

Report to **South Downs National Park Authority**
Date **5 July 2022**
By **Head of Governances & Support Services and Monitoring Officer**
Title of Report **Appointment of Committees and Outside Bodies**
Decision

Recommendation: The Authority is recommended to:

- 1. Appoint the Planning Committee, Policy and Resources Committee and Appointments, Management & Standards Committee with the Terms of Reference set out at Appendix 1, as the committees necessary to discharge the functions of the Authority.**
 - 2. Appoint the Membership of Committees until the Authority AGM in 2023 as set out in Appendix 3 (to be tabled at the meeting) to this report.**
 - 3. Appoint the Chair and Deputy Chair of Planning Committee until the Authority AGM in 2023 as set out in Appendix 6 (to be tabled at the meeting) of this report.**
 - 4. Appoint the Chair and Deputy Chairs of Policy & Resources Committee until the Authority AGM in 2023 as set out in Appendix 6 (to be tabled at the meeting) of this report.**
 - 5. Appoint the Members to outside bodies and panels until the Authority AGM in 2023 as set out in Appendix 5 (to be tabled at the meeting) to this report.**
 - 6. Agree, for the purposes of Standing order 8.1(e), that, in line with the Authority's established practice, the Committees appointed by the Authority may not arrange for the discharge of the Authority's functions by a sub-committee. All Committees retain powers under Standing Order 27 to establish Member Task and Finish Groups.**
 - 7. Appoint the named individuals set out in the exempt Appendix 7 to serve as Independent (CIPFA) Co-opted Members (non-voting) of the Policy and Resources Committee, to serve until the Authority AGM in 2026.**
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I. Introduction

- I.1** This report enables the Authority to carry out its annual review of arrangements for discharging its decision-making responsibilities, in particular the delegation of responsibilities, and making of appointments, to Committees. The recommendations for Member appointments are made by the Chair of the Authority and will be tabled at the meeting once the outcome of the election for chair and deputy chair is known.
- I.2** The report asks the Authority to appoint Members to represent the Authority on a variety of external organisations, fora and outside bodies (for the purposes of this report, the term 'Outside Bodies' is used to encompass all of these bodies).
- I.3** Under Schedule 7 Para 13 of the Environment Act 1995, the Authority has a duty to secure

that the division of local authority appointed Members and Secretary of State appointed Members on any Committee is (as nearly as possible using whole numbers) in the same proportion as required in the case of the Authority itself.

2. Issues for consideration

- 2.1 It is proposed that the existing committees of the Authority be reappointed for the forthcoming year with the Terms of Reference set out at **Appendix 1**.
- 2.2 The current membership of Committees is set out at **Appendix 2**. The proposed membership of Committees for approval is set out in **Appendix 3** (to be tabled at the meeting) to the report. At its meeting in March 2022 the NPA appointed Maurice Findlay and Lawrence Leather to serve as non-voting co-opted members on the Policy and Resources Committee until the Authority AGM in 2023. It is intended that these appointments which shall continue to have effect for the duration of the terms of office previously approved.
- 2.3 In order to ensure the effective operation of the Appointments, Management and Standards Committee it is proposed that a number of substitute members be appointed. Substitute members are to be drawn from both Secretary of State Appointees and Local Authority members and will act in place of Committee Members who are absent or who have a conflict of interest.
- 2.4 At its meeting in October 2020 the NPA endorsed the principle of a small number of Members not being appointed to committees in order to undertake, within the parameters of the Member role description, other roles to support the work of the Authority.
- 2.5 The proposed Members not to be appointed to committee are set out within **Appendix 3** along with the roles these members will perform.
- 2.6 At its meeting in May 2022 the NPA agreed that the Policy and Resources Committee shall normally meet four times each year and that additional meetings may be called by the Committee or its Chair as required for the efficient dispatch of its business. The NPA also agreed that the Planning Committee shall normally meet nine times each year and that additional meetings may be called by the Committee or its Chair as required for the efficient dispatch of its business. For the purposes of Standing Order 8.7 these decisions are determinations by the Authority in relation to the number of meetings of these committees.
- 2.7 In line with the Authority's established practice, it is proposed that the Committees appointed by the Authority may not arrange for the discharge of the Authority's functions by a sub-committee. All Committees retain powers under Standing Order 27 to establish Member Task and Finish Groups.

3. Appointment of Chairs and Deputy Chairs of Committees

- 3.1 At its meeting in March 2021, the Authority amended its Standing Orders to enable the appointments of Chairs and Deputy Chairs to Committees to be made at the AGM. The proposed Chairs and Deputy Chairs of Committees are set out at **Appendix 6** (to be tabled at the meeting).
- 3.2 If no appointment to these positions is made by the NPA the duty to appoint a Chair and or deputy Chair will fall to the relevant Committee.
- 3.3 With regard to the Policy and Resources Committee specifically, at its meeting on 16 May 2019, the NPA agreed that, in accordance with Standing Order (SO) 8.3, the Policy and Resources Committee may appoint up to two Deputy Chairs of the Committee. As indicated, the NPA has since agreed amendments to SO8.1 and SO8.3, to provide for the Authority itself to appoint Committee Chairs and Deputy Chairs at its AGM but, if it fails to do this (for instance, due to a lack of nominations), SO 8.3 empowers the Committee to elect a Chair or Deputy Chair(s), including where a vacancy in the position arises between AGMs. It is proposed that, in line with the NPA's previous decisions, the NPA appoints two Deputy Chairs of Policy & Resources Committee and, accordingly, two nominations for the position of Deputy Chair are set out in Appendix 6. It is considered that the NPA's earlier decision on 16 May 2019 to empower the Policy and Resources Committee to elect up to

two Deputy Chairs of the Committee continues to apply in the circumstances set out in the amended SO 8.3.

4. Appointments to Outside Bodies

- 4.1 The role of a Member appointed to an Outside Body will vary according to the requirements of each external organisation. The Member may be a decision maker, a representative of the Authority, or simply a first point of contact for the external organisation. In some cases, Officers may also attend in support.
- 4.2 Except in cases where Members perform a role that has separate legal duties e.g. as a company director, Members will represent the Authority's interests and, where appropriate, report back to the Authority. Any issues arising from these external contacts requiring consideration by the Authority will form part of a report compiled by the appropriate Member and taken to a full Authority meeting.
- 4.3 The process governing appointments to outside bodies is set out at SO26 of the Authority's Standing Orders. This provides that appointments will be made by the Authority at its Annual Meeting where it considers that the appointment will support and be consistent with its purposes and objectives. SOs require that the Chief Executive seek expressions of interest from Members in relation to outside bodies. Members are required to express an interest, where applicable at least two working days before the meeting, in writing.
- 4.4 SO26 further sets out that any appointments to outside bodies not made at the Annual Meeting of the Authority will be made by the Chief Executive in consultation with the Chair of the Authority and will be reported to the next available meeting of the Authority.
- 4.5 The current appointments to outside bodies is set out in **Appendix 4**. The proposed appointments to outside bodies for approval is set out in **Appendix 5** (to be tabled at the meeting).

5. Independent (CIPFA) Co-opted Members of Policy and Resources Committee

- 5.1 The membership of the Policy and Resources Committee includes two co-opted members, who assist in promoting public confidence in the work of the Committee and in ensuring impartiality in relation to the audit and governance remit of the committee, as set out by CIPFA as best practice.
- 5.2 At its meeting on 24 March 2022, the NPA agreed to recruit two Independent (CIPFA) co-opted Members of the Policy and Resources Committee. The NPA delegated authority to the Chief Executive, in consultation with the Chair and Deputy Chairs of the Policy and Resources Committee, to undertake an appropriate selection exercise and to make a recommendation to the Authority for the appointment of up to two Independent (CIPFA) Co-opted Members.
- 5.3 Following a selection process involving an open recruitment and interviews undertaken by a panel consisting of the Chair and one of the Deputy Chairs of the Policy and Resources Committee and the Monitoring Officer, the recommendation for appointment to these positions is set out in the exempt **Appendix 7**.

