



**Draft**

**Exmoor National Park Authority**

# **Standing Orders**

**regulating meetings and proceedings of  
the Authority and its Committees**

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# 1 INTRODUCTION

These Standing Orders are for the regulation of the meetings, proceedings and business of the Exmoor National Park Authority in accordance with all enabling powers.

## PART A: ORDERS APPLICABLE TO AUTHORITY MEETINGS

### 2 MEETINGS OF THE AUTHORITY

- 2.1 **Number of Meetings:** In every year, the Authority shall hold one Annual Meeting and at least three other meetings for the transaction of general business.
- 2.2 **Dates of Meetings:** The meetings of the Authority shall be held on dates determined by the Authority. The Chief Executive (National Park Officer) in consultation with the Chairman shall have authority to change the date of any meeting of the Authority if in their opinion such change is necessary for the convenient and/or efficient dispatch of Authority business.
- 2.3 **Calendar of Meetings:** Each year the Authority shall approve a calendar of meetings of the Authority and its Committees.
- 2.4 **Date of Annual Meeting:** The Annual Meeting of the Authority shall be the first meeting held after 31 May in any year.
- 2.5 **Time of Meetings:** The meetings of the Authority shall start at either 10.30am or 2.00pm or at such other time as the Authority shall determine. The Chief Executive in consultation with the Chairman shall have authority to change the time of any meeting of the Authority if in their opinion such change is necessary for the convenient and/or efficient dispatch of Authority business.
- 2.6 **Venue of Meetings:** All meetings of the Authority shall be held at Exmoor House, Dulverton or at such other place as the Chairman shall determine.
- 2.7 **Summons for a Meeting:** Not less than five clear working days before a meeting of the Authority, the Chief Executive shall issue a public notice of the time and place of the meeting and a summons to attend the meeting shall be posted to the usual place of residence of every Member of the Authority, or at some other address as notified by a Member.

The summons for any extraordinary meeting shall set out the agenda for that meeting.

Failure to serve a summons on any Member of the Authority shall not affect the validity of any meeting.

No business shall be transacted at a meeting of the Authority other than that specified in the notice of that meeting

The proceedings of the Authority shall not be invalidated by any vacancy or defect in appointment of any Member.

- 2.8 **Extraordinary Meetings:** An extraordinary meeting of the Authority may be called at any time by the "Appropriate Person" meaning the Chairman, or if that office is vacant, the Deputy Chairman, or if that office is also vacant, the Chief Executive.

In addition, the Appropriate Person shall call an extraordinary meeting of the Authority upon receipt of a written request for that purpose specifying the nature of the important or urgent business signed by five Members of the Authority. Should the Appropriate Person not call an extraordinary meeting within seven days of receipt of the request, any five Members of the Authority may call an extraordinary meeting of the Authority.

### **3 APPOINTMENT OF CHAIRMAN AND DEPUTY CHAIRMAN**

- 3.1 At the Annual Meeting of the Authority, the Chief Executive shall preside over the first item of business to elect a Chairman of the Authority. The second item of business shall be to elect a Deputy Chairman of the Authority.
- 3.2 Where more than two persons are nominated for the position of Chairman or Deputy Chairman a vote will take place. If, following the vote, there is not a clear majority in favour of one person, the name of the person having the least number of votes shall be struck off the list. A fresh vote shall then be taken and so on, until a majority of votes is given in favour of one person. Nominees shall be entitled to vote for themselves. The voting may take place by ballot if the Authority so determines.
- 3.3 The Chairman and Deputy Chairman shall be elected for a period not exceeding one year but on ceasing to hold office at the end of their elected term both shall be eligible for re-election.
- 3.4 The Chairman or Deputy Chairman may at any time resign his/her office by notice in writing delivered to the Chief Executive.
- 3.5 A person shall cease to hold office as Chairman or Deputy Chairman of the Authority upon ceasing to be a Member of the Authority.
- 3.6 If a vacancy in the office of Chairman or Deputy Chairman shall arise, the vacancy shall be filled by the Authority's election of one of its Members at the next Authority meeting.
- 3.7 Where a casual vacancy in the office of Chairman or Deputy Chairman of the Authority is filled the person then elected shall hold office until the next Annual Meeting of the Authority.

### **4 CONDUCT OF MEETINGS**

- 4.1 At a meeting of the Authority the Chairman shall preside.
- 4.2 If the Chairman is absent from a meeting of the Authority the Deputy Chairman shall preside.
- 4.3 If both the Chairman and Deputy Chairman of the Authority are absent, the Members of the Authority present at that meeting shall choose a person from their number to preside as chairman for that meeting.
- 4.4 Any powers or duty in relation to the conduct of a meeting assigned to the Chairman by these Standing Orders may be exercised by any person presiding at a meeting in accordance with Standing Order 4.3 above.

## **5 QUORUM**

- 5.1 Except where authorised by statute or otherwise specifically determined by the Authority, no business shall be transacted at a meeting of the Authority unless: at least one-third of the whole number of Members of the Authority are present; and of those present at least one is a local authority Member and at least one is a Member appointed to the Authority by the Secretary of State.

*Note: the quorum for a meeting of the Authority of 22 Members is 8.*

- 5.2 If, during any meeting of the Authority, the Chairman, after counting the number of Members present, declares there is not a quorum present, the meeting shall forthwith end and any business shall stand adjourned to a date fixed by the Chairman or if a date is not fixed, to the next meeting of the Authority.

## **6 ATTENDANCE AT MEETING**

- 6.1 Every Member attending a meeting of the Authority shall certify their attendance by signing their name in the attendance book.
- 6.2 A Member shall tender an apology to the office of the Chief Executive before the date of a meeting that he/she is unable to attend.
- 6.3 If a Member fails throughout a period of six consecutive months from the date of his/her last attendance to attend any meeting of the Authority, he/she shall cease to be a Member of the Authority unless the failure was due to some reason approved by the Authority before the expiry of that period. Attendance as a Member at a meeting of any committee or sub-committee, joint committee, joint board, advisory committee or other body by which for the time being the functions of the Authority are being discharged shall be deemed to be attendance at a meeting of the Authority.

