



South Downs
National Park Authority

Agenda Item 11
Report NPA19/20-36

Report to	South Downs National Park Authority
Date	21 May 2020
By	Head of Governances & Support Services and Monitoring Officer
Title of Report	Governance Issues
Decision	

Recommendation: The Authority is recommended to:

- 1. Note The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 and their impact upon Authority decision making.**
- 2. Agree the temporary updates to the Authority's Standing Orders set out at Appendix 1 of the report to be effective for the period during which these regulations apply.**
- 3. Note the intention for the 2020 Annual Meeting of the Authority to take place as scheduled on 7 July 2020.**
- 4. Agree to amend Standing Order 18.4 (urgency powers) as set out at para 3.19 of the report, to provide that if the Chair or Deputy Chair cannot be consulted, consultation must take place with either the Chair of the Planning Committee or the Chair of the Policy and Resources Committee.**
- 5. Agree to amend paragraphs 1.1(a) and 1.1(c) of Appendix 2 of the Authority's Standing Orders (relating to the election of Chair and Deputy Chair) as set out at Appendix 2 of this report.**
- 6. Agree, only in respect of the first meeting of the Planning Committee and the first meeting of the Policy & Resources Committee following the next Authority Annual Meeting, to:**
 - Suspend paragraphs 3.1(a) – (c) & 4.1 (a) – (c) of Appendix 2 of the Authority's Standing Orders (in relation to the election of Chairs and Deputy Chairs of Committee); and**
 - Modify paragraphs 3.1(f), 3.1(i), 4.1(e), 4.1(h) (erroneously identified as subparagraph (i)) of Appendix 2 of Standing Orders as set out at Appendix 3 of this report.**
- 7. Agree to insert a new Standing Order 8.2 in the Authority's Standing Orders as set out at para 3.14, to establish a process for Members, in advance of the Annual Meeting each year, to express a preference for a committee place.**
- 8. Instruct the Monitoring Officer to update the Authority's Standing Orders to reflect the changes made in recommendations 2, 4, 5 and 7 ensuring that it is**

made clear where amendments are temporary and to republish them on the Authority's website.

9. Note that an independent review of the Authority's Scheme of Members' Allowances has been conducted and that a report detailing any recommended changes to the Scheme will be presented at a future meeting of the Authority.

10. Agree that the 19/20 rates of allowances payable under the Authority's Scheme of Members' Allowances shall continue to apply on a provisional basis in respect of allowances payable under the Scheme.

1. Introduction

- 1.1 As a result of the global novel coronavirus pandemic, and the resultant government advice with regard to social distancing it has been necessary for the Authority to review its ways of working to ensure the maintenance of good governance and robust decision making during this time.
- 1.2 This paper provides an overview of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 (the Regs) which came into effect on the 4th April, which were passed to provide a mechanism to support local authority decision making. It makes a series of proposals in relation to decisions that the Authority may now make to effectively operate under the Regs. The Regs are currently time limited and will only apply to NPA and Committee meetings before 7th May 2021.

2. Policy Context

- 2.1 Effective governance contributes to the overall delivery of the Authority's outcomes by ensuring robust decisions are made at the appropriate time and that resources are allocated to priority areas and delivery against objectives is monitored and reported on.

3. Issues for consideration

The Regs

- 3.1 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on 4th April 2020. Under the Regs the following now applies
- It is now permissible to hold meetings by electronic means. A member will be deemed present if they are able to (all three criteria must be met):
 - hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance,
 - hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and
 - to be so heard and, where practicable, be seen by any other members of the public attending the meeting
 - A meeting will therefore be deemed open to the public when the public can hear, and where practicable view, the meeting through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming, whether or not members of the public are able to attend the meeting in person. Those making deputations must be able to be heard, and where practicable be seen, in line with the second sub-bullet point above.
 - Notification of meetings solely on the website is now permitted – rather than being required to publish notice at the office. We are now also permitted to provide the Agenda and reports etc. to Members through electronic means and make them open to inspection by the public by publishing them on the Authority's website.
 - The requirement to hold an AGM is suspended and appointments that would normally

be made at the AGM. (Including committee appointments and appointments to outside bodies) will continue until the next AGM unless the NPA takes a decision to do otherwise.

- We are no longer required to hold at least three additional meetings (in addition the AGM) in each year, although it is intended to maintain a programme of NPA meetings to ensure essential business is transacted. Other issues will be considered on a case by case basis.

- 3.2 Regulation 5, which specifies what constitutes remote attendance for the purposes of other legislative requirements in relation to the Authority's meetings, overrides any contrary provision in relation to attendance and participation in the Authority's Standing Orders and other rules, although any existing procedures allowing public speaking at meetings will continue to apply (by remote means). In relation to remote attendance at meetings, the Authority is free to make local arrangements in relation to voting, access to documents for members and the public and arrangements for remote public and press access to meetings (i.e. the means by which we make meetings accessible to them) to comply with the requirements above and other existing requirements.
- 3.3 Although under the Regs meetings can now take place, the experience to date is that it has not been possible to replicate the style and form of debate that has characterised Authority and Committee meetings previously. Therefore, it is important to approach the Regs with caution to ensure that effective decision making can continue, and the Member roles of challenge, scrutiny and debate, which are important to effective decision making are maintained.

Standing Orders – Temporary Updates

- 3.4 The Regs also impact upon the Authority's Standing Orders, and whilst Regulation 5 overrides any prohibition or restriction relating to attendance and participation in the Authority's Standing Orders and other rules, it is important for the Authority not to over rely on this provision and, therefore, consideration has been given to whether the Authority's Standing Orders require some temporary updates to accommodate remote attendance at meetings and comply with the Regs. Consequently, Members are asked to agree a number of temporary updates to Standing Orders arising from the Regs, as set out in **Appendix I**, to be effective for the period during which the Regs apply (currently until 7 May 2021).

Process for Election of Chair and Deputy Chair

- 3.5 Although it is proposed above to relax the requirement in Standing Order 3.1 to hold an AGM, in order to allow for maximum flexibility in line with the Regs to be able to respond to the present changing circumstances, it is currently intended that the Authority's AGM scheduled to take place in July 2020 should proceed as planned in order to address changes in the Authority's membership including the Authority's Chair reaching the end of her term of office (at the end of June).
- 3.6 The Authority is required to transact various items of business at its AGM, including electing a Chair and Deputy Chair, appointing committees and their membership and appointing Members to outside bodies. It will be necessary to consider the appointment to committees of any new Members who will be joining the Authority in July.
- 3.7 To facilitate the necessary administration, it is proposed that the current provisions of Standing Orders at Appendix 2, paragraphs 1.1(a) and 1.1(c) relating to the election of the Authority Chair and Deputy Chair be amended, as set out in **Appendix I** of this report, in order to extend the existing timescales and include some clarification. Although consideration of the practicality of these timescales has been prompted by the current remote working arrangements, it is considered that, even in normal circumstances, the existing timescales would not permit sufficient time for officers to liaise with Members who have been nominated for the positions of Chair and Deputy Chair in advance of the meeting to support the effective running of the meeting. Therefore, it is proposed that this amendment to Standing Orders should be a permanent one.

- 3.8 The process for the election of the Chair and Deputy Chair will be explained at the start of the AGM including confirming the duration of any adjournment that will be required at the meeting in order to allow Members to cast their votes in any ballot to be conducted. In the event that the AGM is a virtual meeting or at least one Member is attending it by remote access, the process for any ballot required will be modified as provided for in **Appendix I** to address the additional requirements of conducting a ballot using electronic methods.
- 3.9 Both Chair and Deputy Chair positions will be held until the next annual meeting of the Authority in line with Standing Order 2.3.

Process for Election of Chair and Deputy Chair of a Committee

- 3.10 The current process set out in Standing Orders for the election of Chair and Deputy Chair of a committee requires that advance notice of nominations be given by those wishing to seek election to the positions of Chair and Deputy Chair. Due to the proximity of the AGM to the first planned cycle of committee meetings, this usual process will not be able to be followed. It is therefore proposed that, to enable the Planning and Policy & Resources Committees to appoint their Chair and Deputy Chair respectively, the relevant subparagraphs of Appendix 2 of the Authority's Standing Orders be either suspended or modified as set out at **Appendix 2** of this report, to be effective only in respect of the first meeting of the Planning Committee and the first meeting of the Policy & Resources Committee following the AGM.
- 3.11 These modifications will permit nominations for the position of Chair and Deputy Chair of the Planning Committee and Policy and Resources Committee respectively to be made by Members at the meeting. Each candidate attending the meeting will be entitled to address the committee in line with Standing Orders, but the requirement for a written statement will not apply. The modifications also permit Members who are not attending the meeting to stand for election provided the Member notifies the Chief Executive in writing in advance of the meeting to provide his/her declaration of willingness to stand for election and, at the Member's discretion, a supporting statement outlining any relevant skills and experience.
- 3.12 If these meetings take place as virtual meetings or if at least one Member is attending the meeting by remote access, the modified process for any ballot required, which is set out at **Appendix I** of this report, will be followed.

