



South Downs

National Park Authority

Agenda Item 17
Report NPA20/21-32

Report to	South Downs National Park Authority
Date	25 March 2021
By	Head of Governance & Support Services
Title of Report	Governance Matters and Ethical Framework Updates
Decision	

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 and adopt the revised Standing Orders set out at Appendix 1.**
- 2. Agree the revised Local Protocol for Members and Officers Dealing with Planning Matters (Appendix 2).**
- 3. Agree the revised Arrangements for Assessment, Investigation and Determination of a Complaint that a Member has failed to Comply with the Member Code of Conduct (Appendix 3).**
- 4. Note the position regarding Byelaws at the Seven Sisters Country Park Site and delegate authority to the Chief Executive to make such decisions and take such actions, up to and including submission for confirmation by the Secretary of State, as required for the NPA to make, in relation to the Seven Sisters Country Park, the same byelaws as those currently in force at the site (updated and amended as appropriate).**
- 5. Agree that, pursuant to section 7 of the Countryside Act 1968, once the Seven Sisters Country Park site has been transferred to the Authority by East Sussex County Council, the Authority will provide a country park on the site for the purpose of providing, or improving, opportunities for the enjoyment of the countryside by the public.**

I. Summary and Background

- I.1** This report sets out proposed changes arising from the annual review of the Authority’s Standing Orders. These include addressing the issue that may arise should The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, that allow virtual meetings to take place, lapse without extension or alternative legislation being in place to replace them.
- I.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.
- I.3** The paper also seeks the Authority’s approval of changes arising from a review of the Local Protocol for Members and Officers Dealing with Planning Matters (**Appendix 2**) and the

procedures for handling complaints made against Members (**Appendix 3**). The changes proposed to both of these documents have been reviewed and are recommended by the Appointment, Management and Standards Committee, in line with Standing Orders.

- 1.4 Finally, this paper addresses governance issues arising from the imminent acquisition of the Seven Sisters Country Park.

2. Standing Orders Review

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

Reference	Change proposed	Rationale
SO27	To support the process for creating a task and finish group which currently requires consideration by the Authority or a committee. It is Proposed to delegate to the Chief Executive in consultation with the Chair of the Authority or the Chair of the relevant committee, as appropriate depending upon the proposed reporting arrangements, to establish and report to the next available meeting of the relevant committee(s) or Authority. Membership and terms of reference shall be established in the same way and reported to the Authority or relevant committee(s) for noting. Any amendments to the terms of reference or membership shall be dealt with in the same way. This is in addition to the power of the Authority or a committee to set up its own task and finish group.	Allow flexibility to act
Appendix 4 – P&R committee Terms of reference	Update Policy and Resources Committee terms of reference to include performance monitoring of the Authority's Teckal company and review of the operating agreement.	New requirement arising from previous decision
SO 8 , para 8.1	In order to address a regular need to suspend standing orders in relation to the appointment of Committee Chairs and Deputy chairs and allow a smoother transition to new committees after the AGM it is proposed to make the appointment of the Chairs and Deputy Chairs at the same time that committees are appointed (i.e. at the AGM). The current procedures will allow for consultation with prospective Authority Chairs before the AGM regarding appointments.	improve current practice.
Appendix 2 Section 3 & 4	To update to reflect change to SO8 and clarify that in year vacancies will be appointed by the Committee	Clarification
Appendix 4 – Planning committee Terms of reference	To clarify in the Planning Committee's terms of reference that Supplementary Planning Documents will be approved by the Committee as non-strategic planning documents.	Reflect current practice

SO8 Para 8.8	Remove ex officio Members as these are unnecessary and can cause confusion. The Chair / Dep chair has the right (along with all other members) to attend all meetings and can participate with the consent of the Chair of the committee.	improve current practice.
SO2 para 2.4	Amend SO2 (2.4) to include a consultation period during which a resignation may be withdrawn.	Improve current practice
Appendix 7 Director of CPM delegations	To reflect additional delegations previously given in relation to the South Downs Partnership	New requirement arising from previous decision
Appendix 7 Director of planning delegations	To include wording to enable the Director of Planning to take decisions currently reserved for planning committee in the event that a meeting of Planning Committee cannot be reasonably convened in accordance with relevant legislation in force.	Improve Current practice. The proposed wording helps to mitigate the risk, highlighted by the current pandemic, that the Committee cannot lawfully meet
SO5 Para 5.2 (m)	Include wording to require reports back from any Members who the NPA have decided will not sit on a committee but will undertake specific tasks instead	New requirement arising from previous decision
Appendix 7, Director of Planning delegations Paragraph 5.2 (ix)	To include a presumption that the Director of Planning will respond to consultations of non-strategic importance.	Clarification of existing practice
Appendix 7 Chief Executive delegations	To include the power for the Chief Executive to approve the choice of alternate director proposed to be appointed by a director of the company, to be the Shareholder's Representative at general meetings of the company and the nominated person permitted to access the books and records of the company and to discuss its affairs with the directors and senior management	New requirement arising from previous decision

2.2 A draft standing orders document is attached at **appendix I** highlighting the proposed changes

3. Deputy Chairs of Policy and Resources Committee

3.1 At its meeting in Oct 2018 the Authority agreed to empower the Policy and Resources Committee 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 was agreed that the Committee continue to be empowered to appoint up to 2 Deputy Chairs to Policy and Resources Committee, until such time the Authority agrees to amend the practice and that a further review be undertaken in 2020.

3.3 The proposed 2020 review was delayed due to the pandemic, but was undertaken in early 2021. The view of existing and previous members of the Committee were sought. There was overwhelming support for maintaining the arrangement of appointing up to 2 Deputy Chairs, with many of the reasons previously stated being reaffirmed.

3.4 Additional reasons provided by Members included- that the role of the Committee will continue to develop in the coming months, including taking on responsibility for the monitoring of commercial activity through the Teckal company (subject to NPA approval), the addition of new co-optees to broaden the range of voices, and to ensure all aspects of the Committee remit (including audit, performance and PMP monitoring) are given due weighting in the committee processes. Therefore, no changes are proposed to the current practice of empowering the Policy and Resources Committee to appoint up to 2 Deputy Chairs.

4. Ethical Framework Updates

4.1 The Local Protocol for Members and Officers Dealing with Planning Matters and the Arrangements for Assessment, Investigation and Determination of a Complaint that a Member has failed to Comply with the Member Code of Conduct have both recently been reviewed.

4.2 In line with Standing Orders, these documents have been considered by the Appointment, Management and Standards Committee, who, at their meeting in February 2021 considered the proposed changes and recommended them for approval to the NPA. As a result of the Committee's deliberations, an additional amendment has been proposed to the Arrangements for Assessment, Investigation and Determination of a Complaint that a Member has failed to Comply with the Member Code of Conduct and this is outlined below.

4.3 The views of the Authority's Independent Persons were sought and informed this review.

Local Protocol for Members and Officers Dealing with Planning Matters

4.4 The protocol is a key part of the Authority's ethical governance framework, and provides guidance as to the standards expected from Members and Officers in their undertaking of National Park Authority duties.

4.5 At its meeting on 15 October 2020, the NPA resolved to adopt a revised Member Code of Conduct and delegated authority to the Monitoring Officer to update and republish the Local Protocol for Members and Officers Dealing with Planning Matters to reflect relevant changes agreed to the Member Code of Conduct and the Local Protocol for Member and Officer Relations.

4.6 Accordingly, the Monitoring Officer has updated the protocol to reflect the relevant changes. However, as part of this process, officers, including senior planning officers, have identified other desirable amendments to the protocol which fall outside of the scope of the Monitoring Officer's delegated authority. Consequently, it is these remaining amendments which are identified below. The revised protocol is attached at **Appendix 2**

4.7 Key changes for Members to consider include:

Ref	Change	Justification
Throughout	General updates	For accuracy and to reflect requirements and language of other governance documents and legislation

Section 2	Alternative wording proposed concerning Members' obligations under the Member Code of Conduct	The amended wording is not required to reflect changes to the Code of Conduct but is recommended to help clarify Members' obligations
1.12	Updated to closer align with statutory wording	To reflect best practice and promote consistency

- 4.8 If approved by the Authority, this protocol will be used to communicate the standards expected of Officers and Members in undertaking their duties.

Arrangements for Assessment, Investigation and Determination of a Complaint that a Member has failed to Comply with the Member Code of Conduct

- 4.9 The Arrangements sit alongside the Member Code of Conduct and associated ethical policies as a key part of the Authority's ethical governance framework and set out the process to be followed when a complaint has been made that a Member has failed to comply with the Member Code of Conduct in their undertaking of National Park Authority duties.
- 4.10 It is worthy of note that since the original adoption of the Arrangements only a very small number of complaints against Members have been received meaning that the process has only been used very few times in the consideration of "live" complaints. At its meeting on 15 October 2020, the NPA agreed the Authority's position and proposed actions in response to the Committee on Standards in Public Life's (CoSPL) report "Local Government Ethical Standards". In relation to complaints concerning alleged breaches of the Member Code of Conduct, these actions included reviewing the NPA's procedures with a view to reflecting the CoSPL's Best Practice Recommendations 6, 9 and 13 which provided that:
- Councils should publish a clear and straightforward public interest test against which allegations are filtered (Best Practice Recommendation 6);
 - Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied (Best Practice Recommendation 9); and
 - A local authority should have procedures in place to address any conflicts of interests when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to Undertake the investigation (Best Practice Recommendation 13).

The revised arrangements are set out at **Appendix 3**

- 4.11 Key changes for Members to consider include:

Ref	Change	Justification
Throughout	General updates.	For accuracy, to provide clarification and to reflect: <ul style="list-style-type: none"> - the requirements and language of legislation and other NPA governance documents (including a change to the title of the Code of Conduct); and - the NPA's commitment to equality and diversity.

1.1	New wording inserted relating to the Co-opted Members of the Policy and Resources Committee.	To reflect the introduction of additional non-CIPFA Co-optees.
2.2	Updated to reflect the NPA's appointment of two Independent Persons and the potential for more than one Independent Person to be involved in a particular complaint.	To reflect best practice and promote consistency.
3.1	Insertion of an email address and instructions regarding the addressee.	To allow for complaints to be submitted by email.
3.3	New wording to make provision for what should happen in the event that the Monitoring Officer has a conflict of Interest in respect of a complaint.	To reflect the CoSPL's Best Practice Recommendation 13 (read together with the existing provision in paragraph 8.1 of the Arrangements).
5.1	A change from providing the Subject Member with a copy of the Complaint Form to providing a written summary of the complaint.	To ensure practice is consistent with data protection obligations.
8.6 and 11.6	New wording proposed concerning the provision of a copy of the investigation report and other information to the Chair of the NPA.	To recognise that, in some circumstances, it might not be appropriate to send this information to the Chair of the NPA (e.g. if they have a conflict of interest and are therefore not sitting on the Committee).
10.1 3.(c)	Amend wording to read, "A recommendation to the Authority that the Subject Member be removed from any or all Committees or Sub-Committees of the Authority or from any other role to which they are appointed by the Authority"	Requested by the AMS Committee, to increase the range of responses available to the Committee in relation to a complaint that has been investigated.
10.2	Amended wording to empower the Committee to instruct the Monitoring Officer to arrange training for a Subject Member.	To increase the range of responses available to the Committee in relation to a complaint that has been investigated.
10.8	Amended wording concerning attendees at the hearing.	For clarification and to confirm the Committee's power to permit other people to attend a hearing in private session e.g. witnesses.
12.1 and 12.2	Amended wording detailing the content and publication of the Committee's Decision Notice.	To reflect the CoSPL's Best Practice Recommendation 9 but including provision for

		information to be redacted where appropriate.
Appendix 2	Amended wording in the jurisdiction provisions and express reference to the concept of proportionality taking into account the public interest, with an explanation of the latter. Also, the insertion of a couple of additional factors to be taken into account relating to the impact of the alleged conduct on the complainant and the willingness of the Subject Member and the complainant to pursue informal resolution.	For clarification and to reflect the CoSPL's Best Practice Recommendation 6.

- 4.12 If approved by the Authority, the Arrangements will be published on the Authority's website alongside the Member Code of Conduct and will be available for the public to use should they wish to complain that a Member has breached the Member Code of Conduct

5. Byelaws at Seven Sisters Country Park

- 5.1 There are a number of byelaws that are currently in force at the Seven Sisters Country Park which were made by East Sussex County Council under Section 41 of the Countryside Act 1968 and these are set out at **Appendix 4**. In general, byelaws may be made for the preservation of order, the prevention of damage to the land or anything on it and for securing certain conduct by persons on the land subject to the byelaws.
- 5.2 It is proposed that, in order to maintain the status quo, action be taken by the NPA to make, in relation to the Seven Sisters Country Park, the same byelaws as those currently in force at the site (updated and amended as appropriate) which will come into effect after the site has been transferred to the NPA. The NPA potentially has a number of byelaw making powers available to it under different pieces of legislation and work is underway to ascertain the exact process which will need to be undertaken to enable the NPA to make these byelaws, although it is clear that the process will involve undertaking consultation(s) and obtaining Secretary of State confirmation.
- 5.3 This is a largely an administrative task and it is proposed that, in order to undertake this process as efficiently as possible and avoid delay, authority be delegated to the Chief Executive to make such decisions and take such actions, up to and including submission for confirmation by the Secretary of State, as required to make the byelaws. This will include undertaking the required consultation(s).
- 5.4 It is not proposed to begin the process of making any additional byelaws in relation to the Country Park at this stage, as it is considered that it is first necessary to become familiar with operating the site, although the Authority may choose to do so in the future. This would be subject to approval by the Authority at the appropriate time.

6. Provision of a country park at the Seven Sisters Country Park site

- 6.1 East Sussex County Council currently provides a country park on the Seven Sisters Country Park site pursuant to section 7 of the Countryside Act 1968. The NPA needs to determine whether, once the site has been transferred to the NPA by East Sussex County Council, it will continue the provision of a country park on the site pursuant to section 7 of the 1968 Act.
- 6.2 In accordance with sections 6 and 7 of the Countryside Act 1968, the NPA has the power to provide a country park on any site considered to be suitable or adaptable for the purpose of providing, or improving, opportunities for the enjoyment of the countryside by the public. In exercising this power, the NPA must have regard:
- (a) to the location of that area in the countryside in relation to an urban or built-up area, and

(b) to the availability and adequacy of existing facilities for the enjoyment of the countryside by the public.

6.3 In terms of the location of the Seven Sisters site in relation to an urban or built-up area, the Seven Sisters site is an iconic site of international importance and is very heavily used, especially during the summer season, with an estimated 500,000 visitors per year. Seven Sisters Country Park is one of the most accessible locations within the National Park and will make an ideal location for the SDNPA to promote the landscape benefits for health and wellbeing to the urban communities on either side of the country park. Seven Sisters Country Park is an ideal stepping-stone to encourage greater use of the countryside to otherwise hard to reach members of those communities.

6.4 In terms of the availability and adequacy of existing facilities for the enjoyment of the countryside by the public, relevant considerations include that the Seven Sisters site is currently being provided by East Sussex County Council as a country park pursuant to section 7 of the 1968 Act and that the County Council's expectations governing the transfer of the site to the NPA include the NPA continuing to provide a country park on the site. The continued provision of a country park on the site will maintain the existing opportunities in the area for the enjoyment of the countryside by the public.

6.5 For the reasons given above, it is considered that the Seven Sisters Country Park site is suitable or adaptable for the purpose of providing, or improving, opportunities for the enjoyment of the countryside by the public. It is therefore proposed that the NPA agrees that, once the Seven Sisters Country Park site has been transferred to the NPA, the NPA will provide a country park on the site.

7. Virtual meetings

7.1 Members may be aware that The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, that enable the Authority to hold a meeting in public via electronic means, will lapse in May 2021. The government has indicated that there is insufficient time to pass the necessary legislation to continue this provision and therefore Officers have considered what steps will be required to ensure the continuing operation of the Authority's key functions should the power to hold virtual meetings in public lapse and measures (such as a "rule of 6" or significant social distancing) remain in effect.

7.2 Whilst it is hoped that appropriate steps will be taken to ensure local authorities may continue to hold meetings in public via electronic means, the proposals set out in this report include measures that would enable the business of the Authority to continue in the event that the Authority and its Committees were unable to hold meetings in public via electronic means and social distancing measures remain in effect.

8. 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 direct financial implications arising from this report. It is anticipated that there may be a costs associated with undertaking consultation with regard to byelaws, but this is as yet unquantified and not expected to be significant. This cost will be met from within existing budgets
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	None

proposal?	
Has due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	<p>There are no direct equalities implications arising from the proposed changes to standing orders or other ethical framework documents.</p> <p>The Authority will ensure that the equalities implications relevant to the undertaking of any necessary consultations with regard to byelaws and byelaw making are considered at the appropriate time and steps taken to ensure that no one is excluded from participating in the consultation process.</p>
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.

9. 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:	<ol style="list-style-type: none">1. Appendix 1 draft Standing Orders for the Regulation of Authority Proceedings and Business2. Appendix 2 Draft Local Protocol for Members and Officers Dealing with Planning Matters3. Appendix 3 Draft Arrangements for Assessment, Investigation and Determination of a Complaint that a Member has failed to Comply with the Member Code of Conduct4. Appendix 4 – Existing Seven Sisters Country Park Byelaws
SDNPA Consultees	Chief Executive; Director of Countryside and Policy Management; Director of Planning; Monitoring Officer
External Consultees	None
Background Documents	Current Standing orders



South Downs National Park Authority

Standing Orders

for Regulation of Authority Proceedings and Business

Review Date	June 2021
Responsibility	NPA
Date Approved	26 March 2015
Approved at	NPA
Last Amended	17 December 2020
With Effect From	21 May 2020

DURING THE PERIOD THAT THE LOCAL AUTHORITIES AND POLICE AND CRIME PANELS (CORONAVIRUS) (FLEXIBILITY OF LOCAL AUTHORITY AND POLICE AND CRIME PANEL MEETINGS) (ENGLAND AND WALES) REGULATIONS 2020 ARE IN EFFECT, THESE STANDING ORDERS SHALL BE INTERPRETED IN A WAY THAT ALLOWS THE AUTHORITY TO MAKE USE OF THE FLEXIBILITY PERMITTED BY THE REGULATIONS. SPECIFIC TEMPORARY UPDATES AGREED BY THE AUTHORITY AT ITS MEETING ON 21 MAY 2020 ARE PUBLISHED ON WWW.SOUTHDOWNS.GOV.UK"

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(a) Introduction

These Standing Orders are made for the regulation of the meetings, proceedings and business of the South Downs National Park Authority pursuant to the Environment Act 1995 ("the 1995 Act"); the South Downs National Park Authority (Establishment) Order 2010 ("the 2010 Order"); Schedule 12 to the Local Government Act 1972 and all other enabling powers.

(b) Definitions

In these Standing Orders, unless inconsistent with the subject or context:

'The Authority' shall mean the South Downs National Park Authority.

'Member' shall mean a person elected as a Councillor and appointed to the Authority by a Local Authority or a person appointed to the Authority by the Secretary of State in accordance with the 2010 Order and Schedule 7 to the 1995 Act and shall include any member co-opted to a committee of the Authority.

'Chair' and **'Deputy Chair'** shall mean the Members so appointed for the time being in accordance with Standing Order 2

'Chief Executive' (National Park Officer)' shall mean the person appointed by the Authority in accordance with paragraph 14 of Schedule 7 of the 1995 Act.

'Officer' shall mean a person employed by or on behalf of the Authority.

The headings to the clauses and schedules shall not affect the interpretation

Words importing any gender shall include every gender

Any reference to any statute (whether or not specifically named) shall include any statutory modification or re-enactment of it for the time being in force and any order, instrument, plan, regulation, permission and direction made or issued under it, or under any statute replaced by it or deriving validity from it

(c) Principal Legislation

The Local Government Act 1972 ('the 1972 Act')

The Local Authorities (Standing Orders) Regulations 1993 ('the 1993 Regulations')

The Environment Act 1995 ('the 1995 Act')

The South Downs National Park Authority (Establishment) Order 2010 ("the 2010 Order")

The Localism Act 2011

I. MEMBERSHIP OF THE AUTHORITY

- I.1 The Authority shall consist of such persons as shall be elected or appointed by the relevant local authorities and the Secretary of State pursuant to Regulation 4 and Schedule 1 to the 2010 Order.
- I.2 Membership of the Authority shall at all times be regulated in accordance with [Appendix 1](#) to these Standing Orders.
- I.3 Nothing in these Standing Orders shall in any way derogate from Schedule 7 to the 1995 Act as regards disqualification of Members.

2. CHAIR AND DEPUTY CHAIR

- 2.1 At the Annual Meeting of the Authority the first item of business shall be to elect a Chair of the Authority and the second item of business shall be to elect a Deputy Chair of the Authority.
- 2.2 Elections at the Annual Meeting of the Authority and any meeting of the Authority and its Committees shall be held in accordance with the Rules on Elections set out in [Appendix 2](#)
- 2.3 The Chair and Deputy Chair shall hold office until the next Annual Meeting of the Authority but both such persons shall, on ceasing to hold office at the end of their elected term, be eligible for re-election.
- 2.4 — The Chair or Deputy Chair of the Authority or one of its Committees may at any time resign his/her office by notice in writing delivered to the Chief Executive (National Park Officer). The Chief Executive shall consult with the Chair of the Authority -before accepting a resignation tendered by the Deputy Chair of the Authority, a committee eChair or a committee eDeputy eChair- or, in the case of a resignation tendered by the eChair of the aAuthority-, the Chief Executive shall consult with the- Deputy eChair of the aAuthority). During the period of this consultation and prior to the Chief Executive accepting the resignation, the resigning mMember will continue to be eChair/Ddeputy

eChair -of the committee/aAuthority and may withdraw their resignation, by notice in writing delivered to the Chief Executive.

2.52.4 A person shall cease to hold office as Chair or Deputy Chair of the Authority or one of its committees upon ceasing to be a Member of the Authority.

2.62.5 If any vacancy in the office of Chair or Deputy Chair shall arise it shall be the duty of the Members of the Authority to secure that the vacancy is filled as soon as possible.

2.72.6 Where a casual vacancy in the office of Chair or Deputy Chair of the Authority is filled the person then elected shall hold office until the next Annual Meeting of the Authority. The meeting at which the casual vacancy is to be filled must be convened by the Chief Executive (National Park Officer),

2.82.7 At a meeting of the full Authority the Chair, if present, shall preside.

2.92.8 If the Chair is absent from a meeting of the full Authority the Deputy Chair, if present, shall preside.

2.102.9 If both the Chair and Deputy Chair of the Authority are absent, the Members of the Authority present at that meeting shall choose a person from their number to preside as Chair for that meeting.

2.112.10 For the avoidance of any doubt, any powers or duty in relation to the conduct of a meeting assigned to the Chair by these Standing Orders may be exercised by any person presiding at a meeting in accordance with Standing Order 2.109.

2.122.11 Where in any instance the office of Chair is vacant, or where the Chair is unable to discharge their responsibilities due to absence or other reason, the Deputy Chair is authorised to act in their place.

3. MEETINGS OF THE AUTHORITY

3.1 Number of Meetings

The Authority shall in every year hold one Annual Meeting and at least three other meetings for the transaction of general business.

3.2 Dates of Meetings

The meetings of the Authority shall be held as near as may be at regular intervals on such dates as the Authority shall determine. The Chief Executive (National Park Officer) in consultation with the Chair 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.

3.3 Date of Annual Meeting

The Annual Meeting of the Authority shall be the first meeting held after 1st June in any year.

3.4 Additional Meetings

The Chief Executive (National Park Officer) in consultation with the Chair, shall have the authority to call an additional meeting of the Authority at any time if, in their opinion, an additional meeting is necessary for the convenient and/or efficient discharge of Authority business. An additional meeting may also be called at any time by the Chair

3.5 Further, the Chair shall call an additional 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 Chair not call an additional meeting within seven

days of receipt of the request, any five Members of the Authority may forthwith call an additional meeting of the Authority.

3.6 **Time of Meetings**

The meetings of the Authority shall commence at such times as the Authority shall determine. The Chief Executive (National Park Officer) in consultation with the Chair 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.

3.7 **Summons for a Meeting**

The Chief Executive (National Park Officer) shall issue a public notice of the time and place of any meeting of the Authority together with a summons to every Member of the Authority to attend the meeting, to be issued not less than five clear working days before the meeting to which it relates. There may be excluded from the copies of reports to be considered at the meeting, that are open to public inspection, such reports or parts of reports which, in the opinion of the Chief Executive (as “proper officer” for the purposes of Part VA Local Government Act 1972) are likely to be considered when the meeting is not open to the public.

The summons will normally be sent electronically to all members, unless a Member specifically requests an exception to be made for them

The summons for any additional meeting shall set out the business proposed to be transacted at that meeting and (where the meeting is being convened further to Standing Order 3.5) be signed by those members calling the meeting.

The Chief Executive (National Park Officer) must send a copy of the summons to the proper office of each of the South Downs local authorities, Natural England, and the Secretary of State. The summons will normally be sent electronically unless otherwise requested.

Want of service of a summons on any Member of the Authority shall not affect the validity of any meeting.

3.8 **Public Participation**

The Agenda for every meeting of the Authority and its committees and sub-committees shall include an item making provision for participation by the public through questions and/or statements in accordance with [Appendix 3](#).

4. **QUORUM**

4.1 Except where authorised by statute or otherwise specifically ordered by the Authority, no business shall be transacted at a meeting of the Authority or its committees or sub-committees unless:

- (a) At least one-third of the whole number of Members of the Authority, committee or sub-committee are present, provided that in no case shall the quorum of any committee be less than three Members; and
- (b) Of those present at least one is a local authority appointed Member and at least one a Member appointed to the Authority by the Secretary of State.

Note: the quorum for a meeting of the full Authority of 27 Members is 9

4.2 If, during any meeting of the Authority, the Chair after counting the number of Members present, declares that there is not a quorum present, the meeting shall stand adjourned for 15 minutes, or until a quorum shall be present, whichever shall be the sooner time.

4.3 If at the end of the period of adjournment in accordance with Standing Order 4.2 above, after counting the number of Members present, the Chair declares that there is not a quorum present, the meeting shall forthwith end and any business shall stand adjourned to the next meeting of the Authority

4.4 In the application of this Standing Order to any committee or sub-committee, the meeting may continue at the discretion of the Chair of that committee or sub-committee provided that the

absence of a quorum shall be noted in the minutes and no decision shall be taken or resolution made without submission of the proposal to the Authority.

- 4.5 Where more than one-third of the Members of the Authority become disqualified at the same time, the quorum of the Authority shall be determined by reference to the number of Members of the Authority at that time remaining qualified.

5. ORDER OF BUSINESS

- 5.1 At the Annual Meeting only, the appointment of the Chair and Deputy Chair shall be in accordance with the procedure set out in Standing Order 2;
- 5.2 Subject to paragraphs 5.1, 5.3 and 5.4 of this Standing Order and any statutory requirements, the order of business at every meeting of the Authority shall normally be:
- (a) In the absence of both the Chair and the Deputy Chair, to choose a Member of the Authority to preside
 - (b) To deal with any business required by statute to be done before any other business
 - (c) To approve and sign as a correct record the Minutes of the last meeting of the Authority. This sub-clause shall not apply to any extraordinary meeting of the Authority unless at such extraordinary meeting the business transacted alters or affects in any way any resolution passed at a previous meeting of the Authority for which the minutes have not received approval and signature
 - (d) To receive public participation in accordance with [Appendix 3](#)
 - (e) Where there is an item involving exempt or confidential business later on the agenda for the meeting, to determine whether the press and public should be excluded from the meeting for the consideration of that item
 - (f) To deal with any business expressly required by statute to be done
 - (g) The Chair's announcements and correspondence
 - (h) To introduce any business which by reason of special circumstances such that the Chair, after consultation with the Chief Executive (National Park Officer), is of the opinion that the matter 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 remaining from the last meeting
 - (j) To consider motions in the order in which notice has been received
 - (k) Other business specified in the summons
 - (l) To consider questions from Members of which notice has been given in accordance with Standing Orders
 - (m) To consider any reports from Members appointed to external bodies and from any Members not appointed to committees but undertaking specific tasks on behalf of the Authority
 - (n) To consider any items required to be considered in private session without the press and public present.

- 5.3 The order of business falling under items 5.1 and 5.2 (a) and (b) shall not be displaced.
- 5.4 At an extraordinary meeting the order of business falling under items 5.1 and 5.2 (a) and (b) shall not be displaced and any other business shall be exactly that set out in the Summons and no other business shall be considered.
- 5.5 Subject to paragraphs 5.3 and 5.4 of this Standing Order the order of any other business may be varied either at the Chair's discretion or by a resolution passed on a motion duly moved, seconded and put without debate.
- 5.6 Any Member who wishes to place a matter appropriate to its remit on the agenda of any committee may do so by giving written notice to the Chief Executive (National Park Officer) at least seven working days before the next ordinary meeting of the committee concerned.
- 5.7 Except in the case of business required by any statutory provision to be transacted and other business brought before the meeting as a matter of urgency in accordance with the Authority's Standing Orders, no business shall be transacted at a meeting of the Authority other than that specified in the summons relating thereto.

6. MINUTES

- 6.1 The summons issued to Members under Standing Order 3.7 shall include a copy of the minutes of the previous meeting.
- 6.2 Provided that Standing Order 6.1 has been complied with, the minutes shall be taken as read at the meeting of the Authority, and the Chair shall immediately put the question '*May the minutes of the meeting held on the X day of Y be approved as a correct record?*'
- 6.3 Subject to the discretion of the Chair, 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 Chair shall sign the minutes.
- 6.4 The Chief Executive (National Park Officer) shall make arrangements for a signed copy of the approved Minutes of every meeting of the Authority and every committee and sub-committee of the Authority to be kept securely and any minute purporting to be so signed shall be received in evidence without further proof.
- 6.5 The provisions contained in this Standing Order shall also apply in relation to meetings of all committees and sub-committees.
- 6.6 A copy of the draft minutes of the proceedings at each meeting of the Authority, its committees and sub-committees shall be published on the Authority's website within 15 working days after the date of the meeting, subject to the draft having been agreed with the Chair of the meeting concerned. The minutes shall be clearly marked as unconfirmed and subject to formal approval at the following meeting of the Authority, committee or sub-committee (as the case may be).

7. ATTENDANCE AT MEETINGS

- 7.1 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.
- 7.2 A Member shall tender their apology to the Committee Officer not less than 3 days before the date of a meeting which they are unable to attend except in the event of emergency or sudden illness.
- 7.3 In exceptional circumstances, the Chief Executive (National Park Officer) in consultation with the Chair shall be authorised to consider and determine a request from a Member for leave of absence, for a period not exceeding 3 months (such period shall be capable of extension or renewal to a maximum aggregate period of 9 months).
- 7.4 Unless leave of absence has previously been agreed, a Member who fails to achieve at least 75% attendance at meetings of the Authority, or a committee, sub-committee to which they have consented to be elected or appointed (a separate record and account to be kept for every such body) in any 12 month period shall be invited by the Chief Executive (National Park Officer) and Chair of the Authority to a meeting to discuss the non-attendance.

8. COMMITTEES

- 8.1 At the Annual Meeting of the Authority, the Authority shall resolve and appoint:
 - (a) The committees and sub-committees necessary to discharge the functions of the Authority
 - ~~(b)~~ The membership (including substitute members) or method of appointment for each committee and sub-committee
 - ~~(b)(c)~~ **the Chair and Deputy Chair(s) of each committee and sub-committee**
 - ~~(c)(d)~~ The terms of reference of each of those committees and sub-committees
 - ~~(d)(e)~~ Whether non-voting members, assessors and advisers may also be co-opted to any such committee and sub-committee
 - ~~(e)(f)~~ The limitations, if any, to be placed on the powers of any committee to arrange for the discharge of its functions by a subcommittee
- 8.2 Should a vacancy arise on a committee between annual meetings, the Authority shall fill that vacancy as soon as is practicable.

8.3 Pursuant to Standing Order 8.1(c), in the event that:

- (a) the Authority does not appoint the Chair and/or Deputy Chair(s) of a committee or sub-committee, the committee or sub-committee shall, at their first meeting following the Authority Annual Meeting elect from among their Members, a person or persons to fill the relevant vacancy or vacancies. The election shall take place in accordance with the rules on elections set out in **Appendix 2**; and/or
- (b) a vacancy for the position of Chair and/or Deputy Chair(s) arises between Annual Meetings of the Authority, the committee or sub-committee shall, at their first meeting following a relevant vacancy arising, elect from among their Members, a person or persons to fill the relevant vacancy or vacancies. The election shall take place in accordance with the rules on elections set out in **Appendix 2**.

- 8.4 The committees and sub-committees shall, at their first meeting following the Authority Annual Meeting or at the first meeting after a relevant vacancy arises, elect from among their Members, a person to preside at the meetings of each committee and sub-committee, (the Chair) and a Member or, where the Authority has expressly determined, Members to preside

~~in the absence of the Chair (the Deputy Chair(s)). The election shall take place in accordance with the rules on elections set out in **Appendix 2**.~~

~~8.3~~

~~8.48.5~~ The Chair and Deputy Chair(s) shall serve until the ~~first meeting of the Committee following the next Authority Annual Meeting of the Authority~~, but such persons shall, on ceasing to hold office at the end of their elected term, be eligible for ~~reappointment or~~ re-election.

~~8.58.6~~ If the Chair is absent from a meeting of a committee the Deputy Chair, if present, shall preside as Chair for that meeting. Where more than one Deputy Chair has been elected and are present at the meeting they will agree amongst themselves who will preside as Chair for that meeting.

~~8.68.7~~ If both the Chair and Deputy Chair(s) of the committee or sub-committee are absent when the meeting is due to commence, the Members of the committee or sub-committee present at that meeting shall choose a person from their number to preside as Chair for that meeting.

~~8.78.8~~ The number, date, time and place of meetings of every committee and sub-committee shall be as determined by the Authority, or if no such determination is made, as may be decided by the committee and sub-committee or its chairman for the convenient and/or efficient dispatch of its business.

~~8.88.9~~ ~~The Chair and Deputy Chair of the Authority shall be ex-officio non-voting, members of every committee unless they decline to serve on any particular committee.~~ For the avoidance of doubt, if the Chair or Deputy Chair of the Authority is appointed by the Authority to a committee or sub-committee, they will be a voting member of that committee or sub-committee unless the Authority specifies otherwise.

~~8.98.10~~ A Member shall have the right to attend any meeting of a committee of which they are not a member and may receive the relevant papers thereof however they shall not be entitled to speak at that meeting except with the consent of the Chair, neither shall they have any right to vote and they shall leave the meeting if requested to do so.

~~8.108.11~~ Every committee and sub-committee established under this Standing Order shall at all times be constituted and act in conformity with these Standing Orders and, in particular, the provisions set out in **Appendix 4** (Terms of Reference). The provisions of Standing Orders 9, 12, 13, 14, 15, 16 and 17 shall apply to the procedure to be followed at a meeting of a committee or sub-committee, with references to the Authority being read as references to the relevant committee or sub-committee, and references to the Chair of the Authority read as references to the Chair of the committee or sub-committee.

9. QUESTIONS BY MEMBERS

9.1 Authority Business

A Member may ask any question upon the business before the Authority (i.e. included in the summons for the meeting), if the question is put before the Authority's consideration of such business is concluded.

9.2 Notice of Questions and Replies Thereto

A Member may also:

- (a) Ask any question relating to the business of the Authority provided written notice is received at the office of the Chief Executive (National Park Officer) at least nine working days before the meeting. A response to that question shall be made at that meeting
- (b) With the permission of the Chair, put any question relating to urgent business, but a written copy of such question shall be delivered to the Chief Executive (National Park Officer) not later than 3.00pm on the day before the meeting.

Provided that:

- (a) Where the desired information is contained in any publication of the Authority it shall be deemed a sufficient reply if the publication containing the information is indicated
- (b) If a reply to any question cannot conveniently be given at the meeting it will be deemed a sufficient reply if the answer is circulated to Members within 10 working days of the meeting at which the question was asked
- (c) Every question shall be put and answered without discussion and no provision shall be made for asking supplementary questions.

10. CONFIDENTIALITY

10.1 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.

11. MEETINGS TO BE OPEN TO THE PUBLIC AND PRESS

11.1 Every meeting of the Authority or any committee or sub-committee shall be open to the public and press except in the following circumstances:

- (a) The public and press **SHALL** be excluded from the meeting during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that, if members of the public were present during that item, 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 public and press **MAY** by resolution under s100A(4) of the 1972 Act be excluded from the meeting during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information, as defined in s100 I of the 1972 Act.
- (c) A motion under Section 100A (4) of the 1972 Act to exclude the public shall be moved immediately by the Chair and put without debate. This shall apply in particular if any question arises at a meeting of the Authority or any Committee as to the appointment, promotion, dismissal, salary, superannuation, conditions of service or conduct of any Officer, or where persons are being considered for an appointment with the Authority.

11.2 A resolution under Standing Order 11.1(b) shall identify the proceedings, or the part of the proceedings, to which it applies, and state the description, in terms of Schedule 12A to the 1972 Act, of the exempt information giving rise to the exclusion of the public and press.

11.3 Unless the Chair directs otherwise, the business that is the subject of any resolution under Standing Order 11.1 shall, on the passing of that resolution, immediately stand adjourned until the conclusion of all other business at the meeting, at which time the Chair shall invite the public and press to leave the meeting so that the adjourned business shall be considered.

11.4 Unless the Chair directs otherwise, on the conclusion of any item of business taken following a resolution under Standing Order 11.1, Members shall immediately return to the Chief Executive or his nominee all reports, documents and papers relating to that item, for secure disposal as confidential waste.

12. MOTIONS WHICH MAY BE MOVED WITHOUT NOTICE

12.1 The following motions and amendments need not be in writing and may be moved without notice:

- (a) Appointment of the Chair and/or Deputy Chair of the meeting at which the motion is made
- (b) Motions relating to the accuracy of the minutes
- (c) To vary the order of business

- (d) For leave to be given to withdraw a motion
- (e) To amend a motion
- (f) To refer the motion to a committee or sub-committee
- (g) Receipt of reports or adoption of recommendations of committees or Officers and any consequent resolution
- (h) "That the question be now put"
- (i) "That the Authority (or committee) proceeds to the next item of business"
- (j) "That the debate be now adjourned"
- (k) "That the Authority (or committee) do now adjourn"
- (l) To exclude the public in accordance with Standing Order 11
- (m) "That the Member be not further heard" (Standing Order 17)
- (n) "That the Member leave the meeting" (Standing Order 17)
- (o) To give the consent of the Authority where the consent of the Authority is required by these Standing Orders
- (p) Appointment of a committee or Member thereof occasioned by an item mentioned in the summons to the meeting.

13. MOTIONS

13.1 Notice of Motion

Notice of every motion (other than those which under Standing Order 12.1 may be moved without notice) shall be given in writing and signed by the Member or Members giving the notice and delivered so as to be received, wherever practicable, at least nine working days before the date of the next meeting of the Authority to the Chief Executive (National Park Officer). Upon receipt it shall be dated and numbered in the order in which it is received.

13.2 Motions to be Set out in Summons

The Chief Executive (National Park Officer) shall set out in the summons for every meeting of the Authority all motions of which notice has been duly given in the order in which they have been received, unless the Member when giving such notice intimated in writing that they propose to move it at some later meeting, or has since withdrawn it in writing.

13.3 Motion Not Moved

If a motion which is set out in the summons is not moved either by a Member who gave notice thereof 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.

13.4 Scope of Motion

Every motion shall be relevant to some matter in relation to which the Authority has power or duties or which affects the South Downs National Park.