6. Options & cost implications

- 6.1 The Authority could decide not to establish committees to discharge its decision-making responsibilities and/or not appoint to outside bodies. However, the proposed committees and outside body appointments represent the most effective way of exercising the powers and influence of the Authority.
- 6.2 The costs associated with the administration of the decision-making structures of the Authority are met from within the Authority's core budget.

7. Next steps

- 7.1 Officers will take the necessary administrative steps to deliver the new committee memberships and outside body appointments.

8. Other Implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	no.
Does the proposal raise any Resource implications?	<p>The administration and meeting costs of Committees is covered by existing Authority staff and budgets.</p> <p>Attendance at Outside Bodies' meetings will be a valid duty for the purpose of travel and subsistence allowances.</p> <p>Members of the Authority are paid allowances in accordance with the Authority's Scheme of Allowances.</p>
How does the proposal represent Value for Money?	Effective decision making contributes to the efficient running of the Authority.
Are there any Social Value implications arising from the proposal?	None
Have you taken regard of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	<p>All Members are eligible to be considered for Committee places and outside bodies. The operation of Committees meets the obligations of the Equality Act 2010 and reasonable adjustments will be made to support Members and members of the public to participate.</p> <p>The selection process was undertaken in accordance with the usual proactive of the Authority which are considered to meet the requirements of the Public Sector Equality Duty.</p>
Are there any Human Rights implications arising from the proposal?	None
Are there any Crime & Disorder implications arising from the proposal?	None
Are there any Health & Safety implications arising from the proposal?	None
Are there any Data Protection implications?	Personal data relating to this decision has been and will continue to be managed in accordance with the Authority's information security policy and in compliance with Data Protection legislation.
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy?	The report adheres to the principle of Promoting Good Governance as set out in the Authority's Sustainability Strategy.

9. Risks Associated with the Proposed Decision

- 9.1 Members who have been newly appointed to Committees may be required to undertake training in the role and responsibilities of such Committee.
- 9.2 The Authority is the planning authority for the South Downs National Park, and any new appointees to the Planning Committee must undertake the required level of training before they can take part in the decision making process.

ROBIN PARR

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South Downs National Park Authority

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Appendices	<ol style="list-style-type: none">1. Committee terms of reference2. Committee appointments 2020/213. Proposed Committee Appointments (to be tabled at the meeting)4. Outside Bodies appointments 2020/215. Proposed Outside body Appointments (to be tabled at the meeting)6. Proposed Chairs and Deputy Chairs of Committees (to be tabled at the meeting)7. Proposed appointment of Independent (Cipfa) Co-opted members of Policy and Resources Committee - This appendix is not for publication as it contains exempt information within Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972, being information relating to an individual, and that in all the circumstances of the case, the public interest in maintaining the exempt information outweighs the public interest in disclosing the information. This conclusion is reached in the basis that whilst there is a public interest in the transparency of Authority proceedings it is felt that on balance this outweighed by the individual's right to privacy pending their appointment to an official Authority position.
SDNPA Consultees	Chief Executive Officer, Director of Countryside Policy & Management, Director of Planning & Monitoring Officer.
External Consultees	None
Background Documents	Authority Standing Orders

COMMITTEE TERMS OF REFERENCE

PLANNING COMMITTEE: TERMS OF REFERENCE

- I.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.
- I.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.
- I.3. To provide an Authority response to consultations from neighbouring authorities on planning matters, unless the response is of strategic significance.
- I.4. To provide an Authority response to government and other consultations on planning matters unless the response is of strategic significance.
- I.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.
- I.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.
- I.7. To determine administrative and procedural matters relating to planning, such as Statements of Community Involvement and Local Development Scheme.
- I.8. To determine the arrangements for charging the community infrastructure levy.
- I.9. To determine the allocation of resources received through the community infrastructure levy.
- I.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.
- I.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

