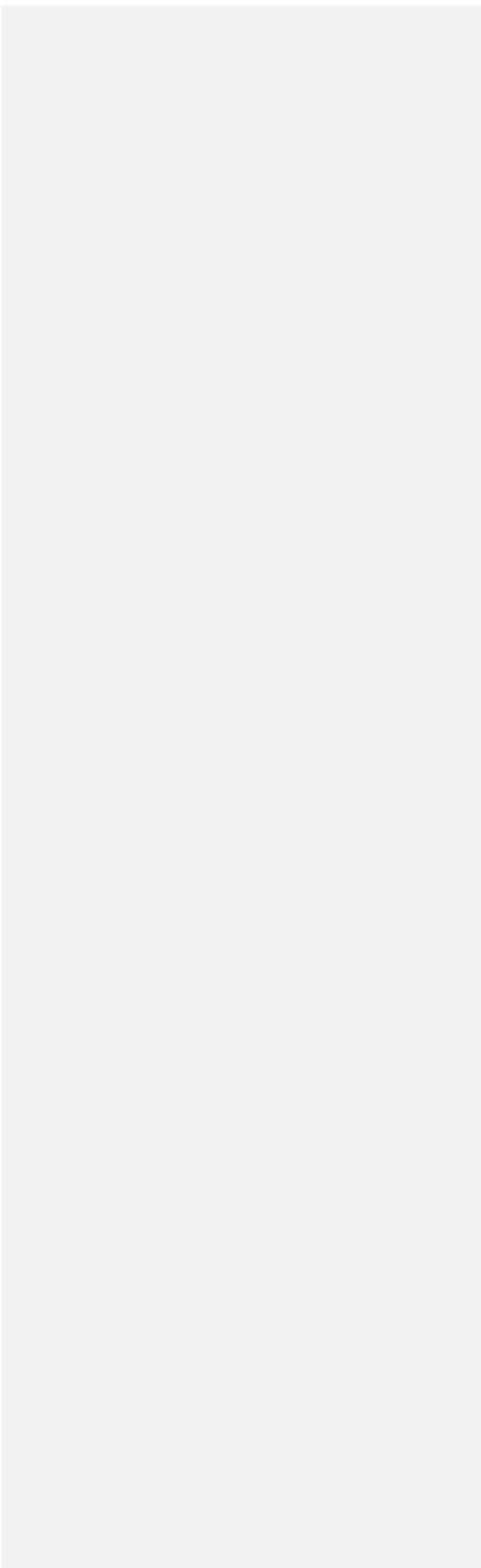
**5 Minor Amendments to Scheme of Delegation**

To make minor amendments to the scheme of Authority Solicitor delegation subject to the making of a report to the next meeting of the Authority.

**6 Farming in Protected Landscapes (FiPL)**

To determine applications made under the FiPL Scheme with a value of £10,000 or less.

|



### ANNEX 3

#### Functions delegated to the Director of Sustainable Development and the Assistant Director of Sustainable Development

- 1 Conservation Covenants Conservation Covenants Board  
To determine all applications for the Authority to act as Responsible Body for a Conservation Covenant made under the provisions of the Environment Act 2021

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## Annex 4

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### Functions delegated to Head of Rangers

Function	Consultation
<b>1 Rights of Way and Access Matters</b> All functions of the Authority under the Highway Acts (whether acting pursuant to its own functions or in pursuance of functions delegated to it by Westmorland & Furness Council of Cumberland Council) except for a) the making and confirmation of Definitive Map Modification Orders and b) the making and confirmation (or seeking confirmation from the Planning Inspectorate) of Public Path Orders under the provisions of the Planning Acts except where formal substantive representations have been made. “Substantive representations” are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.	Authority Solicitor
<b>2 Public Path Orders (Planning)</b> The making and confirmation (or seeking confirmation from the Planning Inspectorate) of Public Path Orders under the provisions of the Planning Acts except where formal substantive representations have been made. “Substantive representations” are those which explain adequately the nature of the concerns and meet the legal considerations defined by the Highways Acts and the Planning Acts.	Authority Solicitor
<b>3 Making Applications for Planning Permission</b> Making applications on behalf of the Authority in connection with the exercise of the Authority’s Rights of Way functions	

## ANNEX 54

### Functions delegated to Head of Development Management

Function	Consultation
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<b>1 Planning Matters</b>	
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To deal (in accordance with the requirements set out in [Part 2](#) of this Annex) with all matters relating to the exercise of the Authority's functions under the Planning Acts including all matters relating to the exercise of the Authority's functions under Part VIII Chapter 1 of the Town and Country Planning Act ~~1990~~~~Town~~ (as amended), the Country Planning (Tree Preservation)(England) Regulations 2012 and applications made under the Hedgerow Regulations 1997 except for the determination of