13.5 Form of Motion

If it shall appear to the Chief Executive (National Park Officer) that a motion of which notice has been received pursuant to Standing Order 14.1 is not in order or is framed in improper or unbecoming language or otherwise fails to comply with the provisions of these Standing Orders, the direction of the Chair shall be sought as to whether and in what form the motion shall be placed upon the Summons and Agenda, and the decision of the Chair, after consultation with the Member giving the notice if possible, shall be final.

14. DEBATE

- 14.1 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 these Standing Orders in [Appendix 5](#).
- 14.2 For the purpose of conducting the business of meetings in an informal and amicable manner, it shall always be open to the Chair to allow debate which does not comply with the formalities of [Appendix 5](#).
- 14.3 **Points of Order**
A Member may raise a point of order or a matter of personal explanation and shall be entitled to 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 they considers it has been broken.

A personal explanation shall be confined to some material part of a former speech by him/her which appears to have been misunderstood in the present debate.

The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.
- 14.4 **Respect for the Chair**
Whenever the Chair speaks during a debate, any Member then speaking shall immediately stop and the Authority shall be silent. The decision of the Chair on all points of procedure, order and interpretation of the Rules of Debate shall be final and no debate shall be permitted thereon **Provided Always** that the Chair's ruling on a particular issue or matter may be challenged by motion, which motion shall upon being duly seconded, be put without debate.
- 14.5 The Chair may at any time determine to call upon the meeting to bring its procedures into full and strict conformity with these Standing Orders and the decision as to the necessity for and/or timing of any such determination shall be final and not subject to debate or challenge.

15. VOTING

- 15.1 Subject to Standing Order 2.2 every question shall be determined by the voices of those present or, at the discretion of the Chair, by a show of hands, unless otherwise decided by a majority of the meeting.
- 15.2 Pursuant to Schedule 12 of the 1972 Act, all questions coming or arising before a meeting of the Authority shall be decided by a majority of the Members of the Authority present and voting at that meeting.
- 15.3 On the Chair putting a motion to the vote, no further discussion on it shall take place. The question having been put by the Chair and voting having commenced no Member shall speak, nor any questions be asked.
- 15.4 Where an equality of votes on any matter arising throughout the course of any meeting occurs, the person presiding at that meeting in accordance with these Standing Orders shall have a second or casting vote. For avoidance of doubt, a second vote is where the person presiding at the meeting has already voted on the issue, and a casting vote is when they have

abstained on the previous vote to preserve the status quo. In exercising a second or casting vote, regard shall be had to the guidance agreed by the Authority on this point.

- 15.5 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 their vote for the question, against the question or abstained from voting.

16. REVERSAL OF PREVIOUS RESOLUTION

- 16.1 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 the notice thereof given in pursuance of Standing Order 13 bears the names of at least six Members. When any such motion or amendment has been disposed of by the Authority, it shall not be open to any Member to propose a similar motion within a further period of six months. This Standing Order shall not apply to motions moved in pursuance of a recommendation of a committee.

17. PREVENTION OF DISORDER

- 17.1 If during any meeting of the Authority the Chair forms the opinion that a Member has engaged or is engaging 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 Chair shall inform the meeting of that opinion and may take any of the following actions, either in sequence or separately:
- (a) Formally warn the Member regarding his/her conduct
 - (b) Direct that the Member refrain from speaking during all or part of the debate or meeting
 - (c) Direct that the Member withdraw from all or part of the remainder of the debate or meeting
 - (d) Move "That the Member named be not further heard" (the motion being put and determined without seconding or debate)
 - (e) Move "That the Member named do leave the meeting" (the motion being put and determined without seconding or debate)
 - (f) Adjourn the meeting of the Authority for such period as in the opinion of the Chair is expedient
- 17.2 In the event that an officer or member of the public willfully interrupts the proceedings at any meeting or behaves irregularly, improperly or offensively, the Chair shall warn him/her regarding his/her conduct. If the misconduct continues or is repeated the Chair shall order that person to leave the room for the remainder of the meeting. If the person refuses or fails to leave the room, or having left the room returns, the Chair may order his/her removal from the room and if necessary, adjourn the meeting until they do so.
- 17.3 In case of a general disturbance in any part of the room open to the public, the Chair may order that part to be cleared for all or part of the remainder of the meeting. In the event of a general disturbance which, in the opinion of the Chair renders the due and orderly dispatch of business impossible, in addition to any other power vested in him the Chair may, without the question being put, adjourn the meeting of the Authority for such period and to such place as the Chair shall consider expedient.

18. URGENT ACTIONS

- 18.1 The decision-making powers, discretions and duties vested in the Authority are deemed to rest with the Authority as a statutory body corporate, except where they have been expressly

delegated under the scheme of delegation to a properly constituted committee or sub-committee of the Authority or a Joint Committee or an Officer of the Authority.

- 18.2 The Authority recognises that exceptional circumstances may occasionally arise under which it is essential and in the best interests of the Authority for urgent action to be authorised and taken on its behalf, when such action does not fall within the scope of the scheme of delegation.
- 18.3 In such circumstances, the Chief Executive (National Park Officer) shall be empowered to act on the Authority's behalf, provided always that all such action shall be in accordance with policy and in the best interests of the Authority and shall only be taken after (a) having consulted with the Chair; and (b) having received and considered such legal and specialist advice as may be required to make a reasonable decision.
- 18.4 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
- 18.5 In the event that urgent action pursuant to Standing Order 18.3 appears to be necessary, but the Chief Executive is unavailable or unable to act, the Chief Executive's responsibilities under Standing Order 18.3 may be discharged by any Director of the Authority.
- 18.6 Any "urgent action" taken in accordance with Standing Order 18.3 shall be reported in writing to every Member of the Authority as soon as possible and in any event within 3 working days and shall also be reported to the next meeting of the Authority.

19. WHEN STANDING ORDERS MAY BE SUSPENDED, REVOKED OR ALTERED

- 19.1 These Standing Orders shall only be capable of variation, amendment, revocation, replacement or other alteration by the Authority at a meeting of the full Authority and upon notice of motion specifying the alteration proposed to be made.
- 19.2 Excepting always those matters specified in Standing Order 19.3 below, Standing Orders or any part of them may, upon motion and without notice, be suspended at any meeting of the Authority as regards any agenda item or items at such meeting specified in that motion, provided that at least one half of the Members of the Authority are present.
- 19.3 For the avoidance of doubt, it is hereby declared that the following Standing Orders are not capable of suspension and further that no motion to suspend Standing Orders shall be moved in relation to them or their provisions:

- | | |
|--|---------------------|
| (a) Membership of the Authority | (Standing Order 1) |
| (b) Quorum | (Standing Order 4) |
| (c) Order of business | (Standing Order 5) |
| (d) Attendance at meeting | (Standing Order 7) |
| (e) Confidentiality | (Standing Order 10) |
| (f) Meetings to be open to public and press | (Standing Order 11) |
| (g) Voting | (Standing Order 15) |
| (h) Prevention of disorder | (Standing Order 17) |
| (i) Urgent actions | (Standing Order 18) |
| (j) Suspension & alteration of Standing Orders | (Standing Order 19) |

20. INSPECTION OF DOCUMENTS

- 20.1 All reports made or minutes kept by the Authority shall be open for inspection by any Member at any reasonable time. Further, a Member may for the purposes of his/her duties as a Member, but not otherwise, inspect any document, report, file or background information which is in the possession of or under the control of the Authority (including documents and information held in electronic formats) that contains material relating to any business to be transacted at a meeting of the Authority or of any committee or sub-committee of the Authority, and shall be provided with a copy of such document, report or information on request.
- 20.2 **PROVIDED ALWAYS** that a Member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which they or a member of their family or close associate is professionally interested or in which they have a disclosable pecuniary interest and that this Standing Order shall not require the Solicitor to the Authority to allow inspection of any document which is, or in the event of legal proceedings would be, protected by legal professional privilege.
- 20.3 A Member who wishes to inspect any other document or information, not falling within paragraph 20.1, should make a written request to the Chief Executive (National Park Officer) specifying the documents or information.
- 20.4 Unless the Chief Executive (National Park Officer), after consultation with the Chair, believes that the request to inspect the document or information is unreasonable or improper or that the Member appears to have a personal or prejudicial interest in respect of any matter contained or referred to in the document or information, the document and information requested shall be produced for the Member's inspection.
- 20.5 If the Member's request under paragraph 20.3 appears to raise any legal issues affecting the Authority, the Monitoring Officer and the Authority's Solicitor shall be consulted before any decision is made.
- 20.6 If the matter is not resolved to the satisfaction of the Member making the request, it shall be referred to the next full meeting of the Authority.

21. AUTHORISATION AND AUTHENTICATION OF DOCUMENTS

21.1 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 have delegated their powers in this behalf.

21.2 Attestation of Sealing

The Seal shall be attested by the Chief Executive (National Park Officer) or in his/her absence by a Director of the Authority and an entry of every sealing of a document shall be made and consecutively numbered in a sealing register kept by the Solicitor to the Authority.

21.3 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 (National Park Officer) or in his/her absence by a Director of the Authority.

22. FINANCIAL REGULATIONS

- 22.1 The Authority and its committees, sub-committees, working panels & other groups and every Member and Officer shall at all times act in accordance with and behave in conformity with all financial regulations as may be made by the Authority.

23. TREASURY MANAGEMENT

- 23.1 All monies in the hands of the Authority shall be aggregated for the purposes of Treasury Management and shall be under the control of the Section 151 Officer or the Authority's appointed agent.
- 23.2 The Authority adopts the three key principles of CIPFA's 'Treasury Management in the Public Services: Code of Practice' (the "Code") as described in Section 4 of that Code. Accordingly the Authority will create and maintain, as the cornerstones for effective treasury management:
- A treasury management policy statement, stating the policies and objectives of its treasury management activities
 - Suitable treasury management practices (TMPs) setting out the manner in which the Authority will seek to achieve those policies and objectives and prescribing how it will manage and control those activities
- 23.3 The content of the policy statement and TMP's will follow the recommendations contained in Sections 6 and 7 of the Code, subject only to amendment where necessary to reflect the particular circumstances of the Authority. Such amendments will not result in the Authority materially deviating from the Code's key recommendations.
- 23.4 The Authority will receive reports on its treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, and an annual report after its close, in the form prescribed in the TMP's.
- 23.5 The Authority delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the Policy and Resources Committee and for the

execution and administration of treasury management decisions to the Section 151 Officer who will act in accordance with the Authority's policy statement and TMP's.

- 23.6 All loans and investments shall be made in the name of the Authority or the Authority's nominee
- 23.7 The Section 151 Officer shall maintain records of all borrowing and investment of money by the Authority.

24. ROLE OF CHIEF EXECUTIVE AND DIRECTORS

- 24.1 Pursuant to Schedule 7 of the 1995 Act, the Authority shall ensure that there is at all times a person appointed as Chief Executive (National Park Officer) with responsibility for the execution, maintenance and co-ordination of the Authority's duties, functions and responsibilities.
- 24.2 [Appendix 6](#) to these Standing Orders shall govern the appointment of the Chief Executive and any matter concerning the investigation and/or discipline of the Chief Executive.
- 24.3 [Appendix 7](#) to these Standing Orders sets out the general delegation of functions to the Chief Executive and Directors of the Authority.

25. DISCLOSABLE PECUNIARY INTERESTS

- 25.1 Where a Member has a disclosable pecuniary interest in any matter being considered at a meeting of the Authority, committee or sub-committee at which they are present, and by virtue of S.31 of the Localism Act 2011 must not participate in discussion of, or vote on, that matter, the Member must in addition withdraw from the room where the meeting is being held while the discussion and vote take place, unless a dispensation from the Appointments Management & Standards Committee has been obtained.
- 25.2 Standing Order 25.1 does not prevent a Member from making representations on the matter to the meeting, in accordance with the Authority's public speaking procedures, provided that the Member withdraws from the room when those representations are concluded and before the discussion and vote on the matter take place.

26. APPOINTMENTS TO OUTSIDE BODIES

- 26.1 At its Annual Meeting, the Authority shall make appointments to outside bodies where it considers such appointment will support and be consistent with the Authority's purposes and duties, policies objectives or outcomes or that the proposed appointment will add value to the Authority's activities.
- 26.2 At least 5 clear working days before the Annual Meeting, the Chief Executive shall circulate to all members a list of those bodies to which it is proposed to make appointments, inviting Members to express an interest in appointment to any of them to notify him by at least 2 clear working days before the meeting by writing or email. Such expressions of interest shall be considered by the Chair of the Authority and the Chairs of its committees, and proposals for appointment presented to the Annual Meeting for approval.
- 26.3 Where, between Annual Meetings of the Authority, the Chief Executive is of the view that there is a need to make a Member appointment to an outside body and the appointment cannot be deferred to the next Annual Meeting of the Authority, the Chief Executive shall, in consultation with the Chair of the Authority, make the appointment in accordance with the Appointment of Members to Outside Bodies Protocol. The Chief Executive shall report the appointment to the next meeting of the Authority.

- 26.4 Any Member appointed under Standing Order 26.1 or Standing Order 26.3 to an outside body shall, when in attendance at the outside body on behalf of the Authority, represent the interests of the SDNPA save that in respect of those bodies where Members perform a legal role as, for example, a trustee or director of a company, the appointees will need to comply with any applicable legislation and company articles relating to their role. Members must act in accordance with the Authority's Members' Code of Conduct and provide a written report to the next meeting of the Authority on the outcome of any meeting held by the outside body the member is appointed to.

27. TASK AND FINISH GROUPS

- 27.1 The Authority, ~~or any of its committees,~~ or the Chief Executive in consultation with the Chair of the Authority or the Chair(s) of the relevant committee(s), as appropriate depending upon the proposed reporting arrangements, may, from time to time establish a Task and Finish Group of Members to explore a particular area of policy, project or other aspect of the Authority's business that falls within its remit, and to report back upon that matter to the Authority or ~~relevant establishing~~ committee(s). ~~A Group shall only be established by a resolution of the Authority, or one or more of its committees.~~ When establishing a Task and Finish Group, the Authority, ~~or the establishing committee(s)~~ or the Chief Executive in consultation with Chair of the Authority or the Chair(s) of the relevant committee(s) shall agree its terms of reference. Any amendments to the terms of reference of such a group shall be determined in the same manner.
- 27.2 Membership ~~for of~~ a Task and Finish Group will be open to all Members of the Authority, ~~and,~~ When a Task and Finish Group is established, its membership will be agreed by ~~the Authority,~~ or the establishing Committee(s) (s/ Chief Executive) following a recommendation of the relevant Chair and Deputy Chair(s), or by the Chief Executive in consultation with the Chair of the Authority or the Chair(s) of the relevant committee(s), as appropriate. Any changes to the membership of such a group shall be determined in the same manner.
- ~~27.3~~ Any Task and Finish Group established ~~The Group~~ will report the outcomes of its work to the Authority ~~its parent~~ or relevant committee(s) via a report to be written by an Officer.
- ~~27.3~~ 27.4 Where the Chief Executive establishes a Task and Finish Group or amends the terms of reference of such a group pursuant to Standing Order 27.1 and where the Chief Executive determines the membership of a Task and Finish Group or makes changes to the membership of such a group pursuant to Standing Order 27.2, they shall report this action to the next meeting of the Authority or relevant committee(s).

APPENDIX I

PROVISIONS REGULATING MEMBERSHIP OF THE AUTHORITY

1. Membership of the Authority shall be governed by the 1995 Act and the 2010 Order.
2. A Member may at any time resign his membership of the Authority by notice in writing delivered to the Chief Executive (National Park Officer) and his resignation shall take effect on the receipt of the notice by that Officer.
3. Where a vacancy arises in the membership of the Authority, it shall be filled as soon as is practicable:
 - (a) Where the vacancy is for a local authority Member, by the council in whose representation the vacancy arises; and
 - (b) Where the vacancy is for a Member whose appointment falls to be made by the Secretary of State in accordance with Paragraphs 3 and 4 of Schedule 7 to the 1995 Act, by the Secretary of State.
4. As soon as is practicable after receiving a notice under paragraph 2 above, the Authority shall give public notice of:
 - (a) The resignation, termination or vacancy, and
 - (b) The name of the person concerned.

APPENDIX 2

RULES ON ELECTIONS

I. ELECTION OF CHAIR OF THE AUTHORITY

- I.1 The election of the Chair of the Authority shall be the first item of business at the Annual Meeting, or the meeting at which the election is to be held and shall be conducted 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).
 - (b) To be valid, a nomination shall be proposed and seconded by two other Members of the Authority. A nomination shall include a declaration by the candidate that they are willing to stand for election, and a statement of not more than 100 words outlining the candidate's relevant skills and experience
 - (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.
 - (d) At the start of the Annual Meeting or the meeting at which the election is to be held the Chief Executive (National Park Officer) or his/her nominee shall preside for this first item of business
 - (e) The Authority's Monitoring Officer, Deputy Monitoring Officer or Solicitor shall act as Returning Officer and shall be responsible for the election process
 - (f) The person presiding shall declare nominations closed and the Returning Officer shall announce the valid nominations which have been received
 - (g) If only one nomination has been received, the person presiding shall declare that person duly elected and shall install them as Chair of the Authority
 - (h) If more than one valid nomination has been received, the election shall proceed by ballot
 - (i) The person presiding shall invite each candidate, or - if the candidate prefers - the person nominating the candidate, to address the meeting for not more than 2 minutes, in alphabetical order by surname
 - (j) Once the candidates have addressed the meeting, the ballot shall be held without comment, question or debate
 - (k) A secret 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 Returning Officer shall distribute the voting papers to Members and then collect them once votes have been cast
 - (3) The Returning Officer shall examine the voting papers and shall sort them into parcels according to 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 inform the person presiding who 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 person presiding 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 declare to the Annual Meeting the name of the candidate who is eliminated from the ballot and 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 inform the person presiding who 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.

2. ELECTION OF DEPUTY CHAIR OF THE AUTHORITY

- 2.1 The election of the Deputy Chair of the Authority shall be the second item of business at the Annual Meeting or the meeting at which the election is to be held. The process for election of the Deputy Chair shall be the same as that for the election of the Chair set out above in Paragraphs 1(a) – (k)(8) of this Appendix, subject to the following amendments:
 - a) All references to the “Chair” shall be read as references to the “Deputy Chair”
 - b) In paragraph 1(f), the person presiding over the election of the Deputy Chair shall be the Chair of the Authority, not the Chief Executive.

3. ELECTION OF CHAIR OF A COMMITTEE

- 3.1 ~~Each committee shall, at their first meeting following the Authority annual meeting, or at the first meeting after a vacancy arises, elect from among their Members, a person to preside at the meetings of that committee, (the Chair~~
~~In the event that the NPAAuthority does not appoint aChair of a committee or in the event that a vacancy for the position of Chair arises between AGM'sAnnual Meetings of the Authority, –) t~~
 The process for election of the Chair shall be as follows:
 - (a) Any Member of the committee wishing to stand for election as Chair of that committee shall inform the Chief Executive in writing (including email) not less than 5 clear working days before the date of the committee's meeting.
 - (b) A Member shall be entitled to nominate themselves, and no proposer or seconder is required. A nomination shall include a declaration by the candidate that they are willing to stand for election, and a statement of not more than 100 words outlining the candidate's relevant skills and experience.
 - (c) At least 2 clear working days before the committee's meeting, the Chief Executive shall inform Members of the committee in writing or by email of all candidates duly nominated and provide a copy of the candidate's statement outlining their relevant skills and experience
 - (d) At the start of the committee's meeting, the Chief Executive (National Park Officer) or his/her nominee shall preside for this first item of business
 - (e) The Authority's Monitoring Officer, Deputy Monitoring Officer or Solicitor shall act as Returning Officer and shall be responsible for the election process

- (f) The person presiding shall declare nominations closed and the Returning Officer shall announce the valid nominations which have been received
- (g) If only one nomination is received, the person presiding at the meeting shall declare that person duly elected
- (h) If more than one valid nomination has been received, the election shall proceed by ballot
- (i) The person presiding shall invite each candidate to address the meeting for not more than 2 minutes, in alphabetical order by surname.
- (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 Returning Officer shall distribute the voting papers to Members and then collect them once the vote has been cast
 - (3) The Returning Officer shall examine the voting papers and shall sort them into parcels according to 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 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 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
 - (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 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.