## **7 ORDER OF BUSINESS**

- 7.1 Subject to any statutory requirements, the order of business at every meeting of the Authority shall normally be as follows:
- (a) at the Annual Meeting only in every year, to appoint the Chairman and Deputy Chairman of the Authority;
  - (b) to choose a person to preside if both the Chairman and Deputy Chairman are absent;
  - (c) to deal with any business required by statute to be done before any other business;
  - (d) to approve and sign as a correct record the Minutes of the last meeting of the Authority;
  - (e) to consider any matters arising from the Minutes of the last meeting of the Authority;
  - (f) Chairman's announcements;
  - (g) to deal with any business expressly required by statute to be done;

- (h) to introduce any business which by reason of special circumstances the Chairman, after consultation with the Chief Executive, is of the opinion should be considered as a matter of urgency **AND** then to resolve when such business should be ordered on the Agenda;
- (i) to dispose of business (if any) remaining from the last meeting;
- (j) to receive any public questions in accordance with Standing Order 32;
- (k) to consider recommendations of Committees;
- (l) to consider motions in the order in which notice has been received;
- (m) to consider reports and other business specified in the summons;
- (n) to consider questions from Members of which notice has been given in accordance with Standing Order 11;
- (o) to receive the minutes of Committees;
- (p) to consider any business which is the subject of any resolution passed under Standing Order 15.1 to exclude the press and public for reasons of confidential or exempt information as defined by Section 100A of the Local Government Act 1972.

7.2 The order of business at any meeting of the Authority (other than business set out in Standing Order 7.1(a), (b) and (c)) may be varied either at the Chairman's discretion or by a resolution passed on a motion duly moved, seconded and put without debate.

## **8 MINUTES**

- 8.1 The minutes recording the decisions of each meeting of the Authority shall be signed at the next suitable meeting of the Authority. The minutes shall be taken as read and the person presiding shall put the question *'May the minutes of the meeting held on the X day of Y be approved as a correct record?'*
- 8.2 There shall be no discussion upon the minutes, except upon their accuracy. Any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been resolved, the Chairman shall sign the minutes.
- 8.3 A signed copy of the approved Minutes of every meeting of the Authority shall be entered in a book and kept securely. Any minute purporting to be so signed shall be received in evidence without further proof.
- 8.4 Any question on the accuracy of the minutes of a Committee or Sub-Committee shall stand referred to the next meeting of the Committee or Sub-Committee and shall not be discussed at the meeting of the Authority.
- 8.5 Until the contrary is proved, a meeting of the Authority the minutes of which have been made and signed in accordance with these Standing Orders shall be deemed to have been duly convened and held, and all the Members present at the meeting shall be deemed to have been duly qualified.

## **9 VOTING**

- 9.1 Every motion shall be determined by a show of hands unless otherwise decided by a majority of the meeting.
- 9.2 All motions shall be decided by a majority of the Members of the Authority present and voting at that meeting.
- 9.3 On the requisition of any Member of the Authority supported by four other Members, the voting shall be recorded to show how each Member present and voting gave his/her vote for or against the motion or who abstained from voting.
- 9.4 On the Chairman putting a motion to the vote, no further discussion on it shall take place.
- 9.5 If immediately after a vote is taken any Member so requests, a record shall be kept in the Minutes of that meeting whether that Member cast his/her vote for or against the motion or abstained from voting.
- 9.6 In the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

## **10 MOTIONS**

- 10.1 **Scope of Motion:** Every motion shall be relevant to some matter in relation to which the Authority has power or duties or which affects Exmoor National Park. Notice of every motion (other than those set out in 10.2 below) shall be given in writing and set out in the Summons in accordance with 10.3 and 10.4 below.
- 10.2 **Motions moved without notice:** The following motions and amendments may be moved without notice:
- (1) appointment of the Chairman of the meeting at which the motion is made;
  - (2) motion relating to the accuracy of the minutes;
  - (3) that an item of business specified in the summons has precedence;
  - (4) reference to a Committee;
  - (5) appointment of a committee or Member thereof occasioned by an item mentioned in the summons to the meeting.
  - (6) to vary the order of business;
  - (7) for leave to be given to withdraw a motion.
  - (8) to amend a motion;
  - (9) to refer the motion to a committee or sub-committee;
  - (10) receipt of reports or adoption of recommendations of committees or Officers and any consequent resolutions;
  - (11) "that the question be now put";
  - (12) "that the Authority (or committee) proceeds to the next item of business";
  - (13) "that the debate be now adjourned";

- (14) "that the Authority (or committee) do now adjourn";
- (15) authorising the sealing of documents;
- (16) to exclude the public in accordance with Standing Order 15
- (17) "that the Member be not further heard" (Standing Order 14);
- (18) "that the Member leave the meeting" (Standing Order 14);
- (19) the suspending of Standing Orders in accordance with Standing Order 18.
- (20) to give the consent of the Authority where the consent of the Authority is required by these Standing Orders.

- 10.3 **Notices of Motion:** Notice of every motion (other than those set out in 10.2 above which may be moved without notice) shall be given in writing and signed by the Member or Members giving the notice and delivered to the Chief Executive at least ten working days before the date of the next Authority meeting. Upon receipt, it shall be dated and numbered in the order received and entered into a book open to inspection.
- 10.4 **Motions to be set out in Summons:** The Chief Executive shall set out in the summons for every meeting of the Authority all motions of which notice has been received, unless the Member when giving such notice intimated in writing that they proposed to move it at some later meeting, or has since withdrawn it in writing.
- 10.5 **Motion Not Moved:** If a motion which is set out in the summons is not moved either by a Member who gave notice of it or by some other Member on his/her behalf it shall, unless postponed by consent of the Authority, be treated as withdrawn and shall not be moved without fresh notice.

## 11 FORMAL QUESTIONS BY MEMBERS

- 11.1 A Member may:
- (a) ask any question relating to the business of the Authority provided written notice is received at the office of the Chief Executive at least ten working days before an Authority meeting;
  - (b) with the permission of the Chairman, put any question relating to urgent business, but a written copy of such question shall be delivered to the Chief Executive on the day of the meeting and prior to its commencement;
  - (c) every question shall be put and answered without discussion and no provision shall be made for asking supplementary questions;
  - (d) any person to whom a question is put may decline to answer;
  - (e) every question put and the reply shall be recorded in the minutes of the meeting.



