

15th APRIL 2003

DELEGATION OF FUNCTIONS TO STAFF

SUMMARY: To seek Members' agreement to interim arrangements under which functions are delegated to staff of the CNPA.

CONSIDERATION

1. The National Parks (Scotland) Act, Schedule 1, paragraph 17 provides that anything authorised or required to be done by the NPA *may be done by any of its employees who is authorised (generally or specifically)* for the purpose by the NPA. This report therefore seeks to formalise the basis on which officials will carry forward work for the NPA. In practice, the relationship between staff and Members in taking work forward will evolve over time, and an understanding will develop on the extent to which Members wish and need to be involved. However, all this needs to develop within a framework.

Scheme of Delegation

2. The Chief Executive (or Interim Chief Executive) or appropriate senior manager will have delegated responsibility for all expenditure and matters in respect of the operation, development and implementation of policy for the area of work assigned to them unless specifically reserved to the NPA Board or its Committees, or is contrary to the principles listed below (paragraph 4). The Chief Executive or appropriate member of staff will have delegated responsibility for drawing down Grant In Aid from the Scottish Executive each month, on the basis of need.
3. The Chief Executive and/or the relevant senior managers will be responsible for appointment of all posts below the level of the Senior Management Team.
4. The principles referred to in paragraph 2 are:
 - a) The Chief Executive and Senior Managers may authorise other officials to exercise functions (except where those functions are required to be exercised personally by a named or designated official);
 - b) Delegated powers should not generally be exercised where any decision by an authorised official would represent a departure from or significant development of, NPA policy or procedure.
 - c) Such decisions should be referred to the NPA or appropriate Committee, except in cases of urgency, where an official may after consultation with the relevant Committee Chair or Convener or Deputy Convener, exercise such delegated powers.
 - d) Should such powers be exercised in urgent circumstances, a report should be submitted to the next appropriate meeting of the NPA Board or relevant committee for noting.

- e) If any decision proposed under delegated powers might lead to a budget being exceeded, the official must consult the lead Member on finance (possibly the Chair of the Finance Committee) and Head of Corporate Services (or Chief Executive) before exercising the delegated power.
- f) The Chief Executive or relevant Senior Manager must ensure that the relevant lead Member, Committee Chair or the Convener or Deputy Convener as appropriate is consulted on matters of a controversial nature. Where appropriate such matters should be referred to the NPA Board or the relevant Committee for decision.
- g) In determining whether a matter is to be regarded as controversial, the Chief Executive or relevant senior manager will pay particular care in the following circumstances:
 - i. Where determination of the issue may involve a decision contrary to local or national policy, or the determination may lead to a breach of a relevant Code of Practice or guidance;
 - ii. Where it is proposed that any issue be determined contrary to significant local opposition or the strong recommendation of statutory consultees;
 - iii. The official proposes to determine the matter or act in a manner contrary to the recommendation of other officials whom he/she is obliged to or had chosen to consult;
 - iv. There are perceived public safety or significant public policy issues dependent upon the determination (save in the case of urgency as referred to in paragraph (c) above);
 - v. Where Standing Orders or National or International regulation requires determination otherwise;
 - vi. There are questions of legality or financial advisability/probity involved.

<p>RECOMMENDATION: That the scheme of delegation is agreed as a basis of operation for CNPA staff in serving and supporting the CNPA Board.</p>
--

Signature:

Designation: Interim Chief Executive

Date:

Background Papers: