

Report to	National Park Authority
Date	11 July 2017
By	Head of Governance
Title of Report	Governance Review

Recommendation: The Authority is recommended to:

- 1) Note the outcomes of the work of the Governance Review Task and Finish Group and the recommendations of the Governance Committee;**
- 2) Agree the changes to the committee structure and the terms of reference for the committees as set out at Appendix 1, to take effect immediately**
- 3) Agree the revised standing orders for regulation of Authority proceedings and business set out at Appendix 2, to take effect immediately**
- 4) Agree that the Policy and Resources Committee may appoint up to two Deputy Chairs for the period up to the first meeting of the Policy and Resources Committee following the AGM in 2018.**
- 5) Agree that, pending a review of the scheme of member allowances, the Chair of the Policy and Resources Committee receive the Special Responsibility Allowance currently paid to the Chair of the Policy and Programme Committee.**
- 6) Delegate authority to the Monitoring Officer, to review and update the Authority's governance documentation to reflect the changes arising from the Governance Review.**
- 6) Note the revised committee schedule set out in Appendix 3**

1. Summary and Background

- 1.1 Governance Committee agreed to undertake a review of the authority's governance arrangements at its meeting in November 2016. This review was led by a Task and Finish Group comprising Norman Dingemans, Sebastian Anstruther and Karen Roberts and was supported by the Monitoring Officer and Head of Governance.
- 1.2 The Group considered a range of evidence – including the results of surveys of members and officers, a review of statutory requirements, the practice of other national Parks and the current operation of our existing committee structure. The key findings are set out in the interim report attached at **Appendix I**.
- 1.3 The interim report was discussed at a member workshop on the 30 March where the general principles were endorsed.

2. Proposed changes to the Committee Structure

- 2.1 In considering the evidence gathered during the review, the Task and Finish Group were of the opinion that to achieve the new way of working identified and increase levels of member engagement changes needed to be made to the committee structure.
- 2.2 The Task and Finish Group proposed the following Committee structure:

Policy and Resources Committee

- 2.3 This replaces the current Policy and Programme Committee and Governance Committee. This will comprise 13 members, and the 2 independent co-opted members (for audit purposes). This committee will fulfil the following functions:
- Developing and recommending strategies and policies (excluding planning policy matters) to the NPA for approval
 - Matters relating to grants and project approvals
 - Performance monitoring inc. financial monitoring
 - Agreeing significant procurement activities.
 - Functions as required under the Accounts and Audit Regulations 2015 and other audit functions.
- 2.4 The Committee will take a decision regarding if it wishes its meetings to be webcast.
- 2.5 The Scheme of Member Allowances will be reviewed to take into account the new responsibilities of this committee and whether this will impact upon the allowance received by its chair. In the interim it is proposed that the current allowance paid to the Chair of the Policy and Programme Committee be paid to the Chair of the Policy and Resources Committee.

Planning Committee

- 2.6 The Planning Committee will continue to function as it currently does, but with the inclusion of CIL responsibilities currently undertaken by Policy and Programme Committee.

Appointments, Management and Standards Committee

- 2.7 The terms of reference for the current Appointments and Management Committee will be amended to include standards matters currently dealt with by the Governance Committee, together with other amendments recommended by Governance Committee in February 2017, relating to the Chief Executive appointment process (see ref 5,6 & 7 in terms of reference). Issues discussed at Governance Committee in relation to other Chief Officer matters will be subject to a future paper to the Full Authority. The name of the Committee is also amended to reflect the Committees standards responsibilities.
- 2.8 Membership of this Committee will comprise 3 members (to include the Chair and Deputy Chair of the Authority plus one other member to be appointed at the AGM). This additional member will serve as a member of the informal committee chairs and SMT group. It is proposed that the NPA will also appoint a number of substitute Members who can act in place of Committee Members who are absent or who have a conflict of interest.
- 2.9 Current documentation, particularly in relation to arrangements for handling complaints against Members, refers to the Governance Committee. This will require updating to reflect the role of the Appointments, Management and Standards Committee, and it is recommended that the Monitoring Officer be tasked to amend and republish such documentation once updated.

National Park Authority

- 2.10 The Authority will continue to meet and undertake its existing responsibilities, with the addition of receiving annual reports that have previously been reported to governance committee.
- 2.11 The amended terms of reference for the committees are set out at **Appendix I**.
- 2.11 A new committee schedule, taking into account the new committees is also attached.