## 12 DEBATE

- 12.1 All discussion and debate in a meeting of the Authority or any committee and sub-committee shall be conducted in accordance with the Rules of Debate set out in the Standing Order 13.
- 12.2 For the purpose of conducting the business of meetings in an informal manner, it shall always be open to the Chairman to allow debate that does not comply with the formalities of Standing Order 13.
- 12.3 The Chairman may determine to bring the meeting and its procedures into full and strict conformity with the Rules of Debate under Standing Order 13 and such determination shall be final.

## 13 RULES OF DEBATE

- 13.1 **Discussion of a Motion or Amendment:** A motion or amendment shall not be discussed unless it has been proposed and seconded. Unless notice has already been given in accordance with Standing Order 10.3, the Chairman may require the matter to be put in writing and handed to the Chairman before it is discussed or put to the meeting.
- 13.2 **Secunder's Speech:** When seconding a motion or amendment, a Member may reserve the right to speak until later in the debate by declaring an intention to do so.
- 13.3 **Speaking in Debate:** A Member when speaking shall address the Chairman. If two or more Members indicate a wish to speak, the Chairman shall call one to speak and other Members shall then await their opportunity to speak. While a Member is speaking, the other Members shall refrain from speaking unless raising a point of order.
- 13.4 **Content and Length of Speeches:** A Member shall direct his/her speech to the motion under discussion or to a personal explanation or to a point of order. No speech may exceed five minutes except with the consent of the Chairman.
- 13.5 **Speaking More Than Once:** A Member who has spoken on any motion shall not speak again while it is the subject of debate, except:
- (a) once on an amendment moved by another Member;
  - (b) if the motion has been amended since he/she last spoke, to move a further amendment;
  - (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which he/she spoke was carried;
  - (d) in exercise of a right of reply;
  - (e) on a point of order
  - (f) by way of explanation of some material part of his/her speech which appears in the course of the debate to have been misunderstood.

- 13.6 **Amendments to Motions:** An amendment shall be relevant to the motion and shall be either:
- (a) to refer a matter to a Committee for consideration or reconsideration;
  - (b) to leave out words; or to insert or add words; or
  - (c) to leave out words and insert or add others;
- but such omission, insertion or addition of words shall not have the effect of negating the motion before the Authority, or of introducing a substantially new proposal.
- 13.7 **Discussion of Amendments:** Only one amendment may be moved at a time. No further amendment shall be moved until the amendment under discussion has been disposed of.
- The Chairman may permit two or more amendments to be discussed together (but not voted on together) if he/she is of the opinion that this course would facilitate the proper conduct of Authority business.
- If an amendment is not carried, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
- 13.8 **Alteration of Motion:** A Member may, with the consent of the Authority indicated without discussion, alter a motion of which he/she has given notice, or with the consent of his/her seconder, alter a motion that he/she has moved if in either case the alteration is one that could be made as an amendment.
- 13.9 **Withdrawal of Motion or Amendment:** A motion or amendment may be withdrawn by the mover with the consent of the seconder and of the Authority, which shall be signified without discussion. No Member may speak upon the amendment after the mover has asked permission for its withdrawal, unless such permission has been refused.
- 13.10 **Right of Reply:** The mover of a motion has a right of reply at the close of the debate on the motion, immediately before it is put to the vote. The reply shall be strictly confined to answering previous speakers and shall not introduce any new matters into the debate. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment but shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on that amendment.
- 13.11 **Motions which may be moved during debate:** When a motion is under debate no other motion shall be moved except the following:
- (a) to amend the motion;
  - (b) that the question be now put;
  - (c) to adjourn the debate;
  - (d) to proceed to the next item of business;
  - (e) to adjourn the meeting;
  - (f) a motion under Standing Order 15 to exclude the public;
  - (g) that the Member be not further heard (Standing Order 14);
  - (h) that the Member leave the meeting (Standing Order 14).

- 13.12 **Closure Motions:** A Member may move without comment at the conclusion of a speech of another Member: "That the Authority proceed to the next item of business", "That the question be now put", "That the debate be now adjourned" or "That the Authority do now adjourn", on the seconding of which the procedure shall be as follows:
- (a) on a motion "to proceed to the next item of business", unless in the Chairman's opinion the matter before the meeting has been insufficiently discussed, the Chairman shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to next business;
  - (b) on a motion that "the question be now put", unless in the Chairman's opinion the matter before the meeting has been insufficiently discussed, the Chairman shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion their right of reply before putting the motion to the vote;
  - (c) on a motion "to adjourn the debate or the meeting", if in the Chairman's opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, the Chairman shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply on that occasion.
- 13.13 **Points of Order and personal explanation:** A Member may raise a point of order or a matter of personal explanation and shall be heard forthwith.
- A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the Member shall specify the Standing Order or statutory provision and the way in which he/she considers it has been broken.
- A personal explanation shall be confined to some material part of a former speech by him/her that appears to have been misunderstood in the present debate.
- The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.
- 13.14 **Respect for the Chairman:** Whenever the Chairman speaks during a debate, any Member then speaking shall immediately stop and the Authority shall be silent.

## 14 DISORDERLY CONDUCT DURING MEETINGS

- 14.1 If in the opinion of the Chairman, any Member engages in misconduct by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by willfully interrupting or obstructing the business of the Authority, the Chairman or any other Member may move "that the Member named be not further heard". Such motion if seconded shall be put and determined without discussion.
- 14.2 If the Member named continues such misconduct after a motion under paragraph 14.1 has been carried, the Chairman shall either move "that the Member named do leave the meeting" which shall be put and determined without seconding or discussion; or shall adjourn the meeting for a period as in his/her discretion is considered expedient.