- (a) any application which must be accompanied by an Environmental Impact Assessment
- (b) any application which a member of the Authority has requested be referred to the Development Control Committee for decision in accordance with the provisions of Part 3 of Annex 5
- (c) any application which the Head of Development Management knows is made by or relating to property owned by the Authority, [other than an application made by the Authority in relation to land it does not own that raises no objections from a Town or Parish Council or Parish Meeting or from the public](#)
- (d) [any application which the Head of Development Management knows is made by or relating to property owned by](#) a member or employee of the Authority or

by a close relative of a member or employee of the  
Authority

~~(d) any application made by the Authority, other than an  
application that raises no objections from a Town or  
Parish Council or Parish Meeting or from the public~~

## **PART 2**

### **REQUIREMENTS TO BE OBSERVED BY THE HEAD OF DEVELOPMENT MANAGEMENT IN THE EXERCISE OF DELEGATED FUNCTIONS UNDER ANNEX 5**

- 1 All determinations shall be carried out in accordance with the Development Plan unless material considerations indicate otherwise.
- 2 Any determination of applications for certificates of lawfulness made under sections 191 and 192 of the Town and Country Planning Act 1990 shall be subject to consultation with the Authority Solicitor
- 3 No determination shall be made which conflicts with the substantive representations received from a Town or Parish Council or Parish Meeting.
- 4 No determination shall be made which conflicts with a substantive resolution of a Unitary Council.
- 5 No determination shall be made which conflicts with substantive representations received from five or more households.
- 6 No determination shall be made which conflicts with a decision made by the Development Control Committee (or by officers acting under delegated powers) on a previous similar application on the same site unless there has been a material change in circumstances. For the avoidance of doubt, this does not prevent the Head of Development Management making a determination by exercise of

delegated functions where material changes in circumstances overcome previous reasons for refusal.

- 7 All determinations made under the Scheme of Delegation shall be reported to the first available meeting of the Development Control Committee.
- 8 Nothing in the Scheme of Delegation shall prevent the Head of Development Management reporting any matter to Development Control Committee for decision when they consider it to be in the public interest to do so. In reaching this decision matters such as the type and scale of development, policy issues, novel proposals, and the nature of the representations made regarding the application, including any petitions received may be taken into account.
- 9 Nothing in this Scheme of Delegation shall prevent the Head of Development Management making a determination by exercise of delegated functions if a failure to determine under the Scheme would result in a deemed approval.
- 10 For the purposes of this part “substantive” shall mean that the representations explain the nature of the views taken (i.e. approve, refuse, or neutral), ~~and~~ and provide reasons that are capable of being material planning considerations in relation to the ~~decision, and~~ decision and are not contrary to the representations of a statutory consultee.

### **PART 3**

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

- 1 Each week all Members of the Authority will receive, by e-mail, a list of new applications registered by the Authority.
- 2 Members are encouraged to contact the Head of Development Management to discuss any application that they are considering requesting being referred to the Development Control Committee as soon as they are able. The Head of Development Management shall advise upon the matter, the timescale for

processing the application and by when any formal request should be received.

The Member shall provide a written planning reason for the application to proceed to Committee (email is appropriate) by the appropriate date. This procedure shall not preclude a revised date being provided if the process timetable is revised for some reason.

- 3 A Member's request that an application be referred to the Development Control Committee shall be met.

## ANNEX 65

### Functions delegated to Authority Solicitor

Function	Consultation
<b>1 Certificates of Lawfulness</b> The determination of applications for certificates of lawfulness under the Town and Country Planning Act 1990.	Head of Development Management
<b>2 Planning Offences</b> To lay information or issue proceedings on behalf of the Authority in any court in respect of any contravention of the Planning Acts.	Head of Development Management
<b>3 Byelaw Offences</b> To lay information or issue proceedings on behalf of the Authority in respect of the contravention of any byelaw made by the Authority.	
<b>4 Highways Acts Offences</b> To lay information or issue proceedings on behalf of the Authority in respect of the contravention of any offences contrary to the Highway Acts.	
<b>5 Notices and Requisitions</b> To serve any notice or requisition under any enactment or instrument empowering the Authority to act in order to secure due compliance with any statute.	
<b>6 Powers of Entry</b> To authorise appropriate officers to enter land pursuant to any statutory functions of the Authority and to authorise the making of applications for	

warrants in connection with the exercise of such functions.

**7 Legal Proceedings**

To authorise the institution, defence, withdrawal or compromise of any claims or legal proceedings whether civil or criminal in the name of the Authority or an individual officer of the Authority at common law or under any enactment, statutory instrument, order or byelaw conferring functions upon the Authority or in respect of functions undertaken by the Authority and to lodge an appeal against any decision taken in such proceedings. -For the avoidance of doubt this authority extends to the taking of all procedural steps, including the service of notices, statutory or otherwise, counter-notices and notices to quit.

