

# Brecon Beacons National Park Authority

## Terms of Reference of the Authority and its Committees and Scheme of Delegation



**Next Review Date: Autumn 2019**

**BBNPA Terms of Reference & Scheme of Delegation – Approved 20 May 2010**  
**Addition of Communications Working Group – Approved 1 July 2011**  
**Addition of Part V delegation to Director of Planning re LDP – 9 December 2011**  
**Amendments re scrutiny to NPA and ASC – approved 30 March 2012**  
**Reviewed, updated and approved by the NPA on 28 September 2012**  
**Amendments to Enforcement delegation approved by NPA on 3 May 2013**  
**Amendments to Terms of Reference – NPMP & SoP Working Group – 28 June 2013**  
**Addition of Scrutiny Working Group – NPA 30 September 2013**  
**Changes to delegation to officers (the Authority) and update on legal provision – NPA – 13 December 2013**  
**Changes to working groups: mergers and deletions – approved NPA 9 May 2014;**  
**addition to NPA of requirement of Chairs to make an annual presentation to NPA.**  
**Changes to PAROW delegation approved NPA 11 July 2014**  
**Changes to Urgent Business Committee – NPA 8 April 2016**  
**Updates, movement of minor issues to CEO Delegation – NPA 23 September 2016**  
**Changes to Part VI of NPA terms of reference – 11 November 2016**  
**Changes to financial level of delegation to officers (Grants Advisory Panel and Sustainable Development Fund Committee) – 11 November 2016**  
**Change to Rights of Way Delegation, planning delegation – 30 June 2017**  
**Addition of Local Access Forum Selection Panel – 22 September 2017**  
**Changes to composition of Affordable Housing Working Group – 22 September 2017**

Amended and approved NPA 25 June 2019

**Changes to PART V the Delegation of countryside, land management and other property matters – 20 April 2018**

**Changes to PART VI the delegation to the chief executive and director of planning acting jointly – 20 April 2018**

**Changes to PART VII the delegation to the executive – 20 April 2018**

**Changes to PART VI of PAROW - Delegation to the director of Planning – 20 April 2018**

**Changes to implement the new governance structure – 30 July 2018**

**Changes to reflect the post of Director of Planning being deleted from the structure – 21<sup>st</sup> September 2018**

**Changes to Part VI of the Scheme of Delegation – 12 February 2019**  
**Changes to reflect internal staff and management structures – 25 June 2019**

I. The Authority has determined that its functions shall be discharged as follows:

- a) by the Authority in respect of those functions listed at Appendix A
- b) by the Committees specified in Appendices B-E
- c) by the Grants Advisory Panel in Appendix F
- d) by the Sustainable Development Fund Committee in Appendix G
- e) by recommendations from working groups in Appendices H-K

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## GENERAL CONDITIONS OF DELEGATION FOR OFFICERS

The delegations to officers set out in the following Appendices are subject to the following

1. The powers delegated to officers shall be exercised in accordance with:
  - a) the Standing Orders of the Authority;
  - b) the Financial Regulations and Standards of the Authority;
  - c) the appropriate Terms and Conditions of Service for the officers and employees concerned;
  - d) the Authority's adopted policies.
2. The following terms shall be regarded as conferring delegated powers:

To administer, agree, allocate, appoint, approve, authorise, be responsible, carry out, consider recommendations, control and develop, deal with, decide, determine, discharge, ensure, exercise, grant, identify, initiate and carry out, interview, issue, keep under review, make, make decisions, review, settle, undertake, waive
3. For the avoidance of doubt, unless otherwise indicated, the words “to approve”, “to issue”, “to appoint” and all other words mentioned in paragraph 2 above shall be construed as having a negative as well as a positive meaning.
4. Where any matter involves professional or technical considerations not within the sphere of competence of the relevant officer that officer shall seek appropriate professional or technical advice before authorising action.
5. Where any delegation requires the relevant officer to consult with the Appropriate Member(s) –
  - a. Consultation will normally be carried out in writing (and it shall be assumed that an Appropriate Member has no objection to the proposed decision or action if he fails to respond within 3 days); and
  - b. In cases of urgency, consultation may be other than in writing.
6. The Chief Executive, National Park Delivery Director or Section Manager may authorise any officer to exercise the delegated powers on his/her behalf provided that such authorization is in writing and specifies the delegated powers the officer is authorized to

exercise precisely by reference to the parts and paragraphs in this Scheme and that such written authorisations are kept on a file, which is specifically created for this purpose.

7. References in this scheme to enactments or any other legislation include those enactments or legislation as amended or replaced.

## APPENDIX A

# THE AUTHORITY

## Composition

The Authority shall comprise all Members.

## Terms of Reference

1. To make and review Standing Orders and Financial Regulations.
2. To determine, approve and review the decision making structure (the Terms of Reference and Scheme of Delegation) of the Authority, including the delegation of functions to and composition of committees and sub-committees and the delegation of functions to the Chief Executive and officers.
3. To determine and approve procedures and protocols to assist the efficient undertaking of the functions of Committees.
4. To approve policies and strategic and development plans
5. To appoint the Chief Executive, Monitoring Officer, Section 151 Officer and Data Protection Officer in accordance with the relevant legislation
6. To receive for approval minutes of those Committees without delegated powers.
7. To be responsible for the Authority's financial resources and assets.
8. To approve annual capital and revenue estimates for the ensuing financial year.
9. To set a budget requirement for the ensuing financial year and arrange for the notification of each constituent authority of annual levies.
10. To approve and receive updates on the Prudential Code Indicators
11. To approve the level and use of reserves
12. To approve the Statements of Accounts which includes the Annual Governance Statement and authorise the Chair and Section 151 Officer to sign them
13. To adopt a code as regards the conduct which is expected of Members and co-opted Members of the Authority

14. To consider reports referred to the Authority by the Public Services Ombudsman for Wales under Section 16 of the Public Service Ombudsman Wales Act 2005 and determine appropriate action
15. To approve recommendations from Audit and Scrutiny Committee on the topics for scrutiny studies each year, and appoint Members to scrutiny panels
16. To receive the final reports of scrutiny studies and determine the appropriate course of action in response to the recommendations therein
17. To appoint representatives to outside bodies.
18. To make by-laws.
19. To determine and approve the terms and conditions, including amendments thereto, of employment of all employees
20. To make any changes to the permanent establishment
21. To make appointments to staff grades over spinal point 49
22. To agree a framework for setting and reviewing Chief Officers' pay and conditions
23. To award statutory and extra statutory holidays.
24. To undertake joint consultation with employees' representatives through the Joint Liaison Committee on discipline, security, safety and welfare anomalies of a minor nature, disputes and grievance procedure, supervision , Communication and efficiency in order to maintain and enhance good working relationship with employees.
25. To authorise extensions of sick pay.
26. To deal with voluntary redundancies
27. Other matters which the Authority from time to time determines to reserve to itself even though the matter is delegated to a Committee or officer.
28. To determine matters fixed by law to be determined by the Authority.
29. The Authority shall receive an annual presentation from the Chairs of the Authority and its committees, to be scheduled at a full Authority meeting prior to the Annual General Meeting each year.

## **PART I      DELEGATION TO THE CHIEF EXECUTIVE**

1. To act on behalf of the National Park Authority in the administration and day to day operation of the Authority and in cases of urgency.
2. To determine the need for temporary staff
3. To appoint individual staff up to spinal point 49.

4. To implement National Salary and Conditions of Service Awards.
5. To determine and award honoraria.
6. To approve requests from Powys Pension Fund to release pension benefits relating to former members of staff
7. Authority to renew leases licences or agreements in cases where the terms are substantially the same and the sums payable are within the financial limit set by the Authority.
8. To take any action to give effect to any decision of the Authority
9. To authorise the entry on land (including buildings) for the purpose of surveying or investigation in connection with the Authority's functions as set out in the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Wildlife and Countryside Act 1981, any other relevant legislation, or in relation to proposed compulsory acquisitions.
10. To instruct the Authority's nominated legal advisors to serve any notice or requisition for information under any Act requiring the owner or occupier of or any person having an interest in or managing any land or premises to give information to the Authority.
11. To issue instructions in relation to the good management of the Authority's land and property assets including relevant notices.
12. To execute any Deed or agreement on behalf of the Authority
13. To obtain Counsel's opinion and to instruct Counsel on behalf of the Authority.
14. To sign on behalf of the Authority any document necessary to give effect to any resolution of the Authority, or of any Committee or Sub-committee acting within powers delegated by the Authority.
15. To instruct the Authority's nominated legal advisors to institute, withdraw, or defend civil proceedings and intervene in or appear in proceedings before any court, the Lands Tribunal, an industrial tribunal, a Coroner, or any other statutory tribunal or inquiry, or arbitrator, where the interests of the Authority are involved, and to reach agreement as to settlement of such proceedings where appropriate.
16. To accept service of any proceedings.
17. To instruct the Authority's nominated legal advisors to institute and withdraw criminal proceedings in respect of offences against legislation (including by-laws) which the Authority is authorised to enforce, and institute or defend appeals arising out of such proceedings.
18. To instruct the Authority's nominated legal advisors to defend any criminal proceedings brought against the Authority and to institute or defend appeals arising out of such proceedings.

## **PART II DELEGATION TO THE CHIEF EXECUTIVE AFTER CONSULTATION WITH CHAIR AND DEPUTY OF THE AUTHORITY**

1. In the event of any emergency or other urgent business that cannot reasonably be referred to the Authority, the Chief Executive is authorised to take any necessary action which is essential for the wellbeing of the Authority or its employees. In all such cases the Chief Executive should consult with the Chair and with the Section 151 Officer whenever urgent action has a financial consequence for the Authority, or with the Monitoring Officer and/or Solicitor to the Authority in relation to any legal consequences.
2. In cases of urgency, and following consultation with the Chair or Deputy Chair of the Authority, to sign any deed or document on behalf of the Authority.
3. Any decisions made under Paragraphs 1 and 2 above shall be reported to the National Park Authority at the earliest opportunity
4. To agree attendance of members at conferences.
5. To agree BBNPA participation or endorsement of Partnership and Sponsorship opportunities negotiated by National Parks Partnerships LLP or through the National Parks UK Charity Foundation provided that Members have been consulted on the same and given the opportunity to call-in the proposal for further discussion. In order for a proposal to be called in it will be sufficient for a Member to make such a request but that request must be made within 10 working days of the date of the consultation.

## **PART III DELEGATION TO CHIEF OFFICERS**

1. To incur revenue expenditure within agreed estimates subject to Financial Regulations and Standing Orders
2. To incur capital expenditure included in the agreed capital programme subject to Financial Regulations and Standing Orders
3. To submit grant bids and accept offers of grant provided a): they are within the financial authorization limits in force for the time being; and b): appropriate consideration has been given to any grant conditions which apply in terms of risk to the Authority.
4. To submit proposals in relation to opportunities for additional funding to meet unfunded pressures and accept funding offers made in this regard.

## **PART IV DELEGATION TO CHIEF EXECUTIVE**

To make decisions on any matters arising on the proposed Local Development Plan through its period of Examination and up to adoption. Any decision or action so taken shall be notified to the Chair of the Authority as soon as is practical and reported to the next meeting of the Authority.



## **PART V DELEGATION OF COUNTRYSIDE, LAND MANAGEMENT AND OTHER PROPERTY MATTERS**

### **GENERAL POWERS DELEGATED TO OFFICERS**

1. The Chief Executive, National Park Delivery Director, Natural Resources Manager, Commercial Manager and Wardens Manager are authorized as indicated below to permit temporary access to, or use of, Authority land (excluding large scale organized recreational and sporting events – see 2. below) for purposes including but not limited to site surveys, site management, and informal recreational activities so long as no freehold or leasehold interest in land is created and any consideration involved does not exceed £5,000. Temporary in this context is defined as being no more than 14 days with the Wardens Manager being authorized to permit access/use/activities for up to 3 days in duration, the Natural Resources Manager and Commercial Manager 7 days and the Chief Executive/National Park Delivery Director 14 days.
2. Organised recreational and sporting events will be managed and approved as defined in the Events Policy once adopted.
3. The Chief Executive, National Park Delivery Director, Natural Resources Manager and Wardens Manager are authorized to make any necessary applications for consent (for example Potentially Damaging Operations consent for works on SSSIs)
4. Any appropriate Officer with direct responsibility for a property or project may:
  - a. let contracts for works and services affecting Authority-owned land provided that such authorizations are limited to the financial approval limits for the cost of the works involved.
  - b. Agree terms of access for statutory undertakers who hold the relevant powers of entry

### **PART VIa DELEGATION TO THE CHIEF EXECUTIVE AFTER CONSULTATION WITH CHAIR AND DEPUTY OF THE AUTHORITY**

1. Authority to negotiate and agree the acquisition or disposal of freehold interests provided that the value of the transaction is less than £125,000 (excluding vat and fees) in line with the Chief Executive's authorisation limit subject to the requirement to secure best value. The decision to be reported to the Authority at the next available meeting.
2. Authority to negotiate, vary and agree the acquisition, assignment or granting of leasehold interests, or the termination of such interests, provided that:
  - a. The value of rental payments is below the threshold for payment of Stamp Duty Land Tax – currently set at £40,000 per annum
  - b. The length of the initial term is less than 7 years
  - c. Any business tenancies granted are contracted out of the security of tenure provisions within the 1954 Landlord and Tenant Act
  - d. Best value can be demonstrated to have been obtained
  - e. The decision is notified to the Authority at the next meeting.

