



# **BRECON BEACONS NATIONAL PARK AUTHORITY**

## **SCHEME OF DELEGATION**

**TO**

### **COMMITTEES AND OFFICERS (Terms of Reference) February 2022**

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|---------------------|-------------------------|
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# SCHEME OF DELEGATION

## Introduction

1. The Brecon Beacons National Park Authority has its purposes and duty laid down in statute, primarily in the Environment Act 1995, Part III as amended by the Natural Environment and Rural Communities Act 2006 Part 5.

The Environment Act 1995 revised the original legislation and set out two statutory purposes for National Parks in England and Wales:

1. Conserve and enhance the natural beauty, wildlife, and cultural heritage;
2. Promote opportunities for the understanding and enjoyment of the special qualities of National Parks by the public.

When National Parks carry out these purposes, they also have the duty to seek to foster the economic and social well-being of local communities within the national parks.

The Local Government and Elections (Wales) Act 2021 provides a power for Welsh National Park Authorities to do “anything it considers appropriate for the purposes of the carrying out of any of its functions”.

2. This Scheme of Delegation is intended to permit swift and effective policy and decision making by members, and managerial and operational decision-making by officers within a framework of accountability to Government and local people.
3. The scheme has three parts:

**Part A** sets out the powers retained by the National Park Authority and those powers it delegates to its Committees and Subcommittees.

**Part B** delegates powers to the Chief Executive (National Park Officer), hereafter called Chief Executive, to execute business and take decisions within a policy and financial framework including statute law, Government policy circulars and guidance, the powers of the National Park Authority, the National Park Management Plan, Local Development Framework, Corporate Plan and Operational Plan or equivalents.

**Part C** further delegates the powers of the Chief Executive to the Directors, Monitoring Officer and S151 Officer and all those other officers duly authorised in writing.

4. The Scheme should in general be operated to avoid multiple handling of business.
5. Powers to incur expenditure or raise income for approved purposes, within policy and budget, are substantially delegated but are subject to strict control by the Senedd Financial Grant Memorandum, Financial Regulations and Finance Instructions. Officers are substantially empowered but must keep members properly informed and ensure accurate in-year reporting to the Authority.

6. Reference in this Scheme to statutory provisions should be taken to include any subsequent statutory modifications or re-enactment of those provisions.
7. This framework is intended not only to facilitate informed and effective decision-making but also to foster understanding and communication between members and officers.

## **Part A: Delegation of Powers to any Committees and Sub-Committees**

### **AI General Provisions**

- AI.1 This Scheme of Delegation is made by the Brecon Beacons National Park Authority under Section 101 of the Local Government Act 1972 and all other enabling powers. Any Committee to which powers are delegated may sub-delegate them to a Sub-Committee or Officer of the Authority. Any Sub-Committee may also sub delegate powers to an Officer. Any officer to whom powers are delegated may authorise other Officers, in writing, to exercise such powers on his/her behalf.
- AI.2 Each Committee shall be authorised to appoint Members to Sub-Committees agreed by the Authority and to delegate its powers and duties to those Sub-Committees.
- AI.3 Powers delegated to any Committee, Sub-Committee or Officer of the Authority shall always be exercised in compliance with the Authority's Standing Orders and Financial Regulations, except to the extent that they may be suspended in accordance with their terms. Conversely, this Scheme of Delegation operates to authorise Committees, Sub-Committees and Officers to take actions permitted to them by the Authority's Financial Regulations. Decisions taken under delegated powers shall be made in accordance with any applicable policies and strategies of the Authority, including its approved budget.
- AI.4 No general reference to a power, duty, function or other matter in relation to one Committee shall include any matter which the Scheme of Delegation specifically refers to another Committee.
- AI. 5 In the absence of the Chief Executive, any Chief Officer is authorised to perform any functions and exercise any powers conferred on the Chief Executive by this Scheme of Delegation.
- AI. 6 The Authority, or a Committee or Sub-Committee, may give such direction as it considers appropriate for action taken under delegated powers to be reported periodically.

## **A 2 Terms of Reference for the Authority, its Committees, Sub-Committees and Groups**

### **A.2.1 Brecon Beacons National Park Authority**

A2.1 Brecon Beacons National Park Authority was established under the Environment Act 1995 to administer the Brecon Beacons National Park. National Parks were designated under the National Parks and Access to the Countryside Act 1949 and Brecon Beacons National Park was designated in 1957. The National Park purposes, revised in the Environment Act 1995, are laid down in Paragraph 1 of the Introduction above.

### **A2.2 Brecon Beacons National Park Authority 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 non-operational policies and strategic and development plans.
- 5 To appoint the Chief Executive, Directors, 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 determine Sustainable Development Fund applications for grants over £30,001 referred from the Sustainable Development Committee.
- 11 To approve and receive updates on the Prudential Code Indicators.
- 12 To approve the level and use of reserves.
- 13 To approve the Annual Governance Statement.
- 14 To approve the Statements of Accounts and authorise the Chair and Section 151 Officer to sign them.
- 15 To adopt a code as regards the conduct which is expected of Members and co-opted Members of the Authority.
- 16 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.
- 17 To appoint representatives to outside bodies.
- 18 To make by-laws.
- 19 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.
- 20 To determine matters fixed by law to be determined by the Authority.

- 21 The Authority shall receive an annual presentation from the Chairs of the Planning and Audit and Risk Committees, to be scheduled at a full Authority meeting prior to the Annual General Meeting each year.
- 22 To appoint an eligible office holder as a member (“the Brecon Beacons member”) of each:
  - The Mid Wales Corporate Joint Committee (“CJC”);
  - The South West Wales CJC; and,
  - The South East Wales CJC.

Including all committees and Sub-Committees of the respective CJC.

- 23 To set each CJC’s strategic planning budget contribution from the Authority.
- 24 To make an application to the Welsh Ministers asking them to consider making regulations to amend or revoke joint committee regulations which establish a Corporate Joint Committee of which the Authority is a member.

