

Report to	South Downs National Park Authority
Date	16 May 2019
By	Head of Governance & Support Services
Title of Report Decision	Governance Matters and Standing Order Updates

Recommendation: The Authority is recommended to:

- 1. Agree the changes to Standing Orders for the Regulation of Authority Proceedings and Business (“Standing Orders”) set out at para 2.1 of this Report including the allocation of “proper officer” functions as set out at para 4.2.**
- 2. Agree, in relation to the NPA meeting on 2nd July 2019 only, to amend paragraphs 1(b) and 1(c), of Appendix 2 of Standing Orders (Rules on Elections) so that for the purposes of the election of both the Chair and the Deputy Chair of the Authority (under paragraphs 1 and 2 of Appendix 2 respectively):**
 - **The deadline for nominations be extended until 4pm on the 1st July 2019,**
 - **Nominations will be notified to Members by the end of the day on 1st July 2019; and**
 - **The requirements for nominations to be proposed and seconded be removed, with such amendments having effect until 3rd July 2019 and other requirements of Standing Orders continuing to have effect throughout.**
- 3. Agree the position regarding committee membership set out at para 5.4.**
- 4. Agree that in accordance with Standing Order 8.3 the Policy and Resources Committee may appoint up to 2 Deputy Chairs of the Committee.**

1. Summary and Background

- 1.1** This report sets out proposed changes arising from the annual review of the Authority’s Standing Orders.
- 1.2** The annual review of Standing Orders is a requirement of the Authority’s Code of Corporate Governance and is undertaken by the Head of Governance and Monitoring Officer, based on the application of Standing Orders throughout the year.

2. Standing Orders Review

- 2.1** In undertaking a review of Standing Orders the following changes are proposed:

Reference	Suggested Change	Rationale
Appendix 7 para 5.1 (page 41)	Amend para to include (at line 4 & 5, inside brackets) "However, this does not prevent the Planning Committee from delegating any of these functions to the Director of Planning."	Clarification
Appendix 4 page 28	Amend planning committee terms of ref to include new 1.6 to read, "To authorise enforcement action which requires prosecution, the service of a "Stop Notice" or any other Notice or action which in the opinion of the Director of Planning might potentially have significant financial risks for the Authority," and amend numbering accordingly.	To ensure planning committee terms of reference and Director of Planning delegations align
Appendix 7	Include in delegations to Director of Planning new 5.2 "in exercising the development management functions of the Authority the Director of Planning is authorised to allocate funds received under s106 agreements".	Clarification
Planning committee public speaking protocol	Formatting	Clarification
Planning committee public speaking protocol	<p>Amend para 4 of page 25 to read:</p> <ul style="list-style-type: none"> - "You can only speak on items that are on the agenda of the meeting at which you ask to speak. The introduction or submission of additional evidence by public speakers in the form of written documents or photographs for display, circulation or distribution will not be permitted during the Planning Committee meeting. Any additional material relevant to the matter to be considered should be given to the planning officers in time for them to evaluate it professionally. Where possible, this should be at least 7 days before the meeting so that officers and Members have adequate time to properly consider it." <p>Amend bullet point 3 on page 27 to read:</p> <ul style="list-style-type: none"> - "The introduction or submission of additional evidence by public speakers in the form of written documents or photographs for display, circulation or distribution will not be permitted during the Planning Committee meeting. Any additional material relevant to the matter to be considered should be given to the planning officers in time for them to evaluate it professionally. Where possible, this should be at least 7 days before the meeting so that officers and Members have adequate time to properly consider it." 	Clarification
Page 41 para 3.13	– amend to read "Implement, manage and administer the Coast to Capital Local Enterprise Partnership Joint Committee."	Clarification to address typo