## **PART VIb DELEGATION TO THE CHIEF EXECUTIVE AND/OR THE NATIONAL PARK DELIVERY DIRECTOR**

1. Authority to negotiate, vary and grant long term and/or permanent leases, licenses, easements and wayleaves on or over Authority owned land subject to the proposal having been approved by the Corporate Governance Team, and by a Member Group convened by the Chief Executive in consultation with the Chair of the Authority for the purpose of considering the proposal. This group to comprise three Members to include one Welsh Government appointed Member and two Local Authority appointed Members, including the relevant Member Champion if appropriate. Where the proposal would involve a development proposal for which the Authority is the Planning Authority then the Member Group to comprise the three Members who do not sit on the PAROW committee.
2. Authority to negotiate, vary, terminate and agree temporary licences, consents or other agreements up to and including a maximum term of 5 years (including conservation management and access agreements under s.39 of the Wildlife and Countryside Act 1981 and agreements under agri-environment schemes) relating to:
  - a. Land and property, provided that there is no transfer of freehold or leasehold interest and any compensation or acknowledgement payments do not exceed Chief Executive's Authorisation limit (currently £125,000) or, where relevant, any licence payments etc do not exceed the threshold for payment of Stamp Duty Land Tax – currently set at £40,000 per annum.
  - b. Operational services, provided there is no transfer of freehold or leasehold interest and any payments related to the services do not exceed the Chief Executive's Authorisation limit (Currently £125,000).
  - c. To negotiate, vary and grant easements and wayleaves over Authority owned land provided that any lump sum compensation or acknowledgement payments do not exceed Chief Executive's Authorisation limit (Currently £125,000).

## **PART VII DELEGATION TO THE CHIEF EXECUTIVE**

1. To submit applications for planning permission on Authority owned land on behalf of the Authority subject to the proposed development having been approved by the Corporate Governance Team and where the total cost of the development excluding VAT and fees does not exceed £125,000.
2. To submit applications for planning permission on behalf of the Authority in all other cases subject to the proposed development having been approved by the Corporate Governance Team) and by a Member Group convened by the Chief Executive in consultation with the Chair of the Authority for the purpose of considering the development. This group to comprise three Members to include one Welsh Government appointed Members and two Local Authority appointed Members, including the relevant Member Champion if appropriate.

## **PART VIII DELEGATION TO DIRECTORS**

1. To authorise and approve overtime claims.
2. To authorise the attendance by employees at external seminars, training courses and conferences of up to and including 5 days' duration.

## **PART IXa DELEGATION TO THE CORPORATE GOVERNANCE TEAM**

1. To approve the submission of grant applications for corporate project proposals up to £125,000.

## **PART IXb DELEGATION TO THE NATIONAL PARK DELIVERY DIRECTOR**

1. To accept project grant offers where the Authority (or the Corporate Governance Team where the delegation under Part IXa is exercised) has already been given approval that the bid may be submitted, providing appropriate consideration has been given to any grant conditions which apply in terms of risk to the Authority.
2. To submit applications for grants and accept delivery project grant offers up to £75,000 provided that the project has been approved by the Senior Delivery Team and aligns with the National Park Management Plan and Corporate Plan priorities.
3. To submit applications for grants and accept delivery project grant offers up to £125,000 provided that the project has been supported by the Senior Leadership Group and aligns with National Park Management Plan and Corporate Plan priorities.

## PLANNING ACCESS AND RIGHTS OF WAY COMMITTEE

### Composition

The Committee shall comprise 21 Members of the Authority who satisfy the Chief Executive that they have completed approved training in planning matters. "Approved training" means training approved by the Chief Executive for the purpose of sitting on the Committee.

### Terms of reference

To exercise the Authority's powers and duties for the control of development, enforcement of planning control and other related matters.

To perform the duties imposed and exercise the powers conferred by legislation in relation to access to and rights of way across land within the area of the National Park Authority. These comprise the duties imposed and powers conferred on the Authority directly or under the Delegation Agreements with Unitary Authorities entered into under section 101 of the Local Government Act 1972.

### Delegated Powers

#### Planning

1. To bring Development Plan policy issues to the attention of the National Park Authority where they arise from specific planning applications.
2. To determine general supplementary policy and procedures on Development Control matters, subject to the provisions of the Development Plan.
3. To make directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995.
4. To exercise all the powers and duties of the Authority as local planning authority and mineral planning authority, including but not limited to the Town and Country Planning 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, the Planning Compulsory Purchase Act 2004, the National Environment and Rural Communities Act 2006, The Planning Act 2008 and any related secondary legislation.
5. To determine mineral review applications pursuant to Section 96 and Schedules 13 and 14 of the Environment Act 1995.

#### Access and Rights of Way

6. To consider and determine the terms of delegation agreements and rights of way improvement plans on general policy on access and rights of way matters.
7. (a) To make Orders under the Highways Act 1980 to divert, widen, create and extinguish public paths except as provided for under PART VI, 5;

- (b) to authorise the making of applications to the Magistrates' Court under the Highways Act 1980 for the diversion and stopping up of public rights of way;
  - (c) to make orders under Section 53 of the Wildlife and Countryside Act to make modifications to the Definitive Map and Statement;
  - (d) to make orders under Section 257 of the Town and Country Planning Act 1990 except as provided for under PART VI, 6;
  - (e) where appropriate to determine not to confirm orders under the legislation identified above.
8. (a) To authorise the institution of legal proceedings under the legislation specified in the Delegation Agreements made under Section 101 Local Government Act 1972 with the Unitary Authorities to protect public rights of way generally;
  - (b) to authorise such other action as the Committee considers expedient to protect public rights under the Highways Act and which is authorised by that or other legislation.
9. To authorise the waiving of charges for public path diversion and extinguishment orders in accordance with the policy concerning the recovery of costs for public paths and rail crossing orders (this only applies to those applications being considered by the Planning, Access and Rights of Way Committee).
  10. To perform the duties imposed and exercise the powers conferred under Parts I and II of the Countryside and Rights of Way Act 2000.
  11. To make traffic regulation orders under Sections 1 and 2 Road Traffic Regulation Act 1984
  12. To receive reports from and the minutes of the Local Access Forum.
  13. To consider and make decisions on the recommendations of the Local Access Forum.

## **PART I DELEGATION TO THE CHIEF EXECUTIVE AND THE PLANNING AND HERITAGE MANAGER**

- I. To determine all forms of planning and related applications and all notifications submitted under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, the Planning and Compulsory Purchase Act 2004 or under any related secondary legislation EXCEPT the following:
  - a) those applications or notifications that any Member of the Authority requests be determined by the Planning Access and Rights of Way Committee provided that such request is made to the Chief Executive or the Planning and Heritage Manger, in writing specifying the grounds on which the request is made and is received by the Chief Executive or the Planning and Heritage Manager, within 15 working days of the date on which a weekly list of applications proposed to be dealt with under delegated powers has been sent to all Members of the Authority;

- b) those applications or notifications which the Chief Executive or the Planning and Heritage Manager, considers should be dealt with by Committee;
- c) those applications for major development as defined on Article 2(1) of the Town and Country Planning (Development Management Procedure) (Wales) Order 1995;
- d) those applications or notifications in respect of which the Authority is the applicant or has a legal interest in the land which is the subject of the application or notification;
- e) those applications or notifications where the Chief Executive or Planning and Heritage Manager is aware that a Member or former Member of the Authority (within the last 2 years), a member of the Senior Leadership Group, an officer of the Authority directly involved in the handling of applications or notifications or a member of the family or close friend of such a person is the applicant or otherwise has a legal interest in the land which is the subject of the application or notification.