4. ELECTION OF DEPUTY CHAIR(S) OF A COMMITTEE

4.1 ~~In the event that the NPA Authority does not appoint a Deputy eChair-(s) of a committee or in the event that a vacancy for the position of Deputy -chair arises between Annual Meetings of the Authority AGM's Each committee shall, at their first meeting following the Authority Annual Meeting or at the first meeting after a vacancy arises, elect from among their Members, a person to preside at the meetings of that committee, in the absence of the Chair (the Deputy Chair). Where the Authority has expressly determined, more than one Deputy may be appointed. The process for election of the Deputy Chair(s) shall be as follows:~~

- (a) Any Member of the committee wishing to stand for election as Deputy Chair of that committee shall inform the Chief Executive in writing (including email) not less than 5 clear working days before the date of the committee's meeting.
- (b) A Member shall be entitled to nominate themselves, and no proposer or seconder is required. A nomination shall include a declaration by the candidate that they are willing to stand for election, and a statement of not more than 100 words outlining the candidate's relevant skills and experience.

- (c) At least 2 clear working days before the committee's meeting, the Chief Executive shall inform Members of the committee in writing or by email of all candidates duly nominated and provide a copy of the candidate's statement outlining their relevant skills and experience
- (d) The Authority's Monitoring Officer, Deputy Monitoring Officer or Solicitor shall act as Returning Officer and shall be responsible for the election process
- (e) The Chair shall declare nominations closed and the Returning Officer shall announce the valid nominations which have been received
- (f) If the total number of valid nominations received do not exceed the number of vacancies, the Chair at the meeting shall declare the person(s) duly elected
- (g) If the total number of valid nominations received does exceed the number of vacancies, the election shall proceed by ballot
- (h) The person presiding shall invite each candidate to address the meeting for not more than 2 minutes, in alphabetical order by surname.
- (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 Returning Officer shall distribute the voting papers to Members and then collect them once the vote has been cast
 - (3) The Returning Officer shall examine the voting papers and shall sort them into parcels according to the votes recorded for each candidate, rejecting any that are invalid.
 - (5) Once the votes have been counted, one of the following outcomes will apply:
 - (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% or more 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
 - (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

APPENDIX 3

PROVISIONS RELATING TO PUBLIC PARTICIPATION AT MEETINGS

For the purposes of this Schedule “participation” and “participate” shall mean the asking of any question, the making of any presentation or statement, or the submission of any petition.

I. PUBLIC PARTICIPATION AT MEETINGS OF THE AUTHORITY

- I.1 Subject to certain limitations and exceptions as set out below, Parish Councils (including Parish Meetings), members of the public and representatives of organisations shall have an opportunity to participate at meetings of the Authority.
- I.2 The agenda for a meeting of the Authority, save the Annual Meeting, shall include an agenda item to receive public participation.
- I.3 Any member of the public or representative of an organisation who wishes to take this opportunity of participation at a meeting of the Authority shall notify the Committee Officer at least 24 hours before the commencement of the meeting.
- I.4 The notification under I.3 above shall include the name of the person to address the meeting and a brief summary of the matter or matters to be raised, in the case of a Parish Council or Meeting, written confirmation that the person is authorised to speak on behalf of the Parish Council or Meeting.
- I.5 For the avoidance of doubt, participation may be exercised with regard to any matter within the remit of the Authority and shall not be limited to matters on the agenda for that meeting.
- I.6 Subject to Standing Order 5, the Chair will invite each speaker who has given prior notice in accordance with I.3 (above) to address the meeting. Where a member of the public wishes to address the meeting, but has not given prior notice in accordance with I.3 (above) the member of the public may speak at the discretion of Chair. Speakers may address the meeting for up to three minutes, or such longer period as the Chair in his/her absolute discretion may permit. Any statements, questions or petitions shall be heard and received without debate. Members may ask questions for clarification but shall not respond on any matter or enter into any debate.
- I.7 Every person asking a question or making a statement requiring a response shall receive a written response from an Officer of the Authority within 14 days, unless additional time for investigation and/or consideration is required. If additional time is required a response shall be sent giving reasons and the date by which it is anticipated that a final response will be provided.
- I.8 Members of the Authority shall be informed of the response in due course.
- I.9 Where there are a number of people wishing to participate, who in the opinion of the Chair appear to be concerned with the same subject matter, the Chair may indicate that the number of individual speakers cannot be accommodated and may ask those concerned to nominate a spokesperson to address the meeting. In these circumstances the Chair may allow a brief adjournment to enable a spokesperson to be appointed and may indicate that a speaking time in excess of three minutes will be permitted.
- I.10 The total time allowed for all public participation at any meeting under these Standing Orders shall not normally exceed 20 minutes.
- I.11 Upon the conclusion of the time for public participation the Chair shall move to the next item of business and from that point no further public participation shall be permitted at that meeting.
- I.12 For the avoidance of doubt “Chair” shall mean the person presiding at the meeting of the Authority in accordance with Standing Order 2.

2. PUBLIC PARTICIPATION AT MEETINGS OF THE POLICY AND RESOURCES COMMITTEE AND APPOINTMENTS MANAGEMENT & STANDARDS COMMITTEE

- 2.1 Subject to certain limitations and exceptions as set out below, members of the public and representatives of organisations shall have an opportunity to participate at meetings of the Policy and Resources Committee and Appointment Management & Standards Committee.
- 2.2 The agenda for a meeting of the Committee, save any extraordinary meeting, shall include an agenda item to receive public participation.
- 2.3 Any member of the public or representative of an organisation who wishes to take this opportunity of participation at a meeting of the Committee shall notify the Committee Officer at least 24 hours before the commencement of the meeting.
- 2.4 The notification under 2.3 above shall include the name of the person to address the meeting and a brief summary of the matter or matters to be raised.
- 2.5 For the avoidance of doubt, participation may be exercised with regard to any matter within the purview of the Committee and shall not be limited to matters on the agenda for that meeting. Addresses related to a specific item may, at the Chair's discretion, be heard at the start of the relevant agenda item. Public addresses not related to a specific item will be heard under a single agenda item as set out at para 2.2 above.
- 2.6 The Chairman will invite each speaker who has given prior notice in accordance with 2.3 and 2.4 (above) to address the meeting. Where a member of the public wishes to address the meeting, but has not given prior notice in accordance with 2.3 (above) the member of the public may speak at the discretion of Chair. Speakers may address the meeting for up to three minutes, or such longer period as the Chairman in their absolute discretion may permit.
- 2.7 The total time allowed for all public participation at any meeting under these Standing Orders shall not normally exceed 20 minutes.
- 2.8 Any statements, questions or petitions shall be heard and received without debate. Members may ask questions for clarification but shall not respond on any matter or enter into any debate.
- 2.9 Every person asking a question or making a statement requiring a response shall receive a written response from an Officer of the Authority within 14 days, unless additional time for investigation and/or consideration is required. If additional time is required a response shall be sent giving reasons and the date by which it is anticipated that a final response will be provided.
- 2.10 Members of the Committee shall be informed of the response in due course.
- 2.11 Upon the conclusion of the time for public participation the Chair shall move to the next item on the agenda and from that point no further public participation shall be permitted at that meeting.
- 2.12 For the avoidance of doubt "Chair" shall mean the person presiding at the meeting of the Committee in accordance with Standing Order 2.

3. PUBLIC PARTICIPATION AT MEETINGS OF THE PLANNING COMMITTEE

- 3.1 The South Downs National Park Authority (SDNPA) has been the local planning authority for the South Downs National Park (SDNP) from 1 April 2011. The SDNPA is responsible for planning across the entire National Park and agreed partnerships with the Local Authorities operating within the National Park boundary. For five of these, the SDNPA deals directly with all planning questions, advice and applications. The other nine Local Authorities deal with these matters on the SDNPA's behalf, however some of the more significant decisions may also be made by the SDNPA Planning Committee

- 3.2 This protocol provides an opportunity for public representations to be made to the Planning Committee in relation to those planning matters that it determines. Decisions on other applications will be made by the constituent local authorities and all 15 SDNP local authorities have their own public speaking schemes.
- 3.3 You may, therefore, wish to make representations to the appropriate local authority on such applications. The SDNPA can provide advice on the appropriate determining authority on a case by case basis.

What is Public Speaking at the Planning Committee?

- 3.4 The SDNPA Planning Committee is a meeting held in public. The purpose of the committee is for the committee members to debate and decide the matters on the agenda. The SDNPA's invitation to speak at its Planning Committee provides an opportunity for members of the public to directly address the committee with issues of concern to them.
- 3.5 All aspects of public speaking at SDNPA Planning Committee meetings are subject to the discretion of the Planning Committee Chair. Normally, a maximum of six public speakers may be invited to speak on each planning application or related matter on the agenda (a maximum of three in support and three against). This number includes the applicants and/or their agents. Each speaker will be allowed up to three minutes to speak. Multiple agenda items related to a single site are considered to be a single subject, and therefore public speakers may address the committee once, regardless of how many agenda items the matter comprises.

What matters can I speak on?

- 3.6 You can ask to speak on any planning application that the SDNPA is proposing to determine and on any other matters that are being considered by the Committee. This might include its views on any potential enforcement action or matters relating to the development of planning policy or related supplementary advice.
- 3.7 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.

Who can speak at the Planning Committee?

- 3.8 To speak at an SDNPA Planning Committee you should normally have made written representations on the planning matter in question and you should notify the SDNPA beforehand, so please let the SDNPA know that you wish to speak, as soon as possible. You may approach a local Parish, Town, District, Unitary or County Councillor to speak on your behalf, if you prefer.
- 3.9 The people who can speak at the Planning Committee, and the order in which they will be invited to speak, are:
- Up to three individuals or group representatives, including any County, Unitary, District, Town or Parish Council representatives, who are opposing the application.
 - Up to three individuals or group representatives, including any County, Unitary, District, Town or Parish Council representatives, who are supporting the application. This includes the applicant or agents, who have the right of reply to any points made.
 - Any other Member of the South Downs National Park Authority (to speak for a period to be agreed with the Chair of the Committee.)
- 3.10 If more than three individuals or representatives wish to raise similar points, then they will be asked to agree amongst themselves who should speak on their behalf. If necessary, the Chair of the Planning Committee will make any final decision on which members of the public may speak on an issue. The Chair may use his/her discretion to increase the number of people who may speak.

How will I know if and when the item I am interested in is going to Committee?

- 3.11 If you are interested in a planning matter within the SDNP and you are considering making representations to the SDNPA about it, you should first approach the relevant local authority, and establish whether it has been referred to the SDNPA for determination.

If it has, you should then contact the SDNPA to establish whether the matter is being reported to the SDNPA Planning Committee, and if so, when it is to be considered.

- 3.12 The Member Services Team has details of all future Planning Committee dates and 8 days before the Committee will know which items are to be included on the agenda. Details of forthcoming meeting dates and agenda and minutes can be found on our website.
- 3.13 Copies of reports are normally available on our website at least 7 days before the meeting or they can be obtained from the Committee Officer. In addition, a copy of the agenda for the meeting can be posted to speakers, on written request.

How do I register my interest in speaking?

- 3.14 You will need to telephone or email the Committee Officer on **01730 814810** no later than 12 noon, 3 working days before the meeting (if the meeting is held on a Thursday, this would be 12 noon the previous Monday). The email address is as follows:
public.speaking@southdowns.gov.uk

- 3.15 When you call or email, please be ready to provide:

- Your name, address and daytime telephone number (and email address, if available)
- The application number and details of the proposed development to which it refers or details of the other matters that you wish to speak about
- Confirmation of whether you wish to speak in support or against an application or other matter
- Confirmation of whether you are representing yourself or anyone else
- Confirmation that we can provide your details to other people also wishing to speak so that you can agree who will speak, in the event of their being more than 3 potential speakers.
- Details of any special access or other arrangements that you may require.

What if I am unable to turn up on the day?

- 3.16 You may nominate a substitute, giving details to the Committee Officer by no later than 4.00pm on the last working day before the Planning Committee meeting.

Arriving at the Planning Committee meeting

- 3.17 If you are invited to speak to the Planning Committee, then you should arrive at the appropriate venue at least 15 minutes before the meeting begins. A member of the SDNPA staff will be there to meet you and to explain the procedures.

What will happen in the meeting?

- 3.18 The Chair will ask the appropriate officer to introduce and, if necessary, update the report. Each speaker will then be allowed up to three minutes to address the Committee about the proposal or matter in question.

Late Representations

- 3.19 All members of the public have the opportunity to make representations on planning applications during the consultation phase.
- 3.20 If a member of the public wishes to make any comments on an application after the consultation phase has closed, these should be sent to the case officer dealing with the application as soon as possible before the date of the planning committee meeting so that the information may be professionally considered and evaluated. It cannot be guaranteed that information sent directly to Members within short time frames of meetings will be considered by the Planning Committee.

Good practice on speaking at Planning Committee

- 3.21 Please read the appropriate report carefully before deciding what you want to say. The Committee Members will have read the report and you do not need to repeat report contents at the meeting.
- 3.22 What you can add is information on points you have submitted that you may feel are missing from or are not adequately covered in the report - or you might wish to make a particular emphasis that you feel is not being adequately made. Some points to consider are:
- The Committee will listen to what you say **but will not debate your opinions with you**
 - The Chair will invite you to start speaking and your three minutes will be timed by the Committee Officer
 - Concentrate on explaining the points that you (or the group you are representing) have already made in writing and what the most important of those are.
 - 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.
 - The Planning Committee can and will only consider a planning application or other planning matters on what are sound and proper planning grounds.
 - You should not discuss the applicant's past behaviour, nor speculate about what you think their possible future intentions may be.
 - You may not discuss boundary disputes, covenants, reduction in property values or matters dealt with by other law (e.g. licensing).

What happens after I have spoken?

- 3.23 After public speaking is complete, the Planning Committee will consider the application or other matter. This will normally be debated in public **and there will be no further opportunities for non-committee members to speak.**

- 3.24 For further information and advice about the public speaking arrangements, please contact:

Member Services
South Downs National Park Authority
South Downs Centre
North Street
Midhurst
West Sussex GU29 9DH
Tel: 01730 814810

4. CLARIFICATION IN RELATION TO MEMBER'S INTERESTS

- 4.1 Where a member of the the Authority declares an interest and does not participate in the discussion on an item of business at a meeting of the Authority or a committee, they may address the meeting as if they were a member of the public before leaving the meeting room. In such a case the member is not required to give advance notification of thier intention to speak.

APPENDIX 4

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, [Supplementary Planning Documents](#) and development orders but excluding non-planning related community-led plans. 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 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.
7. To determine administrative and procedural matters relating to planning, such as Statements of Community Involvement and Local Development Scheme.
8. To determine the arrangements for charging the community infrastructure levy.
9. To determine the allocation of resources received through the community infrastructure levy.
10. 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.
11. To consider and report to the Authority on any other matter delegated to it by the Authority.

POLICY AND RESOURCES COMMITTEE: TERMS OF REFERENCE

I. AUDIT

- I.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
- I.2 To ensure the robustness of risk management and performance management arrangements.
- I.3 To provide assurance as to the adequacy of arrangements for the prevention and detection of fraud and corruption.
- I.4 To agree the internal audit plan and annual report, and receive progress and other relevant internal audit reports.
- I.5 To agree the External Auditor's Annual Audit Plan, and receive the District Auditor's Audit Results Report and other relevant reports.
- I.6 To provide assurance as to compliance with the Authority's Treasury Management Policy, Financial Regulations and Procedures and Capital Strategies
- I.7 Consider and recommend to the Authority the approach to the appointment of the Authority's external Auditor
- I.8 To recommend to the authority any material and/or substantial changes to the Financial regulations and Financial Procedures

2. STRATEGIES AND POLICIES

- 2.1 To recommend annually to the Authority:
 - The Corporate and Business Plans including strategies and priorities, appropriate objectives and key performance measures; Treasury Management Policy and Capital Strategies.
- 2.2 To review and recommend to the NPA the adoption or revision of the Partnership Management Plan and monitor and review its delivery
- 2.3 To approve appropriate resource plans (including workforce plans, information strategies, procurement and estates strategy), and policies, procedures and systems to support effective resource management
- 2.4 To develop and consider policies and strategies for recommendation to the NPA save for when these are delegated to another Committee or Officer.
- 2.5 To consider, and where the Committee considers it appropriate, endorse Whole Estate Plans.
- 2.6 To consider, and where the Committee considers it appropriate, endorse non-planning related community led plans, including Parish Plans, Market Town Health Checks and Landscape Character Assessments
- 2.7 To decide applications for, or reviews, of directions for restrictions on Access Land referred to the Committee by the Chief Executive
- 2.8 To agree a strategy for the South Downs National Park Authority brand and identity, and to monitor and review its implementation.

3. GRANTS AND PROJECTS

- 3.1 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).
- 3.2 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.
- 3.3 To receive updates from the South Downs National Park Trust on the financial position and operational activities of the Sustainable Communities Fund.

4. PERFORMANCE AND PROCUREMENT

- 4.1 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.
- 4.2 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.
- 4.3 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.
- 4.4 To monitor and review the performance including financial performance of -South Downs Commercial Operations Limited in the -context of its business delivery against the agreed operating agreement and annual business plan and make recommendations to the NPA as appropriate.
- 4.5 To review the operating agreement agreed between the Authority and South Downs Commercial Operations Limited and make recommendations to the Authority, as appropriate.
- 4.34.6 To exercise any function of the Authority with regard to audit and/or inspection arising under the operating agreement agreed with South Downs Commercial Operations Limited.

5. OTHER

- 5.1 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 or DEFRA, as appropriate, 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

HEADS OF TERMS: COAST TO CAPITAL STRATEGIC JOINT COMMITTEE

I. ESTABLISHMENT, PURPOSE AND FORM

- I.1. The Coast to Capital Strategic Joint Committee (“the Joint Committee”) shall be established from the Commencement Date
- I.2. The over-arching purpose of the Joint Committee is to promote and support sustainable economic development and growth across the area served by the Coast to Capital Local Enterprise Partnership (“the LEP”). To achieve this, the Joint Committee will agree the Strategic Economic Plan as developed by the Board of the LEP (“the Board”) and also may advise the Board from time to time on the economic development and growth priorities of the area.
- I.3. The Joint Committee shall be a joint committee appointed by two or more local authorities represented on the Joint Committee in accordance with section 102(1)(b) of the Local Government Act 1972.
- I.4. The Joint Committee may appoint one or more sub-committees.
- I.5. The lead authority for the Joint Committee shall be West Sussex County Council as the Accountable Body for the Local Growth Fund, whose functions in that capacity shall include financial, administrative and legal support (see paragraph I I)

2. INTERPRETATION

- 2.1. In these Heads of Terms –
 - (i) ‘Commencement Date’ means such date as is approved by the local authorities represented on the Joint Committee.
 - (ii) ‘The LEP Area’ means the area encompassing the administrative boundaries of Brighton & Hove City Council, West Sussex County Council, London Borough of Croydon, Lewes District Council, and part of Surrey County Council - Epsom and Ewell District Council, Tandridge District Council, Mole Valley District Council and Reigate and Banstead District Council.
 - (iii) ‘Economic development and growth’ shall bear its natural meaning but with particular emphasis on:
 - employment and skills
 - business support, internationalisation and innovation
 - enterprise
 - infrastructure and transport
 - housing
 - investment and development
 - utilisation of property assets
 - strategic planning
 - (iv) “Strategic Economic Plan” means the plan created by the LEP for the LEP Area setting out the economic development and growth priorities as the basis for negotiation with government.