**8 Section 223 of the Local Government Act 1972**

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

- To amend the documents forming the Authority Handbook as required to reflect legislative changes and changes to staffing.
- 9**

## ANNEX 76

### Functions delegated to ~~Section 151 Officer~~Head of Resources

	Function	Consultation
1	<b>Planning applications etc.</b> The making of an application for planning permission by the Authority under the Town and Country Planning General Regulations 1992, Regulation 3.	
2	<b>Acquisition and Disposal of interests in land</b>	
	2.1 To dispose of any interest in land by sale of the freehold or by lease with a term greater than 7 years where the market value is less than £100,000 (subject to the obtaining of professional valuation advice) <u>and</u> that the consideration in the case of a sale of land is not less than the best consideration reasonably obtainable, taking into account principles of best value.  Where the lease or licence of land and/or buildings is for commercial purposes and the annual value of the lease or license is greater than £50,000 or the lifetime value is over £250,000 member approval must be sought in accordance with the Financial Regulations.	Chief Executive
	2.2 To acquire any interest in land by purchase of the freehold or by lease where the market value or total value of the lease is less than £100,000 (subject to the obtaining of professional valuation advice) and in accordance with the Financial Regulations.	Chief Executive

2.3 To consider and decide upon the terms (including the prices) for sales and acquisitions of any interest in property which the Authority has agreed to buy or sell, including decision delegated to the Director of Visitor Services and Resources, or for the sale of any property which the Authority has declared surplus to its requirements (subject to the obtaining of professional valuation advice that the consideration in the case of a sale of land is not less than the best consideration reasonably obtainable).

### **3 Taking or granting of leases**

3.1 To negotiate and agree terms to take or grant a lease of property which the Authority Committee or Resources Committee has agreed shall be leased by or to the Authority and to agree rent reviews and deal with all other matters in connection with leases.

3.2 To negotiate and agree terms for the leasing of any property on terms which exclude the provisions of the Landlord and Tenant Act 1954 relating to security of tenure and are for a term of less than three years.

### **4 Compensation**

To agree claims for compensation due in accordance with the provisions of any statutory provision subject to the making of a report to the next meeting of the Authority.

Authority Solicitor



## **D5 STATUTORY AND PROPER OFFICERS**

D5.1 The roles of the Head of Paid Service, Section 151 Officer, and Monitoring Officer are roles required by statute. These Officers' powers and duties are set out in statute, and in Annex 8 below. The Head of Paid Service is the Chief Executive, the section 151 officer is the Head of Resources, and the Monitoring Officer is the Director of Sustainable Development.

D5.2 A Proper Officer means an Officer appointed by the Authority to discharge a particular function as set out in **section 270(3)** of the Local Government Act 1972. The functions contained in the Annex 8 are delegated to the Officers specified in Annex 9 to this Scheme of Delegation subject to the provisions of D4 of this Scheme of Delegation.

## ANNEX 8

### Statutory Officers

#### HEAD OF PAID SERVICE

The Head of Paid Service will have the following functions and areas of responsibility: -

- Overall corporate management and operational responsibility (including overall management responsibility for all Officers);
- Provision of professional advice to all parties in the decision-making process;
- Responsibility for a system of record keeping for all the Authority's decisions;
- Responsibility for promoting and maintaining probity in all of the Authority's activities;
- Representing the Authority on partnerships and external bodies as required by the Authority or by statute;
- Acting as co-ordinator in an emergency;
- Be the Proper Officer for all statutory purposes unless otherwise determined by this Scheme of Delegation;
- Be able to exercise all the powers delegated to the Directors unless there is a legal or professional impediment;
- Take urgent decisions in respect of any function which is considered necessary to protect the interests of or for advancing the business of the Authority. In those circumstances, the Chief Executive is authorised to take urgent decisions following consultation with the Chair (or Deputy Chair) of the Authority or the relevant committee. All urgent decisions will be reported to the next appropriate meeting of full Authority Membership or the relevant committee; and
- The Head of Paid Service may not be the Monitoring Officer but may hold the post of the S.151 Officer if a qualified accountant.

## **SECTION 151 OFFICER**

The S.151 Officer will have the following functions and areas of responsibility: -

- Ensuring lawfulness and financial prudence of decision making;
  
- After consulting with the Head of Paid Service and the Monitoring Officer, the S.151 Officer will report to the full Authority Membership or the Authority's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Authority is about to enter an item of account unlawfully;
  
- Administration of financial affairs. The S.151 Officer will have responsibility for the proper administration of the financial affairs of the Authority;
  
- Contributing to corporate management. The S.151 Officer will contribute to the corporate management of the Authority through the provision of professional financial advice;
  
- Providing advice. The S.151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Members and will support and advise Members and Officers in their respective roles;
  
- Give financial information. The S.151 Officer will provide financial information to the media, members of the public and the community; and
  
- The S.151 Officer cannot be the Monitoring Officer.