- 14.3 In the event of a general disturbance which in the opinion of the Chairman renders the due and orderly dispatch of business impossible, in addition to any other power vested in him, the Chairman may, without the question being put, adjourn the meeting of the Authority for such period and to such place as his/her discretion considers expedient.
- 14.4 If a member of the public interrupts the proceedings at any meeting the Chairman shall warn him/her. If he/she continues the interruption, the Chairman shall order his/her removal from the Authority Room. In the case of general disturbance in any part of the Authority Room open to the public the Chairman shall order that part to be cleared.

## **15 MEETINGS TO BE OPEN TO THE PRESS AND PUBLIC**

- 15.1 Every meeting of the Authority or any Committee or Sub-committee shall be open to the press and public except in the following circumstances:
- (a) the press and public shall by resolution be excluded from a meeting during an item of business when in view of the nature of the proceedings or the business to be transacted, it is likely that if members of the public were present, confidential information as defined in s100A(3) of the 1972 Act would be disclosed to them in breach of the obligation of confidence;
  - (b) the press and public may by resolution under s100A(4) of the 1972 Act be excluded from a meeting during an item of business when in view of the nature of the proceedings or the business to be transacted, it is likely that if members of the public were present there would be disclosure to them of exempt information, as defined in s100I of the 1972 Act.
  - (c) if any matter arises at a meeting of the Authority or any Committee as to the appointment, promotion, dismissal, salary, pension, conditions of service or conduct of any Officer, or where persons are being considered for an appointment with the Authority, a motion under Section 100A(4) of the 1972 Act to exclude the public shall be moved forthwith by the Chairman and put without debate.
- 15.2 Unless the Chairman shall direct otherwise, upon the conclusion of any item of business taken following a resolution under Standing Order 15.1, Members shall immediately return to the Chief Executive or his/her nominee all reports, documents and papers relating to that item, for secure disposal as confidential waste.

## **16 CONFIDENTIALITY**

A Member or Officer of the Authority shall not:

- (a) disclose any information or matter which has been reported to or debated by the Authority or any Committee or Sub-committee and which is confidential information within the meaning of s100A of the 1972 Act; or
- (b) without the express permission of the Authority, disclose any information or matter which is identified as exempt information following a resolution pursuant to s100A of the 1972 Act to exclude the public from the meeting.

**17 RESCISSION OF PREVIOUS RESOLUTION**

No motion to rescind or reverse any substantive resolution passed by the Authority within the preceding six months and no motion or amendment to the same effect as one which has been rejected within the preceding six months shall be proposed unless notice thereof in pursuance of Standing Order 10.3 bears the names of at least six Members of the Authority. When the Authority has disposed of any such motion or amendment, it shall not be open to any Member to propose a similar motion within a further period of six months.

**18 WHEN STANDING ORDERS MAY BE SUSPENDED, REVOKED OR ALTERED**

18.1 These Standing Orders shall only be capable of variation, amendment, revocation, replacement or other alteration at a meeting of the Authority and upon notice of motion specifying the alteration proposed to be made.

18.2 Except for those Standing Orders derived from statutory authority, any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved. A motion to suspend Standing Orders shall not be moved without notice unless at least one half of the Members of the Authority are present.

**19 INTERPRETATION OF STANDING ORDERS**

The decision of the Chairman on all points of procedure, order and interpretation of these Standing Orders shall be final and shall not be challenged at any meeting of the Authority.

## **PART B: ORDERS APPLYING TO COMMITTEES OF THE AUTHORITY**

### **20 APPOINTMENT OF COMMITTEES**

- 20.1 At the Annual Meeting of the Authority, the Authority shall appoint such Standing Committees and may at any time appoint such other committees, sub-committees, working panels or other groups necessary to discharge the functions of the Authority.
- 20.2 After the Annual Meeting and on the same day the Authority shall convene a meeting of each Standing Committee to elect a Chairman and Deputy Chairman from amongst the Committee's members.
- 20.3 All meetings of Committees and Sub-Committees shall be summoned by the Chief Executive.

### **21 QUORUM OF COMMITTEES AND SUB-COMMITTEES**

- 21.1 Except where authorised by statute or otherwise specifically directed by the Authority, no business shall be transacted at a meeting of any Committee or Sub-Committee unless at least one third of the whole number of the Committee is present. In no case shall the quorum of a Committee or Sub Committee be fewer than three Members of which at least one is a local authority Member and at least one is a Member appointed by the Secretary of State.
- 21.2 For the purposes of calculating the quorum if the number of the Committee or Sub-Committee is not divisible by three, the quorum shall be one-third of the lowest number above the number of the Committee or Sub-Committee that is divisible by three.

*Note: The quorum of a meeting of the Planning Committee of 22 Members is 8.  
The quorum of a meeting of the Resources and Performance Committee of 11 Members is 4.*

### **22 SPECIAL MEETINGS OF COMMITTEES**

- 22.1 The Chairman of a Committee or the Chairman of the Authority may call a special meeting of the Committee at any time.
- 22.2 A special meeting may also be called on the request of a quarter of the whole number of the Committee, delivered in writing to the Chief Executive but in no case shall fewer than three Members request a special meeting. The summons to the special meeting shall set out the business to be considered.

### **23 MEMBERSHIP OF COMMITTEES AND SUB-COMMITTEES**

- 23.1 In relation to all Committees, Sub-Committees, Joint Committees on which the Authority is represented, and Sub-Committees of such Joint Committees:  
Membership shall consist both of Local Authority Members of the Authority and of at least one Member appointed to the Authority by the Secretary of State.
- 23.2 The division of the membership between Local Authority Members and Members appointed by the Secretary of State shall as nearly as possible be in the same proportions as the composition of the Authority itself.

- 23.3 The quorum shall include at least one Local Authority Member of the Authority and at least one Member appointed to the Authority by the Secretary of State.
- 23.4 Standing Orders 23.1-23.3 above shall not apply to advisory committees appointed under s.102(4) or 4(A) of the Local Government Act 1972 to advise on any matter relating to the discharge of their functions. Any such committee may consist of such persons appointed for such term as may be determined by the appointing authority(ies).

## **24 RIGHT TO ATTEND MEETINGS**

- 24.1 Any Member shall have the right to attend any meeting of a Committee of which he/she is not a member and may receive the relevant papers. However, he/she shall not be entitled to speak at that meeting except with the consent of the Chairman; neither shall he/she have any right to vote.
- 24.2 The right to attend shall also apply in relation to meetings not open to the press and public but shall not apply to a meeting of the Authority Appeals Sub-Committee.