Provided that where an application or notification is reported to the Planning Access and Rights of Way Committee because it falls within one of the above exceptions a written record of the fact together with reasons must be recorded on the application file

2. To decline to determine applications for planning permission.
3. To determine applications for planning permission as invalid.
4. To request additional information be supplied by applicants for planning permission in accordance with the Town and Country Planning (Applications) Regulations 1988 and Town and Country Planning (Development Management Procedure) Wales Order 2012.
5. To refuse applications for planning permission on grounds of insufficient information being supplied.
6. To deem planning applications as withdrawn and to accept formal withdrawal of planning applications or to finally dispose of applications under the Regulations.
7. To approve/refuse details required by planning condition.
8. To determine applications for reserved matters.
9. To determine minor amendments to approved plans.
10. To reply to consultations in respect of planning applications, development consent orders or notifications received from the Welsh Government by other authorities, statutory bodies and agencies.
11. To determine the need for an environmental assessment in respect of any development within Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations Act 1999 and to determine what information is required and should be contained in any environmental assessment under those Regulations.
12. Authority to issue and withdraw:

- a) Notices under Section 215 Town and Country Planning Act 1990 (land adversely affecting the amenity of an area);
  - b) Breach of Condition notices under Section 187A Town and Country Planning Act 1990;
  - c) Building Preservation Notices under Section 3 (3) and 91(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Historic Environment (Wales) Act 2016;
  - d) Enforcement Warning Notices under Section 173ZA of the Town and Country Planning Act 1990 as amended by the Planning (Wales) Act 2015;
  - e) Temporary Stop Notices under Section 171E of the Town and Country Planning Act 1990 as amended and commenced in Wales through the Planning and Compulsory Purchase Act 2004 (Commencement No. 14 and Saving) Order 2015;
  - f) Temporary Stop Notices for listed buildings under Section 29 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by the Historic Environment Act (Wales) 2016.
13. To instruct the Authority's nominated legal advisors to consider any matter that constitutes an offence under planning legislation or which requires legal action, including but not limited to:
- a) the non-return of section 330 (requisition for information) notices;
  - b) the non-return of section 171 (planning contravention) notices;
  - c) failure to comply with enforcement notices; and
  - d) the unlawful display of advertisements.
14. To determine that it is not expedient to take enforcement action and determine that enforcement cases should be considered resolved EXCEPT the following:
- a) The case relates to a site in which a Member or an employee of the Authority has an interest in the land. This will also apply where a Member or employee of the Authority has left the Authority less than twelve months prior to the commencement of the investigation;
15. To issue or withdraw enforcement notices under section 172 of the Town and Country Planning Act 1990 or listed building enforcement notices under section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 EXCEPT the following:
- a) The case relates to a site in which a Member or an employee of the Authority has an interest in the land. This will also apply where a Member or employee of the Authority has left the Authority less than twelve months prior to the commencement of the investigation;

- b) The case relates to land in which the Authority has an interest or a financial interest as landowner;
- c) Cases which, in the opinion of the Chief Executive or the Planning and Heritage Manager, raise matters of significant public and/or Member interest;
- d) Cases that are considered by the Chief Executive or the Planning and Heritage Manager to be contentious or controversial;
- e) Cases that are likely to have financial implications for the Authority in excess of £50,000
- f) Cases with financial implications for the Authority of less than £50,000 which cannot be funded from the operational budget.
- g) The case is one in which direct action is recommended;
- h) The case is one in which involves the removal of a dwelling house;
- i) The case is one that in the opinion of the Director of Planning or the Planning and Heritage Manager consider should be referred to Committee.

16. To determine

- a) notifications of demolition; and
- b) notifications under Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

17. To respond to notifications under the Hedgerow Regulations 1997 and to determine applications and exercise statutory powers in relation to any legislation relating to hedgerows.

18. To sign all decisions and other notices pursuant to a resolution of the Development Control Committee or under the delegations in this Part.

19. To authorise the making of agreements and accepting unilateral obligations under Section 106 Town and Country Planning Act 1990.

20. (a) To authorise the making, varying and revocation of Tree Preservation Orders and provisional Tree Preservation Orders under Sections 198 and 201 Town and Country Planning Act 1990.

(b) To determine applications to carry out works to trees subject to a Tree Preservation Order or located within a Conservation Area

21. To confirm Tree Preservation Orders and provisional Tree Preservation Orders where no valid objection is received within the statutory objection period.

22. To serve notices under Section 207 Town and Country Planning Act 1990 requiring the re-planting of trees.



23. To take action under Section 225 Town and Country Planning Act 1990.
24. To determine applications for advertisement consent.
25. To determine applications under Section 192 Town and Country Planning Act 1990 (certificates of lawfulness of proposed use or development).
26. To classify applications as notification development and refer to the Welsh Government.
27. To respond on behalf of the Authority to consultations under the Planning Act 2008.
28. To review and update any published Supplementary Planning Guidance or Procedural Guidance produced by the Authority to take account of legislation or policy changes or changes to Operational Procedure.

## **PART II DELEGATION TO THE CHIEF EXECUTIVE, THE PLANNING AND HERITAGE MANAGER AND PRINCIPAL PLANNING OFFICERS:**

- I. To determine householder applications for planning permission for work or extensions to a dwelling or within the boundary/garden of a dwelling submitted under the Town and Country Planning Act 1990, EXCEPT the following:
  - a) those applications or notifications that any Member of the Authority requests be determined by the Planning Access and Rights of Way Committee provided that such request is made to the Chief Executive or the Planning and Heritage Manager in writing specifying the grounds on which the request is made and is received by the Chief Executive or Planning and Heritage Manager within 15 working days of the date on which a weekly list of applications proposed to be dealt with under delegated powers has been sent to all Members of the Authority;
  - b) those applications or notifications which the Chief Executive or the Planning and Heritage Manager considers should be dealt with by Committee;
  - c) those applications or notifications where the proposed development does not, in the opinion of the Chief Executive or the Planning and Heritage Manager comply with planning policy and it is proposed to approve the application or notification;
  - d) those applications or notifications where the proposed development, in the opinion of the Chief Executive or the Planning and Heritage Manager, does comply with planning policy and it is proposed to refuse the application or notification;
  - e) those applications or notifications where there is a written objection from a statutory consultee which, in the opinion of the Chief Executive or the Planning and Heritage Manager, is significant in weight and it is proposed to approve the application or notification;
  - f) those applications or notifications in respect of which the Authority is the applicant or has a legal interest in the land which is the subject of the application or notification;

- g) those applications or notifications where the Chief Executive or the Planning and Heritage Manager, is aware that a Member or former Member (within the last 2 years) of the Authority, a member of the Senior Leadership Group, an officer of the Authority directly involved in the handling of applications or notifications or a member of the family or close friend of such a person is the applicant or otherwise has a legal interest in the land which is the subject of the application or notification.