## **MONITORING OFFICER**

The Monitoring Officer will have the following functions and areas of responsibility: -

- Maintaining the Authority Handbook. The Monitoring Officer will maintain an up-to-date version of the Authority Handbook and will ensure that it is widely available for consideration by Members, staff and the public;
  
- Ensuring lawfulness and fairness of decision making. After consulting with the Head of Paid Service and the S.151. Officer, the Monitoring Officer will report to

the full Membership of the Authority if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered;

- Supporting the Governance Committee and Governance Sub-Committee. The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Governance Committee and Governance Sub-Committee;
- Be the Proper Officer to receive complaints for the failure to comply with the Code of Conduct;
- Proper Officer for access to information. The Monitoring Officer will ensure that Authority decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible;
- Advising whether Authority decisions are within the budget and policy framework. The Monitoring Officer will advise whether decisions of the Authority are in accordance with the budget and policy framework;
- Providing advice. The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Members and will support and advise Members and Officers in their respective roles;
- They will issue certificates of opinion in connection with politically restricted posts; and
- The Monitoring Officer cannot be the S.151 Officer or the Head of Paid Service.

## **ANNEX 9**

### **Proper Officers**

<b>Section of the Local Government Act 1972 and description of Function</b>	<b>Proper Officer</b>
115(2) Receipt of money due from officers	Section 151 Officer
225(1) Deposit of documents	Chief Executive
229(5) Certification of Photographic Copies of Documents	Authority Solicitor
234(1) and (2) Authentication of documents	Officers authorised in Annexes 1 to 7
236 Provision of copies of Byelaws	Authority Solicitor
238 Certification of byelaws	Authority Solicitor
Sections 100B to 100F Functions in connection with access to meetings and documents	Chief Executive

Schedule 12

Functions in connection with the meetings Chief Executive  
and proceedings of the Authority

## **D6 FARMING IN PROTECTED LANDSCAPES (FiPL) LOCAL ASSESSMENT PANEL**

D6.1 The Department for Environment, Food and Rural Affairs (Defra) have published the **Agricultural Transition Plan 2021-2024** and announced the Farming in Protected Landscapes programme. Under the FiPL programme Defra requires applications for programme funding to be made to the Lake District National Park Authority and determined by the National Park authorities by means of a Local Assessment Panel consisting of representatives of:

- the Protected Landscape Team
- Natural England
- the farming and land management community (several members)
- organisations with a focus on nature recovery, rural development, public access/engagement and existing agri-environment support and provision.

D6.2 The function and powers of the FiPL Local Assessment Panel are set out in the FiPL Programme documentation, and the purposes of the Panel are set out below for ease.

### **PURPOSE OF THE PANEL**

To consider and decide on applications for projects (funding of £10,000 or above) submitted to the Farming in Protected Landscapes (FiPL) programme, according to the agreed criteria for the programme as published in the information for applicants and in accordance with the scoring system determined by Defra as may be amended from time to time.

### **ROLE AND FUNCTION OF THE PANEL**

The Panel will: -

- refer all enquiries for the FiPL programme to the Protected Landscapes FiPL officer without prejudicing their decision making;
- receive a report and recommendations on all valid applications from the FiPL officer and consider all applications along with the FiPL officer's report and recommendations.

- determine grant applications valued at £10,000 or above using the scoring system provided by Defra, giving due regard to the FiPL National Framework and other guiding documents and the desired outcomes of the FiPL programme.
- award, partially award, request more information or refuse applications.
- give precise reasons for these decisions by reference to the guidance documents and scheme criteria.
- treat any decision as confidential until notice has been issued by the Lake District National Park Authority to the applicant.
- agree and review overall spending priorities across the four themes.
- review the profile of applications and decisions made across the themes and options.
- review progress and offer advice to LDNPA on the achievement of objectives and deliverables of the programme.
- review and make recommendations for alterations to the Panel's Terms of Reference for consideration by the Chief Officer or their nominee; and
- champion the FiPL programme with farmers, land managers and other relevant organisations.

Version	Author	Revised	Changes
v.1 Original	Julie Wood	1/04/2022	
v.2	Julie Wood	24/03/2023	To reflect changes in personnel
v.3	Julie Wood	Authority on 18/09/2025	To reflect changes in the Authority's structure and changes in personnel.
<u>v.4</u>	<u>Julie Wood</u>	<u>Authority on 25 March 2026</u>	<u>To reflect changes to the Authority's Committee structure.</u>