Committee places

- 3.13 In order to aid transparency with regard to the process leading up to the appointment of Members to committees, it is proposed to amend the Authority's Standing Orders to establish a process for Members, in advance of the AGM each year, to express a preference for a committee place. In respect of this process, Members will need to be aware that there is a legal requirement placed on the Authority to secure a specified balance of Secretary of State appointed Members and Local Authority appointed Members on each committee. In addition, it is considered appropriate to have a geographical spread of Members on each committee.
- 3.14 It is therefore proposed to insert a new Standing Order 8.2 as follows:
“ Not less than 10 clear working days before the Annual Meeting, all Members may contact the Chief Executive in writing or by email to express a preference for which of the Authority's committees they would wish to be appointed to and they may set out their reasons for their preference. The Chief Executive will provide a copy of all such preferences, together with any reasons given, to the candidates for Chair in order to assist them in developing their recommendations to the Authority at the Annual Meeting in respect of the appointment of Members to committees.”

- 3.15 The decision regarding committee membership is then made by the Full Authority.

Urgency Powers

- 3.16 The Authority's Standing Order 18 sets out the Chief Executive's powers to act when an urgent decision must be taken. Several criteria must be met before the Chief Executive can act, one of which is that he must first consult with the Chair or, if the Chair is unavailable,

the Deputy Chair of the Authority. If he is unable to do so, then an emergency meeting of the Authority must be called to consider the matter.

- 3.17 It is conceivable that both the Chair and Deputy Chair may not be available to be consulted e.g. in a situation where both have fallen ill. This scenario would prevent urgent, necessary decisions being taken in the best interest of the Authority without the need to summon all Members to a meeting.
- 3.18 In order to mitigate this risk, it is proposed to amend Standing Order 18.4 to add the Chair of the Planning Committee and the Chair of Policy and Resources Committee to the list of consultees who may be consulted in place of the Chair, thereby reducing the risk that the Chief Executive cannot act quickly. The order in which consultation with the Committee Chairs is sought will depend on the subject matter of the decision to be taken and will be based on the judgement of the Chief Executive.
- 3.19 It is therefore proposed that Standing Order 18.4 be amended to read:
- “In the event that urgent action pursuant to Standing Order 18.3 appears to be necessary, but the Chair cannot be contacted despite diligent efforts or is unable to act, the Chair's responsibilities under Standing Order 18.3 shall be discharged by the Deputy Chair. If both are unavailable or unable to act, the Chair's responsibilities under Standing Order 18.3 shall be discharged by either the Chair of the Planning Committee or the Chair of the Policy and Resources Committee. If none of these persons are available and able to act, the matter shall not be dealt with except by a properly constituted extraordinary meeting of the full Authority.”*

Members Allowances

- 3.20 The Authority's Scheme of Members' Allowances contains indexation provisions which allow for an annual adjustment of allowances by reference to any staff cost of living pay award applied. The Authority may not legally rely on that index for longer than a period of four years. The Authority may decide to reapply indexation but only after it has had regard to certain specified information. The period from 1 April 2019 to 31 March 2020 was the final year that the Authority was able to rely on the index in order to make an adjustment to the allowances payable under the Scheme.
- 3.21 An independent review of the Authority's Scheme of Members' Allowances has been conducted but, due to the current Covid-19 emergency, the Authority was unable to meet to consider the review report prior to the end of the last financial year. A report detailing any recommended changes to the Scheme will be presented at a future meeting of the Authority. In the meantime, pursuant to his power under Standing Order 18, the Chief Executive took an urgent decision to maintain the 19/20 rates of allowances payable under the Scheme until the date of this Authority meeting so that there was no annual adjustment made to the allowances.
- 3.22 Due to the legal constraints relating to indexation, the Authority is recommended to agree that, on a provisional basis until the Authority has considered the independent review report, the 19/20 rates of allowances shall apply in respect of allowances payable under the Authority's Scheme of Members' Allowances.