Provided that where an application or notification is reported to the Planning Access and Rights of Way Committee because it falls within one of the above exceptions a written record of the fact together with reasons must be recorded on the application file

2. To decline to determine applications for planning permission.
3. To determine applications for planning permission as invalid.
4. To request additional information be supplied by applicants for planning permission in accordance with the Town and Country Planning (Applications) Regulations 1988 and Town and Country Planning (Development Management Procedure) Wales Order 2012.
5. To refuse applications for planning permission on grounds of insufficient information being supplied.
6. To deem planning applications as withdrawn and to accept formal withdrawal of planning applications or to finally dispose of applications under the Regulations.
7. To approve/refuse details required by planning condition.
8. To determine applications for reserved matters.
9. To determine minor amendments to approved plans.
10. Authority to issue and withdraw:
  - a) Requisition for information notices under Section 330 Town and Country Planning Act 1990;
  - b) Planning Contravention Notices under Section 171C Town and Country Planning Act 1990 ;
  - c) Requisition for information under Section 16 Local Government (Miscellaneous Provisions Act) 1976;
11. To determine that it is not expedient to take enforcement action on matters relating to minor householder development and developments within the curtilage of dwelling houses and determine that such enforcement cases should be considered resolved EXCEPT in the following circumstance:
  - a) The case relates to a site in which a Member or an employee of the Authority has an interest in the land. This will also apply where a Member or employee of the Authority has left the Authority less than twelve months prior to the commencement of the enforcement investigation.

**PART III DELEGATION TO THE CHIEF EXECUTIVE, THE PLANNING AND HERITAGE MANAGER, THE PRINCIPAL PLANNING OFFICERS, SENIOR PLANNING OFFICERS, PLANNING OFFICERS AND PLANNING TECHNICIANS**

1. To determine applications for planning permission as invalid;
2. To request additional information be supplied by applicants for planning permission accordance with the Town and Country Planning (Applications) Regulations 1988 and Town and Country Planning (Development Management Procedure) (Wales) Order 2012;
3. To deem planning applications as withdrawn and to accept formal withdrawal of planning applications or to finally dispose of applications under the Regulations;
4. To approve/refuse details required by planning consent.

**PART IV DELEGATION TO THE CHIEF EXECUTIVE AND/OR THE PLANNING AND HERITAGE MANAGER AND THE AUTHORITY'S NOMINATED LEGAL ADVISER ACTING JOINTLY**

1. To determine applications under Section 191 Town and Country Planning Act 1990 (certificates of lawful existing use or development).

**PART V DELEGATION TO THE DIRECTOR OF PLANNING AND/OR THE PLANNING AND HERITAGE MANAGER, AND/OR THE AUTHORITY'S NOMINATED LEGAL ADVISER AFTER CONSULTATION WITH THE CHAIR OR DEPUTY-CHAIR OF THE PLANNING, ACCESS AND RIGHTS OF WAY COMMITTEE**

1. Authority to issue or withdraw (provided legal advice has been sought under the terms of the SLA for the time being in force):
  - a) enforcement notices under Section 172 Town and Country Planning Act 1990;
  - b) stop notices under Section 183 Town and Country Planning Act 1990;
  - c) Listed building enforcement notices under Section 38 Planning (Listed Buildings and Conservation Areas) Act 1990;

which would otherwise have been referred to committee, where, in the opinion of the Chief Executive or the Authority's nominated legal adviser urgent action is required.

2. Authority to re-authorise the service of enforcement notices following expiry of the 28 day period originally authorized by the Planning, Access and Rights of Way Committee.

## **PART VI DELEGATION TO THE CHIEF EXECUTIVE AND/OR NATIONAL PARK DELIVERY DIRECTOR**

1. To make orders under the Highways Act 1980, Wildlife and Countryside Act 1981, and the Town and Country Planning Act 1990 where those orders have been approved as provided for by this scheme of delegation.
2. To abandon orders made under the Highways Act 1980, Wildlife and Countryside Act 1981, and the Town and Country Planning Act 1990 where circumstances change such that an order cannot be realistically completed as made or due to new evidence arising.
3. To rescind decisions previously made by the Authority to approve applications for public path orders made under the Highways Act 1980 or the Town and Country Planning Act 1990 where, following determination:
  - I. an application has been withdrawn;
  - II. an application has not been proceeded with at the request of the applicant;
  - III. an application has become redundant;
  - IV. contact has been lost with the applicant and reasonable attempts by the Authority to re-establish contact have been unsuccessful;
  - V. circumstances have been changed such that the Authority considers that there is no longer any requirement to make an order;
  - VI. circumstances have changed such that the Authority cannot make an order;
  - VII. circumstances have changed such that the Authority cannot implement the decision.
4. To confirm unopposed public path orders and Definitive Map modification and orders made by the Authority under the Highways Act 1980, Wildlife and Countryside Act 1981 and the Town and Country Planning Act 1990.
5. To take action under the Highways Act 1980 to deal with nuisances, dangers and obstructions to public rights of way.
6. To undertake the maintenance, repair and improvement of public rights of way and access land as required.
7. To respond to notices under Section 56 Highways Act 1980 and to instruct the Authority's nominated legal advisors to defend the Authority in court where necessary
8. To respond to notices under Section 130A of the Highways Act 1980 and to instruct the Authority's nominated legal advisors to defend the Authority in court where necessary

9. To approve applications for public path orders under the Highways Act 1980 to divert, widen, create and extinguish public paths where two or fewer objections are received to pre-order consultations from statutory consultees and, neither the community council nor the Local Access Forum are opposed to the application and, where officers would have otherwise recommended approval of the application to the Authority.
10. To approve applications for public path orders under Section 257 of the Town and Country Planning Act 1990 to divert and extinguish public paths where two or fewer objections are received to pre-order consultations from statutory consultees and, neither the community council nor the Local Access Forum are opposed to the application and where officers would have otherwise recommended approval to the Authority.
11. To authorize the waiving of charges in accordance with the policy concerning the recovery of costs for public paths and rail crossing orders.
12. To approve applications for definitive map modification orders under the Wildlife and Countryside Act 1981 to add, delete, upgrade, downgrade or vary the details relating to rights of way where no objections are received to pre-order consultations from statutory consultees or the Local Access Forum and:
  - I. the landowner cannot be traced following reasonable enquiry and, paragraphs 2(2) and 2(3) of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with, or
  - II. The landowner is not opposed to the application; or
  - III. the landowner has made no comments following reasonable attempts by the Authority to contact him/her, and
  - IV. where officers would have otherwise recommended approval of the application to the Authority.
13. To determine applications under Section 147 Highways Act 1980 for the erection of gates stiles or other works on footpaths and bridleways for the purpose of preventing ingress and egress by animals.
14. To maintain signposts on footpaths, bridleways, restricted byways and byways open to all traffic pursuant to Section 27 Countryside Act 1968.
15. To make temporary traffic regulation orders under Sections 14 and 15 Road Traffic Regulation Act 1984.
16. To authorise the use of footpaths, bridleways and restricted byways for motor vehicle trials under Section 33 Road Traffic Act 1988.
17. To determine applications and make directions to exclude or restrict access to land under Sections 24 and 25 Countryside and Rights of Way Act 2000 for non-recurring periods where the aggregate of the period or exclusion sought and any other periods in the same year during which access to the land has been excluded or restricted pursuant to applications under the Sections 24 and 25 is less than 6 months.

18. To make directions under Section 26 Countryside and Rights of Way Act 2000 for periods of up to six months in any one year.
19. To refuse applications to exclude or restrict the right of access to land under Sections 24 and 25 of the Countryside and Rights of Way Act 2000.
20. To make the initial draft direction to grant applications to exclude or restrict the right of access to land under Sections 24 and 25 of the Countryside and Rights of Way Act 2000.
21. To dedicate permanent, permissive, and temporary public rights of way or approve applications for public path orders to divert, widen, create and extinguish public paths where they affect Authority owned land.
22. To make statements of non-intent to dedicate under Section 31(6) of the Highways Act 1980 in relation to Authority owned land and to deposit statutory declarations thereafter as required.

## STANDARDS COMMITTEE

### Composition

The Standards Committee shall consist of a total of six members of whom three shall be Members of the National Park Authority and three shall be independent members. In appointing members to the Standards Committee the National Park Authority will have regard to the desirability of maintaining a gender balance in its overall composition.

### Terms of Reference

1. Exercising the functions conferred on the Committee by or under statute.
2. Advising the National Park Authority on procedural arrangements for dealing with complaints made to a Local Commissioner for Wales.
3. Reviewing the Authority's involvement on outside bodies.
4. Promoting and advising on how to secure high standards of conduct in the Authority's business.
5. Advising on the implementation of and monitoring the Authority's policy and procedure under part IVA of the Employment Rights Act 1996 (as inserted by the Public Interest Disclosure Act 1998) ("Whistle blowing").
6. Granting dispensations to members who apply to speak on a matter in which they may have a personal and prejudicial interest
7. Receiving reports from the Monitoring Officer on the exercise of his functions.

## AUDIT AND SCRUTINY COMMITTEE

### Composition

1. The Committee shall comprise nine Members of the Authority. The balance shall be six Unitary Authority Members and three Welsh Government appointees.
2. The Chair and Deputy Chair of the Authority and the Planning, Access and Rights of Way Committee will not be eligible to serve on this Committee.

### Frequency and Agenda order

The Committee will meet four times a year or as often as required, and deal with an agenda as follows:

1. Audit Matters
2. Scrutiny Matters
3. Performance and Risk
4. Information Items (for discussion through a prior request to the Chair)

### Terms of Reference

1. In terms of Audit, the Committee exists to support the Authority and the Chief Executive (as National Park Officer) in their responsibilities for issues of risk control and governance by reviewing the comprehensiveness of internal and external control assurances and reviewing the reliability and integrity of these assurances to ensure they are “fit for purpose” and will deliver the business priorities. The Committee will approve the annual internal audit programme and review and monitor all external and internal audit recommendations.
2. In terms of Scrutiny the Committee will monitor the effectiveness of the Authority’s scrutiny process, review draft scrutiny reports and consider its recommendations to the Authority. The committee will monitor how the Authority learns from Scrutiny Reviews and how the reviews contribute to improved performance.
3. In terms of Performance and Risk, the Committee will examine the work of the Authority, its structures, procedures and systems. It will check progress in meeting agreed targets and objectives in an efficient and effective way that delivers value for money and ensures high standards of health and safety whilst keeping the citizen at the centre. It will review the Integrated Assurance Framework to provide assurance to the Authority on performance and risk management.
4. The Committee has the power to request attendance by any Chair or Deputy Chair of the Authority, its committees or working groups in order to answer questions or provide information in respect of their roles and accountabilities

### Audit



1. To receive reports, monitor, note progress, approve and make recommendations on the:
  - a) Annual Governance Statement (recommend approval to the Authority)
  - b) Code of Governance
  - c) The management of health & safety
  - d) Ministerial Statements
  - e) Integrated Assurance Framework
  - f) Financial systems to include Budget Monitoring and recommending approval of draft budgets to the Authority
  - g) Review the Statement of Accounts and make a recommendation to the Authority with respect to the approval of those Accounts
2. To approve an annual programme of internal audit, receive internal audit reports and review the adequacy of management responses to those reports
3. To receive and consider the following reports from the Authority's external auditors and the management responses to the:
  - a) External Audit Plan
  - b) Annual Accounts Report to those charged with Governance
  - c) Annual Improvement Report
4. To receive and consider from management:
  - a) Assurances relating to corporate governance
  - b) Tendering proposals and results for purchase of services
  - c) Corporate Plan and Annual Report
  - d) Reports on outstanding Decisions and Actions
5. Meet annually and in private with the Authority's external auditors and the Head of Internal Audit both together and individually.

## **Scrutiny**

1. To review and evaluate the Scrutiny process and make recommendations to the Authority on its effectiveness
2. To make recommendations to the Authority on the topics for Scrutiny Reviews each year
3. To monitor the progress of Scrutiny Reviews through interim reports from Scrutiny Panels, ensuring that all agreed deadlines are met
4. To review all draft Scrutiny Review reports and make recommendations to the Authority thereon
5. To monitor the implementation of recommendations arising from Scrutiny Reviews as approved by the Authority and where appropriate, that lessons are learned and appropriate action taken

## **Performance and Risk**

1. To monitor performance against the approved corporate objectives through:
  - a) The Integrated Assurance Framework
  - b) Detailed reports on any areas of concern
2. To receive a report each quarter on projects supporting one of the four key work areas and give members the opportunity to review progress;
3.
  3. To review the strategic management of health and safety within the Authority
4. To scrutinise, monitor and review the performance of the Authority and its Committees and to make use of comparative data to report and make recommendations to the Authority to drive future performance.
5. To ensure that appropriate public and customer feedback is used for the purpose of scrutinising the performance of the Authority in the delivery of services to include:
  - a) an annual report on Section 21 Ombudsman reports
  - b) a quarterly report on complaints and compliments to include a review of trends
  - c) review of investigations into Stage 2 complaints
  - d) the monitoring of the effectiveness of the Authority's complaints procedure

## **Public speaking**

Members of the public will be welcome to request to speak to the Committee together with any Authority Member who is not a member of this Committee, in accordance with the provisions of the Authority's Public Speaking Scheme

## **Annual Review of Effectiveness**

The Chair will ensure that an annual review/self-evaluation of the Committee is undertaken to include consultation with all Members, in order to learn from experience, determine future training needs and ensure continuous improvement.