3. FUNCTIONS

- 3.1. The functions of the Joint Committee are specified in paragraph 3.2 below, and may be exercised only in respect of the LEP Area.
- 3.2. The functions referred to in paragraph 3.1 are as follows:
- (i) To agree the Strategic Economic Plan and its revisions and amendments as proposed to the Joint Committee by the Board.
 - (ii) To provide strategic advice to the Board from time to time on the economic development and growth priorities for the LEP Area.
 - (iii) To nominate on request from the Board representatives from the district and borough local authorities who are members of the Joint Committee to serve as Directors on the Board.

4. REPORTING AND ACCOUNTABILITY

- 4.1. The Joint Committee shall submit an annual report to each of the bodies represented on the Joint Committee.

5. MEMBERSHIP

- 5.1. The following bodies shall be members of the Joint Committee:

County/Unitary Authorities

- Brighton & Hove City Council
- London Borough of Croydon
- Surrey County Council
- West Sussex County Council

District and Borough Authorities

- Adur District Council
- Worthing Borough Council
- Lewes District Council
- Mid-Sussex District Council
- Horsham District Council
- Crawley District Council
- Arun District Council
- Chichester District Council
- Epsom and Ewell District Council
- Tandridge District Council
- Mole Valley District Council
- Reigate and Banstead District Council

National Park Authority

- South Downs National Park Authority

- 5.2. Each of the bodies listed in paragraph 5.1 shall be represented at the Joint Committee by one person.
- 5.3. Each local authority member shall be represented at the Joint Committee by an elected Member nominated annually or a nominated substitute (see paragraph 8).
- 5.4. The South Downs National Park Authority shall be represented at the Joint Committee by its Chairman

6. CHAIR OF THE JOINT COMMITTEE

- 6.1. The Chair of the Joint Committee shall be elected from among its members on an annual basis.

7. VOTING

- 7.1. Decisions will be made on a simple majority of votes cast by members represented at a meeting.
- 7.2. Where voting at a meeting results in an equal number of votes cast in favour and against, the Chair of the Joint Committee shall have a casting vote.

8. SUBSTITUTION

- 8.1. Where a representative of a member of the Joint Committee is unable to attend a Joint Committee meeting, a substitute representative of that member (if approved by it) may attend, speak and vote, in their place for that meeting.
- 8.2. A substitute member must be appointed from a list of approved substitutes submitted by the respective member to the Joint Committee at the start of each municipal year.

9. QUORUM

- 9.1. Subject to paragraph 9.2, no business shall be transacted at any meeting of the Joint Committee unless at least eleven of the whole number of voting members are present.
- 9.2. In no case shall any business of the Joint Committee be transacted unless at least two voting representatives from the County/Unitary Authorities as set out in paragraph 5.1.1 are present.

10. TIME AND VENUE OF MEETINGS

- 10.1. The Joint Committee will meet annually.
- 10.2. The Chair of the Joint Committee may call a special meeting of the Joint Committee at any time, subject to providing members with minimum notice of ten working days.

11. ADMINISTRATIVE AND LEGAL SUPPORT

- 11.1. Administrative and legal support to the Joint Committee shall be provided by the lead authority, such legal support to include Monitoring Officer and Proper Officer functions in relation to the Joint Committee meetings.
- 11.2. Other members of the Joint Committee shall contribute to the costs incurred by the lead authority in connection with the activities described in 11.1. The contributions will be agreed on an annual basis.

12. OBSERVER STATUS

- 12.1. The LEP shall have the right to attend meetings of the Joint Committee as an observer and to provide information and advice as requested by the Joint Committee, but will not have any role in voting or decision making.

13. REVIEW AND VARIATION OF HEADS OF TERMS

- 13.1. The Joint Committee shall keep these Heads of Terms under review to ensure that the Joint Committee's purpose is given full effect.
- 13.2. These Heads of Terms may be varied only by complete agreement of all the members of the Joint Committee and in consultation with the Board.

14. PROCEDURE AT MEETINGS

- 14.1. The standing orders of the lead authority will apply to meetings of the Joint Committee.

15. WITHDRAWAL

- 15.1. Any member of the Joint Committee may give six months' notice in writing of intention to withdraw from membership of the Joint Committee and involvement in the Strategic Economic Plan.

APPENDIX 5**RULES OF DEBATE****1. DISCRETION OF THE CHAIR**

- 2.** The Chair will have discretion to follow a more informal debating process than that set out below where they are satisfied that to do so is consistent with the efficient and effective conduct of business. If they decide to do this they must communicate this clearly to the meeting.

DISCUSSION OF A MOTION OR AMENDMENT

A motion or amendment shall not be discussed unless it has been proposed and seconded. Where the agenda item contains a recommendation, it shall be deemed at the commencement of the debate on that item that the recommendation has been formally moved by the Chair and seconded, and any subsequent motion shall be treated as an amendment thereto. Unless notice has already been given in accordance with Standing Order 13, the Chair may require the matter to be put into writing and handed to the Chair before it is further discussed or put to the meeting.

2.3. SECONDER'S SPEECH

When seconding a motion or amendment, a Member may reserve their right to speak until later in the debate by declaring their intention to do so.

3.4. SPEAKING IN DEBATE

A Member when speaking shall address the Chair. If two or more Members indicate a wish to speak, the Chair shall call one to speak; the other or others 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.

4.5. CONTENT AND LENGTH OF SPEECHES

A Member shall direct their speech to the question under discussion or to a personal explanation or to a point of order. A Member shall not be entitled to read a prepared speech, but may refresh their memory by reference to short notes. No speech may exceed three minutes except with the consent of the Chair.

5.6. 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 they last spoke, to move a further amendment;
- (c) if their first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which they spoke was carried;
- (d) in exercise of a right of reply;
- (e) on a point of order or by way of personal explanation.

6.7. AMENDMENTS TO MOTIONS

An amendment shall be relevant to the motion and shall be either:

- (a) to leave out words; or
- (b) 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 introducing a substantially new proposal.

7.8. DISCUSSION OF AMENDMENTS

Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of, but notice of further amendments may be given.

The Chair may permit two or more amendments to be discussed together (but not voted on together) if he is of the opinion that this course would facilitate the proper conduct of Authority business.

8.9. FURTHER AMENDMENTS

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.

The mover and seconder of a motion or an amendment not carried by the Authority shall not be entitled to move any further amendment to the same or similar effect at that meeting on the question under discussion.

9.10. 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, and no Member may speak upon the amendment after the mover has asked permission for its withdrawal, unless such permission has been refused.

10.11. 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.

11.12. 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 11 to exclude the public
- (g) that the Member be not further heard (Standing Order 17)
- (h) that the Member leave the meeting (Standing Order 17).

12.13. 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 Chair's opinion the matter before the meeting has been insufficiently discussed, the Chair 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 Chair's opinion the matter before the meeting has been insufficiently discussed, the Chair 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 Chair's opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion the Chair shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply on that occasion.

APPENDIX 6**THE CHIEF EXECUTIVE (NATIONAL PARK OFFICER)****I APPOINTMENTS**

- 1.1 Where the Authority determines to appoint a Chief Executive (National Park Officer) and it is determined proposed that the appointment should not be made exclusively from among the existing Officers of the Authority, it shall:
- (a) draw up a statement specifying—
 - (i) the duties of the Chief Executive (National Park Officer), 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; and
 - (c) make arrangements for a copy of the statement mentioned in paragraph (a) above to be sent to any person on request.
- 1.2 Where a post has been advertised as provided in paragraph 1.1(b) above, the Authority shall:
- (a) interview all qualified applicants for the post, or
 - (b) select a short list from amongst such qualified applicants and interview those included on the short list, or
 - (c) where no qualified person has applied or is able to be appointed, make further arrangements for re-advertisement in accordance with paragraph 1.1(b) above.
- 1.3 Where the Authority determines to appoint a Chief Executive (National Park Officer);
- a) the authority to take the steps required by paras 1.1 and 1.2 to select a preferred candidate; and
 - b) the making of the appointment of a Chief Executive (National Park Officer)
- is delegated to the Appointments, Management & Standards Committee
- 1.4 Before making or adopting an appointment of a Chief Executive (National Park Officer) or assigning additional responsibilities to a person holding such an appointment, the Appointments, Management & Standards Committee shall consult Natural England or Defra as appropriate.

2 DISCIPLINARY ACTION

- 2.1 No disciplinary action (within the meaning of Part II of the 1993 Regulations) in respect of the Chief Executive (National Park Officer) except action described in paragraph 2.2 below may be taken by the Authority, or by a committee, sub-committee, relevant Joint Committee or any other person on their behalf, other than in accordance with a recommendation in a report made by a designated independent person under Regulation 3 of the 1993 Regulations.
- 2.2 The action mentioned in paragraph 2.1 above is suspension of the Chief Executive (National Park Officer) by the Authority, or in an urgent case by the Chairman or in their absence the Deputy Chairman on behalf of the Authority, 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.

3 INVESTIGATION OF ALLEGED MISCONDUCT

- 3.1 Where it appears to the Authority that a complaint of misconduct involving the Chief Executive (National Park Officer) (*"the Chief Officer"*) requires to be investigated, the Authority shall appoint a person (*"the designated independent person"*), being such person as may be agreed between the Authority and the Chief Officer or, in default of such agreement, appointed by the Secretary of State.

3.2 The designated independent person—

(a) may direct—

- (i) that the Authority terminate any suspension of the Chief Officer, or
- (ii) that any such suspension shall continue after the expiry of the period mentioned in Paragraph 2.2 above or the expiry of any period specified in any such previous direction, as the case may be, or
- (iii) that the terms on which any such suspension has taken place shall be varied in accordance with the direction
- (iv) that no steps (whether by the Authority or any Committee, Sub-committee or Officer of theirs) towards disciplinary action or further disciplinary action against the Chief Officer, other than steps taken in the presence, or with the agreement, of the designated independent person, are to be taken before a report is made under sub-paragraph (d) below;

(b) may inspect any documents relating to the conduct of the Chief Officer which are in the possession of the Authority, or which the Authority has power to authorise them to inspect;

(c) may require any Officer of the Authority to answer questions concerning the conduct of the Chief Officer;

(d) shall make a report to the Authority—

- (i) stating their opinion as to whether (and if so, the extent to which) the evidence they have obtained supports any allegation of misconduct against the Chief Officer, and
- (ii) recommending any disciplinary action which appears to them to be appropriate for the Authority to take against the Chief Officer; and

(e) shall no later than the time at which he makes his report under sub-paragraph (d), send a copy of the report to the Chief Officer.

3.3 The Authority shall pay the remuneration of the designated independent person, and reimburse any costs and expenses incurred by them in or in connection with the discharge of their functions.

APPENDIX 7

SOUTH DOWNS NATIONAL PARK AUTHORITY GENERAL DELEGATION OF AUTHORITY TO THE CHIEF EXECUTIVE AND DIRECTORS

1. INTRODUCTION

- 1.1 Section 101(1) Local Government Act 1972 provides that, subject to any express provision contained in legislation, a local authority (which term includes a National Park Authority) may arrange for the discharge of any of their functions by a committee, sub-committee or officer of the authority, or by any other local authority.
- 1.2 In the exercise of its power under s.101(1), and to ensure efficiency in the management of resources and delivery of services, the Authority has adopted this Scheme of Delegation to the Chief Executive and Directors .

2. GENERAL PRINCIPLES

In all cases, officers shall carry out the functions delegated to them by this Scheme in accordance with the following general principles:

- 2.1 The objective for officers shall be to give effect to, and achieve the objectives of, the strategies, policies and plans adopted by the Authority and its committees.
- 2.2 Officers shall comply with all procedures and protocols adopted by the Authority, including Standing Orders, Financial Regulations, and the Officer Code of Conduct, and ensure that any expenditure that is incurred is provided for within the Authority's approved budget.
- 2.3 Officers shall maintain close liaison with the Chair of the Authority or, where the function being exercised relates to a matter within the terms of reference of a committee, sub-committee or panel, the Chair of that committee, sub-committee or panel (and in any case where the Chair is absent, the Deputy Chair(s) of the Authority, committee, sub-committee or panel, as the case may be).
- 2.4 The delegation of authority to officers is subject in all cases to the right of the Authority to discharge any function hereby delegated to any officer, instead of that officer, where the Authority considers this to be in the best interests of the Authority.

3. DELEGATION OF FUNCTIONS TO THE CHIEF EXECUTIVE

The Chief Executive is hereby authorised to:

- 3.1 Undertake the day-to-day management and control of the Authority, its officers, resources, premises and services.
- 3.2 Make such decisions and take such action as he considers necessary to give effect to any decision of the Authority, its committees and panels and any objectives within the PMP or Authority Corporate Plan to ensure the efficient and effective co-ordination and discharge of the Authority's functions, including power to commit resources and incur expenditure within the Authority's approved budget.
- 3.3 Commission or otherwise undertake due diligence or other such investigatory activity in relation to matters being considered for inclusion in the Authority's capital programme.
- 3.4 Authorise any other officer of the Authority to act on his behalf in the exercise of any of the functions delegated to him, but shall remain fully accountable to the Authority for the discharge of such functions.
- 3.5 Authorise any Director to discharge the functions hereby delegated to him, in his absence.
- 3.6 Act in relation to the appointment, termination, discipline and determination of all matters relating to the employment of staff.

- 3.7 Commence, defend, participate in or settle any legal proceedings in any case where he considers this necessary to protect the interests of the Authority, including the power to take all such procedural or other steps incidental to such proceedings.
- 3.8 Authorise any officer of the Authority to prosecute or defend or appear in any legal proceedings further to Section 223 Local Government Act 1972.
- 3.9 Authorise staff to exercise such powers of entry, inspection and survey of land, buildings or premises and to issue evidence of such authority.
- 3.10 Sign any order or document necessary to give effect to any decision of the Authority or committee.
- 3.11 Agree any term, condition or provision within any legal documentation to protect the interests of the Authority.
- 3.12 Discharge any function hereby delegated to any Director, instead of that Director, or to authorise another Director to do so, in the Director's absence or where he considers this to be in the interests of the Authority.
- 3.13 Implement, manage and administer the Coast to Capital Local Enterprise Partnership Joint Committee.
- 3.14 In consultation with the Chair of the Authority the appointment of members to outside bodies in accordance with rule 26 where such appointment cannot be deferred to the next Annual Meeting of the Authority.
- 3.15 In consultation with the Chair of the Policy & Resources Committee, the power to make decisions on applications for, or reviews of, directions for restrictions on Access Land which require public consultation (long-term restrictions), except in those cases when the Chief Executive and Chair of the Policy and Resources Committee are of the opinion that it should be dealt with by the Policy and Resources Committee.

3.15.16 In relation to the operation of South Downs Commercial Operations Limited, exercise the powers of the NPA as Shareholder to:

3.15.16.1 Change the bankers of the Company or open or close any bank accounts.

3.15.16.2 Give notice of termination of any agreements of a material nature in the context of the Business or make any material variation or amendment to any such agreements.

3.15.16.3 Commence, settle or defend any claim, proceedings or other litigation brought by or against the Company, except in relation to debt collection not exceeding £100,000 in the ordinary course of the Business in which case the Board of the Company may do this.

3.15.16.4 Alter the Company's accounting reference date.

3.15.16.5 Approve or sign the annual accounts of the Company.

3.15.16.6 Change any of the Company's accounting or reporting practices.

3.15.16.7 Recruit or dismiss any employee whose remuneration exceeds £40,000 per annum subject to an aggregate limit of £100,000 unless provided for in the Annual Business Plan. [provided always that any employee may be dismissed for gross misconduct by the Board of the Company]

3.15.16.8 Alter the remuneration or conditions of employment of any employee or any consultant of the Business unless provided for in the Annual Business Plan or unless obliged to do so by statute in which case the Board of the Company may do this.

3.15.16.9 Make any agreement with any revenue authorities or any other taxing authority, or make any claim, disclaimer, election or consent of a material nature for tax purposes in relation to the Company, its business, assets or undertaking.

3.16.10 Appoint or remove the Company Secretary.

~~3.15.103.16.11~~ Where required, approve the choice of alternate director proposed to be appointed by a director of the company pursuant to Article 11.1.1 of the company's Articles of Association.

3.18 In relation to the operation of South Downs Commercial Operations Limited, be the representative of the NPA as Shareholder and, in that capacity, to attend, speak at and vote at general meetings of the company as well as be the nominated person permitted to access the books and records of the company and to discuss its affairs with the directors and senior management pursuant to Article 28.2. of the company's Articles of Association.

4. DELEGATION OF FUNCTIONS TO THE DIRECTOR OF COUNTRYSIDE POLICY AND MANAGEMENT

4.1 In consultation with the Chair of the Policy and Resources -Committee, the power to make decisions on applications for, or reviews of, directions for restrictions on Access Land which do not require public consultation (short-term restrictions).

4.2 In consultation with the Chair for of the Authority, the power to appoint the Chair of the South Downs Partnership, and the power to agree the basis of any appointment and the terms, including the payment of any allowance, byupon which the eChair of the South Downs Partnership may be appointed.

4.3 In consultation with the Chair of the Authority and the Chair of the South Downs Partnership, the power to appoint members of the South Downs Partnership, and the power to agree the basis of any appointment and the terms, including the payment of any allowance, byupon which members of the South Downs Partnership may be appointed.

5. DELEGATION OF FUNCTIONS TO THE DIRECTOR OF PLANNING

5.1 Subject to paragraph 5.3, Tthe Director of Planning is hereby authorised to make all decisions required and take all actions necessary in the discharge of the functions of the Authority falling within the terms of reference of the Planning Committee, except where and to the extent that the particular matter falls within one of the following descriptions of functions set out in paragraph 5.2 (i)-(viii) below -in which case it shall be referred to the Planning Committee for determination, -however, this does not prevent the Planning Committee from delegating any of these functions to the Director of Planning).

~~5.1~~5.2 The descriptions of functions referred to in paragraph 5.1 above are:

- i) planning applications (except for householder and other minor applications) which are contrary to the approved or draft development plan or other planning policies but which are recommended for approval
- ii) applications (except for householder and other minor applications) which are requested for referral to the Planning Committee by any Member of the Authority, in writing or email to the Director of Planning and with specified reasons
- iii) applications (except for householder and other minor applications) which, in the opinion of the Director of Planning, have generated significant and material third party representations which are contrary to the officer recommendation
- iv) applications from Authority Members or employees
- v) applications submitted by or on behalf of the Authority for its own developments, except for the approval of minor developments
- vi) applications which, at the discretion of the Director of Planning, have potential significant impact or could set an important precedent
- vii) 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.

~~V~~viii) the allocation of resources received through the community infrastructure levy.

consultations from neighboring Authorities or Central Government on planning matters of strategic importance

Note – All other enforcement action taken in terms of these delegations is to be carried out only after the appropriate legal advice has been taken and subject to reports on progress being made to the Planning Committee as required by the committee

5.3 In the event that a meeting of the Planning Committee cannot reasonably be convened in accordance with relevant legislation, the functions listed in paragraph 5.2 (i)-(viii) above may be exercised by the Director of Planning in consultation with the Chair of the Planning Committee.

5.4 In exercising the development management functions of the Authority the Director of Planning is authorised to allocate funds received under s106 agreements.

5.25.5 The Director of Planning will normally provide the Authority's response, if any, to consultations from neighboring authorities, government or others on planning matters of non-strategic importance.

5.35.6 The Director of Planning shall determine whether a matter that would otherwise be determined by a local council under delegation arrangements is suitably "significant" to be referred instead for determination by the Authority.

5.45.7 The Director of Planning may authorise any other officer of the Authority with appropriate planning qualifications and experience to act on his/her behalf in carrying out the functions hereby delegated to them but shall remain fully accountable to the Authority for the discharge of such functions.

6 DELEGATION OF FUNCTIONS TO THE DIRECTORS – GENERAL

6.1 The provisions in this section apply to the following posts: Director of Countryside and Policy Management and Director of Planning; ("the Directors")

6.2 Subject to the terms of the more specific delegations in the sections above, each of the Directors is hereby authorised to make such decisions and take such action as they consider necessary to give effect to any decision of the Authority, its committees, sub-committees and panels, and to carry out the day to day business of the Authority within their Area of Responsibility as defined in paragraph 6.3. This authority includes power to:

6.2.1 commit resources and incur expenditure within the Authority's approved budget

6.2.2 authorise any other officer of the Authority to act on their behalf in the exercise of any of the functions delegated, although they shall remain fully accountable to the Authority for the discharge of such functions.