4. Options & cost implications

- 4.1 Whilst there are a range of options open to Members with regard to these changes, it is considered that the proposals reflect the most appropriate route to ensure the continued effective governance of the Authority.
- 4.2 Costs associated with the Scheme of Members' Allowances have been factored into the Authority's 2020/21 budget.

5. Next steps

- 5.1 If agreed, the proposals will take effect immediately and steps will be taken to update and republish the Authority's Standing Orders accordingly.

6. Other Implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	A further decision on the Scheme of Members' Allowances will be brought to the NPA at an appropriate time.
Does the proposal raise any Resource implications?	There are no resource implications arising from the report.
How does the proposal represent Value for Money?	The proposal set out aims to ensure the effective governance of the organisation during the coronavirus pandemic. Effective organisational governance represents value for money by ensuring the correct decisions are taken in the most appropriate manner.
Are there any Social Value implications arising from the proposal?	None
Have you taken regard of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	The changes proposed apply equally to all Members, and where appropriate, members of the public. Steps have been taken to ensure meetings are accessible to all. The Scheme of Members' Allowances contributes to ensuring that Members are not disadvantaged through their membership of the Authority and that potential barriers to membership are removed
Are there any Human Rights implications arising from the proposal?	None
Are there any Crime & Disorder implications arising from the proposal?	None
Are there any Health & Safety implications arising from the proposal?	None
Are there any Data Protection implications?	None
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy?	The proposals support the principle of promoting good governance

7. Risks Associated with the Proposed Decision

- 7.1 Failure to consider the implications of the Regs for Standing Orders, make changes arising from the Regs and take action with regard to the Scheme of Members' Allowances increase the risk of the Authority's decision making structures not operating effectively, the Authority being unable to function to deliver its statutory functions or the Authority being in breach of legislation. The proposals set out in this paper seek to mitigate these risks.

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Appendices	<ol style="list-style-type: none">1. Temporary Updates to SDNPA Standing Orders to accommodate remote attendance at meetings pursuant to The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 20202. Amendments to SDNPA Standing Orders, Appendix 2, paragraph 1.13. Modified Process for Election of Chair and Deputy Chair of Planning Committee and Policy and Resources Committee following Authority's Next Annual Meeting
SDNPA Consultees	Chief Executive, Monitoring Officer.
External Consultees	None
Background Documents	Authority Standing Orders Scheme of Members' Allowances The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

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Temporary Updates to SDNPA Standing Orders to accommodate remote attendance at meetings pursuant to The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

The following temporary updates shall be made to the Authority's Standing Orders to be effective for the period during which The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 apply:

“These Standing Orders shall be interpreted in a way that allows the Authority to make use of the flexibility permitted by The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. For example:

Attendance, including attendance by the public & Quorum:

- All references in Standing Orders which relate to a person's attendance or participation at a meeting will include attending and participating through virtual methods, including audio conferencing or video conferencing.
- Quorum for meetings will remain unchanged, and a Member will be deemed to be present for the purposes of quorum if he/she is able:
 - to hear, and where practicable see, and be so heard and, (here practicable, be seen by, the other Members in attendance and any member of the public entitled to attend in order to exercise a right to speak at the meeting; and
 - to be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- All references to meeting locations or place include reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference telephone numbers.

Public access

- A meeting of the Authority or any committee or sub-committee may be made open to the public by providing access through remote means including live webcasting of the audio or video content and, in such a case, the provisions of Standing Order 11 relating to confidential and exempt items shall continue to apply.

Communications

- All references to 'nomination', 'writing' or 'presentation' include by email or other electronic methods of communication and recording.
- Standing Order 13.1 requiring a notice of motion to be signed by the Member or Members giving the notice shall be satisfied upon a receipt of an e-mail for the member's or members' @southdowns.gov.uk email address confirming their intention to sign such a notice of motion.