The Authority has primary responsibility for the National Park Authority’s Functions. It has delegated decision making powers to Committees and Sub-Committees and Officers to permit swift and effective policy and decision making by Members and managerial and operational decision-making by officers within a framework of accountability to Government and local people. The Authority will exercise all its powers and duties in accordance with the law and this Scheme of Delegation

## Membership

|                  |    |
|------------------|----|
| Total membership | 18 |
|------------------|----|

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Which comprises:

|                             |    |
|-----------------------------|----|
| Local Authority appointees  | 12 |
| Welsh Government appointees | 6  |

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|        |   |
|--------|---|
| Quorum | 6 to include one Welsh Government and one Local Authority appointee as a minimum. |
|--------|---|

|                     |                              |
|---------------------|------------------------------|
| Term of appointment | Varies with appointing body. |
|---------------------|------------------------------|

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The Authority elects the Chair and Deputy Chair for the Authority, and the Planning Committee, together with committee members at each Annual Meeting for the forthcoming year. The Chair and Deputy Chair of all other Committees are elected at the respective Committees first meeting after the Authority Annual Meeting

**Meetings to be held in public in accordance with Section 100A(4) of the Local Government Act 1972. Agenda and reports will be made available in accordance with Section 100B(1) of the Local Government Act 1972.**

### **A.2.2 Planning Committee Terms of Reference**

The responsibilities of the Brecon Beacons National Park Authority development management functions are undertaken by the Planning Committee. That is, all powers and duties in relation to all development management matters arising from all current and extant planning legislation, except where these powers are delegated to officers.

This includes:

- Determining (that have not otherwise been delegated) development management matters, including planning applications, and any necessary decisions as to how they should be treated or handled within the requirements of the law; and
- Undertaking site visits where necessary.
- Determine all rights of way applications that have not otherwise been delegated to the Director of Nature Recovery and Climate Change
- Review and determining the Authority's Rights of Way Improvement plan
  - To receive reports from and the minutes of the Local Access Forum.
  - To consider and make decisions on the recommendations of the Local Access Forum.
  - To appoint members of the Local Access Forum in accordance with Appendix A

Brecon Beacons National Park Authority is the sole local planning authority for the area of Brecon Beacons National Park and is also engaged (with any affected Local Planning Authority) in the determination of planning applications that are within the National Park boundary. The Brecon Beacons National Park Authority is often a consultee on applications which might impact on the National Park.

#### **Membership**

|                  |    |
|------------------|----|
| Total membership | 12 |
|------------------|----|

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Which comprises:

|                             |   |
|-----------------------------|---|
| Local Authority appointees  | 8 |
| Welsh Government appointees | 4 |

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|        |  |
|--------|--|
| Quorum | 6 to include 1 Local Government member and 1 Welsh Government member as a minimum) |
|--------|--|

The Authority elects the Chair and Deputy for the Planning Committee at the Annual Meeting for the forthcoming year. The Chair or Deputy of the Authority cannot be the Chair or Deputy of Planning Committee.

Training is a mandatory requirement for all members before becoming an active member of the Planning Committee.

**Meetings to be held in public in accordance with Section 100A(4) of the Local Government Act 1972. Agenda and reports will be made available in accordance with Section 100B(1) of the Local Government Act 1972.**



### A.2.3 Audit and Risk Committee Terms of Reference

A2.3.1 To act on behalf of the Authority as follows:

1. In consultation with the Chief Executive to instigate reviews in areas of focus including but not limited to where the Authority needs to assess risk or seek assurance, needs to reduce costs, and/or needs to improve value for money, best practice, and report such reviews back to the Authority.
2. advising the Authority on its corporate governance policies and agenda, and implementing and managing the Authority's agreed policies in this area including overseeing its risk management strategy and anti-fraud and corruption policy, the Annual Governance Statement and considering the Annual report
3. arranging for the audit, both internal and external, of the Authority's affairs, including financial controls and accounts.
4. recommend changes to the Authority where appropriate regarding Internal Audit reports and the annual Internal Audit Plan.
5. receiving all external and internal audit plans and reports and monitoring the implementation of audit recommendations.
6. monitoring the Authority's complaints procedure, and as appropriate, determining any claims of maladministration and appropriate remedies.
7. in consultation with the SI51 Officer to review the external Audit reports and the annual External Audit Plan, on behalf of the Authority and to recommend changes to the Authority where appropriate:
8. reviewing the Authority's Treasury Management strategies and policies.
9. to review and draft a response to the annual performance report and recommend any changes and report findings to the Authority.
10. to review the Annual Governance Statement each year prior to its approval by the Authority.

**NB. The Chair and Deputy of the Authority and the Chair and Deputy of the Planning Committee and the Chair and Deputy of the Finance and Performance Committee will not be eligible to serve on this Committee.**

#### Membership

|                  |   |
|------------------|---|
| Total membership | 6 |
|------------------|---|

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Which comprises:

|                             |   |
|-----------------------------|---|
| Local Authority appointees  | 4 |
| Welsh Government appointees | 2 |

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Quorum        2 to include a minimum of one Local Government and one Welsh Government member

Members will be provided with, and be expected to have received, appropriate training. Training is a mandatory requirement for all members before becoming an active member of the Audit and Risk Committee.