6.3 The Directors' Areas of Responsibility are as follows:

6.3.1 **Director of Director of Countryside and Policy Management** : the Authority's functions in relation to the delivery on the ground of National Park purposes, including the management of rangers and volunteers and the statutory duty to manage access land, rights of way, water, tourism , sustainability, maintain the National Trail and convene a Local Access Forum, Sustainable Communities Fund and Strategic Fund (subject to powers reserved by the Authority and delegated elsewhere), policy, research and evidence base underpinning the Authority's statutory duties, the preparation and maintenance of the Management Plan

6.3.2 **Director of Planning:** the Authority's functions in relation to its statutory duties as the local planning authority for the National Park, including spatial planning, environmental design, development control, planning enforcement, minerals and waste, Economic Planning Advice, Landscape, Historic Buildings and NP Design

APPENDIX 8**PROPER OFFICERS**

Function	Proper officer
Local Government 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
SI 00B(2) - Circulation of Agendas and reports and applications of exemptions	Chief Executive (National Park Officer)
SI 00B(7) (c) – Supply of copies of documents to the press	Chief Executive (National Park Officer)
SI 00C(2) – Written summary of proceedings	Chief Executive (National Park Officer)
SI 00F(2) – Rights of access to documents for members	Chief Executive (National Park Officer)
SI 00D(1)(a) Preparation of list of background papers	Chief Executive (National Park Officer)
SI 00D(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 Government Finance Act 1988	
SI 16 – Notification to Auditor	SI51 Officer
Local Government and Housing Act 1989	
S2(4) – Political Restricted Posts	Chief Executive (National Park Officer)
Local Government 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 their absence or if they are 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
SI51 officer	Head of Business Services



South Downs National Park Authority

LOCAL PROTOCOL FOR MEMBERS AND OFFICERS DEALING WITH PLANNING MATTERS

Review Date	March 2015
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SUMMARY OF KEY POINTS

The detailed Local Protocol for Members and Officers Dealing with Planning Matters applies to all Members and officers, who should make themselves familiar with its guidance. The protocol applies when Members or Officers are involved in a planning matter being considered by the NPA. Host authorities are expected to have their own arrangements in place.

The main points of the guidance, cross-referenced to the detailed text, are set out below for the convenience of Members and officers. They are as follows:

- Planning is a formal process which can lead to complaint or judicial review (para 1.4);
- Compliance with the Member Code of Conduct, including the registration and disclosure of personal interests, including disclosable pecuniary interests and public service interests, and registration of any gifts and hospitality offered or received (para 2.1 – 2.17);
- Members and officers, involved in the taking of planning decisions should never act as agents for those pursuing a planning matter (para 3.1);
- Planning proposals from Members and officers must be dealt with by the Planning Committee, with the proposers taking no part in its processing (para 3.2-3.3);
- Proposals by the Authority must be treated in the same way as those from private developers (para 3.4);
- Members and officers must maintain an open mind on the merits of applications when being lobbied (para 4.1- 4.3);
- Members involved in decision making on planning should not lobby on behalf of applicants, nor commit themselves to a conclusive view on a matter, such as would indicate that their mind is closed on the matter, before all the evidence is heard (para 4.4- 4.9);
- Where Members or officers attend public meetings, they should not express any conclusive view about the merits of any proposal such as would indicate that their mind is closed on the matter (para 4.10- 4.11);
- In any pre-application or pre-decision meetings, officers must not commit the Authority to any particular decision (para 5.1-5.4). Members should not normally attend such meetings (para 5.5);
- At site visits, Members and officers must not discuss the merits or demerits of any application (para 6.1-6.3);
- Officer reports to the Planning Committee must be comprehensive and accurate, with a written recommendation underpinned by reasons (para 7.1- 7.6). Any departure from the Development Plan must be supported by justification;
- Members must not put pressure on officers for a particular recommendation (para 7.5);
- Planning decisions must be supported by clear and convincing evidence. Reasons for decisions contrary to officers' advice and/or for approval of proposals contrary to the Development Plan, must be clearly stated (para 8.2- 8.4);
- Planning Committee meetings should be conducted in a professional manner, with legal and planning officers in attendance (para 8.5-8.8);
- Members wishing to support an appellant (including the Authority) at an appeal against an Authority decision must notify the Monitoring Officer and appellant (para 8.9 – 8.11);
- Planning records should be comprehensive and accurate, and monitored by planning managers. The Director of Planning will monitor Planning Committee decisions on a continuous basis (para 9.1-10.2).

I. GENERAL ROLE AND CONDUCT OF MEMBERS AND OFFICERS

- I.1 This Local Protocol is an advisory document that sits alongside the Member Code of Conduct, the Officers' Code of Conduct, the Local Protocol for Member and Officer Relations, the Complaints, Comments and Compliments Policy and other provisions concerning probity in public office as they relate to planning. As such, it will be taken into account when a complaint under the Member Code of Conduct that relates to planning matters is being considered.
- I.2 This Protocol must be observed by Members and officers who are involved in determining planning matters. This Protocol will be of particular importance to Members of the Planning Committee. The responsibility to abide by this Protocol also applies to all other Members on those occasions when a planning matter is referred to a meeting of the full Authority.
Why have a Local Protocol For Members and Officers Dealing with Planning Matters?
- I.3 The Authority has adopted a Code of Conduct for Members. The Code of Conduct concerns probity and other aspects of conduct across the whole range of a Member's duties. This Local Protocol seeks to relate the Code of Conduct's requirements specifically to planning. However, it goes beyond the specific concerns of the Code of Conduct to give more detailed advice on the operation of the planning system. The aim of this additional advice is to ensure the integrity of the planning system is preserved, and that it is, and is seen to be, open and fair to all parties.
- I.4 Determining a planning application is a formal process involving rules of procedure, rights of appeal, and an expectation that people will act reasonably and fairly. Those involved should always be alert to the possibility that an aggrieved party may:
 - a) seek judicial review of the decision; and/or
 - b) complain to the Ombudsman on grounds of maladministration; and/or
 - c) complain to the Authority that a Member has breached the Code of Conduct.
- I.5 Decisions on planning applications involve considering development proposals against the wider public interest. Much is often at stake, particularly the financial value of landholdings and the quality of their settings, and opposing views are often strongly held by those involved. It is important, therefore, that planning decisions affecting these interests are made openly, impartially, with sound judgement and for justifiable reasons.

Role of Members

- I.6 Members set the Authority's planning policy and (except where such responsibility is delegated to officers) determine planning applications and enforcement issues within the context of that policy. It is a requirement of the Member Code of Conduct that Members must not use their position as a Member improperly to confer on or secure for themselves or any other person an advantage or disadvantage.
- I.7 When Members come to make a decision on a planning matter, they must:
 - a) act fairly and openly
 - b) approach each case with an open mind
 - c) refer to the Development Plan and other material considerations in decision making
 - d) carefully weigh up relevant issues
 - e) determine each case on its own merits
 - f) ensure that there are clear and substantial reasons for their decisions, and that those reasons are clearly stated.

Role of officers

- I.8 The function of officers is to advise and assist Members in matters of planning policy and in their determination of planning applications and enforcement issues by:
 - a) providing impartial and professional advice
 - b) making sure that all the information necessary for the decision to be made is given
 - c) providing a clear and accurate analysis of the issues

- d) referring to the Development Plan and other material considerations in decision making
- e) setting applications and enforcement issues against the relevant Development Plan policies and other material considerations
- f) taking into account all other material considerations
- g) giving a clear recommendation
- h) carrying out the decisions of the Authority made in Committees or Sub-Committees
- i) disclosing to the Authority their direct or indirect pecuniary interests under section 117 of the Local Government Act 1972
- j) acting in accordance with the Officer Code of Conduct and any applicable professional code of conduct.

I.9 Where officers are exercising delegated powers they will:

- a) act fairly and openly
- b) approach each case with an open mind
- c) refer to the Development Plan and other material considerations in decision making
- d) carefully weigh up relevant issues
- e) determine each case on its own merit
- f) ensure that there are clear and substantial reasons for their decisions, and that those reasons are clearly stated.

Application to policy formulation and other planning matters

I.10 While this Protocol will most commonly need to be followed in dealing with planning applications, it also applies to consideration of draft Development Plans and policies, development briefs, enforcement cases and all other planning matters. In particular, the following parts of this Protocol apply to policy formulation and planning issues other than determination of applications:

- a) the registration and disclosure of interests (section 2)
- b) dealing with lobbying, the duty to reach decisions impartially without predetermining issues, and attendance at other public meetings (section 4)
- c) pre-application and pre-decision discussions with applicants or potential applicants (section 5).

I.11 However:

- a) subject to the overriding requirement to comply with the Member Code of Conduct, and

- b) providing the discussions do not refer to individual sites

this Protocol does not preclude Members from taking part in without prejudice discussions, on the general principles of land allocation policies in the Development Plan outside the Authority's formal meetings.

I.12 Planning legislation requires all planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. A material planning consideration is one which is relevant to making the planning decision in question, and will generally be concerned with ensuring that the land use is in the public interest. The weight attached to material considerations in reaching a decision is a matter of judgement for the decision-maker. Section 11A of the National Parks and Access to the Countryside Act 1949 also requires that, in exercising or performing any functions in relation to, or so as to affect, land in any national park, regard shall be had to national park purposes.

Training

I.13 Workshops are held from time to time to give guidance to Members on registration and disclosure of disclosable pecuniary interests and other issues relating to the Code of Conduct. Members of the Planning Committee will also receive specialised training on

planning law and procedures, the practical operation of this Protocol and the Development Plan. Members involved in determining planning issues will be required to complete an appropriate level of training on planning matters before being able to serve in that capacity. Members' attendance at training sessions will be monitored.

2. DECLARATION AND REGISTRATION OF INTERESTS

- 2.1 All Members, whether or not dealing with planning matters, must observe the Member Code of Conduct in:
- a) maintaining the general standards of conduct required
 - b) registering and disclosing interests; and
 - c) notifying the Chief Executive of any offer and/or receipt, of gifts or hospitality within 28 days

Registration and Disclosure of Interests

- 2.2 The general principle behind the requirement to disclose personal interests is that a Member should not use his or her position to further a private or personal interest rather than the general public interest, nor give grounds for suspicion that he or she has done so.
- 2.3 Members must, within 28 calendar days of becoming a member or co-opted member, notify the Authority's Monitoring Officer of any **disclosable pecuniary interest** as set out in Part 3 of the Member Code of Conduct, where the pecuniary interest is theirs, their spouse's or civil partner's, or is the pecuniary interest of a person with whom they are living as if they are a married couple or civil partners, and where they are aware that that other person has that interest. In addition, Members must notify the Monitoring Officer of any other **personal interest** (as defined in the Code of Conduct) they consider it appropriate to be entered on the Register of Interests. The Monitoring Officer must register any interests notified to him/her in the Authority's Register of Members' Interests maintained under the Localism Act 2011. Following re-election or re-appointment, the duty to notify the Monitoring Officer applies only as regards interests not already entered in the Authority's Register.
- 2.4 (as defined in the Code of Conduct).
Where the interest is a 'sensitive interest', the member must disclose merely *the fact that* they have a disclosable pecuniary interest in the matter concerned. Where a Member has a disclosable pecuniary interest in any matter being considered at a meeting of the Authority, committee or sub-committee, they must not participate in discussion of, or vote on, that matter, and must withdraw from the room where the meeting is being held, unless they have obtained a dispensation from the Appointments, Management and Standards Committee. However, this does not prevent the Member from making representations on the matter to the meeting, in accordance with the Authority's public speaking procedures, provided that they withdraw from the room when those representations are concluded and before any discussion or vote takes place.
- 2.5 Within 28 days of any disclosure at a meeting of an unregistered disclosable pecuniary interest, where that interest is not the subject of a pending notification, the Member must notify the Monitoring Officer of the interest.
- 2.6 Members are required to disclose a personal interest, including a "**public service interest**" (as defined in the Code of Conduct), at a meeting of the Authority, committee or sub-committee where they consider that interest to be relevant to an item of business being considered at that meeting. The disclosure shall be made at the commencement of the meeting, or when the interest becomes apparent, and shall be recorded in the minutes of the meeting.
- 2.7 Disclosure of a personal interest, including a public service interest, does not necessarily affect the Member's ability to participate in discussion or vote on the relevant item, but this will depend on the individual circumstances. If the personal interest is **financial** in nature, the Member should not participate in the business being considered, they should leave the room after exercising any right to speak which a member of the public would have (should

they wish to do so). In respect of all other personal interests, including a public service interest, the Member will need to consider whether the nature of the interest is such that it may, or may be perceived to, conflict with their public duties and, in this regard, should consider the provisions of the Member Code of Conduct and may seek advice from the Monitoring Officer. If the Member considers that they should not participate in the business being considered, they should leave the room after exercising any right to speak which a member of the public would have (should they wish to do so).

- 2.8 In any case where a Member is in any doubt about their position, advice should be sought from the Monitoring Officer.
- 2.9 Members who have substantial property interests in the National Park, or other interests that would prevent them from voting on a regular basis, should avoid serving on the Planning Committee.

Membership of another Local Authority

- 2.10 A Member who is also a member of another tier of local government will not necessarily be precluded from taking part in the decision making in relation to a planning application made by a private individual simply because his or her Parish/Town/District/County Council has submitted comments to the Authority on that application or the Member voted at the Parish/Town/District/County Council meeting. However, the Member should have regard to the guidance on pre-judging applications in section 4 of this Protocol.
- 2.11 Members of the Planning Committee who are also members of another tier of local government should adopt the practice of making it clear, when they participate in a debate on development proposals at a Parish/Town/District/County Council meeting, that the views they express are based on the information before them at that time. Members should also make it clear that their views might change in the light of further information and/or debate at the Authority's Committee meeting. This is to make it clear that the Member is keeping an open mind on the issue and cannot therefore be found to have predetermined the matter when it comes before the Authority. Further guidance on avoiding predetermination is provided at paragraphs 4.4 – 4.9 below.
- 2.12 The “multi-hatted” Member (i.e. Members serving more than one authority) will always need to disclose a public service interest (in addition to any other potential interest) in accordance with Para. 2.6 above, in relation to a planning application submitted by another authority of which they are a member, which is considered at a meeting at which the Member is present. In any case where a Member is in any doubt about their position, advice should be sought from the Monitoring Officer.

The representative role

- 2.13 A Member may choose to represent particular views of an individual or section of the community on a planning application. Where the Member advocates or clearly declares their support for or against those views, such that they no longer have an open mind on the issue, this will mean that the Member is no longer able to act impartially in the determination of that application. Where the Member is a Member of the Planning Committee, they should take no further part in the consideration of, or voting on, that particular matter. However, where a Member only reports the views of an individual or section of the community on the application for information purposes, they will normally be able to continue to participate in the consideration of the item, provided they make it clear that they are relaying those views in a reporting, and not representational, capacity.

Membership of lobbying groups

- 2.14 Where a Member is also a member of a lobbying group which has publicly expressed support for or against a planning application or another relevant planning matter, careful consideration of all the surrounding circumstances will be required in order to identify whether the Member has or might appear to have pre-judged the issue, for example the Member's role in the lobbying group and the extent to which the Member is publicly identified with that position are relevant considerations. The Member should also disclose a public service interest when the relevant item is considered at a meeting at which the

Member is present (whether as a Member of the meeting or observer), in accordance with Para. 2.6 above.

Group discussions

- 2.15 Although National Park Authorities are non-political organisations, Members need to be aware of the potential for attempting to influence the determination of an application. Members cannot accept an instruction from anyone to determine an application in a particular way, as they must determine the issue on its merits. So, while they may give appropriate weight to the views of other Members, whether expressed in the Committee meeting or in prior discussions, they must determine the application on its merits and should not take into account any factor which they are not prepared to state openly at the Committee. As a result, it is not appropriate for any group of Members to instruct Members to vote in a particular manner on an application or to apply, or threaten to apply, any sanction to any Member who voted contrary to the group's collective view. If such instructions are given Members should declare it in exactly the same manner as they would declare any other attempt at lobbying.

Gifts and Hospitality

- 2.16 The Member Code of Conduct obliges all Members to notify the Chief Executive of any offer and/or receipt of gifts or hospitality within 28 days. Where the offer of a gift or hospitality is accepted this will be recorded on the Authority's appropriate register. The Member Code of Conduct provides that Members are responsible for their decisions on the acceptance of gifts or hospitality and for ensuring that any gifts or hospitality accepted can stand up to public scrutiny and do not bring their office or the Authority into disrepute for example where a gift or hospitality might reasonably appear to compromise their personal judgement or integrity or place them under an improper obligation.
- 2.17 However, Members dealing with planning matters should be particularly alert to the possibility that they may be called upon to determine, or make representations on, a planning application submitted by someone who has offered them a gift or hospitality, even if an application has not yet been submitted. Cases where Members have accepted hospitality from planning applicants have been the subject of criticism by the Ombudsman. For this reason, any gifts and hospitality should normally be refused if there is any reason to suspect that the person offering them is an actual or potential planning applicant save that, where acceptance of a degree of hospitality by Members and/or officers is unavoidable, it should be ensured that this is at a minimum and that its receipt is notified.

3. DEVELOPMENT PROPOSALS SUBMITTED BY OR ON BEHALF OF MEMBERS AND OFFICERS, AND DEVELOPMENT BY THE AUTHORITY

Acting as agents for a planning applicant

- 3.1 Serving Members and officers, who are involved in the making of planning decisions should never act as agents for individuals (including a company, group or body) pursuing a planning matter.

Planning application by a Member or officer

- 3.2 Proposals submitted by Members and officers that are to be decided by the Authority should be reported to the Planning Committee and not dealt with by officers under delegated powers. The Monitoring Officer should be informed of all such proposals as soon as they are submitted. It is the duty of all officers to inform their line manager of any financial interests they have in a matter with which the Authority is dealing. An application for planning permission will give rise to a direct financial interest. Likewise, the onus is on Members and officers to inform the Monitoring Officer if a planning application relating to property in which they have a beneficial interest is submitted. Neither employees nor Members should assume that planning officers will otherwise be aware that the application is in respect of their land or property.
- 3.3 If Members or officers submit their own development proposal to the Authority, they should take no part in its processing. Both officers and Members will have the same rights as

any member of the public to seek to explain and justify their proposal to an officer in advance of the Committee meeting. A Member exercising this right (providing the general obligations in the Member Code of Conduct and the Local Protocol for Member and Officer Relations, in particular those relating to a Member's duty not to compromise the impartiality of officers, are not breached) should not be regarded as "seeking improperly to influence" the decision or using their position to secure an advantage.

Proposals for the Authority's own development or development on Authority land

- 3.4 Proposals for the Authority's own development (or a development involving the Authority and another party) should be treated in the same way as those by private developers. The same administrative process, including consultation, should be carried out in relation to the Authority's own planning applications, and they should be determined against the same policy background (the Development Plan and any other material planning considerations). This paragraph also applies to private applications on Authority-owned land (e.g. before a land sale is agreed or negotiated). Decisions must be made strictly on planning merits and without regard to any financial or other gain that may accrue to the Authority if the development is permitted. It is important not only that the Authority treats such applications on an equal footing with all other applications, but is seen to do so.

4. LOBBYING AND REQUIREMENTS RELATING TO PUBLIC MEETINGS

Lobbying of Members by the public or planning applicants

- 4.1 Members may be subject to lobbying on planning matters and specific planning applications. When this occurs, great care is essential to maintain the Authority's, and indeed the Member's own, integrity and the public perception of the planning process.
- 4.2 Members who are likely to be involved in determining a planning matter at any meeting should, before the meeting, simply listen to points of view about the proposal. They should actively take steps to explain that, whilst they can listen to what is said, and may even adopt a preliminary view on the matter, they are keeping an open mind on the matter until it is considered at Planning Committee. If however they do form a definite view on the proposal, such that their mind is then closed on the issue, they should be guided by paragraphs 4.7 to 4.8 below. Where the applicant requires planning or procedural advice, he should be referred to officers.
- 4.3 If Members consider that they have been exposed to undue or excessive lobbying or approaches, these should be reported to the Monitoring Officer, who will advise the Director of Planning.