Access to documents including background papers

- All references relating to the supply, provision, publication, posting or inspection of documents and background papers, including at the South Downs Centre or other offices of the Authority, shall include such action via electronic methods such as the Authority's website in the first instance, or email where Officers deem it appropriate. At the discretion of Officers, hard copies of documents may be provided by post where requested by those who do not have internet provision.

Conduct of meetings

- The Chair of a virtual meeting or a meeting which at least one Member is attending by remote access will manage the meeting with clear instructions and requests to participants. The Chair will introduce or ask each participant to identify themselves at the start of the meeting.
- In accordance with Standing Order 14.4, whenever the Chair speaks, any Member then speaking shall immediately stop and the Authority shall be silent.
- If the Chair requests a Member or other meeting participant to stop speaking and that person is attending the meeting by remote access the meeting administrator shall mute that person’s microphone. Where the Chair orders a person attending by remote access to leave the meeting, the meeting administrator shall remove them from the meeting
- Requests to raise points of order or points of personal explanation as provided for in Standing Order 14.3 may be communicated to the Chair via electronic means and must be allowed as soon as practicable.
- The Chair continues to have discretion to follow a more informal debating process than that set out at Appendix 5 of Standing Orders and any variation to the conduct of meeting will be communicated clearly by the Chair.
- Subject to Standing Order 2.2 (rules on elections), Standing Order 15.1 (Voting) shall be varied so that, at a virtual meeting or a meeting which at least one Member is attending by remote access, every question shall be determined by the voices of those present at the meeting.
- in respect of any meeting of the Authority which is a virtual meeting or which at least one Member is attending by remote access, paragraphs 1.1(e) and 1.1(k) of Appendix 2 of Standing Orders (ballot process) shall be modified as follows:

“(e) The Authority’s Monitoring Officer, Deputy Monitoring Officer, Solicitor or Head of Governance & Support Services shall act as Returning Officer and shall be responsible for the election process.”

.....

“(k) A ballot shall be held using the elimination ballot system as follows:

- 1) The Returning Officer shall invite Members to vote clearly for one candidate only. Candidates shall be entitled to vote for themselves.
- 2) The meeting shall then be adjourned for a period of time to allow each Member attending by remote access to email his/her vote to the Returning Officer using his/her @southdowns.gov.uk email address. The Returning Officer shall distribute voting papers to any Members physically present at the meeting and then collect them once votes have been cast.
- 3) The Returning Officer shall examine the votes received and shall count the votes recorded for each candidate, rejecting any that are invalid.
- 4) If, once the votes have been counted, the candidate with the highest number of votes has secured more than 50% or more of the number of votes cast, the Returning Officer shall declare that candidate duly elected.
- 5) If the candidate with the highest number of votes does not secure more than 50% or more of the number of votes cast, the Returning Officer shall inform the Authority that a further ballot is required and the name of the candidate with the lowest number of votes, who shall be eliminated from the ballot.
- 6) The person presiding shall call for a further ballot between the remaining candidates.
- 7) This process of elimination shall continue until such time as a candidate secures the highest number of votes AND more than 50% or more of the number of votes cast, at which time the Returning Officer shall declare that candidate duly elected.

- 8) In the event of a tie or equality of votes in any ballot, for whatever cause, the person presiding shall without comment, question or debate call for a further ballot. In the event of a further tie or equality of votes in that ballot, the matter shall be settled by the person presiding on the toss of a coin.”

Note: These provisions will equally apply in relation to the election of the Deputy Chair by virtue of Appendix 2, paragraph 2 of Standing Orders

- in respect of any meeting of a committee of the Authority which is a virtual meeting or which at least one Member is attending by remote access, paragraphs 3.1(e), 3.1(j), 4.1(d) and 4.1(i) (erroneously identified in Standing Orders as subparagraph (j)) of Appendix 2 of Standing Orders (Elections of Chair and Deputy Chair) shall be modified as follows:

“3.1(e) The Authority’s Monitoring Officer, Deputy Monitoring Officer, Solicitor or Head of Governance & Support Services shall act as Returning Officer and shall be responsible for the election process.”

.....