New arrangements for Task and Finish Groups

- 2.12 It was clear from the evidence gathered that members would prefer more opportunities to undertake work in Task and Finish Groups.
- 2.13 It is important to note that Task and Finish Groups will not have formal decision making powers and do not replace the need for full and frank discussion of topics by committees,

but it is felt that undertaking detailed or strategic work in this way will enable a better quality of debate and more informed reports being presented to members.

- 2.14 In order to ensure the best possible outcomes from this way of working the following process will be incorporated into standing orders and future ways of working:
- An E-mail will be sent to all members calling for interest to be on the proposed Group (from across all committees)
 - The Committee Chair and Deputy (or Authority Chair and Deputy Chair in the case of Task and Finish groups to be established by the Authority) recommends to Committee (or Authority) who should serve on the Group and Committee (or Authority) formally appoints the membership
 - There will normally be an opportunity for the Task and Finish Group to present to a pre-committee/NPA session at appropriate point of work (before final report is produced)
 - After work is completed an Officer will produce a report which is presented to NPA/Committee as required
 - A standard terms of reference template will be produced for Task and Finish Groups to ensure consistency across these groups

3. Other changes:

Speaking at Planning Committee.

- 3.1 The protocol for public speaking at meetings of the Planning Committee currently states that members of the Authority can speak for an unlimited time. It is proposed that, in order to support the efficient management of Planning Committee meetings that this be amended to read members of the authority can “speak for a period to be agreed with the Chair of the Committee.”
- 3.2 Further, in order to clarify the rights of members who have declared an interest in an item and have chosen not to participate in the discussion on that item it is proposed that an additional paragraph be added to the public speaking rules to state that the member who has declared an interest may speak at the meeting as if they were a member of the public, but the requirement to give notification in advance of the meeting would not apply.

Public Speaking at meetings of the Authority

- 3.3 For clarification it is proposed to remove paragraph 1.10 of **Appendix 3** (which allows for members of the public who have not given notice that they wish to address a meeting to speak for up to 1 minute) and replace this with additional wording at para 1.6 to allow for any member of the public who has not given notice that they wish to speak at the meeting to be able to speak at the Chair’s discretion.

Project reporting

- 3.4 In order to streamline the project reporting process the following changes to project reporting are proposed:
- 3.5 That the requirement for small projects of £50k or less lasting more than one year and involving more than one external partner be referred to a Committee for approval be removed. This would mean that small projects (less than £50k contribution from the SNDPA) would not be subject to committee approval This is for pragmatic reasons as project timescales do not always align with the committee cycle which can cause delays in the authority’s ability to respond to opportunities and risk our involvement in smaller scale projects that meet organisational and PMP priorities. It is proposed that the Policy and Resources Committee will receive regular updates in relation to projects agreed.

4. Proposed Standing Order changes

Ref	Proposed Change	Rationale
Page 3	Inclusion of co-optees in definition of members	Clarification
Page 8, 8.3, 8.4 & 8.5	To insert wording to reflect the ability for a committee to appoint more than one deputy chair, where this is expressly decided by the Authority, and to provide rules to clarify the process for which deputy chair will assume the chair in the absence of the appointed chair.	Update arising from review
Page 16, 25.1	To replace reference to Governance Committee with Appointments, Management & Standards Committee in relation to the granting of dispensations.	Update arising from review
Page 17, 27.1, 27.2 & 27.3	To update the rules in relation to member task and finish groups in relation to the appointment of members of a group and reporting requirements	Update arising from review
Page 20, 4	To reflect arrangements for the appointment of more than one Deputy Chair	Update arising from review
Page 23, 1.6 & 1.10	To clarify the rules in relation to a member of the public requesting to address a committee without having given prior notification	Clarification
Page 22, 2	To reflect the names of new committees and remove references to previous committees	Clarification
Page 23 final bullet point on page	To remove and insert wording to require an Authority member to agree with the chair of the planning committee a period of time for which they may address the committee.	Update
Page 23 & 24	Updates to public speaking protocols to include allowing members of the public who wish to address the committee on a specific item to do so, at the appropriate point of the agenda.	
Page 25 New para	To insert a new rule to clarify the position where a member has an interest in an item and does not participate in the debate, but wishes to address the committee as if they were a member of the public.	Update
Pages 26-32	To update committee terms of reference	Update arising from review
Appendix 6 Page 39	Updated to reflect role of Appointments Management and Standards Committee	Update
Page 41	To clarify the chief executives delegations in relation to matters agreed in the PMP and corporate plan and in relation to matters being considered for the Authorities capital programme Other minor changes to the scheme of delegation	Clarification
Page 42	To reflect the names of new committees and remove references to previous committees	Update arising from review
Page 42	To include allocation of resources received through CiL to the list of items excluded from the Director of planning's standing delegations – ensuing that this matter will be considered by Planning Committee	Update

A revised standing orders document is attached at **Appendix 2**.