## **PART C: ORDERS APPLYING TO PREPARATION AND PUBLICATION OF AGENDAS AND REPORTS**

- 25** (1) An item of business may not be considered at a meeting of the Authority, a Committee or Sub-Committee unless either:
- (a) a copy of the agenda including the item is open to inspection by members of the public at least five clear working days before the meeting or, where the meeting has been convened at shorter notice, from the time the meeting is convened; or
  - (b) by reason of special circumstances that shall be minuted, the Chairman of the meeting after consultation with the Chief Executive, is of the opinion that it should be considered as a matter of urgency.
- (2) Reports for Authority, Committee and Sub-Committee meetings that relate to items of business from which the public will be excluded for reasons of confidential or exempt information as defined by Section 100A of the Local Government Act 1972 shall be identified accordingly and marked 'not for publication'.
- (3) A copy of the Agenda and reports for every meeting of a Committee and of the standing Sub-Committees shall be sent to every Authority Member.

## **PART D: GENERAL ORDERS APPLICABLE AT ALL TIMES**

### **26 CONDUCT OF MEMBERS**

26.1 All members shall observe the Authority's Code of Conduct.

26.2 All members of the Authority must give the Authority a written undertaking that in performing his/her functions he/she will observe the Authority's Code of Conduct for the time being. Any member who fails to give the undertaking shall be precluded from taking part in Authority business.

**27 THE AUTHORITY'S SEAL** (The Authority's seal is an adhesive and stamped disc attached to deeds and documents).

#### **27.1 Sealing of Documents**

The Common Seal of the Authority shall not be affixed to any document unless the matter has been authorised by a resolution of the Authority, Committee or Sub-committee or by an Officer to whom the Authority has delegated its powers in this behalf.

#### **27.2 Attestation of Sealing**

The Seal shall be attested by the Chief Executive or the Solicitor & Monitoring Officer or an officer duly authorised by the Chief Executive, and an entry of every sealing of a document shall be made and consecutively numbered in a sealing register kept by the Corporate Support Officer.



## **28 AUTHENTICATION OF DOCUMENTS**

Where any document will be a necessary step in legal proceedings or shall be a legal agreement, contract, notice, or order under hand on behalf of the Authority it shall (unless any other enactment requires or authorises or the necessary delegated authority shall have been given to some other person) be signed by the Chief Executive or in his/her absence by a person duly authorised by the Chief Executive.

## **29 STANDING ORDERS TO BE GIVEN TO MEMBERS**

A printed copy of these Standing Orders shall be given to each Member of the Authority by the Chief Executive upon his/her appointment to the Authority.

## **30 INSPECTION OF DOCUMENTS**

- 30.1 Every Member has the right to inspect all documents and any other information in the possession or under the control of the Authority necessary to discharge their function as a Member. Requests for information that go beyond that scope shall be addressed to the Chief Executive who will decide in consultation with the Solicitor & Monitoring Officer whether it is appropriate to provide that information.

## **31 PUBLIC QUESTION TIME**

**At Meetings of the Authority, Committees, and Sub-Committees other than any committee or sub-committee dealing solely with issues relating to exempt information (Standing Order 15.1): -**

- (a) An item for public questions shall be included on the agenda of Authority, Committee and Sub-committee meetings. The item shall appear next after the items dealing with apologies for absence, signing the minutes of the last meeting as a correct record and the taking of matters arising from those minutes. Questions of a general nature can be made under this agenda item. Any questions specific to an agenda item can be posed at the time the relevant item is considered subject to the discretion of the person presiding at the meeting.
- (b) For the purposes of this standing order a "public question" shall mean the asking of any question, the making of any statement or the presentation of any petition in relation to any item relevant to the business of the Authority.
- (c) Persons wishing to ask questions or to submit a question to be read out at the meeting must inform the Chief Executive or his/her representative by 4pm on the working day before the meeting, and provide a brief summary (of no more than 300 words) of the matter or matters to be raised. This may be done by email, in writing or by dictating over the telephone.
- (d) The Chairman of the Authority committee or sub-committee will invite those who have given prior notice to pose their question at an appropriate time. The questioner may speak for up to 2 minutes or longer at the Chairman's discretion.
- (e) There will be no debate on any question posed. A question may be answered at the time or deferred for consideration when the relevant agenda item is reached. If an answer cannot be provided on the day, a written reply will be offered. The Chairman may allow a supplementary question wherever he/she thinks this is reasonable and appropriate.

- (f) Unless the Chairman directs otherwise, the time allowed for public question time will not exceed 10 minutes per agenda item.
- (g) Where there are a large number of questioners concerned with the same subject matter, at the Chairman's discretion those concerned may be asked to nominate one of their number to pose the appropriate question. In such cases the Chairman will allow up to 5 minutes for the question to be posed.

## **32 AUDIO RECORDING OF MEETINGS**

- (a) Meetings of the Authority, the Planning Committee and the Resources and Performance Committee will be audio recorded for that part of the meeting open to the public and the press.
- (b) The Chairman of the meeting has the discretion to terminate or suspend audio recording if it is felt in his/her opinion to be interfering with the proper running of the meeting or likely to prejudice the proceedings of the meeting.
- (c) The official record of any meeting remains the approved minutes in accordance with Standing Order 8.

## **PART E: STANDING ORDERS APPLYING TO THE CHIEF EXECUTIVE**

### **33 APPOINTMENT OF CHIEF EXECUTIVE**

- (1) In this standing order the post of Chief Executive is also a reference to the holder of the post of Head of the Paid Service designated under s.41(1) of the Local Government & Housing Act, 1989 and to the post of National Park Officer as designated under the Environment Act 1995.
- (2) Where the Authority propose to appoint its Chief Executive, and it is not proposed that the appointment be made exclusively from among its existing officers, they shall –
  - (a) draw up a statement specifying:-
    - (i) the duties of the officer concerned, and
    - (ii) any qualifications or qualities to be sought in the person to be appointed;
  - (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 statement mentioned in paragraph (a) to be sent to any person on request; and
  - (d) consult Natural England.
- (3) (1) Where a post has been advertised as provided in standing order 38(2)(b) the authority shall:
  - (a) interview all qualified applicants for the post, or
  - (b) select a short list of such qualified applicants and interview those included on the short list.

