

Report to **South Downs National Park Authority**  
Date **28 March 2024**  
By **Head of Governance and Monitoring Officer**  
Title of Report **Revisions to Authority Standing Orders**  
**Decision**

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**Recommendation:** **The Authority is recommended to agree the revisions to Appendices 4 and 6 of the Standing Orders for Regulation of Authority Proceedings and Business (“Standing Orders”) as set out at Appendix 1 of this report and instruct the Chief Executive to publish the updated Standing Orders on the Authority’s website.**

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## **1. Introduction**

- 1.1 This report sets out proposed revisions to Appendices 4 and 6 of Standing Orders.
- 1.2 These changes have arisen from a review of the current provisions in Standing Orders which has identified that it is likely that certain provisions in Standing Orders are not in line with current legislative provisions regarding the appointment of and disciplinary action in relation to one or more of the chief officers as set out in the following Statutory Instruments:
- Local Authorities (Standing Orders) Regulations 1993 (“the 1993 Regulations”)
  - Local Authorities (Standing Orders) (England) Regulations 2001 (“the 2001 Regulations”)
  - Both the above as amended (expressly and impliedly) by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (“the 2015 Regulations”)

## **2. Revisions to Standing Orders**

### Appendix 4

- 2.1 The revisions to Appendix 4 relate to the Terms of Reference of the Appointments, Management and Standards Committee and the delegations to that committee. These revisions are set out at page 142 of Appendix 1 of this report.
- 2.2 The revisions in paragraph 4 of Appendix 4 seek to address a lack of clarity that would otherwise exist following the proposed revisions to Appendix 6 being made in line with the legislation. It is proposed that it be confirmed that the existing powers of the Appointments, Management and Standards Committee to handle any Chief Executive disciplinary process required include the power to appoint an independent investigator and the power to suspend.
- 2.3 The revisions in paragraph 5 of Appendix 4 provide greater clarity on the existing delegations to the Committee in the matter of the recruitment and appointment of the Chief Executive.

Appendix 6

- 2.4 The revisions to Appendix 6 relate to the appointment of chief officers and disciplinary action which may lead to the dismissal of chief officers. These revisions are set out at pages 147-149 of Appendix 1 of this report.
- 2.5 The revisions relating to appointments are made to accurately reflect the legislative provisions as set out in the 1993 Regulations. The revisions widen the scope of the existing Chief Executive appointment provisions to encompass the Monitoring Officer and the Chief Finance Officer. This reflects the legislation which provides for the appointment of both statutory chief officers (in the Authority’s case, the Chief Executive, the Monitoring Officer and the Chief Finance Officer) and non-statutory chief officers, the latter encompassing (in summary) any other officers who report directly to or are directly accountable to the Chief Executive. The legislation authorises a variation whereby non-statutory chief officers may be excluded from the scope of the appointment provisions. To remain as close to the Authority’s existing arrangements as permitted by the legislation, it is proposed that the appointment provisions in Appendix 6 encompass the statutory chief officers only, namely the Chief Executive, the Monitoring Officer and the Chief Finance Officer. It is considered that these changes will continue to permit the role of a statutory chief officer to be filled by a person appointed under a contract for services.
- 2.6 In addition, amendments are proposed to remove the existing references in Appendix 6 to the delegated powers of the Appointments, Management and Standards Committee as these duplicate the provisions in Appendix 4 (Terms of Reference) and it is considered preferable for Appendix 6 to contain only the statutory provisions to minimise future revision if delegated arrangements were to change.
- 2.7 The revisions relating to disciplinary action are made to accurately reflect the legislative provisions set out in the 2001 Regulations as amended by the 2015 Regulations as it is considered likely that the disciplinary provisions currently set out in Appendix 6 are not in line with the statutory amendments made. These amendments require that, before any statutory chief officer of the Authority is dismissed, a panel comprising at least two Independent Persons (individually appointed under section 28(7) of the Localism Act 2011) be appointed to give advice, views or recommendations regarding the proposed dismissal which the Authority must take into account. The Authority has currently appointed two Independent Persons under section 28(7) of the Localism Act 2011 who would be invited to be considered for appointment to any such panel. These provisions replace the previous provisions requiring a ‘Designated Independent Person’ whose recommendations had more force than the panel’s recommendations would now have.

**3. Options & cost implications**

- 3.1 The Authority is required to have standing orders and it is incumbent upon the Authority to have regard to legislative requirements and advice from its Officers.
- 3.2 There are no additional costs directly associated with the proposals.

**4. Next Steps**

- 4.1 If the revisions to Standing Orders are approved by the Authority, it is recommended that they be published on the Authority’s Website.
- 4.2 Members requiring advice on anything arising from Standing Orders should contact the Head of Governance or the Monitoring Officer.

**5. 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 resource implications arising from the report.
How does the proposal represent Value for Money?	Effective and lawful organisational governance represents value for money by ensuring the correct decisions are taken in the most appropriate manner.
Which PMP Outcomes/ Corporate plan objectives does this deliver against	Effective organisational governance contributes to the delivery of all PMP Outcomes and Corporate Plan objectives.
Links to other projects or partner organisations	None
How does this decision contribute to the Authority's climate change objectives	Effective organisational governance ensure appropriate decision-making and performance monitoring can take place to support the Authority's objectives.
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?	No equality implications have been identified.
Are there any Human Rights implications arising from the proposal?	None
Are there any Crime & Disorder implications arising from the proposal?	None
Are there any Health & Safety implications arising from the proposal?	None
Are there any Data Protection implications?	None

## 6. Risk Associated with the Proposed Decision

- 6.1 Failure to have robust, lawful and up to date governance arrangements and Standing Orders increases the risk of successful challenge of the Authority's decisions. The proposals set out in this paper seek to mitigate these risks.

**RICHARD SANDIFORD**  
**Head of Governance**  
**South Downs National Park Authority**

Contact Officer: Richard Sandiford  
Tel: 01730 819357  
Email: [richard.sandiford@southdowns.gov.uk](mailto:richard.sandiford@southdowns.gov.uk)

Appendices	I. Proposed revised Standing Orders Appendices 4 and 6
SDNPA Consultees	Chief Executive; Monitoring Officer.
External Consultees	None
Background Documents	Authority Standing Orders

## **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.