- 1.1 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
- 1.2 To ensure the robustness of risk management and performance management arrangements.
- 1.3 To provide assurance as to the adequacy of arrangements for the prevention and detection of fraud and corruption.
- 1.4 To agree the internal audit plan and annual report, and receive progress and other relevant internal audit reports.
- 1.5 To agree the External Auditor's Annual Audit Plan, and receive the District Auditor's Audit Results Report and other relevant reports.
- 1.6 To provide assurance as to compliance with the Authority's Treasury Management Policy, Financial Regulations and Procedures and Capital Strategies
- 1.7 Consider and recommend to the Authority the approach to the appointment of the Authority's external Auditor
- 1.8 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 have oversight of bids for grant funding including to receive updates on the submission of bids for grant funding and the application of grants funds received.
- 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.
- 4.6 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

Current Committee Appointments (to AGM in 2022)

Planning Committee (11)	Policy and Resources Committee (12)	Appointments management and Standards Committee (3)
Robert Mocatta (LA)	Doug Jones (SoS)	Chair of the Authority
Therese Evans (LA)	Peter Diplock (LA)	Deputy Chair of the Authority
Janet Duncton (LA)	Henry Potter (LA)	Russell Oppenheimer (LA)
Richard Waring (SoS)	Martin Osborne (LA)	Substitute members:
Diana van der Klugt (LA)	Melanie Hunt (SoS)	Janet Duncton (LA)
Gary Marsh (LA)	Isabel Thurston (LA)	Gary Marsh (LA)
Barbara Holyome (SoS)	Michael Lunn (LA)	Alun Alesbury (SoS)
Heather Baker (SoS)	Stephen Whale (SoS)	
Vanessa Rowlands (SoS)	Annie Brown (SoS)	
Alun Alesbury (SoS)	Tim Burr (SoS)	
Andrew Shaxson (SoS)	Maggie Jones (SoS)	
	Angus Dunn (LA)	
	+ independent & co-opted members	

Members not appointed to committee: Chris Dowling , William Meyer

Current Appointments to Outside Bodies 2020/21

Proposed appointee	External Body	Representation only or decision making	Meetings per annum
Vanessa Rowlands	South Downs Commercial Operations Limited	Decision making	
Stephen Whale	South Downs Commercial Operations Limited	Decision making	
William Meyer	South Downs Commercial Operations Limited	Decision making	
Janet Duncton	South Downs National Park Trust	Decision making	3
Richard Waring	South Downs National Park Trust	Decision making	3
Doug Jones	South Downs Local Access Forum	Representation	
Richard Waring	South Downs Local Access Forum	Representation	
Barbara Holyome	Hampshire Rural Forum	Representation	
Vanessa Rowlands	Campaign for National Parks	Representation	3
Robert Mocatta	Petersfield Town Council Development Committee	Representation	1
Heather Baker	Coast to Capital (C2C) LEP	Representation	4
Barbara Holyome	Hampshire Alliance for Rural Affordable Housing (HARAH)	Representation	
Chair of Planning Committee	Coastal West Sussex Forum	Representation	
Chair of Planning Committee	East Sussex Strategic Planning Group	Representation	
Authority Chair	Coast to Capital Joint Committee	Decision making	
Authority Chair	National Parks England	Decision making partner	
Authority Chair	National Parks UK	Decision making	
Authority Chair	Sub Regional Transport Board	Representation	

Others: Appointments to the SCF Chair and panel will be made by the relevant Director, in consultation with Chair of the Authority in advance of the next meeting of the Panel. *****All members appointed to outside bodies are required to provide feedback to the NPA on any meetings attended and any relevant issues discussed. A template is available from Member Services to assist members in this reporting.**