“3.1(j) Once the candidates have addressed the meeting, the ballot shall be held without comment, question or debate, as follows:

- 1) The Returning Officer shall invite Members to vote clearly for one candidate only. Candidates shall be entitled to vote for themselves.
- 2) The meeting shall then be adjourned for a period of time to allow each Member attending by remote access to email his/her vote to the Returning Officer using his/her @southdowns.gov.uk email address. The Returning Officer shall distribute voting papers to any Members physically present at the meeting and then collect them once votes have been cast.
- 3) The Returning Officer shall examine the votes received and shall count the votes recorded for each candidate, rejecting any that are invalid.
- 4) If, once the votes have been counted, the candidate with the highest number of votes has secured more than 50% of the number of votes cast, the Returning Officer shall declare that candidate duly elected.
- 5) If the candidate with the highest number of votes does not secure more than 50% of the number of votes cast, the Returning Officer shall inform the committee that a further ballot is required and the name of the candidate with the lowest number of votes, who shall be eliminated from the ballot.
- 6) The Returning Officer shall call for a further ballot between the remaining candidates.
- 7) This process of elimination shall continue until such time as a candidate secures the highest number of votes AND more than 50% or more of the number of votes cast, at which time the Returning Officer shall declare that candidate duly elected.
- 8) In the event of a tie or equality of votes in any ballot, for whatever cause, the person presiding shall without comment, question or debate call for a further ballot. In the event of a further tie or equality of votes in that ballot, the matter shall be settled by the person presiding on the toss of a coin.”

.....

“4.1(d) The Authority’s Monitoring Officer, Deputy Monitoring Officer, Solicitor or Head of Governance & Support Services shall act as Returning Officer and shall be responsible for the election process.”

.....

“4.1(i) Once the candidates have addressed the meeting, the ballot shall be held without comment, question or debate, as follows:

- 1) The Returning Officer shall invite Members to vote clearly for the number of candidates for which there are vacancies. Candidates shall be entitled to vote for themselves.
- 2) The meeting shall then be adjourned for a period of time to allow each Member attending by remote access to email his/her vote(s) to the Returning Officer using his/her @southdowns.gov.uk email address. The Returning Officer shall distribute voting papers to any Members physically present at the meeting and then collect them once votes have been cast.
- 3) The Returning Officer shall examine the votes received and shall count the votes recorded for each candidate, rejecting any that are invalid.
- 4) Once the votes have been counted, one of the following outcomes will apply:

Where there is only one vacancy

- a) where there is only one vacancy, if a candidate has secured more than 50% of the number of votes cast, the Returning Officer shall declare that candidate duly elected.
- b) If the candidate with the highest number of votes does not secure more than 50% of the number of votes cast, the Returning Officer shall inform the committee that a further ballot is required and the name of the candidate with the lowest number of votes, who shall be eliminated from the ballot. The Returning Officer shall declare to the meeting the name of the candidate who is eliminated from the ballot and shall call for a further ballot between the remaining candidates.
- c) This process of elimination shall continue until such time as a candidate secures the highest number of votes AND more than 50% of the number of votes cast, at which time the Returning Officer shall declare that candidate duly elected.
- d) In the event of a tie or equality of votes in any ballot, for whatever cause, the person presiding at the meeting shall without comment, question or debate call for a further ballot. In the event of a further tie or equality of votes in that ballot, the matter shall be settled by the person presiding on the toss of a coin.

Where there is more than one vacancy

- e) Where there is more than one vacancy, the vacancies shall be filled by the candidates receiving the highest number of votes and the Returning Officer shall declare the candidates as duly elected.
- f) In the event of a tie or equality of votes in any ballot, for whatever cause, the person presiding at the meeting shall without comment, question or debate call for a further ballot. In the event of a further tie or equality of votes in that ballot, the matter shall be settled by the person presiding on the toss of a coin.”

Interests

- Standing Orders in relation to Members Interests continue to apply. Members must have regard to the Members’ Code of Conduct in any meeting. Where a Member who is attending a virtual meeting or is attending a meeting by remote access is required by the Members’ Code of Conduct to leave the meeting, he/she must cease to attend the meeting by remote access for the duration of that item, after which he/she will be invited to re-join the meeting.

AGM

- The requirement in Standing Order 3.1 to hold an annual meeting and at least three other meetings every year shall not apply and the remaining provisions of Standing Order 3 shall be interpreted accordingly.