**Meetings to be held in public in accordance with Section 100A(4) of the Local Government Act 1972. Agenda and reports will be made available in accordance with Section 100B(1) of the Local Government Act 1972.**

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Meetings to be held quarterly as required

#### **A2.4 Finance and Performance Committee Terms of Reference**

1. In consultation with the S151 Officer to act on behalf of the Authority in relation to the proper administration of the Authority's financial affairs, except as provided in paragraph 1.2 below (where the final decision on the annual budget is made by the Authority), and including: -
  - 1.1. cash balances, capital, or reserve funds, borrowing arrangements and the investment of any surplus funds.
  - 1.2. management and monitoring of financial forecasts and budgets and making recommendations to the Authority regarding the annual allocation of resources.
  - 1.3. overseeing the application of the Local Government Superannuation Acts and associated regulations;
2. To review and make recommendations concerning the Authority's policies, guidelines, and strategies in relation to any matters, powers or duties concerned with the securing, management, and disposal of the resources, including land, property, and other assets, necessary to fulfil the Authority's statutory purposes, agreed policies and strategic direction, including monitoring the efficient and effective use of these resources.
3. The aims of the Finance and Performance Committee are to:
  - 3.1. Review financial matters, in accordance with the Authority's Financial Regulations and Financial Procedures and the Accounts and Audit (Wales) Regulations 2014 and subsequent versions.
  - 3.2. To keep under review and recommend changes to the Authority's Financial Regulations and Financial Procedures.
  - 3.3. To review financial performance and strategy, including the Medium-Term Budget, within the context of the Corporate Plan priorities agreed by the Authority. Review the annual Budget and any use of general reserves to be approved by the full Authority.
  - 3.4. In consultation with the S151 Officer to review the following items on behalf of the Authority and to recommend changes to the Authority where appropriate:

- 3.4.1. Treasury Management Policy including borrowing arrangements and the investment of any surplus funds.
- 3.4.2. Pension Policy.
- 3.4.3. Procurement strategy, rules and Policy as laid out in the Standing Orders Relating to Contracts.
- 3.4.4. Annual Statement of Accounts before submission to the Authority for approval.

4. To act on behalf of the Authority as follows:

- 4.1. reviewing the Authority's performance in pursuing its policies and objectives (in particular those in the Corporate Plan), and service delivery.
- 4.2. acting as the lead Committee on the implementation and monitoring of the Authority's performance assessment process.
- 4.3. leading on improvement planning and learning from major projects and on-going programmes.

NB. The Chair and Deputy of the Audit and Risk Committee will not be eligible to serve on this Committee.

### Membership

|                  |   |
|------------------|---|
| Total Membership | 6 |
|------------------|---|

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Which comprises:

|                             |   |
|-----------------------------|---|
| Local Authority appointees  | 4 |
| Welsh Government appointees | 2 |

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Quorum 2 to include a minimum of one Local Government and one Welsh Government member

**Meetings to be held in public in accordance with Section 100A(4) of the Local Government Act 1972. Agenda and reports will be made available in accordance with Section 100B(1) of the Local Government Act 1972.**

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Members will be provided with, and be expected to have received, appropriate training. Training is a mandatory requirement for all members before becoming an active member of the Finance and Performance Committee.

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Meetings to be held 3 to 4 times a year as required

## A2.5 Standards Committee Terms of Reference

The Standards Committee is delegated to:

1. Promote, monitor and maintain high standards of conduct by Members and officers.
2. Advise the Authority on the adoption of or a revision to the Code of Conduct.
3. Assist Members to observe the Code of Conduct.
4. Monitor the operation of the Authority's codes of conduct.
5. Consider and where appropriate determine matters referred to it by the Public Services Ombudsman for Wales.
6. Consider and determine complaints against Members under the Code of Conduct.
7. Decide upon written applications by Members of the Authority for a dispensation to speak, or to speak and to vote, on any matter coming before the Authority and/or its Committees in relation to which the Member making the application has a disclosable pecuniary interest; and to decide the terms of any dispensation granted.
8. Make recommendations to the Authority on issues of Member conduct, where these arise out of its consideration of matters referred to in the first four bullet points above.
9. Make recommendations to the Authority on the Authority's Code of Conduct for Members and related policies including but not limited to the Member Officer Protocol, for example impact and effect of the pre-election period on Authority business.
10. Establish the procedure for determining complaints referred to it for consideration including but not limited to the Authority's whistleblowing policy.
11. Advise on training of members of the Authority on matters relating to the Authority's codes of conduct.
12. Prepare an annual report to the Authority at the end of the financial year

### Membership

|                  |   |
|------------------|---|
| Total membership | 6 |
|------------------|---|

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Which comprises

|                              |   |
|------------------------------|---|
| Members of the National Park | 3 |
|------------------------------|---|

|                     |   |
|---------------------|---|
| Independent members | 3 |
|---------------------|---|

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|        |  |
|--------|--|
| Quorum | 3 to include the Chair and at least half the members present must be Independent Members |
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Term of Appointment: Varied

Where appropriate the Authority's Monitoring Officer shall provide support to the Committee.

**Meetings will normally be held in public, as required on an ad hoc basis, in accordance with Section 100E(1) of the Local Government Act 1972. In the case of complaints made against members of the National Park Authority, the Committee will meet in private and in public as stipulated by national guidance,**

**statute and best practice. Agenda and reports will be made available in accordance with Section 100E(1) of the Local Government Act 1972**

Meetings to be held as required

Note:

- i. The Committee will appoint a Chair and Deputy Chair annually from its independent members.
- ii. No member who has previously been actively involved in the consideration of a particular case shall sit on a hearing which considers that case.
- iii. The following office holders are excluded from being members of the Standards Committee as they are likely to be conflicted-out on a high proportion of the hearings:
  - Chair and Deputy Chair of the Authority; and
  - Chair and Deputy Chair of Audit and Risk Committee

## A2.6 Chairs Committee Terms of Reference

The Chairs Committee shall:

1. 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.
2. Consider annual reviews of the effectiveness of the Authority and its committees and monitor the implementation of any recommendations arising from these reviews.
3. Review, no less than annually, the performance of the Chief Executive against targets and management criteria established by mutual agreement and in accordance with the Authority's Corporate Performance Management Scheme.
4. Set the remuneration of the Chief Executive in accordance with the Authority's agreed Corporate Performance Management Scheme.
5. Decide any complaints referred to it by the Chief Executive and consider any complaint against the Chief Executive and decide whatever remedial action is appropriate (including financial recompense) for the purposes of resolving disputes or grievances and in the absence of any such procedures will ensure the procedures it does adopt are fair between the parties to the dispute or grievance and are consistent with any legal requirements:
6. Hear and decide upon any issue relating to discipline, capability or redundancy of the Chief Executive, any grievance issue and any other issue relating to a dispute over conditions of service.