5. Previous Committee Considerations

- 5.1 The Task and Finish group was established by the Governance Committee in November 2016.
- 5.2 An interim report from the group was made to an all member workshop in the 30th March 2017 where the initial findings were discussed and endorsed.

6. Other Implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	Yes – a final decision will need to be taken by the full Authority. This is scheduled for July 2017
Does the proposal raise any Resource implications?	The implementation of the proposals will be delivered from within existing resources
How does the proposal represent Value for Money?	The proposal is designed to ensure an effective and efficient decision making process.
Are there any Social Value implications arising from the proposal?	None
Has due regard been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	The Authority's decision making processes will continue to be accessible to the public in line with legislative requirements.
Are there any Human Rights implications arising from the proposal?	There are none
Are there any Crime & Disorder implications arising from the proposal?	There are none
Are there any Health & Safety implications arising from the proposal?	There are none
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy.	The proposal supports principle 4 – promoting good governance

7. Risks Associated with the Proposed Decision

- 7.1 This proposal is designed to identify and address any weaknesses in the Authority's governance arrangements. Periodic review of such arrangements helps ensure that risks associated with decision making and governance procedures are mitigated

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Appendices	<ol style="list-style-type: none">1. Proposed Committee Terms of Reference2. Revised standing orders document3. Committee schedule
SDNPA Consultees	Chief Executive; Director of Countryside Policy and Management; Director of Planning; Chief Finance Officer; Monitoring Officer; Legal Services,
External Consultees	None
Background Documents	Previous committee papers Standing Orders

Committee Terms of Reference

Planning Committee: Terms of Reference

1. To exercise all development Management functions which are conferred upon the local planning authority except where, and to the extent that, the exercise of such functions has been delegated to local councils.
2. To decide Planning policy matters of local, or non-strategic, significance, including neighbourhood plans and development orders. At the key milestone stages of planning policy, matters of strategic significance are to be determined by the Authority, including Regulation 19 stage (pre-submission) of the SDNP Local Plan, planning policy matters of strategic significance relating to adjoining authorities, and strategically significant planning policy matters of partner organisations such as LEPs, LSPs etc. All such matters will be reported to the Planning Committee for comment prior to consideration by the Authority.
3. To provide an Authority response to consultations from neighbouring authorities on planning matters, unless the response is of strategic significance.
4. To provide an Authority response to government and other consultations on planning matters unless the response is of strategic significance.
5. To approve consultation documents and arrangements on SDNPA policy matters such as development briefs, conservation area appraisals, joint LDF consultation documents where either the policy issues are of local or non-strategic significance, or no policy commitment is implied.
6. To determine administrative and procedural matters relating to planning, such as Statements of Community Involvement and Local Development Scheme.
7. To determine the arrangements for charging the community infrastructure levy (CIL).
8. To determine the allocation of resources received through the community infrastructure levy.
9. To authorise the preparation of planning obligations under Section 106 of the Town and Country Planning Act 1990 on such applications that are before the Committee.
10. To consider and report to the Authority on any other matter delegated to it by the Authority.

Policy and Resources Committee: Terms of Reference

Audit

1. To meet the requirements of the Accounts and Audit Regulations 2015 in respect of:
 - Conducting an annual review of the effectiveness of the system of internal control;
 - Conducting an annual review of the effectiveness of internal audit;
 - Reviewing the outcome of annual review of governance arrangements and approving the Annual Governance Statement, ensuring it contains any actions for improvement; and
 - Considering and approving the Authority's annual Statement of Accounts
2. To ensure the robustness of risk management and performance management arrangements.
3. To provide assurance as to the adequacy of arrangements for the prevention and detection of fraud and corruption.
4. To agree the internal audit plan and annual report, and receive progress and other relevant internal audit reports.
5. To agree the External Auditor's Annual Audit Plan, and receive the District Auditor's Audit Results Report and other relevant reports.
6. To provide assurance as to compliance with the Authority's Treasury Management Policy, Financial Regulations and Procedures.
7. Consider and recommend to the Authority the approach to the appointment of the Authority's external Auditor
8. To recommend to the authority any material and/or substantial changes to the Financial regulations and Financial Procedures