## APPOINTMENT COMMITTEE

### Composition

The Chair and Deputy Chair of the Authority, the Chair and Deputy Chair of the Planning Access and Rights of Way Committee and the Chair and Deputy Chair of the Audit and Scrutiny Committee. Composition should, as far as possible, meet the requirements of Paragraph 13.3 of Schedule 7 of the Environment Act 1995 in terms of balance of local authority and Welsh Assembly appointed Members

### Terms of Reference/Delegated Powers

1. To make recommendations to the National Park Authority on the appointment of Chief Officers through the following:
  - a) Draw up a person specification and job description for the post;
  - b) Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
  - c) Make arrangements for a copy of the job pack to be sent to any person on request;
  - d) Draw up a list of suitable candidates and interview them;
  - e) Make recommendations to the Authority on a final selection, for the Authority to interview and make the appointment;
  - f) Where no qualified person has applied, to make further arrangements for advertisement.
  
2. To make recommendations to the National Park Authority on the appointment of independent members of Standards Committee through the following:
  - a) Confirm the person specification and job description for the role
  - b) Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
  - c) Make arrangements for a copy of the job pack to be sent to any person on request;
  - d) Draw up a list of suitable candidates and interview them.
  - e) Make recommendations to the Authority on the person(s) to be appointed;
  - f) Where no qualified person has applied, to make further arrangements for advertisement.

## SUSTAINABLE DEVELOPMENT FUND COMMITTEE

### Composition

Up to 6 Members of the Authority including the Chair of the Grants Advisory Panel.

### Terms of Reference

1. To promote sustainable development, monitor and report progress and issues relating to the Sustainable Development Fund.

### Delegated Powers

1. To award grants from the Sustainable Development Fund based on recommendations from the Grants Advisory Panel up to a maximum of £30,000 per application.
2. To determine applications for grants from the Sustainable Development Fund where the members of the Grants Advisory Panel are unable to reach agreement.
3. To monitor and review Sustainable Development Fund progress.
4. To make an annual report to the National Park Authority for approval on how the fund is allocated and, when approved, to send this to the Welsh Assembly Government

### PART I DELEGATION TO SUSTAINABLE DEVELOPMENT FUND OFFICER

1. To award grants from the Sustainable Development Fund up to a maximum of £2,000.

## GRANTS ADVISORY PANEL

### Composition

Up to 15 members including one Member of the Authority who should also be Chair.

### Purpose

To promote sustainable development and the aims of the Authority by providing advice and expertise to the Sustainable Development Fund Committee, recommending the awarding of grants from the Sustainable Development Fund, which forms part of the Authority's allocation from the Welsh Government.

### Terms of Reference

#### 1.0 The Group

1. The Sustainable Development Fund has been established to:

*'support partnership projects that develop and test ways of achieving a more sustainable way of living in a countryside of great natural beauty and diversity, in which the local characteristics of culture, wildlife, landscape, land use and community are conserved and enhanced.'*

2. Panel members will provide locally derived advice and guidance on how the Authority manages the Sustainable Development Fund to support sustainable projects, involving communities across the National Park.
3. The Panel will work closely with the Park Authority Sustainable Development Fund Committee on the monitoring and review of Fund progress.
4. The Chair will be the Chair of the National Park Authority's Sustainable Development Fund Committee.
5. The membership of the Grants Advisory Panel will consist of up to 15 members, representing areas of expertise as follows:
  - 2 representatives with environmental expertise
  - 1 representative with cultural heritage expertise
  - 1 representatives with experience in agricultural issues
  - 2 representatives from the business sector
  - 2 representatives with recreational and access expertise
  - 1 representatives with expertise in sustainable tourism
  - 2 representatives with experience of sustainable communities
  - 1 representative with experience in the youth sector
  - community council representatives from the west, central and eastern areas of the Park.

6. Community Council members are appointed for eighteen months, to secure a geographical spread of representation. Where Grants Advisory Panel members fail to attend three meetings in a row they may be asked to leave the panel to make room for alternative members.

## **2.0 Staff and Business**

7. The administration and financial arrangements for the Panel will be undertaken by the Brecon Beacons National Park Authority.
8. The Sustainable Development Fund Officers will attend Panel meetings to present applications for grant aid and to report on progress, commitment and expenditure.
9. The Chief Executive, relevant Director and Sustainable Development Manager will be invited to attend meetings and report on issues that affect the Panel.
10. The Sustainable Development Fund Officers will circulate the agenda and papers seven days before each meeting, will record decisions and issue minutes for approval at the next Panel meeting.
11. Late business may be introduced by tabling papers with the approval of the Panel.
12. The Sustainable Development Fund Officers will have delegated powers to approve grants up to £2,000 and will report these to the next meeting of the Panel for noting.
13. Approvals of Grants over £30,000 will be referred back to the Brecon Beacons National Park Authority for ratification.
14. Panel members who are directly involved in any application submitted will declare an interest and leave the room while the application is being discussed. It may be that Panel members represent an organisation which has an involvement in an application submitted, but that organisation will not receive any financial benefit. In that case, representatives need not declare an interest.

## **3.0 Meetings**

15. Five meetings to be held across the year.
16. A calendar of meetings to be agreed in the autumn each year for the next twelve months.
17. Meetings to be cancelled for want of business by giving 7 days' notice.
18. At least two meetings each year will include presentations from or visits to projects supported by the Fund.
19. Chair to preside at Panel meetings - if unable to be present, the Chair will appoint another member to preside. If no appointment has been made, those present to elect a Chair for that meeting.

## 4.0 Decisions and Reporting

20. The Grants Advisory Panel will make a recommendation to the Authority's Sustainable Development Fund Committee following a full discussion of applications.
21. The recommendations from the Grants Advisory Panel will be voted on by the Sustainable Development Fund Committee, made up of 6 Members of the Brecon Beacons National Park Authority, who may decide to approve, defer or reject the recommendation. On the basis of the decision from the Members' Committee applicants will be informed of the decision by the Sustainable Development Officer as soon as possible, but no later than fourteen days after the decision date.
22. In cases of urgency, a recommendation may be made to either the next scheduled National Park Authority (NPA) meeting, or, if a decision needs to be taken prior to the next scheduled NPA meeting, Extraordinary General Meeting of the Authority. Any decisions taken by the NPA are to be reported to the next meeting of the Sustainable Development Fund Committee.

## 5.0 Appeals Procedure

23. If an application is refused the applicant may appeal against the decision.

The appeal may be based on:

- i. a claim of incorrect procedure or
- ii. a claim of an incorrect decision

Any appeal must be made in writing within seven days of the date on which the applicant is notified of the decision and sent to the Authority's Monitoring Officer. The Authority has 28 working days to determine an appeal.

An appeal on the grounds of incorrect procedure will be reviewed by the Monitoring Officer. If the Monitoring Officer considers there has been a material defect in the procedure, the applicant shall be entitled to request that the application be reconsidered by an Appeal Panel.

An appeal on the grounds of an incorrect decision will be heard by an Appeal Panel.

The Appeal Panel shall consist of five Members:

- three NPA Members, and
- two Advisory Members (or duly appointed substitute Advisory Members)

all of whom were not involved in the consideration of the original application.