Page 30 para 19	Amend Policy and Resources Term of Reference 19 to read, “to receive updates from the South Downs National Park Trust on the financial position and operational activities of the Sustainable Communities Fund.”	Update to reflect changes arising from the transfer of the sustainable communities fund to the South Downs National Park Trust
Page 8	Amend Standing Order 7.1 to read: “It is expected that Members will make every effort to attend meetings of the Authority or any of its committees or sub-committees to which they are appointed. The Chief Executive (National Park Officer) shall maintain a list of the membership of the Authority and of each committee and subcommittee and shall ensure that a record of attendance of meetings is kept.”	Update to reflect current practice
Page 23 appendix 3 para 1.6 line 5	Insert “his/her” in place of “his”	Clarification
Amend appendix 4 page 29	Amend Policy and Resources Committee Terms of Reference numbers 6 & 9 to insert words “Capital Strategies”	Clarification
New appendix 8	Include list of proper officer responsibilities (see section 4 below) as new Appendix 8	Clarification

3. Deputy Chairs of Policy and Resources Committee

- 3.1 At its meeting in Oct 2018 the Authority agreed to empower the P&RC to appoint up to 2 Deputy Chairs of the Committee for a specified period, but agreed this should be subject to a review and further recommendations either at or before the AGM in 2019.
- 3.2 This review was undertaken in April 2019. Whilst some objections were raised to maintaining the principle of having 2 Deputy Chairs, including the potential for confusion, there were strong arguments made in favour of maintaining the practice at least for 1 more year. The suggested benefits of extending this arrangement and reviewing it again in 2020 included ensuring that the wider remit of the merged committee continues to be given due consideration and to enable the Chair and Deputy Chairs to be represented across the task and finish groups set up by the Committee. It is proposed, therefore that the Committee continue to be empowered to appoint up to 2 Deputy Chairs to P&R Committee, until such time the Authority agrees to amend the practice and that a further review be undertaken in 2020.

4. Assignment of Proper Officer functions

- 4.1 The review of Standing Orders and associated legislation has identified the need for “proper officers” to be identified for a number of functions. The “proper officer” is the officer tasked with carrying out various functions set out in statute, although such functions can be exercised by another officer with the appropriate authorisation from the Proper Officer, e.g. the Director of Planning is the signatory on a variety of planning related agreements and legal documents.
- 4.2 The proposed list of “proper officers” is set out below. If agreed this will form part of Standing Orders at appendix 8.

Function	Proper officer
Local Govt Act 1972	
SI 15(2) – Receipt of Monies due from officers	SI51 Officer
SI 46(1)(a)– Declarations and certificates with regard to securities	SI51 Officer
SI00B(2) - Circulation of Agendas and reports and applications of exemptions	Chief Executive (National Park Officer)
SI00B(7) (c) – Supply of copies of documents to the press	Chief Executive (National Park Officer)
SI00C(2) – Written summary of proceedings	Chief Executive (National Park Officer)
SI00F(2) – rights of access to documents for members	Chief Executive (National Park Officer)
SI00D(1)(a) Preparation of list of background papers	Chief Executive (National Park Officer)
SI00D(5)(a) Identification of background papers	Chief Executive (National Park Officer)
S225(1) Deposit of documents	Chief Executive (National Park Officer)
S229(5) - Certification of photographic copies of documents	Chief Executive (National Park Officer)
S234(1) Authentication of documents	Chief Executive (National Park Officer)
S238 – Certification of Bye-laws	Chief Executive (National Park Officer)
Local Govt Finance Act 1988	
SI 16 – Notification to Auditor	SI51 Officer
Local Govt Act and Housing 1989	
S2(4) – Political Restricted Posts	Chief Executive (National Park Officer)
Local Govt Act 1974	
S30(5) – Public Notice of Ombudsman Report	Chief Executive (National Park Officer)
Local Government (Miscellaneous Provisions) Act 1976	
S41 – certification of resolutions and minutes etc.	Chief Executive (National Park Officer)

The Chief Executive (National Park Officer), or in his absence the Head of Governance and Support Services, is appointed as Proper Officer for such proper officer functions of the Authority other than those specified in this table as are not specifically delegated to any other office.

