

## **Chilterns Conservation Board**

### **SCHEME OF DELEGATION TO COMMITTEE AND TO THE CHIEF OFFICER**

The Chilterns Conservation Board (“the Board”) adopted this scheme of delegation of functions to Committees and to the chief officer on 21st January 2005

The Board has delegated various functions, to the Executive Committee, to the Planning Committee to the Standards Committee and to the chief officer.

The Board also operates from time to time deliberative and advisory panels and working groups in relation to its various functions. None of these panels or working groups enjoys decision-making functions. All matters arising from the work of these bodies which require a decision will be brought to the Board or an appropriate committee by the chief officer.

This scheme of delegation should be reviewed after one year of operation.

#### **1. The Board**

- 1.1 The Board meeting shall exercise all the powers, duties and functions of the Board that are not specifically delegated to a committee under this delegation scheme.
- 1.2 Any arrangements made by the Board for the discharge of its functions by a committee, sub-committee or an officer shall not prevent the Board meeting from exercising those functions.
- 1.3 For the avoidance of doubt, the following powers, duties and functions are specifically reserved to be exercised by the Board meeting:
  - (a) The approval of standing orders for the conduct of the business of the Board.
  - (b) The approval of a Calendar of Meetings for the discharge of the business of the Board.
  - (c) The appointment of members or officers to outside bodies.
  - (d) The approval of the annual budget, and the approval of the Board’s annual accounts.
  - (e) The exercise of the Board’s powers of borrowing.

- (f) The determination of all constitutional and funding issues affecting the Board and its members.
- (g) The approval of the members allowances scheme.
- (h) The approval of the members' Code of Conduct & relevant protocols.
- (i) The approval of the members' annual training programme.
- (j) The approval of a complaints procedure.
- (k) The approval of employment policies including health and safety, industrial relations and related issues.
- (l) The appointment and dismissal of the chief officer and monitoring officer.
- (m) Disciplinary proceedings concerning the chief officer.
- (n) The approval of the strategies, policies plans and programmes that guide the Board in the discharge of its powers and duties.
- (o) The adoption of the management plan under section 89 of the Countryside and Rights of Way Act 2000.
- (p) To determine a Board response on any proposals that affect the Chilterns Area of Outstanding Natural Beauty or the Board, its powers, duties, functions and responsibilities, particularly but not exclusively, from central, regional or local government, neighbouring authorities, partnerships and other external bodies except where the chief officer considers that such response should be determined by officers, or a committee or sub-committee.
- (q) The determination of any matters where policy issues are relevant which have been referred for decision by any committee of the Board as required by Standing Orders.

## **2. Delegation to the Executive Committee**

### **Functions of the Executive Committee**

- 2.1 The Executive Committee shall regulate and control the Board's finances including balances and any capital or reserve funds, prepare the annual review and capital budget to make recommendations to the Board on the annual forecast, estimates and budget and to be responsible for borrowing transactions and the investment of funds.
- 2.2 The Executive Committee shall ensure that the Board makes adequate insurance arrangements.

- 2.3 The Executive Committee shall arrange for both the internal and external audit of the Board's accounts.
- 2.4 The Executive Committee shall make arrangements for the proper administration of the Board's financial affairs as required by section 151 of the Local Government Act 1972.
- 2.5 The Executive Committee shall monitor and review the implementation of the Board's policy and strategy as set out in the Area of Outstanding Natural Beauty Management Plan, Business Plan and Budget, and make recommendations accordingly.
- 2.6 The Executive Committee shall administer all human resources matters relating to the Board, including, but not being limited to, the administration, recruitment, training, discipline, determination of wage and salary scales, conditions of service and welfare of all staff, health and safety at work and the legislation relating to industrial relations and pension provision. However, for the purpose of hearing and determining of disciplinary grading and other appeals arising under the relevant conditions of service in respect of all the Board's staff, a sub-committee ("the Appeals Sub-Committee") shall be constituted as specified in paragraph 4 below.
- 2.7 The Executive Committee shall consider all matters of an organisational and administrative nature referred to it from time to time by the Board.

### **Composition of the Executive Committee**

- 2.8 The Executive Committee shall be comprised of nine members of the Board, one of whom will be the Chairman of the Board, and up to four persons who are not members of the Board. The composition of those nine members shall be as follows:

Local authority members:	5
Members appointed to the Board by the Secretary of State:	2
Parish Council members:	2

- 2.9 No substitute member is permitted to attend meetings on another member's behalf.

### **Form of Signature**

- 2.10 Where the Executive Committee acts on matters delegated to it, the chairman (or vice-chairman in his absence) of the Committee will be the authorised signatory using the following convention: "xxx, Chairman, Chilterns Conservation Board Executive Committee,

for and on behalf of the Chilterns Conservation Board”. From time to time, the chief officer may act on behalf of the Executive Committee. The chief officer will then be the authorised signatory and shall follow the convention with the appropriate amendments.

### **3. Delegation to the Planning Committee**

#### **Functions of the Planning Committee**

- 3.1 The Planning Committee shall make all representations on behalf of the Board in relation to planning policy and planning applications.
- 3.2 Exceptionally the Planning Committee may conclude that the matter on which it has commented is of such significance to the Chilterns Area of Outstanding Natural Beauty that it requires the authority of the Board. Where possible this will be dealt with under the “Report of the Planning Committee” item on the Board agenda. Where this is not possible the chairman of the Board will be asked to admit the matter as an immediate notice of motion pursuant to standing order 12.3
- 3.3 In particular cases where the Planning Committee requires informal guidance from the Board, the chairman of the Planning Committee, or in his absence, the deputy chairman, shall liaise with the chairman of the Board.
- 3.4 The Planning Committee shall delegate to the planning officer in consultation with the chief officer such of its functions as it considers desirable and expedient and shall keep such delegation under review.
- 3.5 The Planning Committee will report responses made on significant matters by it, or on its behalf, to the Board at each subsequent meeting of the Board.