The final decision shall be made by a vote of Authority Members, assisted and advised by the Advisory Members of the Appeal Panel.

## Delegated Powers

To recommend to the Sustainable Development Fund Committee awards from the Sustainable Development Fund to individuals and organisations.

## **PART I      DELEGATION TO THE SUSTAINABLE DEVELOPMENT OFFICER**

- I.      To award grants from the Sustainable Development Fund up to a maximum of £2,000.



## **AFFORDABLE HOUSING WORKING GROUP**

### **Composition**

Six Members of the National Park Authority as follows:

- Two members appointed by Powys County Council;
- One member appointed by Monmouthshire County Council;
- One member appointed by Carmarthenshire County Council;
- Two members appointed by the Welsh Government

The Working Group will elect its own Chair at its first meeting after the Annual General Meeting each year.

### **Terms of Reference**

1. To consider the implementation of current National Park Policy in relation to Affordable Housing, delivery issues and future Policy direction
2. To hold quarterly meetings

### **Delegated Powers**

The Working Group would make any necessary recommendations to the National Park Authority.

## GOVERNANCE AND MEMBER DEVELOPMENT WORKING GROUP

### Composition

The Working Group shall consist of six Members – four appointed by the constituent Unitary Authorities and two by the Welsh Assembly Government, to include the Deputy Chair of the Authority. From time to time, and without setting a precedent, other members may be invited to attend a meeting in relation to a particular topic or area of expertise.

The Working Group shall also consist of the following officers:

- Chief Executive
- Democratic Services Manager
- IT and Systems Manager (Data Protection Officer)
- Other officers as required (eg. Legal advisor, Finance Manager, SI51 Officer, Public Engagement Manager)

### Terms of Reference

To review and implement governance best practice and member development to improve decision making, performance of committees and business planning with due regard to transparency, accountability and accessibility.

At the first meeting of the working group after the Annual General Meeting each year the first item of business shall be to appoint a Chair of the working group.

### Governance

1. To track best practice in governance and recommend its implementation to the Authority as appropriate;
2. To carry out reviews or consider proposed changes to the Authority's regulatory documents;
3. To review the preparation of the Annual Governance Statement each year to ensure it is comprehensive and evaluative;
4. To review the transparency and accountability of committees with particular regard to external stakeholders, to include the use of webcasting and social media;
5. To consider reports from the Independent Remuneration Panel for Wales and make recommendations to the Authority;
6. To consider funding opportunities in relation to technological and other improvements to governance;

7. To consider Reviews of Effectiveness of the Authority and its committees and monitor the implementation of any recommendations arising from these;
8. To work with the Welsh Assembly Government, Wales Audit Office or the Authority's internal auditors in any governance reviews of the Authority;

## **Member Development**

9. To oversee the delivery of the Members' Induction and Continuing Development Programme in line with the Member Development Strategy;
10. To support the Authority's ethos of Member induction and development in supporting good governance and promote this to all Members;
11. To review the Training Needs Analysis each year and recommend a Member Development Programme to the Authority;
12. To review the support available to members, including the Members' Personal Development Interviews and mentoring scheme, and make recommendations to the Authority as necessary;
13. To monitor attendance levels at committee meetings and training events and make any recommendations to the Authority;
14. To consider opportunities for the Authority to apply for Awards in relation to governance, Member Development or Scrutiny and assist in the collation of evidence for assessment;
15. Any other task in relation to Corporate Governance or Member development as may be delegated by the National Park Authority

## **Scrutiny**

16. To review progress on scrutiny reviews and identifying any obstacles to progress
17. Reviewing the scrutiny process on an annual basis to ensure it is fit for purpose and sustainable in terms of financial and staffing capacity
18. Evaluate the scrutiny reviews at the end of each financial year to ensure that they:
  - a) Have provided improvements to service delivery
  - b) Have represented value for money to the Authority
  - c) Have sufficiently involved the public to maintain objectivity
  - d) That the recommendations are achievable in terms of the Authority's financial and human resources

## **Delegated Powers**

To make recommendations to the National Park Authority in respect of improvements to governance, member development and scrutiny as laid out in the terms of reference above.

## LOCAL ACCESS FORUM SELECTION PANEL

### Composition

The Chair and Deputy Chair of the Planning Access and Rights of Way Committee, the Member Champion for Biodiversity and Landscape, and the Member Champion for Equality and Diversity. Composition should, as far as possible, meet the requirements of Paragraph 13.3 of Schedule 7 of the Environment Act 1995 in terms of balance of local authority and Welsh Assembly appointed Members.

Should there be any changes in future to Member Champion roles, representation on the Panel shall comprise the two roles which match closest to access and recreational and agriculture and land management topic areas.

The relevant Chief Officer shall oversee the recruitment process and provide advice to the panel as necessary regarding external applications for membership.

### Terms of Reference/Delegated Powers

To appoint persons to the Brecon Beacons Local Access Forum for a fixed term of three years, or as set out in the regulations, as follows:

- 1) Confirm description of the role of Local Access Forum member in line with legislation governing the Local Access Forum;
- 2) Approve arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
- 3) Approve arrangements for relevant information to be sent to any person on request;
- 4) Consider a list of suitable candidates;
- 5) Make a decision on a final selection, and report back to the Planning, Access and Rights of Way Committee;
- 6) Where no qualified person has applied, to approve further arrangements for advertisement.

## POLICY FORUM

### Composition

All Members of the Authority, sitting as the Policy Forum.

The Chair and Deputy Chair to be elected by the Authority at the Annual General Meeting.

The Forum may from time to time establish task and finish groups to address particular issues.

### Terms of Reference

- 1) To provide opportunity to debate the impact of environmental, cultural, economic and social policy and legislative changes on the Authority's future business and work with the Chief Executive and Senior Leadership Group to make any recommendations to the Authority;
- 2) To review, refresh and revise policies, taking account of evidence and outcomes on the ground and input from the four key work area working groups;
- 3) To provide guidance and feedback to officers for the creation of the National Park Management Plan, Local Development Plan, State of the Park Report and other key strategy documents to be recommended to the Authority;
- 4) To provide opportunity for the Chief Executive to meet confidentially with members to address future budgetary issues;
- 5) To involve key stakeholders, partners and other external bodies as appropriate;
- 6) To review progress on key partnerships and identify opportunities for future partnerships to further the Authority's objectives;
- 7) To provide opportunity to debate the Authority's medium and long term objectives with input from the four key work area working groups as required;
- 8) To provide opportunity to initiate or support work in progress on the impact of Brexit on the Park's landscape and communities, and to work with Welsh Government and stakeholders as needed.
- 9) To ensure appropriate integration and coherence of priorities for delivery across the four key work areas in pursuit of our purposes and duty
- 10) To do all the above in light of available resources and financial constraints;

### Delegated Powers

The Forum will have an advisory role and make recommendations to the Authority in partnership with the Chief Executive and the Senior Leadership Group. It will not have decision making powers.