- (2) Where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with standing order 38(2)(b).
- (4) Every appointment of a Chief Executive shall be made by the Authority after consultation with Natural England and in accordance with paragraph 2 of the Authority's Scheme of Delegation (Resources and Performance Committee).

### **34 DISCIPLINARY ACTION**

- (1) No disciplinary action (within the meaning of Part II of the Local Authorities (Standing Orders) Regulations 1992) in respect of the head of the Authority's paid service, except action described in paragraph (2), may be taken by an authority, or by a committee, sub-committee, or any other person acting on their behalf, other than in accordance with a recommendation in a report made by a designated independent person under regulation 3 of those Regulations.
- (2) The action mentioned in paragraph (1) is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension shall be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

### **PART F: STANDING ORDERS TO APPLY TO COMMITTEES AND SUB-COMMITTEES**

- 35** The Standing Orders **PART A** numbered 2.3, 2.5, 2.7, 3, 4, 5.2, 6, 7.2, 8.1, 8.2, 8.3, 9, 10.2, 14, 15, 17, 18 and 19 and **PART D** numbered 26-32, with any necessary modification, apply to all Committee and Sub-Committee meetings and Standing Orders 12 and 13 may be applied by the Chairman, Deputy Chairman or other person presiding at any time during a meeting at his/her discretion.

#### **Addendum:**

For the purposes of Standing Orders 27.2 and 28, persons duly authorised by the Chief Executive shall be:

Head of Transition Team

Head of Support to the Community

Head of Support to Land Managers

Head of Support to National Park Users



**Draft**

**SCHEME OF DELEGATION TO COMMITTEES**

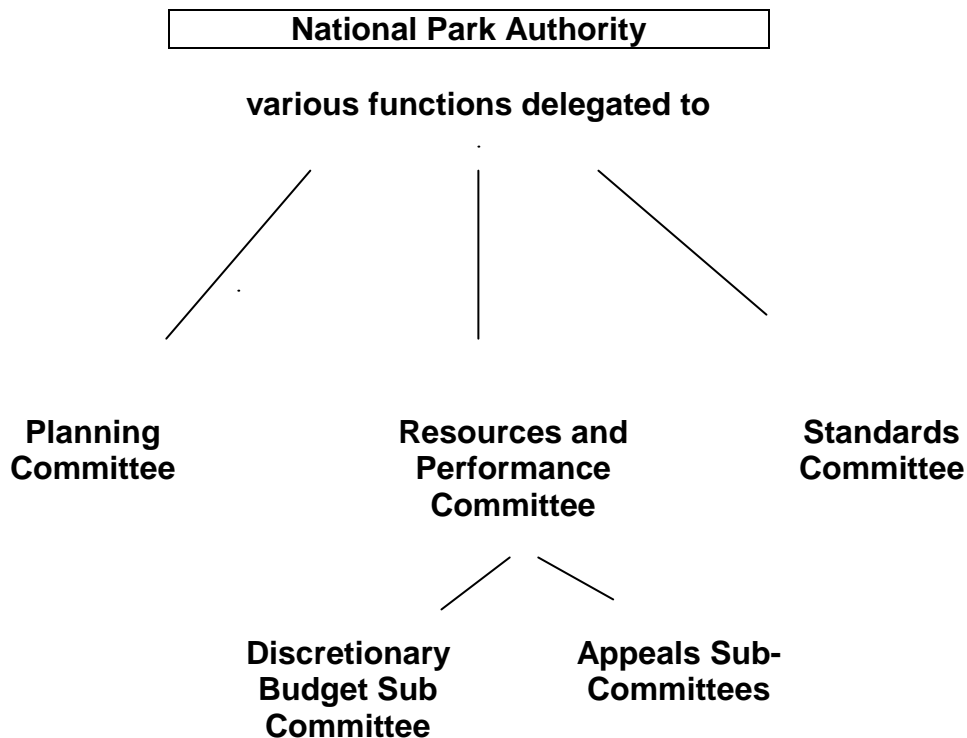
**AND TO**

**THE CHIEF EXECUTIVE**

Adopted 6 February 2007  
[Revised 19 April 2011]

## INTRODUCTION

This scheme of delegation of functions to Committees was adopted by the Exmoor National Park Authority at its meeting on 6 February 2007. The Authority's Committee structure is illustrated below.



### Notes:

- (1) The Authority has also resolved to delegate various functions to the Chief Executive. Details of these appear in the Scheme of delegation to the Chief Executive.
- (2) The Authority also operates a number of deliberative and advisory panels and working groups in relation to its various functions. None of these panels and working groups enjoy decision making functions. All matters arising from the work of these bodies which require a decision will be brought to the Authority or an appropriate Committee by the Chief Executive. Some matters are delegated to the Chief Executive by the Authority.

## SCHEME OF DELEGATION TO COMMITTEES

### 1. Planning Committee

1.1 The Committee shall comprise all members of the National Park Authority save that no member appointed to the Authority for the first time shall take up his seat until he has undergone a programme of training in the planning system approved by the Authority. All members of Planning Committees are required to attend refresher training annually.

#### 1.2 Functions

The Committee shall exercise the Authority's functions as follows:

- (1) as sole local planning authority for the area of the Park under Section 67 of the Environment Act 1995 in relation to planning control, development planning, including work arising from preparation of local development frameworks, strategic planning, regional spatial strategies and responding to consultations on planning policy statements, formal consultations on planning matters and changes to the legislative framework of the planning system
- (2) the Authority's delegated and other functions in relation to footpaths and bridleways under the Town and Country Planning Acts, the Highways Acts, the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act, 2000 and other legislation conferring order-making functions on the Authority.
- (3) as hazardous substances authority under the Planning (Hazardous Substances) Act 1990.
- (4) to delegate to the Chief Executive such of the Committee's functions as it considers desirable and expedient and to keep such delegation under review.