### Membership

|                  |   |
|------------------|---|
| Total Membership | 6 |
|------------------|---|

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Which comprises

- Chair
- Deputy Chair
- 4 other members to comprise the chair of Audit and Risk, the Chair of Finance and Performance, the Chair of Planning, and the Chair of the Sustainable Planning Fund.

The Authority Chair and Deputy Chair are automatically members of this Committee. Officers shall be appointed as advisors to the Committee as required to include the Chief Executive, Directors, Democratic Services Manager, Monitoring Officer, and other officers as required (e.g., Legal advisor, Finance Manager, SI51 Officer, Public Engagement Manager, and a senior Human Resources staff member)

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|        |  |
|--------|--|
| Quorum | 2 to include a minimum of one Local Government and one Welsh Government member |
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**Meetings to be held in public in accordance with Section 100A(4) of the Local Government Act 1972. Agenda and reports will be made available in accordance with Section 100B(1) of the Local Government Act 1972**

Meetings to be held 3 to 4 times a year as required

## **A2.7 Sustainable Development Fund Committee**

The Sustainable Development Fund Committee shall:

1. Determine applications under the Sustainable Development Fund between £5,001 and 30,000 in value.
2. Consider applications for grants over £30,001 and make recommendations to the National Park Authority for a final decision.
3. 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.
4. Invest in projects that develop and test sustainable ways of living in the countryside, by awarding grants from the Sustainable Development Fund, up to the maximum sum decided annually by all Members of the National Park Authority.
5. In undertaking the above, to be supported by, and take advice from, a separate Grants Advisory Panel comprising up to 15 local experts (including three elected community representatives) as outlined below whose remit is to:
  - 5.1. Receive, consider and determine applications for funding from the Sustainable Development Fund in accordance with the Scheme of Delegation.
  - 5.2. Receive reports from officers on progress of funded projects, and financial updates at each meeting.
6. Appoint members to the Grants Advisory Panel as follows:
  - 6.1. Approve recruitment arrangements.
  - 6.2. Consider suitable candidates shortlisted by the Chief Executive, the SDF Officer(s) and the Chair of the Sustainable Development Fund Committee.
  - 6.3. Decide which candidates to appoint.
7. Monitor and review Sustainable Development Fund finance and project progress.
8. Present the annual report to the National Park Authority for approval on how the fund is allocated and, when approved, to send this to the Welsh Government.

### **Appeals Procedure**

9. If an application is refused the applicant may appeal against the decision. The appeal may be based on a claim:
  - 9.1. of incorrect procedure; or
  - 9.2. where the applicant disagrees with the final decision.
10. 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 (where a working day is defined as a day excluding the weekend and public holidays) to determine an appeal.



- I 1. 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.
- I 2. An appeal on the grounds of the applicant disagreeing with the final decision will be heard by an Appeal Panel.
- I 3. The Appeal Panel shall consist of five Members:
  - I 3.1. three National Park Authority Members, and
  - I 3.2. two Advisory Members (or duly appointed substitute Advisory Members) none of whom were involved in the consideration of the original application.
- I 4. Notwithstanding the ground of appeal the final decision shall be made by a vote of the Authority Members present, assisted by the Advisory Members of the Appeal Panel.

### Sustainable Development Fund Committee Membership

|  |   |
|--|---|
| Total Membership   | 6 |
| Which comprises:   |   |
| Local Authority appointees   | 4 |
| Welsh Government appointees  | 2 |
| Quorum: 2 to include a minimum of one Local Government and one Welsh Government member |   |

Term of Appointment: varied

Officers shall be appointed as advisors to the Committee as required to include the Chief Executive.

Joint Meetings of the Sustainable Development Fund Committee and Grants Advisory Panel are to be held five times a year or as required

### Grants Advisory Panel Terms of Reference

- I 5. To provide expertise in their field and local knowledge to the Sustainable Development Fund Committee.
- I 6. To enable best practice decision making in the awarding of grants to fulfil the purposes of the Authority as follows: '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.'
- I 7. Grant Advisory Panel members are expected to acknowledge the National Park Members' Model Code of Conduct and any Local Authority members shall comply with their respective Code of Conduct while sitting in capacity as a member of the Panel.

## Grant Advisory Panel Membership

|                  |    |
|------------------|----|
| Total membership | 15 |
|------------------|----|

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Which comprises

|                                  |    |
|----------------------------------|----|
| Town/Community Council members   | 3  |
| sixth form at Brecon High School | 1  |
| Expert members                   | 11 |

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|                     |        |
|---------------------|--------|
| Term of appointment | varied |
|---------------------|--------|

Town and Community Councils representing settlements in the west, central and eastern areas of the Authority will be invited to submit a request to nominate one councillor each to sit on the Grants Advisory Panel. For each of the three areas, the councillor will be selected by drawing lots.

One young person from the sixth form at Brecon High School, chosen by the Head of Sixth Form (this role may be shared by two young people and may change at each meeting).

Up to 11 expert members with a commitment to sustainable development, plus knowledge and experience in at least one of the following fields · access and diversity · agriculture · archaeology · business · construction/architecture · environment · recreation/tourism · renewable energy · sustainable development · volunteering · Welsh cultural heritage.