Amendments to SDNPA Standing Orders, Appendix 2, paragraph 1.1

SDNPA Standing Orders, Appendix 2, paragraph 1.1, subparagraphs (a) and (c) shall be amended as follows:

- “(a) Not less than 20 clear working days before the date of the Annual Meeting, or the meeting at which the election is to be held, the Chief Executive shall email or write to all Members calling for nomination of any Member as Chair of the Authority to be submitted in writing (including email).

.....

- (c) Nominations, together with the details of the proposer and seconder, shall be submitted in writing, or by email using the nominated Member’s @southdowns.gov.uk email address, to the Chief Executive at least 10 clear working days before the Annual Meeting, or the meeting at which the election is to be held. At least 2 clear working days before the Annual Meeting or the meeting at which the election is to be held, the Chief Executive shall inform Members in writing or by email of all candidates duly nominated, the proposer and seconder of each, and provide a copy of the candidate’s statement outlining their relevant skills and experience.”

NOTE: These provisions will equally apply in relation to the election of the Deputy Chair by virtue of Appendix 2, paragraph 2 of Standing Orders. It is anticipated that, in relation to the 2020 AGM, the actions referred to in the amended paragraphs 1.1(a) and 1.1(c) above will need to be done by 9 June and 23 June 2020 respectively.

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Modified Process for Election of Chair and Deputy Chair of Planning Committee and Policy and Resources Committee following Authority's Next Annual Meeting

The following modifications shall be made to paragraphs 3 and 4 of Appendix 2 of the Authority's Standing Orders for the purposes of the meetings of the Planning Committee and the Policy and Resources Committee immediately following the Authority's next annual meeting:

- paragraphs 3.1(a) – (c) & 4.1 (a) – (c) of Appendix 2 be suspended so that any requirements relating to action to be taken prior to the committee meeting shall not apply;
- paragraph 3.1(f) of Appendix 2 be modified to read:

“Any Member of the committee wishing to stand for election as Chair of that committee may, when invited to do so by the person presiding, nominate themselves at the meeting. A Member of the committee who wishes to stand for election as Chair of that committee but who will not be attending the meeting may, in advance of the meeting, contact the Chief Executive in writing, including by email using his/her @southdowns.gov.uk email address, to provide his/her declaration that he/she is willing to stand for election and, at the Member's discretion, a supporting statement of not more than 100 words outlining any relevant skills and experience. The Member's declaration and any supporting statement will be provided to the Members of the committee at the meeting. No proposer or seconder is required in respect of any nomination. When the person presiding is satisfied that all Members wishing to nominate themselves have had sufficient opportunity to do so, he/she shall declare nominations closed and the Returning Officer shall confirm the valid nominations which have been received.”
- paragraph 3.1(i) of Appendix 2 be modified to read:

“The person presiding shall invite each candidate attending the meeting to address the meeting for not more than 2 minutes, in alphabetical order by surname.”
- paragraph 4.1(e) of Appendix 2 be modified to read:

“Any Member of the committee wishing to stand for election as Deputy Chair of that committee may, when invited to do so by the Chair, nominate themselves at the meeting. A Member of the committee who wishes to stand for election as Deputy Chair of that committee but who will not be attending the meeting may, in advance of the meeting, contact the Chief Executive in writing, including by email using his/her @southdowns.gov.uk email address, to provide his/her declaration that he/she is willing to stand for election and, at the Member's discretion, a supporting statement of not more than 100 words outlining any relevant skills and experience. The Member's declaration and any supporting statement will be provided to the Members of the committee at the meeting. No proposer or seconder is required in respect of any nomination. When the Chair is satisfied that all Members wishing to nominate themselves have had sufficient opportunity to do so, he/she shall declare nominations closed and the Returning Officer shall confirm the valid nominations which have been received.”
- paragraph 4.1(h) (erroneously identified as subparagraph (i)) be modified to read:

“The person presiding shall invite each candidate attending the meeting to address the meeting for not more than 2 minutes, in alphabetical order by surname.”

The above modifications shall only apply for the purposes of the meetings of the Planning Committee and the Policy and Resources Committee immediately following the Authority's next annual meeting expected to take place in July 2020. In the event that the meeting is a virtual meeting or at least one Member is attending it by remote access, the process for any ballot required will be modified as provided for in paragraph 3.4 of this report to address the additional requirements of conducting a ballot using electronic methods.

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