#### **Composition of the Planning Committee**

- 3.6 The Planning Committee shall be comprised of nine members of the Board and up to four persons who are not members of the Board. The composition of those nine members shall be as follows:

Local authority members:	5
Members appointed to the Board by the Secretary of State:	2
Parish Council members:	2

## **Form of Signature**

- 3.7 Where the Planning Committee acts on planning matters under its delegated authority the chairman (or vice-chairman in his absence) of the Committee will be the authorised signatory using the following convention: “xxx, Chairman, Chilterns Conservation Board Planning Committee, for and on behalf of the Chilterns Conservation Board”.

## **4. The Appeals Sub-Committee**

- 4.1 The Appeals Sub-Committee shall comprise 3 members of the Executive Committee, of which one shall be a local authority member, one shall be a member appointed to the Board by the Secretary of State, and one shall be a parish council member. The members shall be chosen by the chief officer in consultation with the chairman of the Executive Committee, save that where the matter under appeal arises from a decision of the Executive Committee, the members chosen to sit shall be members of the Board who do not sit on the Executive Committee.
- 4.2 The Sub-Committee shall hear and determine all disciplinary and other appeals arising under the relevant conditions of service for all the Board’s employees.

## **5. The Standards Committee**

### **Functions**

- 5.1 The general functions of the Standards Committee are:
- a. to provide and maintain high standards of conduct by Board members;
  - b. to assist members of the Board to observe the Board’s Code of Conduct;
- 5.2 Without prejudice to its general functions, the Standards Committee shall have the following specific functions:
- a. to advise the Board on any necessary revisions of the Board’s Code of Conduct;
  - b. to monitor the operation of the Board’s Code of Conduct, and to propose such amendments, deletions and additions as shall be needed from time to time to the Board;
  - c. to advise, train and arrange to train members of the Board on matters relating to the Board’s Code of Conduct.

## **Composition**

- 5.3 The Standards Committee shall comprise three members of the Board and one independent member.
- 5.4 The membership of the Standards Committee shall consist of, and include, a local authority member of the Board, a member appointed by the Secretary of State and a parish council member.

## **Guidance by the Standards Board for England**

- 5.5 In the exercise of its functions, the Standards Committee must take account of any guidance issued by the Standards Board for England.

## **6. Scheme of Delegation to the Chief Officer**

- 6.1 The chief officer of the Board is authorised to act on behalf of the Board in relation to any matters subject to the following overriding provision.

Any action under delegated powers shall be in accordance with:

- a. The overall policies approved by the Board or any of its committees or sub-committees;
  - b. Standing orders;
  - c. Financial regulations.
- 6.2 Without prejudice to the above delegation, the chief officer is expected in appropriate cases to:
- a. Maintain a close liaison with the Board's chairman and/or the appropriate committee chairman or sub-committee chairman (or in his absence the vice-chairman and with local authority members, members appointed by the secretary of state and with parish council members;
  - b. Consult as necessary with any member who has a specific, local or specialist interest in the matter;
  - c. Consult with the Board's monitoring officer.
- 6.3 Before exercising any delegated power the chief officer must consider whether the decision to be made is of such a nature that it ought to be referred for decision to the Board or to the appropriate committee or sub-committee.

6.4 Any power delegated to the chief officer may be exercised by an authorised officer in his absence or at other times with any general directions of the chief officer.

## **Personnel**

6.5 The chief officer is authorised to act in relation to the appointment, dismissal, discipline and determination of all other matters relating to the employment of staff and the conditions on which they are employed as specified in the Personnel Handbook.

6.6 The chief officer may authorise employees to exercise such powers of entry, inspection and survey of land, buildings or premises and may issue any necessary evidence as authority as may be appropriate to the exercise of his duty and in respect of which the Board has power.

## **Legal and Procedural**

6.7 The chief officer may:

- a. serve statutory notices to ascertain the legal interests of any person in land;
- b. to institute, defend or settle legal proceedings in the name of the Board or an individual officer of the Board at common law or under any enactment, statutory instrument, order or byelaw conferring functions upon the Board or in respect of functions undertaken by them and to lodge an appeal against any such decision. For the avoidance of doubt this authority shall extend to the taking of all procedural steps, including the service of notices, statutory or otherwise, counter-notices and notices to quit.
- c. To authorise officers of the Board 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 Board at any inquiries, tribunal or other body responsible for matters affecting the Board.

## **Planning**

6.8 The Planning Committee may delegate its responsibilities for making representations and objections to the chief officer of the Board, or to the planning officer in consultation with the chief officer, in circumstances where response deadlines do not enable prior consideration by the Planning Committee. Any responses will be agreed with the chairman of the Planning Committee and shall be reported to the next meeting of the Planning Committee for ratification.

6.9 When necessary the chief officer will consult with the chairman of the Planning Committee and relevant members of the Planning Committee before making comments or representations.

### **Form of Signature**

6.10 Where action is delegated to the chief officer, he will be the authorised signatory in the same manner as above. Where action is delegated to the planning officer in consultation with the chief officer, he will be the authorised signatory in the same manner as above.