## **Part B: Delegation of Powers to Chief Executive**

### **B1 Chief Executive**

The Chief Executive (National Park Officer) is hereby authorised to:

1. Undertake the day-to-day management and control of the Authority, its officers, premises, and services to give effect to the strategies and policies as set out in the Brecon Beacons National Park Management Plan and any adopted Corporate or Business Plan, Communications Plan and Strategic Equality Plan and any other such strategies and policies as set out from time to time.
2. Determine and implement operational policies and plans.
3. In consultation with the Chair of the Authority determine the Authority's personnel policies and guidelines and review their implementation in relation to staff and industrial relations matters, except that the Authority shall be responsible for all matters concerning the appointment of the Chief Executive.
4. Determine and implement any action necessary to give effect to the implementation of the Brecon Beacons National Park Management Plan and any adopted Corporate, Business Plan, Communications Plan and Strategic Equality Plan (including any other strategies and policies as set out from time to time) and for this purpose to incur expenditure in accordance with the approved budget and the limits provided for in Standing Orders and Financial Regulations.
5. Take any action necessary to give effect to any decision of the Authority or its committees and sub-committees including any variation from that decision where the variation is insignificant and has no implications for the Authority.
6. Track best practice in governance and recommend its implementation to the Authority as appropriate.
7. Carry out reviews and/or consider proposed changes to the Authority's regulatory documents.
8. Review the transparency and accountability of committees with regard to external stakeholders, to include the use of webcasting and social media.
9. Consider reports from the Independent Remuneration Panel for Wales and make recommendations to the Authority.
10. Consider funding opportunities in relation to technological and other improvements to governance.
11. Work with the Welsh Government, Audit Wales, or the Authority's internal auditors in any governance reviews of the Authority.
12. Support the Authority's ethos of Member induction and development in supporting good governance and promote this to all Members.
13. Implement and determine any other task in relation to Corporate Governance or Member development as may be delegated by the Authority.
14. Determine, implement, and modify the terms of reference and duration of working groups and fora.
15. Make the necessary arrangements to ensure that all expenditure is regularly monitored against approved budgets and that any significant outturn variations are reported to the Authority or any appropriate committee or sub-committee.
16. In cases of urgency or emergency, take any necessary action on any matter including the institution of legal proceedings, or decide that no action is necessary on behalf of the

- Authority and any committee or sub-committee of the Authority in relation to any matters within the Authority's powers, duties, and responsibilities. In each such case a subsequent report shall be made to the Authority or the appropriate committee or sub-committee.
17. Authorise Officers and agents of the Authority to exercise statutory powers of entry, for the purpose of inspection and survey of land, buildings, or premises, and may issue any necessary evidence or warrant of authority as may be appropriate in relation to the execution of Officers' or the Authority's duties and powers.
  18. Unless expressly provided otherwise, determine that any of the delegated powers afforded to him/her under this Scheme of Delegation may be exercised by any Officer of the Authority authorised in writing by him/her.
  19. The Chief Executive in consultation with the Chair is empowered to determine when a property decision is not a major property decision. Where it is not a major property decision, within the provisions of the Financial Regulations concerning capital payments / receipts and / or annual rental / income, the Chief Executive is authorised to:
    - 19.1. Approve the acquisition and disposal of land and taking/variation of leases, licences, dedications, and easements of or over any land (including buildings);
    - 19.2. Approve the granting or variation in granting of leases, licences, dedication of or over any land; and
    - 19.3. Approve applications to release restrictive covenants.
  20. The Chief Executive is authorised to:
    - 20.1. Declare land surplus to requirements.
    - 20.2. Approve the disposal of land and the granting or variation of leases, licences and dedication agreements of or over any land.
    - 20.3. Approve the submission of planning applications for development by or on behalf of the Authority.
  21. The Chief Executive is authorised to act in relation to: -
    - 21.1. The extension of compassionate leave for any employee of the Authority.
    - 21.2. The extension of sick pay for any employee of the Authority.
    - 21.3. The approval of special leave for any employee of the Authority.
    - 21.4. Any changes to the permanent establishment.
    - 21.5. Discharge the full function of making or confirming appointment, or dismissal, discipline and determination of all matters relating to the employment of temporary and permanent Officers and staff and the terms and conditions upon which they are employed as specified in such national and local conditions of service as may from time to time be in force. Regarding Chief Officers, to set the criteria, shortlist, and undertake/delegate interviews, and make a recommendation for appointment to a full meeting of the Authority or such committee or sub-committee as may be established for that purpose.
    - 21.6. The approval of voluntary retirement/redundancy for any employee of the Authority.
    - 21.7. Approve requests from Powys Pension Fund to release pension benefits relating to former members of staff.
    - 21.8. The approval of ex-gratia payments.
    - 21.9. Undertake joint consultation with employees' representatives on discipline, security, safety and welfare anomalies of a minor nature, disputes and grievance procedure, supervision, communication, and efficiency to maintain and enhance good working relationship with employees.

- 21.10. The approval of arrangements for employees of the Authority to undertake election duties.
  - 21.11. Authorising such financial returns on behalf of the Authority as are required by law or by competent authorities.
  - 21.12. To determine applications for Sustainable Development Fund grants of up to £5000.
  - 21.13. The approval of variations to contracting quotation processes, as set out in the Authority's Financial Regulations and Standing Orders relating to Contracts.
  - 21.14. Ensuring that the Authority makes appropriate insurance arrangements.
  - 21.15. Effecting changes in relation to the Prudential Indicators between the separate agreed limits for borrowing and any other long-term liabilities in accordance with value for money or other relevant factors; and
  - 21.16. Borrowing from the UK Debt Management Office (on behalf of HM Treasury) or money markets at the most advantageous rates.
22. The Chief Executive shall sign on behalf of the Authority, where appropriate, notices, orders, deeds or documents necessary to give effect to matters and recommendations of committees presented to and approved by the Authority or give effect to any matter dealt with by a Committee or Sub-Committee of the Authority under their delegated powers or where any such document is a necessary step in the legal or parliamentary proceedings on behalf of the Authority or in which the Authority is concerned. Provided that any such notices, orders, deeds, or documents may be signed in the Chief Executive's name and on his/her behalf by any person designated by him for that purpose or any of them.
23. The Chief Executive is authorised to determine an Authority response in line with the Authority's policies on any UK Government, Welsh Government or local government proposal affecting the National Park including those concerning the Authority's powers, duties, functions, and responsibilities.
24. In consultation with the Chair of the Authority to agree attendance of members at conferences.