### 2. Resources & Performance Committee

2.1 The Committee shall comprise 11 members of the Authority, made up as follows:

Somerset County Councillors	2
West Somerset District Councillors	2
Devon County Councillors	1
North Devon District Councillors	1
National members	3
Parish members	2

Substitute members are permitted but must be representatives of the group represented by the member who cannot attend.

2.2 The Committee shall exercise the following functions:

#### Personnel

1. To advise the Authority on the appointment of a suitable person to be National Park Officer who is referred to as the Chief Executive.
2. Subject to 3 and 4 below, to exercise all the Authority's personnel functions including administration, recruitment, training, discipline (including dismissal), determination of wage and salary scales, conditions of service and welfare of all full and part-time staff, health & safety at work and the legislation relating to industrial relations and pensions.

3. For the purposes of the hearing and determining of disciplinary grading and other appeals arising under the relevant conditions of service in respect of all the Authority's staff, a Sub-Committee to be styled the Appeals Sub-Committee shall be constituted as specified in para 3.1 below.
4. The Chief Executive is responsible for the appointment of all Authority staff save that in relation to the appointment of officers for the posts of Heads of Service and the Solicitor and Monitoring Officer a panel of members shall be established who will, with the Chief Executive interview appropriate candidates and tender advice to the Chief Executive. A panel established for this purpose will normally comprise the Chairman, Deputy Chairman and Chairman of the Resources & Performance Committee ensuring that there is at least one local authority member and at least one member appointed by the Secretary of State.
5. Without prejudice to the functions of the Chief Executive under s.4 of the Local Government & Housing Act, 1989 to consider matters of an organisational and administrative nature referred to it from time to time by the Authority.

#### Finance

6. To regulate and control the Authority's finances including balances and any capital or reserve funds, to prepare the annual budget, to make recommendations to the Authority on the annual forecast, estimates and budget, and to be responsible for borrowing transactions and the investment of funds.
7. To oversee the application of the Local Government Pension Scheme and the regulations made thereunder.
8. To ensure the Authority makes adequate insurance arrangements and to oversee its risk management arrangements.
9. To administer the Members Allowances Regulations and related matters.
10. To arrange for the audit both internal and external of the Authority's accounts.
11. To make arrangements for the proper administration of the Authority's financial affairs as required by Section 151 of the Local Government Act 1972.
12. To approve the annual Statement of Accounts to meet the statutory deadlines.

#### Performance Management

13. To ensure the Authority observes its Best Value functions under the Local Government Act, 1999 and other relevant legislation relating to best value.
14. To monitor and improve the Authority's performance against the criteria for sustainability
15. To ensure the Authority's business planning and performance framework is clearly set out together with the arrangements for monitoring, review and revision.
16. To ensure the Authority is complying with its Code of Corporate Governance and to consider the Annual Governance Statement.

#### Land and Property

17. (1) To consider any matter relating to the Authority's land and property referred to it by the Chief Executive and to make appropriate decisions.
- (2) To carry out an annual review of the Authority's land and property including in appropriate cases identified by the Authority or the Chief Executive detailed reviews of particular sites or individual sites and to make appropriate decisions.

### 3. **Appeals Sub-Committee**

- 3.1 The Sub-Committee shall comprise 3 members of the Resources & Performance Committee, one of whom shall be a local authority member and one member appointed by the Secretary of State. The members shall be chosen by the Chief Executive in consultation with the Chairman of the Resources & Performance Committee, save that where the matter under appeal arises from a decision of the Resources & Performance Committee the members chosen to sit shall not be members of the Resources & Performance Committee but shall be other members of the Authority.
- 3.2 The Sub-Committee shall hear and determine all disciplinary and other appeals arising under the relevant conditions of service for all the Authority's staff.

### 4. **Discretionary Budget Sub Committee**

#### Membership

- 4.1 The Sub-Committee shall comprise 5 Members of the Resources and Performance Committee, of whom at least one shall be a local authority Member and at least one shall be a Member appointed by the Secretary of State. The Members shall be the Chairman (who will preside at meetings) and Deputy Chairman of the Resources and Performance Committee and three Members chosen by the Committee. At least three Members of the Sub-Committee must be present in order to provide a quorum.

#### Functions

- 4.2 The Sub Committee shall:
- Be allocated by the Resources and Performance Committee a budget for each financial year which must not be exceeded.
  - Consider bids for Authority projects alongside proposals from communities, external groups, businesses or individuals taking account of the indicative areas approved each year by the Resources and Performance Committee.
  - Approve funding for projects the focus of which to be the achievement of National Park purposes with a weighting to projects that also provide community and economic benefits.
  - Submit the minutes of meetings containing details of approvals to the next meeting of the Resources and Performance Committee.

### 5. **Standards Committee**

#### 5.1 Membership

1. The Committee shall comprise three members of the Authority and five independent members.
2. The membership of the Committee shall consist of, and include, both local authority members of the Authority and at least one member appointed to the Authority by the Secretary of State.
3. The Chairman of the Committee shall be one of the independent members

#### Functions

- 5.2 The general functions of the Standards Committee are:
- a) to provide and maintain high standards of conduct by Authority members.
  - b) to assist members of the Authority to observe the Authority's Code of Conduct.



- 5.3 Without prejudice to its general function the Standards Committee shall have the following specific functions:-
- a) to advise the Authority on the adoption and revision of a Code of Conduct;
  - b) to monitor the operation of the Authority's Code of Conduct;
  - c) to advise, train and arrange to train members of the Authority on matters relating to the Authority's Code of Conduct;
  - d) to formulate and recommend changes to protocols dealing with member/officer relationships and the "whistleblowing" protocol.