The proper officer functions of the officer listed in Column 1 below may, in his/her absence or if he/she is otherwise unable to act, be carried out by the officer listed in Column 2.

Column 1	Column 2
Chief Executive (National Park Officer)	Head of Governance and Support Services
S151 officer	Head of Business Services

5. Committee membership

- 5.1 As a result of the 2017 governance review, committee memberships were altered and, as a consequence, one member (in addition to the Chair and Deputy Chair of the Authority) was not allocated a place on either the P&R or Planning Committees. This Member currently sits on the Appointments, Management and Standards Committee and the informal Committee Chairs and SMT group.
- 5.2 Following a request to review this arrangement it is intended to maintain this current practice, ensuring that there is a standing invite for this Member to attend and participate in the Policy and Resources Committee and planning policy sections of Planning Committee meetings. This will enable the chosen Member to be able to participate in the wider work of the Authority, in addition to their role on the AMS committee and CC/SMT.
- 5.3 Consideration was given to increasing the committee membership on either P&R or Planning Committees to accommodate all Members, however due to the current size of these Committees it was not considered this would be in the best interest of the effective operation of either Committee.
- 5.4 Therefore the position with relation to committee membership will remain unchanged as follows:
- NPA – All members
 - AMS Committee – 3 members (Chair, Deputy Chair +1 member)
 - Planning Committee – 11 members (+2 ex officio (non-voting) (planning policy matters only))
 - Policy and Resources Committee – (13 members(+2 co-optees +2 ex-officio non-voting))

6. Election process for Chair and Deputy Chair

- 6.1 Standing Orders set out the rules that govern how the Chair and Deputy Chair of the Authority are appointed. These are set out at Appendix 2 of the Standing Order document.
- 6.2 It is a requirement that the Chair and Deputy Chair are appointed annually. Following the local and parish elections in May it has become apparent that the usual timetable set out in Standing Orders for this process would preclude parish members from being nominated for these positions.
- 6.3 It is therefore proposed that, in order to enable parish members to participate alongside all other members in the election that the deadline for nominations be extended to 4pm on the 1st July 2019. Whilst this is only 1 day before the AGM itself the details of any nominations will be circulated by the end of the day on the 1st July so these can be reviewed and considered by all Members prior to the meeting. For clarity, the following changes will take effect for the election of the Chair and Deputy Chair of the Authority:
- **The deadline for nominations be extended until 4pm on the 1st July 2019.**
 - **Nominations will be notified to Members by the end of the day on 1st July 2019.**
 - **The requirements for nominations to be proposed and seconded be removed.**
- All other requirements of Standing Orders will be required to be met.

7. Other Implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	No.
Does the proposal raise any Resource implications?	There are no financial implications arising from this report.
How does the proposal represent Value for Money?	Ensuring standing orders and the policy framework are up to date assists the efficient running of the organisation.
Are there any Social Value implications arising from the proposal?	None
Has due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	There are no equalities implications arising from this report.
Are there any Human Rights implications arising from the proposal?	There are no Human Rights implications arising from this report
Are there any Crime & Disorder implications arising from the proposal?	There are no crime and disorder implications arising from this report.
Are there any Health & Safety implications arising from the proposal?	There are no Health and Safety implications arising from this report.
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy?	The report contributes to principle 4 of the SDNPA sustainability Strategy: Promoting good governance.

8. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
Failure to maintain an up to date policy Framework and Standing Orders leads to decisions being challenged or delays in decision making	3	4	<p>Standing orders and policy framework kept under review.</p> <p>Monitoring Officer Contract in place.</p> <p>Programme of Audits includes governance issues.</p>

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Appendices:	None
SDNPA Consultees	Chief Executive; Director of Countryside and Policy Management; Director of Planning; Monitoring Officer
External Consultees	None
Background Documents	Current Standing orders