The decision of the Chief Executive, in consultation with the Monitoring Officer, and Chair as to the scope and interpretation of delegated powers within the Scheme of Delegations shall be final.

## **Part C: Delegation of Powers to Directors Monitoring Officer and s151 Officer**

### **C1 General delegation to the Directors, Monitoring Officer and S151 Officer**

1. The Directors and Monitoring Officer are authorised to act on behalf of the Chief Executive in relation to any matters hereby delegated, subject to the following overriding provisions:
  - 1.1. The overall policies approved by the National Park Authority or by the appropriate Committee under delegated powers.
  - 1.2. Standing Orders.
  - 1.3. Financial Regulations; and
  - 1.4. Planning Committee Scheme of Delegation.
2. Directors are authorised to act in determining the management of the human, financial (both income and expenditure) and material resources made available to their Directorate, for the purposes defined in the Authority's approved policies, plans and budget, except as otherwise provided in this Scheme of Delegation.
3. Directors are authorised to act (for staff at NJC grade 13 and below) in relation to the appointment of staff and in the application of the Authority's personnel and management policies to all staff for whom they are responsible, except in relation to matters of discipline and dismissal and as provided in section C 3 below.
4. Directors are authorised to make or refuse financial grants in all circumstances where the Authority has power so to act. In exercise of this delegated power, the Director will act in accordance with the overall budgets and any scheme approved by the Authority or any of its committees or sub-committees and maintain a register of all decisions made. Such register to be open to inspection by any member of the Authority and any member of the public.
5. Directors are authorised to sign grant claim forms and acceptance forms in relation to any project or matter which itself has been authorised by the Authority or under delegated powers.
6. Without prejudice to these delegations, each Director is expected to liaise in appropriate cases with the Chief Executive and in appropriate cases to:
  - 6.1. Maintain a close liaison with the appropriate Committee or Group Chair (or in his / her absence the Deputy Chair); and/or
  - 6.2. Ensure that the members are advised of key actions exercised under delegated powers; and/or
  - 6.3. Ensure that the Monitoring Officer and / or Chief Finance Office (S151 Officer) is consulted or informed where appropriate.
7. Directors, the Monitoring Officer and S151 Officer are authorised to take decisions on behalf of the Authority in all areas where they have sole managerial and professional responsibility.
8. These delegations may be rescinded in whole or in part by the Chief Executive at any time.
9. Unless expressly provided otherwise, any of the delegated powers afforded to Directors under this Scheme of Delegation may be exercised by any Officer of the Authority authorised in writing by that Director.

## **C2 Director of Planning and Place**

1. The Director of Planning and Place may determine the procedures to be followed in preparing the documents required by the approved Local Development Plan.
2. The Director of Planning and Place is authorised to act as follows:
  - 2.1. With the exception of those functions specifically delegated to the Director of Nature Recovery and Climate Change respectively, the Director of Planning and Place is authorised to exercise all development control/development management and enforcement functions conferred upon Local Planning Authorities and Mineral Planning Authorities (including those related to listed buildings, conservation areas and hazardous substances) including authority to make minor variations to the planning validation lists as a consequence of changes in legislation or government guidance except the following:
  - 2.2. Proposals submitted by or on behalf of the Authority for its own development, or for development on Authority owned land, where an objection has been received.
  - 2.3. Proposals known by the Director of Planning and Place to have been submitted by or on behalf of a member or employee of the Authority (or in each case their spouse or partner), where an objection has been received.
  - 2.4. The Director of Planning and Place determines that the matter should be considered by the Authority by reason of significant public interest, a conflict between the Authority's adopted planning policies and/or other material planning considerations.
  - 2.5. Powers delegated to the Director of Planning and Place may only be used where the following criteria are satisfied:
    - 2.5.1. the decision will be in accordance with policy, and the relevant statutory development plan, or in accordance with policy, in the view of the Director of Planning and Place any departure is not substantial and there are sound planning reasons not to comply with policy; and
    - 2.5.2. a member of Planning Committee has not written to the Director of Planning and Place requesting, for some written specified material planning reason, that the application be considered by the Planning Committee in accordance with the Planning Protocol.

Note: The criteria specified at 2.2 above will not apply in respect of applications for prior approval or prior notification submitted in accordance with the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

- 2.6. Breach of Condition Notices, Planning Contravention Notices and Section 215 Notices shall only be served by the Director of Planning and Place after consultation with the Monitoring Officer.
- 2.7. Enforcement Notices and Stop Notices, including Temporary Stop Notices, shall only be served after consultation with the Monitoring Officer.
- 2.8. Unless expressly provided otherwise, determine that any of the delegated powers afforded to the Director of Planning and Place under this Scheme of Delegation may be exercised by any Officer of the Authority authorised in writing by the Director of Planning and Place.
- 2.9. To determine that a hedgerow is 'not important' against the Hedgerow Notification Criteria.
- 2.10. On behalf of the Authority to adopt a revised character appraisal for any designated conservation area within the National Park; and