Guidance by the Standards Board for England

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

**SCHEME OF DELEGATION OF POWERS TO CHIEF EXECUTIVE**

1. The Chief Executive is authorised to act on behalf of the Authority in relation to any matters subject to the following over-riding provision:  
Any action under delegated powers shall be in accordance with:
  - (i) The overall policies approved by the Authority or any of its Committees or Sub-Committees;
  - (ii) Standing Orders including those regulating contracts;
  - (iii) Financial regulations.
2. Without prejudice to the above delegation the Chief Executive is expected in appropriate cases to:
  - (i) Maintain a close liaison with the Authority's Chairman and/or the appropriate Committee Chairman or Sub-Committee Chairman (or in his/her absence the Vice-Chairman and with both local authority members and members appointed by the Secretary of State and/or,
  - (ii) Consult as necessary with any member who has a specific, local or specialist interest in the matter,
  - (iii) Consult with the relevant officer of any local authority whose service area is likely to be affected by the exercise of delegation,
  - (iv) Consult with the Authority's Monitoring Officer and/or Chief Finance Officer.

NB: *Before exercising any delegated power the Chief Executive must consider whether the decision to be made is of such a nature that it ought to be referred for decision to the Authority or to the appropriate Committee or Sub-Committee.*
3. Any power conferred upon the Chief Executive may be exercised by an authorised officer in his absence or at other times in accordance with any general directions of the Chief Executive. In the absence of the Chief Executive the Head of Transition Team, the Head of Support to the Community, the Head of Support to Land Managers, the Head of Support to National Park Users or the Solicitor and Monitoring Officer may exercise those functions delegated to the Chief Executive.

#### 4. **Personnel**

- (a) The Chief Executive is authorised to act in relation to the appointment, dismissal, discipline and determination of all other matters relating to the employment of staff and the conditions upon which they are employed as are specified in the Personnel Policies and Procedures.
- (b) The Chief Executive may authorise staff to exercise such powers of entry, inspection and survey of land, buildings or premises and may issue any necessary evidence as authority as may be appropriate to the execution of his duty and in respect of which the Authority has power.

#### 5. **Property**

- (1) Where either the capital payment does not exceed £50,000 or the annual rental does not exceed £20,000 the Chief Executive may,
  - (a) after taking appropriate advice, authorise and approve the acquisition of land and the taking of leases, licences, dedications and easements of or over any land (including buildings) whether by way of valuable consideration or exchange;
  - (b) declare land surplus to requirements;
  - (c) after taking appropriate advice, authorise and approve the disposal of land and the granting or variation in granting of leases, licences, dedication of or over any land.
- (2) The Chief Executive may arrange for sessional lettings of premises for periods of less than 24 hours.

#### 6. **Legal and Procedural**

The Chief Executive is authorised:

- (a) to serve statutory notices to ascertain the legal interest of any person in land;
- (b) to institute, defend or settle 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 such decision. For the avoidance of doubt this authority shall extend to the taking of all procedural steps, including the service of notices, statutory or otherwise, counter-notices and Notices to Quit.
- (c) to authorise Officers of the 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.

#### 7. **Planning**

The Chief Executive is authorised to act on behalf of the Authority in relation to any matter arising under the Planning Acts and on the determination of applications for certificates of proposed or Existing Lawful Use and Development, where the judgement is a legal determination based on the evidence, related case law and the Planning Acts and is made on legal advice received from the Solicitor and Monitoring Officer. These delegations are subject to the following provisions:

- (1) Any action under delegated powers shall be in accordance with the Development Plan, other material planning considerations and any relevant policy adopted by the Authority.
- (2) The Chief Executive shall not act under these delegated powers if:
  - (i) a statutory consultee (e.g. parish/district council, highway authority, Environment Agency ) has a view contrary to the recommendation of planning officers and which is received within the consultation period (except in relation to certificates of proposed or Existing Lawful Use and Development).
  - (ii) a Member of the Authority makes a request that the application be considered by the Planning Committee. Such requests must be accompanied by sound planning reasons and if such reasons are not present the Chairman and Vice-Chairman of Planning Committee acting in concert may decline to entertain a member's request.
  - (iii) a Member of the Authority / or staff is personally involved in the application;
  - (iv) the application is submitted by the National Park Authority;
  - (v) the application is for Major Development or one requiring an Environmental Impact Statement;
  - (vi) the National Park Officer considers that the application ought more properly be referred to the Committee for decision (e.g. where there are a significant number of local objections or where matters raise particularly controversial or complex policy considerations).

For the purpose of paragraph 7 the Planning Acts mean the Town & Country Planning Act, 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, the Planning (Consequential Provisions) Act 1990, Planning and Compulsory Purchase Act 2004 and any rules and orders made under those Acts.

## 8. **Grants and Loans**

The Chief Executive is authorised to make or refuse grants and loans in all circumstances where the Authority has power so to act. In the exercise of this delegated power, the Chief Executive will:

- (1) act in accordance with the overall policies and any scheme approved by the Authority or any of its committees and sub-committees;
- (2) consult appropriately with any member of the Authority;
- (3) 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.

## 9. **Footpaths and Bridleways**

The Authority's functions in relation to footpaths and bridleways (including arrangements for the creation of permissive paths) under the Town & Country Planning Acts, the Highways Acts, the Wildlife & Countryside Act 2000 and other legislation conferring order making functions on the Authority are delegated to the Chief Executive subject to the following provisos:

1. Any action taken shall be in accord with the overall policies approved by the Authority, its committees and sub-committees.

2. Any action taken shall accord with standing orders and financial regulations.

Further the Chief Executive shall in appropriate cases:

1. Maintain a close liaison with the Planning Committee Chairman and in his absence the Deputy Chairman and with both local authority Members and Members appointed by the Secretary of State including Parish Members.
2. Circulate information to all Members at the time of consultation prior to making any Order.
3. Consult with the appropriate officer of any other local authority who has an interest in the matter.
4. Consult with the Authority's Monitoring Officer and/or the Head of Support to Land Managers.

In all cases before exercising any delegated power the Chief Executive shall consider whether the decision to be made is of such a nature that it ought to be referred for decision to the Planning Committee.

Any power confirmed on the Chief Executive may be exercised by an authorised officer in his absence or at other times in accordance with any general directions of the Chief Executive. In the absence of the Chief Executive, the Head of Support to Land Managers and the Solicitor and Monitoring Officer may exercise the function delegated to the Chief Executive.

The Chief Executive shall ensure that reports of any action in relation to order making procedures and those relating to the creation of permissive paths shall be reported to the committee.