Members' duty not to pre-judge applications/lobbying by Members

- 4.4 As a general principle, and taking account of the need to make decisions impartially, Members involved in decision making on planning should not organise support or opposition to a proposal, lobby other Members, act as an advocate, or put pressure on officers for a particular recommendation.
- 4.5 Members need to take account of the general public's expectations (and the expectations of those who might investigate any complaint), that a planning application will be processed in a fair and open manner in which Members making the decision will take account of all the evidence presented before arriving at a decision. Members should not indicate (or give the impression of) support for or opposition to a proposal in a manner which suggests they have a closed mind to any views or further information which may be available at the meeting at which the matter is discussed. In particular Members should not declare their voting intention before the meeting at which a decision is to be taken. To do so without all relevant information and views would be unfair and prejudicial and may amount to maladministration.
- 4.6 Section 25(2) of the Localism Act 2011 provides that, when dealing with allegations of bias or predetermination, a decision maker is not to be taken to have had a closed mind just because they have previously done anything that directly or indirectly indicated what view they took, or would or might take, in relation to a matter that was relevant to the decision. Thus, if a Member has previously given a view on an issue, this does not in itself show that

that Member has a closed mind on that issue. The fact that a Member might have campaigned on an issue, or made public statements about their approach to it, does not prevent a Member from participating in discussion of the matter when it comes before the Authority, and to vote on a decision regarding it. So long as the Member approaches decision making with an open mind, in the sense such Member has regard to all material considerations, and remains open to the possibility that, however unlikely, he or she will hear arguments during the debate that might change their mind about how they intend to vote, such Member will not be held to have predetermined the issue.

- 4.7 Whilst Members involved in making decisions on planning matters will begin to form a view as more information and options become available, a decision can only be taken by the Planning Committee when all available information is to hand and has been duly considered. Individual Members should reach their own conclusions on an application or other planning matter rather than follow the lead of another Member. Decisions can only be taken after full consideration of the officer's report and information and discussion at the Committee.
- 4.8 If a Member does fully commit themselves to a particular view on a planning issue before it is considered at Committee or a meeting of the full Authority, such that their mind is no longer open to consideration of the merits of the case, the Member should leave the meeting room and take no part in the debate nor vote on the matter. Where a Member wants to act as a representative (rather than merely reporting the views) of his or her electoral area they should declare this fact and not vote on the matter (see paragraph 2.13).
- 4.9 Where the Monitoring Officer believes that a Member has predetermined the matter before the Committee determines it, in the sense that the Member's mind is closed to the merits of any opposing views about the issue the Monitoring Officer will discuss the position with the Member. Where the Monitoring Officer is satisfied that actual predetermination has occurred, s/he will advise the Member that it would be inappropriate for him to be present at the meeting or to vote on the application. If the Member does not follow the Monitoring Officer's advice, the Monitoring Officer will consider referring the matter to the Appointments, Management and Standards Committee.

Members' and officers' attendance at other public meetings

- 4.10 Officers, and Members who intend to take part in the decision-making process, should take care in attending meetings in connection with development proposals or submitted planning applications. Attendance should only occur when those meetings have been arranged for the purpose of disseminating information by the Authority, or by an appropriate local body, (such as a Parish Council), that is not openly advocating support for or opposition to the proposal, or unless it is known that those with different views will also be attending, so that a balance of views will be expressed. Members should take advice from the Director of Planning or Monitoring Officer before deciding whether to attend meetings that appear to have been organised for lobbying purposes.
- 4.11 When attending public meetings of any kind officers and Members should do no more than explain background or policy and, while a preliminary view on the matter may be expressed, no conclusive view should be offered on the merits or otherwise of the proposal, such as may indicate that the Member's mind on the matter is now closed. It should be explained that a decision can only be made when all relevant information is available. Those with opposing views could make allegations of bias or prejudice because a balance of views was not presented. In some circumstances Members might feel it is valuable to attend meetings to listen to particular points of view, but should always make it clear that they must also listen to opposing arguments before reaching any conclusion.

5. PRE-APPLICATION AND PRE-DECISION DISCUSSIONS WITH APPLICANTS

Action by officers

- 5.1 In any discussions on planning issues, officers will always make it clear at the outset that any views they express are based on the officer's provisional professional judgement and do not commit the Authority to any particular decision.

- 5.2 Advice given will be consistent with and based upon the Development Plan and other material considerations. Every effort will be made to ensure that there are no significant differences in interpretation of planning policies between planning officers.
- 5.3 Officers taking part in discussions should make it clear whether they or the Committee are likely to take the decision, or if this is not yet known, the criteria used to decide whether an application is referred to the Committee.
- 5.4 Where the planning officer considers it appropriate, a written note of discussions will be made, and/or a follow up letter sent explaining the conclusions of the discussion. Two or more officers will attend potentially contentious meetings.

Attendance by Members at officers' pre-application or pre-decision discussions

- 5.5 To maintain impartiality, it is normally not good practice for Members to take part in officers' discussions with applicants. If Members are involved, they will be advised by the appropriate professional officers of the Authority. Members should not seek to advise applicants, their agents or objectors on the likely acceptability of planning proposals. The involvement of Members in such discussions will be recorded as a written file record.

6. SITE VISITS

- 6.1 When a site visit is undertaken it is for the purpose of Members to gain knowledge of the development proposal, the application site and its wider setting. It is not a formally convened meeting that is open to the public, applicants and objectors. Members and officers may not discuss the merits of the application at the site visit with each other or with other persons.
- 6.2 The Director of Planning will ensure that all correspondence in relation to site visits clearly identifies the purpose of a site visit and the format and conduct of the visit. Written procedures setting out the purpose and conduct of site visits shall be maintained by the Director of Planning and communicated to all parties. Responsibility for ensuring compliance with those procedures at the site visit rests with the Director of Planning or their representative.

Informal site visits

- 6.3 It is often helpful if Members familiarise themselves with a site before the application is debated by the Committee. However, Members should be aware that the Member Code of Conduct, and this Protocol, apply to them should they become involved in any conversation with a member of the public while visiting a site. Members are reminded that they have no legal right to enter private land without the permission of the owner or occupier.

7. OFFICER REPORTS TO COMMITTEE

- 7.1 Reports to Committee on planning matters must be accurate and cover all relevant points, including the substance of any objections and the views of those consulted. Where a planning application is subject to a full report this will refer to the provisions of the Development Plan, and all other relevant material planning considerations.
- 7.2 All reports will have a written recommendation of action/decision, and oral reporting (other than to update an existing report) will only be used on rare occasions and carefully minuted when this does occur.
- 7.3 All reports will contain a technical appraisal that clearly justifies the stated recommendation.
- 7.4 All reasons for an officer recommendation must be clear and unambiguous.
- 7.5 Members will not seek to interfere with the impartiality of the advice contained in officers' reports or to put improper pressure on officers for a particular recommendation. This would be contrary to the Member Code of Conduct.
- 7.6 If the officer's report recommends approval of a departure from the Development Plan, the material considerations justifying the departure must be clearly stated in the report.

8. THE DECISION MAKING PROCESS

Public participation

- 8.1 At meetings of the Planning Committee interested parties will be allowed to address Members in accordance with the scheme of public participation in operation at the time of the meeting.

Decisions contrary to officer recommendation

- 8.2 In discussing, and then determining, a planning application or other planning matter, Members will confine themselves to the planning merits of the case. The reasons for making a final decision should be clear and convincing, and supported by planning evidence. If Members wish to refuse an application against officer advice, or impose additional conditions on a permission, the reasons for refusal or the additional conditions must be clearly stated, and minuted, at the time the propositions are moved at the meeting.
- 8.3 If Members wish to approve an application that has been advertised as not in accordance with the development plan contrary to the officer's recommendation, the material considerations leading to the conclusion must be clearly identified, and how those considerations justify overriding the development plan clearly demonstrated. The material considerations, and the justification, will be minuted.
- 8.4 If a resolution is passed which is contrary to an officer's recommendation (whether for approval or refusal) a copy of the minute showing the Committee's reasons will be placed on the application file. Officers should also be given the opportunity to explain the full implications of a contrary decision before a vote is taken.

Conduct of meetings

- 8.5 Conscious of the public arena in which planning decisions are made, Members will conduct the business of the Planning Committee in a fair and sensitive manner. Members and officers will address one another during the debate in a professional manner.
- 8.6 Legal, planning and other officers should always attend meetings of the Planning Committee, to ensure that procedures have been properly followed and planning issues properly addressed.
- 8.7 As well as registering and disclosing interests in accordance with the Member Code of Conduct, Members will comply with the Code of Conduct's general obligations including not doing anything which may cause the Authority to breach equalities legislation; treating others with respect; and not using his or her position as a Member improperly to secure for themselves or any person an advantage or disadvantage. In accordance with the Local Protocol for Member and Officer Relations, Members must engage in and demonstrate the Authority's commitment to equality and diversity. In particular, Members should take care when addressing the meeting to avoid making statements that might reasonably be regarded as stereotyping particular sections of the community.
- 8.8 Care should be taken by Members before introducing new information into the debate at the Committee as that might lead to consideration of an application being deferred or the Committee taking a decision on the basis of information which subsequently proves to be incorrect. Where a Member receives relevant information in respect of an application which is not contained in the Committee report, whenever possible the Member should advise the Director of Planning directly so that the information can be confirmed before the Committee meeting.

Appeals against planning decisions

- 8.9 Where an appeal arises against a decision to refuse an application, officers will represent the views of the Authority at the appeal. The Committee may be requested to agree to Members giving evidence at the appeal on the reasons for the Committee's decision, particularly where the decision was not in accordance with the officer's recommendation. Officers will give support to the relevant Committee Members in preparing such evidence.

8.10 Where a Member wishes to support the Authority, or an appellant, on any appeal against an Authority decision on any planning matter, that Member shall as a matter of courtesy give written notice of his or her intention to the Monitoring Officer and the appellant. Where the appeal is to be dealt with at an inquiry, the notice shall be delivered to the Monitoring Officer and the appellant normally not less than five working days before the start of the inquiry.

8.11 In deciding whether to make representations on an appeal Members should consider very carefully beforehand whether there could be any allegation that they are in breach of this Protocol or any other provisions in the Member Code of Conduct.

9. REVIEW OF DECISIONS

9.1 The Director of Planning and Chairman of the Planning Committee will monitor Planning Committee decisions on a continuous basis. If concerns arise relating to decisions made contrary to the officer's recommendation, they will report these concerns to the Authority.

10. COMPLAINTS AND RECORD KEEPING

10.1 In order that any complaints can be fully investigated, record keeping will be complete and accurate. In particular, every planning application file will contain an accurate account of events throughout its life, particularly the outcomes of meetings or significant telephone conversations. The same principles of good record keeping will be observed in relation to enforcement and Development Plan matters. Monitoring of record keeping will be undertaken on a continuous basis by planning managers.

11. REVIEW

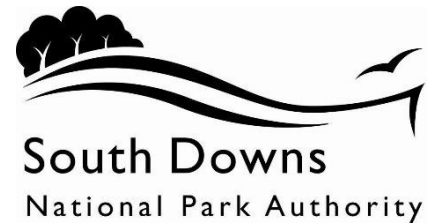
11.1 This protocol will be kept under review and updated from time to time in the light of changes in law and practice, and having regard to experience and lessons learned from individual situations.

Adopted by the South Downs National Park Authority

Date: 29th March 2011

Reviewed:

Updated: 1



South Downs National Park Authority

Arrangements for Assessment, Investigation and Determination of a Complaint that a Member has failed to Comply with the Member Code of Conduct

Review Date	Pending
Responsibility	Monitoring Officer
Date Approved	Pending
Approved at	NPA
With Effect From	XX march 221

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1. Application of these Arrangements

- 1.1 These are the Arrangements to be followed in the assessment, investigation and determination of a complaint that any Member of the South Downs National Park Authority (“the Authority” or “SDNPA”) has failed to comply with the SDNPA’s Member Code of Conduct. The Arrangements will be followed and applied in accordance with the requirements of the Localism Act 2011. Unless referred to specifically, any reference to “Member” includes “Co-opted Member” (for the avoidance of doubt, this includes the Independent (CIPFA) and other Co-opted Members of the Policy and Resources Committee).
- 1.2 A link to the Member Code of Conduct is included at **Appendix C** to these Arrangements.

2. Independent Person (s)

- 2.1 The Authority is required by law to appoint an independent person (“the Independent Person”) whose views must be sought, and taken into account, by the Authority before it makes its decision on a complaint that it has decided to investigate (see Paragraph 10.8).
- 2.2 At any time that the Authority has more than one appointed Independent Person, the SDNPA’s Monitoring Officer (“the Monitoring Officer”) may, in relation to a particular complaint, arrange for more than one Independent Person to perform the Independent Person roles set out in these Arrangements.
- 2.3 The views of the Independent Person may also be sought by:
 - 2.3.1 The Authority in relation to a complaint that it has decided not to investigate; and
 - 2.3.2 A Member of the Authority who is the subject of a complaint.
- 2.4 The Independent Person should normally be involved in initial meetings and discussions concerning the handling of a complaint.
- 2.5 Where a Member of the Authority who is the subject of a complaint wishes to seek the views of the Independent Person, they may obtain the relevant contact details from the Monitoring Officer

3. Receipt of Complaint

- 3.1 A complaint shall be made in writing addressed to The Monitoring Officer to South Downs National Park Authority, Corporate Services, The Castle, Winchester SO23 8UJ. The Complaint Form at Appendix 1 shall be used for this purpose. A completed Complaint Form may instead be submitted by email to info@southdowns.gov.uk marked as confidential and for the attention of the Monitoring Officer
- 3.2 The Monitoring Officer shall normally acknowledge receipt of a complaint within five working days of receipt of a completed Complaint Form.
- 3.3 Where the Monitoring Officer considers that they should not perform any or all of the Monitoring Officer functions under these arrangements owing to an actual or potential conflict of interest, the Monitoring Officer shall instruct the Deputy Monitoring Officer or other suitably qualified and experienced officer to act in their place.

4. Initial Assessment of Complaint

- 4.1 In consultation with the Chair of the Appointments, Management and Standards Committee and the Authority’s Independent Person and an opportunity for the Subject Member to submit a written response to the allegation(s), the Monitoring Officer shall carry out an initial assessment of the complaint to see if it falls within the Authority’s jurisdiction and shall then do one of the following:
 - 4.1.1 Decide that no action should be taken in respect of the complaint; or
 - 4.1.2 Following consultation in accordance with paragraph 6.1, arrange informal resolution if both parties agree (which may include a referral to a mediator); or
 - 4.1.3 Convene a meeting of the Appointments, Management and Standards Committee in

accordance with Paragraph 9 below.

- 4.2 In reaching a decision under Paragraph 4.1, the Monitoring Officer shall have regard to the Local Assessment Criteria in **Appendix 2**.
 - 4.3 Where the complaint is in respect of a person who is no longer a Member of the Authority but is a Member of another relevant authority (as defined in section 27(6) of the Localism Act 2011), the Monitoring Officer shall refer the allegation to the Monitoring Officer of that other Authority.
 - 4.4 The initial assessment of the complaint shall normally take place within 20 working days of the date of receipt of the complaint (excluding the notification period referred to below).
 - 4.5 Where a matter is referred for further action under Paragraphs 4.1.2 or 4.1.3, it does not mean that there have been findings of fact made in regard to the matter. It simply means that the Monitoring Officer, in consultation with the Chair of the Appointments, Management and Standards Committee and the Authority's Independent Person, considers that the alleged conduct, if proven, may amount to a failure to comply with the Member Code of Conduct, and that some action should be taken in response to the complaint.
 - 4.6 If the complaint does not fall within the Authority's jurisdiction or if it is decided that, for some other reason, no action should be taken in respect of the complaint, the Monitoring Officer shall notify the person making the complaint ("the Complainant") in writing that the complaint will not be investigated as a breach of the Member Code of Conduct, giving reasons for the decision. This notification shall normally be given within five working days of the decision being made. This will be the end of the process.
 - 4.7 Further to a decision being taken under Paragraphs 4.1.2 or Paragraph 4.1.3, the Monitoring Officer shall notify the Complainant in writing of the decision. This notification shall normally be given within five working days of the decision being made.
 - 4.8 If the Monitoring Officer, in consultation with the Chair of the Appointments, Management and Standards Committee and the Authority's Independent Person, determines to convene a meeting of the Appointments, Management and Standards Committee, the Monitoring Officer shall arrange a formal investigation of the complaint in accordance with Paragraph 8 below.
 - 4.9 Normally within five working days of the decision being made, the Monitoring Officer shall inform the Chair of the Authority and the Chair of the Appointments, Management and Standards Committee in writing of the outcome of the initial assessment.
- 5. Notification to Member**
- 5.1 Normally within five working days of receipt of the Complaint Form, subject to any decision made under Paragraph 5.3 below, the Monitoring Officer shall provide the Member who is the subject of the complaint ("the Subject Member") with written notification that a complaint has been made, the name of the Complainant and a written summary of the complaint and shall give the Subject Member an opportunity to submit a written response to the allegation(s) normally within 5 working days of receipt of the Monitoring Officer's notification to them. The Monitoring Officer will not enter into correspondence with the Subject Member over the details of the allegation(s). Any written response provided by the Subject Member will be considered as part of any subsequent investigation undertaken and included in any reports arising from this process.
 - 5.2 The Monitoring Officer shall provide the Subject Member with written notification of the outcome of the initial assessment of the complaint and, where further action will be taken under Paragraph 4.1 in regard to the complaint, the relevant paragraphs of the Member Code of Conduct that may have been breached. This notification shall normally be given within five working days of the decision being made.
 - 5.3 The notification to the Subject Member under Paragraph 5.1 shall include the name of the complainant and a written summary of the complaint unless it is determined that to do so would be contrary to the public interest. In considering this issue, the factors referred to in the Local Assessment Criteria, paragraphs 13-17, of Appendix 2, will be taken into account.

6. Referral for Informal Resolution

- 6.1 Where a referral for informal resolution under Paragraph 4.1.2 above is being considered, the Monitoring Officer shall contact the Complainant, and the Subject Member, seeking confirmation that they would co-operate with the action proposed if such a decision were made. It shall be made clear that the decision to refer the matter for informal resolution, if made, will normally close the opportunity for the complaint to be investigated.
- 6.2 Where it is determined that a referral for informal resolution will be made, the Monitoring Officer shall determine the timescale for, and the format and objectives of, the informal resolution process having consulted the Chair of the Appointments, Management and Standards Committee, the Subject Member, the Complainant and the Authority's Independent Person.
- 6.3 The Monitoring Officer in consultation with the Chair of the Appointments, Management and Standards Committee and the Authority's Independent Person may, in exceptional circumstances, cease the informal resolution process and refer the matter to the Appointments, Management and Standards Committee in accordance with paragraph 4.1.3.

7. Withdrawal from SDNPA duties

- 7.1 Where a complaint is referred to the Appointments, Management and Standards Committee for consideration, the Chair or Deputy Chair of the Authority may, in exceptional circumstances, consider that it would be in the interests of the Subject Member and/or the Authority for the Subject Member to withdraw from SDNPA duties pending the outcome of the hearing of the Appointments, Management and Standards Committee.
- 7.2 In such circumstances, and after reasonable consultation with the Monitoring Officer and the Authority's Independent Person, the Chair or Deputy Chair of the Authority shall invite the Subject Member to a meeting to discuss the matter and may formally request that the Subject Member voluntarily withdraws from SDNPA duties pending the resolution of the complaint. The Chair or Deputy Chair of the Authority shall confirm that this is a neutral action and in no way implies that the Subject Member has failed to comply with the SDNPA's Member Code of Conduct. The Chair or Deputy Chair of the Authority and the Subject Member may agree additional or alternative measures be taken pending the resolution of the complaint.
- 7.3 Such a discussion may also take place in circumstances where, although no complaint has been submitted to the Monitoring Officer and there is no action being taken by the Authority in respect of the Member's alleged conduct, the Chair or Deputy Chair of the Authority is aware that a third party is investigating a complaint concerning a SDNPA Member.