- 2.11. Following review of a conservation area, to determine on behalf of the Authority that no changes should be made to the boundaries of that conservation area.
- 2.12. To set charges for professional advice in connection with the Historic Environment Record.
- 2.13. To set charges for professional advice in connection with Plan Checking Services.
- 2.14. To set fees and charges for pre-application planning advice in accordance with the principles agreed by the Authority.
- 2.15. To set charges for providing extended planning history on land charge searches.
- 2.16. To authorise consents on common land and access land under National Park Byelaws and to make decisions concerning the licensing of commercial activities.
- 2.17. After consultation with the Monitoring Officer to determine Lawful Development Certificate applications.
- 2.18. To sign off and comply with appropriate assessments under the Conservation of Habitats and Species Regulations 2017 and appropriate assessments arising from Part I of the Countryside and Rights of Way Act 2000.
- 2.19. To authorise the making of Tree Preservation Orders (TPOs) where there appears to be a threat to important trees and to confirm TPOs where no objections have been received.
- 2.20. To authorise the variation or revocation of existing but outdated TPOs and their replacement with new Orders.
- 2.21. To determine applications for works to trees covered by Tree Preservation Orders.
- 2.22. To determine notifications for works to trees in Conservation Areas.
- 2.23. To authorise the appointment of tree consultants and contractors.
- 2.24. To authorise works to important hedges under the Hedgerow Regulations.
- 2.25. To authorise the serving of Hedgerow Retention Notices.
- 2.26. To authorise the making of Limestone Pavement Orders.
- 2.27. To authorise the serving of emergency Limestone Pavement Orders.
- 2.28. To authorise the serving of Building Preservation Orders.
- 2.29. To authorise the serving of Listed Building Repairs Notices.
- 2.30. To authorise the serving of Urgent Works Notices to preserve unoccupied listed buildings.
- 2.31. To determine that the criteria are not met, or notification is not required under the Hedgerow Notification provisions.
- 2.32. In consultation with the Monitoring officer and in accordance with Financial Regulations to enter into management agreements with owners and occupiers of land pursuant to section 39 Wildlife and Countryside Act 1981.

### **C3 Monitoring Officer/Head of Legal**

#### **I. The Monitoring Officer/Head of Legal is authorised:**

- 1.1. To empower the service of statutory notices to ascertain the legal interest of any person in land.
- 1.2. Obtain Counsel's opinion or other professional legal advice and brief Counsel or any other competent and qualified person to appear for the Authority.
- 1.3. To accept service, or institute, defend, participate in, settle or withdraw from any legal proceedings in the name of the Authority or an individual Officer of the Authority at



Common Law or under any enactment, statutory instrument, order or byelaw conferring functions upon the Authority or in respect of functions undertaken by them and to lodge an appeal against any decision taken in such proceedings. For the avoidance of doubt this authority extends to the taking of all procedural steps, including the service of notices, statutory or otherwise, counter-notices and Notices to Quit.

- 1.4. Bring prosecution proceedings in any criminal court, where it is considered clearly expedient for the promotion or protection of National Park purposes and duties or the interests of the Authority, including the contravention of National Park Byelaws, or offences contrary to any enactment.
- 1.5. To authorise Officers of the Authority to prosecute or defend or appear in any legal proceedings by virtue of the provisions of Section 223 of the Local Government Act, 1972 and to appear on behalf of the Authority at any inquiries, tribunal or other body responsible for matters affecting the Authority.
- 1.6. To authorise prosecutions for obstructions to Rights of Way under Section 137 of the Highways Act 1980.
- 1.7. To set legal charges in connection with Section 106 Agreements: and
- 1.8. To authorise any qualified lawyer employed by or appointed by the Authority to exercise any of the powers set out in 1.1 to 1.6 inclusive
- 1.9. To make minor amendments to the Scheme of Delegation to reflect legislative changes or to remove any inconsistency or correct any ambiguity.
2. In relation to Standards regime the Monitoring Officer and any duly appointed Deputy Monitoring Officer are hereby authorised to:
  - 2.1. Receive and acknowledge receipt of a complaint under the Member Code of Conduct.
  - 2.2. Inform the Member(s) concerned that a complaint has been received and the matter complained of.
  - 2.3. Identify the Member(s) concerned and the nature of the complaint.
  - 2.4. Seek clarification from the person making the complaint and any further background information as necessary, without engaging in any substantive investigation.
  - 2.5. Invite the Member(s) concerned to make a statement about the complaint.
  - 2.6. Close the complaint on the grounds that the matter complained of does not merit formal investigation.
  - 2.7. Consider and where appropriate determine whether a complaint should be referred directly to the Public Services Ombudsman for Wales.
3. Entirely without prejudice to whether there has or has not been any breach of the Code of Conduct, ask the Member(s) concerned to:
  - 3.1 Attend a training course or receive other training.
  - 3.2 Engage in a process of conciliation with the person who made the complaint.
  - 3.3 Undertake some other appropriate action, as specified.
  - 3.4 Refer the complaint for formal investigation and appoint an investigating officer.
4. Take all decisions and steps necessary for the proper conduct of any investigation and the proper determination of any complaint, question or other matter arising under the Code of Conduct in accordance with the Authority's adopted protocols and procedures.
5. For the avoidance of doubt, this delegation shall include the power to incur necessary expenditure not exceeding £5,000 in commissioning external legal advice or assistance with any investigation.
6. Unless expressly provided otherwise, determine that any of the delegated powers afforded to the Monitoring Officer under this Scheme of Delegation may be exercised by the Deputy Monitoring Officer without further authority.