Strategies and Policies

9. To recommend annually to the Authority:
 - The Corporate and Business Plans including strategies and priorities, appropriate objectives and key performance measures; and Treasury Management Policy.
10. To review and recommend to the NPA the adoption or revision of the Partnership Management Plan and monitor and review its delivery
11. To approve appropriate resource plans (including workforce plans, information strategies, procurement and estates strategy), and policies, procedures and systems to support effective resource management
12. To develop and consider policies and strategies for recommendation to the NPA save for when these are delegated to another Committee or Officer.
13. To consider, and where the committee considers it appropriate, endorse Whole Estate Plans.
14. To decide applications for, or reviews, of directions for restrictions on Access Land referred to the Committee by the Chief Executive
15. To agree a strategy for the South Downs National Park Authority brand and identity, and to monitor and review its implementation.

Grants and Projects

16. To agree the submissions of bids for grant funding, and the arrangements for application of grant funds received (subject to any urgent decisions required being made by the Chief Executive in accordance with Standing Order 18 and in consultation with the Chair of the Committee).
17. To have oversight of the Strategic Fund including approving project bids to the Fund in excess of £50k up to a maximum SDNPA contribution of £100k To recommend for

approval by the NPA any Strategic Fund project bid where the SDNPA contribution exceeds £100k.

18. To have oversight of the Sustainable Communities Fund (SCF).

Performance and Procurement

19. To monitor and identify improvements arising from the outcomes and evaluation of projects identified by the Committee, audits, survey and other feedback and make recommendations as appropriate.
20. To monitor and review the performance, including financial performance, of the Authority in the context of its business delivery, and the management and maintenance of the Authority's assets in accordance with the Authority's agreed budget, Corporate Plan and other approved plans, and make recommendations for changes as appropriate.
21. To agree arrangements for the procurement and ongoing monitoring of external contracts for support services, and to authorize entering into contracts of a value of £100k or greater in accordance with Contract Standing Orders.

Other

22. To consider and report to the Authority on any other matter delegated to it by the Authority.

Appointments, Management and Standards Committee: Terms of Reference

1. To determine the terms and conditions of employment of the Chief Executive (National Park Officer), including relocation payments, etc.
2. To determine the remuneration, annual pay award/performance pay, any accelerated progression of the Chief Executive (National Park Officer) (taking into account the contractual and other pay remits and agreements entered into in respect of the wider staff establishment)
3. To set the performance objectives and assess the performance of the Chief Executive (National Park Officer) annually
4. To manage all other aspects of the Chief Executive (National Park Officer)'s and SDNPA's contractual employment relationship, including, but not limited to, performance during the probationary period, capability, conduct and grievance matters, and matters relating to extension of ill-health leave (including the extensions of sick pay) or other terminations of employment.
5. Where the Authority determines to appoint a Chief Executive (National Park Officer) and it decides not to make the appointment exclusively from among existing officers, to undertake the recruitment, selection and appointment process in accordance with the relevant requirements of the statutorily prescribed standing orders contained in Appendix 6 of the Authority's Standing Orders.
6. Before making an appointment of a Chief Executive (National Park Officer) or assigning additional responsibilities to a person holding such an appointment to consult with Natural England and to extend an invitation to the consultee to attend the relevant meeting of the Committee.
7. Where the Committee considers it appropriate, to extend an invitation to a Member of the Authority to attend a particular meeting of the Committee.
8. To promote training and advice to Members and Co-opted Members on the Code of Conduct, relevant protocols adopted by the Authority, and related matters to enable high standards of conduct to be maintained.
9. To advise the Authority on the revision or replacement of its Code of Conduct for Members and Co-opted Members, and on the review of protocols relevant to ethical standards.
10. To advise the Authority on the arrangements to be applied for the investigation and determination of allegations of failure to comply with the Code of Conduct for Members and Co-opted Members, including advice on the involvement of at least one independent person in those arrangements, and to handle and determine such allegations in accordance with the approved procedures.
11. To consider and determine an application by a Member or Co-opted Member for the grant of a dispensation under Section 33 Localism Act 2011, relieving the restrictions on participation in, and voting on, a matter in which the Member or Co-opted Member has a disclosable pecuniary interest
12. To consider and report to the Authority on any other matter delegated to it by the Authority