8. Referral for Investigation

- 8.1 Where the matter has been referred to the Appointments, Management and Standards Committee, before the Committee meets, the Monitoring Officer shall arrange for an investigation to be carried out promptly by the Deputy Monitoring Officer, or other person the Monitoring Officer considers to be suitably qualified and experienced to undertake the task ("the Investigating Officer"). This may include:
 - 8.1.1 Making inquiries of such persons as the Investigating Officer considers necessary or appropriate. This may include making inquiries of the relevant authority responsible for appointing the Subject Member to the Authority;
 - 8.1.2 Requesting such persons to give such information or explanation as the Investigating Officer considers appropriate;
 - 8.1.3 Inspection of such documents as the Investigating Officer considers appropriate.
- 8.2 The Monitoring Officer, in consultation with the Chair of the Appointments, Management and Standards Committee and the Authority's Independent Person, may decide to cease the investigation and decide that no further action should be taken in respect of the complaint or, in relation to Sub-Paragraph 8.2.1 below, to arrange informal resolution if both parties agree where:

- 8.2.1 As a result of new evidence or information, the Monitoring Officer is of the opinion that the matter is materially less serious than may have been apparent when the decision to refer the matter to the Appointments, Management and Standards Committee was made, and that a different decision would have been made had that new evidence or information been available; or
- 8.2.2 The Subject Member has died, resigned, or is seriously ill, and the Monitoring Officer is of the opinion that it is no longer appropriate to continue with an investigation.
- 8.3 On completion of an investigation, the Investigating Officer shall prepare a written report of the investigation which must indicate the Investigating Officer's opinion as to whether or not the Subject Member has failed to comply with the Member Code of Conduct.
- 8.4 Before issuing the final investigation report, the Investigating Officer shall write to both the Subject Member and the Complainant, providing each of them with the draft report and inviting them to respond with their written comments in relation to the draft report. Any such comments must be provided to the Investigating Officer within twenty-one days of the date of the Investigating Officer's covering letter.
- 8.5 Following the expiry of the twenty-one-day period and after having made any amendments they consider appropriate, the Investigating Officer shall issue the final investigation report which they shall provide to the Monitoring Officer together with any written comments provided by the Subject Member and/or the Complainant.
- 8.6 The Monitoring Officer shall send a copy of the final investigation report, together with any written comments provided by the Subject Member and/or the Complainant, to the Subject Member, the Complainant, the Appointments, Management and Standards Committee, the Authority's Independent Person and, where appropriate, the Chair of the Authority.
- 9. Convening a meeting of the Appointments, Management and Standards Committee**
- 9.1 Where, under Paragraph 4.1.3, a decision is made that the complaint should be referred for consideration at a meeting of the Appointments, Management and Standards Committee, the Monitoring Officer shall convene a meeting of the Appointments, Management and Standards Committee for this purpose.
- 9.2 The Authority may appoint substitute Members to the Appointments, Management and Standards Committee and the Committee convened for the purposes of this paragraph may comprise substitute Members provided that at all times the composition of the Committee complies with Paragraph 9.3.
- 9.3 The Appointments, Management and Standards Committee shall comprise three Members. At least one of the Members shall be appointed to the Authority by the Secretary of State and at least one of the other Members shall be appointed by a local authority (in accordance with the rules relating to quorum set out in the Authority's Standing Orders for Regulation of Authority Proceedings and Business).
- 9.4 The meeting shall normally be held within six weeks of the date of issue of the final investigation report (or as soon as reasonably practicable thereafter).
- 9.5 In consultation with the Chair of the Appointments, Management and Standards Committee, the Monitoring Officer shall determine the date of the meeting of the Committee.
- 9.6 The meeting of the Committee shall be open to the press and public unless the Committee decides that, in accordance with Part VA of and Schedule 12A to the Local Government Act 1972 and having taken into account any relevant representations made pursuant to Paragraphs 11.3-11.4 below, the matter should be considered in private session.
- 9.7 The meeting of the Committee may proceed in the Subject Member's absence if the Subject Member does not attend the hearing. If the Committee is satisfied with the Subject Member's reasons for not being able to attend the meeting, it may arrange for the hearing to take place on another date.

- 9.8 The meeting of the Appointments, Management and Standards Committee may proceed in the Complainant's absence if the Complainant does not attend the hearing. If the Committee is satisfied with the Complainant's reasons for not being able to attend the meeting, it may arrange for the hearing to take place on another date.
- 10. The remit of the Committee and Meeting Procedure**
- 10.1 The Appointments, Management and Standards Committee will make one of the following findings:
- 10.1.1 That the Subject Member did not fail to comply with the Member Code of Conduct; or
 - 10.1.2 That the Subject Member did fail to comply with the Member Code of Conduct, but that no action needs to be taken in respect of the matters considered at the hearing; or
 - 10.1.3 That the Subject Member did fail to comply with the Member Code of Conduct and that one of, or any combination of, the following sanctions should be imposed:
 - 10.1.3(a) Censure of the Subject Member;
 - 10.1.3(b) Restriction for a period not exceeding six months of that Member's access to any of the premises of the Authority or that Member's use of the resources of the Authority, provided that those restrictions are reasonable and proportionate to the nature of the breach, and do not unduly restrict the Subject Member's ability to perform the functions of a Member;
 - 10.1.3(c) A recommendation to the Authority that the Subject Member be removed from any or all Committees or Sub-Committees of the Authority or from any other role to which they are appointed by the Authority.
 - 10.1.3(d) A report of its findings be made to the Authority and/or the relevant authority responsible for appointing the Subject Member to the Authority (providing an explanation of the matter).
- 10.2 In any case where the Committee makes a finding under sub-paragraph 10.1.2 or sub-paragraph 10.1.3 above, the Committee may instruct the Monitoring Officer to arrange such training for the Subject Member as the Committee considers appropriate and this may be done in addition to the imposition of any of the sanctions set out in sub-paragraph 10.1.3 above. The Committee shall consider the final investigation report and any comments provided by the Subject Member and/or the Complainant.
- 10.3 The Investigating Officer shall be invited to attend the meeting in order to present their investigation report and to answer any questions that the Committee may have in respect of the investigation report. The Investigating Officer may call relevant witnesses to give evidence where this has been agreed by the Monitoring Officer in accordance with paragraph 11.2 below.
- 10.4 The Subject Member and the Complainant shall be invited to attend the meeting for the purposes of observing the proceedings and answering any questions of clarification that the Appointments, Management and Standards Committee may wish to ask. The Subject Member and the Complainant shall each be given the opportunity to make an oral statement to the Committee.
- 10.5 The Subject Member and the Complainant may each be accompanied at the meeting by a person of their choice but may not normally be represented by another person unless this has been agreed by the Monitoring Officer in accordance with paragraph 11.5 below.
- 10.6 The Authority's Independent Person shall be invited to attend the meeting.
- 10.7 The procedure followed at the meeting will be confirmed in the pre-hearing process summary referred to in Paragraph 11.6.
- 10.8 The Investigating Officer, the Subject Member (together with a person accompanying them, if any), the Complainant (together with a person accompanying them, if any) and the Authority's Independent Person, as well as any other person the Committee determines should be present,

may continue to attend the meeting even if the Committee decides that, in accordance with Part VA of and Schedule 12A to the Local Government Act 1972, the matter should be considered in private session. Only the Authority's Independent Person and the Monitoring Officer shall normally be present during the Committee's deliberations.

- 10.9 Before it makes its decision on the complaint, the Committee shall seek, and take into account, the views of the Independent Person and the Monitoring Officer.
- 10.10 Any sanction imposed shall take effect immediately, except where the Committee directs that it shall take effect on a later date within the following six months.
- 10.11 The meeting is a formal meeting of the Authority and is not a court of law. It does not hear evidence under oath, but it does decide factual evidence on the balance of probabilities. The meeting will be conducted in a fair, independent and impartial way, so that members of the public and members of the Authority have confidence in the Authority's procedures and findings.

11. Pre-Meeting Procedure

- 11.1 The Monitoring Officer shall write to the Investigating Officer informing them of the date of the meeting, inviting them to attend the meeting in order to present their investigation report and to answer any questions that the Appointments, Management and Standards Committee may have in respect of the investigation report. The letter shall outline the meeting procedure and shall enquire whether the Investigating Officer wants to make any representations regarding whether any part of the meeting should be held in private. The letter shall ask for a response within a set time.
- 11.2 Where the Investigating Officer wishes to call relevant witnesses to give evidence at the meeting of the Appointments, Management and Standards Committee, they must send a written request to the Monitoring Officer, giving their reasons for the request. The Monitoring Officer in consultation with the Chair of the Appointments, Management and Standards Committee and the Authority's Independent Person, may agree for the Investigating Officer to call relevant witnesses to give evidence. The Monitoring Officer shall send written notification to the Investigating Officer of their decision.
- 11.3 The Monitoring Officer shall write to the Subject Member informing them of the date of the meeting and inviting them to attend the meeting. The letter shall outline the meeting procedure and shall enquire whether the Subject Member wants to make any representations regarding whether any part of the meeting should be held in private. The letter shall ask for a response within a set time.
- 11.4 The Monitoring Officer shall write to the Complainant informing them of the date of the meeting and inviting them to attend the meeting. The letter shall outline the meeting procedure and shall enquire whether the Complainant wants to make any representations regarding whether any part of the meeting should be held in private. The letter shall ask for a response within a set time.
- 11.5 Where either the Subject Member or the Complainant wishes to be represented at the meeting of the Appointments, Management and Standards Committee, they must send a written request to the Monitoring Officer, giving their reasons for the request. The Monitoring Officer in consultation with the Chair of the Appointments, Management and Standards Committee and the Authority's Independent Person, may, in exceptional circumstances, agree for the person to be represented at the meeting. The Monitoring Officer shall send written notification to the person of their decision.
- 11.6 At least two weeks before the meeting, the Monitoring Officer shall prepare a pre-hearing process summary and send it to the members of the Appointments, Management and Standards Committee, the Independent Person, the Investigating Officer, the Subject Member and the Complainant copied for information to the Chair of the Authority, where appropriate. This should summarise the complaint, outline the main facts that are agreed and those which are not agreed, note whether the Subject Member and/or Complainant will attend and outline the

procedure to be followed at the meeting.

12. Notification of Findings

- 12.1 Within a period of 14 days of the Appointments, Management and Standards Committee making its finding on the matter, the Monitoring Officer shall provide the Committee's Decision Notice to the Subject Member and the Complainant. The Decision Notice shall include a brief statement of facts, the provisions of the Member Code of Conduct engaged by the allegations, the view of the Independent Person, the reasoning of the Committee and any sanction applied.
- 12.2 The Decision Notice shall normally be published on the Authority's website. Where appropriate, and after taking account of the Authority's duties under data protection legislation, the Monitoring Officer may, in consultation with the Chair of the Appointments, Management and Standards Committee, determine that a redacted version of the Decision Notice should be published on the Authority's website.
- 12.3 This is the end of the process.

Appendix 1: Complaint Form

Appendix 2: Local Assessment Criteria

Appendix 3: South Downs National Park Authority's Member Code of Conduct

Adopted by the South Downs National Park Authority Date: 11 December 2012

Reviewed by the Standards and Audit Committee: 24 September 2013

Amended by the South Downs National Park Authority: 15 October 2013

Updated:

Reviewed and amended by the Governance Committee: July 2015

Reviewed by the Appointments, Management and Standards Committee

Appendix 1: Complaint Form

Insert link to this

Appendix 2: Local Assessment Criteria

The following criteria shall apply when considering complaints that a Member has failed to comply with the Member Code of Conduct.

- I. Whether the complaint falls within the jurisdiction of the Committee:
 - I.1 Is it a complaint against one or more named Members or co-opted Members of the Authority covered by the Member Code of Conduct?
 - I.2 Was the named Member in office at the time of the alleged conduct and was the Member acting in their official capacity as a Member of the SDNPA at the time of the alleged conduct?
 - I.3 Might the alleged conduct, if proven, amount to a failure to comply with the SDNPA Code of Conduct under which the Member was operating at the time of the alleged misconduct?

NOTE If the complaint fails one or more of the above tests, it cannot be investigated as a breach of the Member Code of Conduct.

Proportionality – any decision to investigate an allegation that the Member Code of Conduct has been breached should be a proportionate response to the issues raised and expected outcomes, taking into account the public interest (see below) and the resources required to undertake an investigation. Complaints should only be investigated where the allegation is reasonably considered to be a serious matter.

2. Factors which should be taken into account include:
 - 2.1 Is there prima facie evidence of a breach of the Code of Conduct?
 - 2.2 Is it serious enough to warrant a sanction?
 - 2.3 What are the views expressed by the complainant about the impact that the alleged conduct has had on them?
 - 2.4 Is this part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the Authority and is there no other avenue left to deal with it except investigation?
 - 2.5 How much time has passed since the alleged conduct occurred?
 - 2.6 Would an investigation serve a useful purpose?
 - 2.7 Is the case suitable for local investigation?
 - 2.8 Does it appear that the complaint is really about dissatisfaction with an authority decision?
 - 2.9 Is there insufficient information to justify a decision to refer the matter for investigation?
 - 2.10 Are the Subject Member and the Complainant willing to pursue informal resolution of the complaint?
3. Factors to consider when deciding whether the identity of the complainant and/or a written summary of the complaint should be disclosed to the Member the subject of the complaint:
 - 3.1 Are there reasonable grounds for believing that the complainant will be at risk of

physical harm if their identity is disclosed?

- 3.2 Is the complainant an officer who works closely with the Member and is afraid of the consequences to their employment if their identity is disclosed?
- 3.3 Is there evidence of any medical risks associated with the complainant's identity being disclosed?
- 3.4 Is it feasible for the complaint to be investigated without the complainant's identity being disclosed (e.g. where the complaint is bullying of the complainant)?
- 3.5 Are there reasonable grounds for believing that disclosure of the complainant's identity and/or the provision of a written summary of the complaint, may lead to intimidation of witnesses or the destruction of evidence?

Public Interest

The public interest may be described as something which is of serious concern and benefit to the public. The public interest therefore relates to something which has an impact on the public and it is not merely a matter that the public find to be of interest or a matter that impacts solely on an individual (although an individual may be more directly impacted by the matter than the wider public). The public in this context may refer to a distinct section of the public such as a small community or interest group.

Appendix 3: South Downs National Park Authority's Member Code of Conduct

The SDNPA Member Code of Conduct can be found on the Authority Website:

<http://www.southdowns.gov.uk/about-us/about-the-authority/governance/code-of-conduct>

Existing Seven Sisters Country Park Byelaws

1. Interpretation. Throughout these bye-laws the following expressions have the meanings hereby respectively assigned to them: 'the Council' means the County Council of the Administrative County of East Sussex; 'the Park' means the area of the Seven Sisters Country Park at Exceat to which the public is allowed access; 'Ranger' means the person responsible for carrying out the duties of a Warden in the Park defined in the Countryside Act 1968.

2. Vehicles. No person shall in the park drive a mechanically propelled vehicle in such a manner as to be likely to cause danger to other persons using the Park or in any event at a speed exceeding 10 m.p.h.

3. Limitation of Access. An Area not exceeding one-fifth of the Park may at any one time be excluded from the right of the public to access and no person shall without written authority from the Council be admitted to such an area where notice to keep out has been placed.

4. Fires. No person shall in the Park light any fire or stove elsewhere than in an area indicated by notices as being available for camping or so as to be likely to cause damage by fire to anything in the Park place or throw or let fall any lighted match or other substance or thing in or among or near to grass, fern, bushes, trees or crops.

5. Dogs and other animals. No person shall cause or suffer any dog or animal belonging to him or in his charge to enter or remain in the Park unless such dog or other animal be and continue to be under proper control, and be effectively restrained from causing annoyance to any person and from worrying or disturbing any animal or bird.

6. Firearms, etc. No person shall in the Park without lawful authority fire or discharge any firearm.

7. Protection of Animals. No person shall in the Park kill, take, molest or wilfully disturb any animal, bird or fish or take or injure any egg or nest or engage in hunting, shooting or fishing, or the setting of traps or nets or the laying of snares. Provided that this bye-law shall not apply to any person or persons who have been expressly permitted by the Council to engage in fox hunting, beagling, fishing or falconry and who have observed the terms or the express permission so granted by the Council.

8. Hedges, walls etc. No person shall climb any wall, hedge or fence in or enclosing the Park.

9. Grazing. No person shall turn out to graze or permit to graze in the Park any cattle, sheep, horse, donkey, goat or other animal except with the written consent of the Council.

10. Riding. Where any part of the Park has by notices affixed in a conspicuous position in the Park been set apart by the Council as a place where horse riding is permitted a person shall not except in the exercise of any lawful right or privilege ride a horse in any other part of the Park. Provided that this bye-law shall not apply to any person or persons permitted by the Council to engage in foxhunting in pursuance of the provision to bye-law 7.

11. Camping and Caravanning. No person shall in the Park without lawful authority camp or erect a tent or use any vehicle including a caravan as sleeping accommodation or occupy such a vehicle over-night.

12. Musical performance. No person shall in the Park give or take in any musical performance or hold any entertainment to the annoyance of other persons using the Park.

13. Stone throwing. No person shall in the Park wilfully, carelessly or negligently throw, roll or discharge any stone or other missile so as to cause, to be likely to cause, injury, danger or annoyance to any person, or injury danger or molestation to any animal.

14. Model aircraft. No person shall in the Park fly any model aircraft driven by the combustion of petrol vapour or of any other substance.

15. Public meetings. No person shall in the Park hold any public meeting or deliver any public speech.

16. Disturbance and obstruction. No person shall in the Park wilfully obstruct, disturb, interrupt or annoy any other person in the proper use of the Park or wilfully obstruct, disturb, interrupt or interfere with the Park Ranger in the proper execution of his duty, or any other person authorised by the Council in the Proper execution of any work in connection with the laying out or maintenance of the Park.

17. Public property. No person shall in the Park:

(i)affix or cause to be affixed without lawful authority any advertisement, bill, placard or other notice upon any building, wall, fence, gate, door, pillar, tree or post.

(ii)wilfully, carelessly or negligently remove or displace any barrier, railing, post, or seat or any erection or ornament, or any implement provided for use in the laying out or maintenance of the Park.

18. Stalls, etc. No person shall in the Park:

(i)except with lawful authority erect any post, rail, fence, pole, tent, booth, stand, building or other structure.

(ii)sell, or offer, or expose for sale, or let to hire or offer, or expose for letting to hire, any commodity or article, unless in pursuance of an agreement with the Council.

19. Pollution of Water. No person shall wilfully, carelessly or negligently foul or pollute any lake, pond, river, stream, ditch or other water in the Park.

20. Obstruction of Water Course. No person shall obstruct the flow of any drain or water course or open, shut or otherwise interfere with, any sluice gate, or other similar apparatus, in the Park.

21. Gates. Where the Council or the occupier of land in the Park on which a gate is situated with the approval of the Council, have indicated by a notice conspicuously place on or by the gate that leaving the gate open is prohibited, no person having opened the gate or caused it to be opened shall thereupon leave it open.

22. Saving clause. An act necessary to the proper execution of his duty in the Park by an officer of the County Council or by any person or servant of any person employed by or acting with the authority of the County Council shall not be deemed an offence against the bye-laws.

23. Penalty. Every person who shall offend against any of the foregoing bye-laws shall be liable on summary conviction to a fine not exceeding £20 (Twenty pounds).

Made by East Sussex County Council under Section 41 of the Countryside Act 1968.

Confirmed by the Secretary of State 18th May 1973.