#### **C4 Delegation of powers to the Section 151 Officer**

1. The Section 151 Officer is:
  - 1.1. The financial adviser to the Authority, the Members and Officers.
  - 1.2. The Authority's 'responsible financial officer' under all relevant legislation; and
  - 1.3. Responsible for the proper administration of the Authority's financial affairs as specified in, and undertakes the duties required by, Section 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988, the Local Government and Housing Act 1989, the Local Government Act 2003, and all other relevant legislation.
2. The Section 151 Officer shall have the following delegated powers and responsibilities: -
  - 2.1. To carry out the functions and responsibilities which are detailed in the Financial Regulations.
  - 2.2. To secure effective treasury management, including taking all action necessary in relation to all debts, payment of accounts, loans (including guarantees and indemnities), grants, advances, investments, financing, and banking generally.
  - 2.3. To take all action necessary to ensure the safeguarding of assets by maintaining and administering appropriate insurance and approving requests to postpone legal charges.
  - 2.4. To take all necessary action in respect of the Authority's membership of Powys Pension Fund as an admitted body.
  - 2.5. For making a report under S114 if there is or is likely to be unlawful expenditure or an unbalanced budget in consultation with the Monitoring Officer and Chief Executive Officer.
  - 2.6. For reporting to the Authority at the time the budget is considered on the robustness of the estimates and the adequacy of the financial reserves.
  - 2.7. For certifying the Authority's annual Statement of Accounts.
  - 2.8. For making arrangements in accordance with the extant Accounts and Audit (Wales) Regulations for effective financial management and sound systems of internal control, including internal audit and treasury management.
  - 2.9. Unless expressly provided otherwise, determine that any of the delegated powers afforded to the S151 Officer under this Scheme of Delegation may be exercised by the Deputy S151 Officer without further authority.

#### **C5 Director of Nature Recovery and Climate Change**

1. The Director of Nature Recovery and Climate Change is authorised to act as follows:
  - 1.1. To discharge the functions of the Authority in relation to public rights of way and public access to land, including those functions in relation to public rights of way that are to be discharged by the Authority on behalf any Highway Authority and any subsequent Agreement between the parties modifying or revoking and re-enacting its provisions.
  - 1.2. This delegated authority shall include, but not be limited to the power to:
  - 1.3. After consultation with the Monitoring Officer as necessary determine all applications (other than those opposed by the Local Access Forum, and/or the Community Council) for public path creation, extinguishment and diversion orders submitted to the Authority

- under the Highways Act 1980 and the Town and Country Planning Act 1990 After consultation with the Monitoring Officer as necessary, to decide whether to make a Definitive Map Modification Order on an unopposed application under the Wildlife and Countryside Act 1981. Any opposed application is to be determined by the Planning Committee
- I.4. After consultation with the Monitoring Officer as necessary, to confirm unopposed orders under the Highways Act 1980, the Wildlife and Countryside Act 1981 and the Town and Country Planning Act 1990; to submit opposed orders under the 1981 Act or the 1990 Act; and in respect of opposed orders under the 1980 Act, either to decide not to confirm them, or to submit them to the Welsh Government as opposed orders.
  - I.5. Act under the Highways Act 1980 to deal with nuisances, dangers, and obstructions to public rights of way.
  - I.6. Undertake maintenance and improvement of public rights of way.
  - I.7. To act as the 'Proper Officer' for the purpose of responding to notices served under the Highways Act 1980 Section 56:
  - I.8. 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.
  - I.9. Make temporary traffic regulation orders under Sections 14 and 15 Road Traffic Regulation Act 1984.
  - I.10. Enter into agreements for permissive paths and access agreements under S39 of the Wildlife and Countryside Act 1981 and other relevant powers, involving one-off lump sum compensation or acknowledgement payments of up to £5,000, or annual or other payments which will average less than £750pa over the life of the agreement.
  - I.11. 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.
  - I.12. Make directions under Section 26 of the Countryside and Rights of Way Act 2000 for periods of up to six months in any one year.
  - I.13. To perform the responsibilities of the Authority as Relevant Authority and as Access Authority under the Countryside and Rights of Way Act 2000, including authority to determine exclusions and restrictions.
  - I.14. To carry out the responsibilities of the National Park Authority contained within any Highway Authority delegation agreements and to review and renew these agreements.
  - I.15. To consult on and authorise the making of Traffic Regulation Orders under the Road Traffic Regulation Act 1984 (as amended by section 72 of the Natural Environment and Rural Communities Act 2006).
  - I.16. To set car park charges.
  - I.17. To authorise the creation by agreement of footpaths, bridleways and restricted byways under section 25 of the Highways Act 1980
  - I.18. To deal with motor rally consultations and approvals under the provisions of the Motor Vehicles (Competition and Trials) Regulations 1969.
  - I.19. To suspend access on Access Areas designated under the National Parks and Access to the Countryside Act 1949.

- I.20. To grant temporary leases and licences for the ad hoc use of National Park Authority car parks and associated utilities.
- I.21. To grant leases, sessional licences of premises for periods up to a maximum of 7 days:
- I.22. To grant grazing agreements in respect of the use of National Park Authority owned land.
- I.23. To agree the Authority's contribution to Local Transport Plans and other Unitary Authority Rights of Way Improvement Plans.
- I.24. To set prices and charges for retail merchandise, retail publications and services, exhibitions and events, education resources, services and associated events, visitor giving and sponsorship schemes, admission charges and charges for services.
- I.25. To set charges in relation to Public Path Orders, and emergency and temporary closures of rights of way.
- I.26. To respond to, and deal with, requests to grant private access through, or the purchase of small areas of land in, or adjacent to, Authority car parks.
- I.27. To sign Woodland Management and New Native Woodland Agreements.
- I.34 To authorise the creation of footpaths, bridleways and restricted byways on National Park Authority owned land in connection with applications for public path creation orders and public path diversion orders under section 26 and section 119 Highways Act 1980
- I.35 To authorise the extinguishment of footpaths, bridleways and restricted byways on National Park Authority owned land in connection with applications for public path extinguishment orders under section 118 Highways Act 1980
- I.36 To authorise recreation and challenge events on National Park Authority owned land
- 2.33. To authorise consents on common land and access land under National Park Byelaws and to make decisions concerning the licensing of commercial activities.
- 2.34. The Director of Nature Recovery and Climate Change is further authorised to determine that the delegated powers may be exercised by any Officer of the Authority authorised in writing by him/her

## **APPENDIX A**

### **LOCAL ACCESS FORUM SELECTION PANEL**

#### **Composition**

The Chair and Deputy Chair of the Planning Committee and two additional members as determined by the Chair of the Authority. 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.

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 Committee;
- 6) Where no qualified person has applied, to approve further arrangements for advertisement