

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 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 monitor the Authority's compliance with relevant health and safety policies and plans adopted by the Authority.
- 4.4 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 £200k or greater in accordance with Contract Standing Orders.
- 4.5 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.
- 4.6 To review the operating agreement agreed between the Authority and South Downs Commercial Operations Limited and make recommendations to the Authority, as appropriate.
- 4.7 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. Subject to the provisions of Appendix 6 of these Standing Orders, 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. In respect of any allegation made relating to the conduct or capability of the Chief Executive (National Park Officer), the Committee shall determine whether the allegation warrants further investigation and, if appropriate, shall appoint an independent investigator to investigate the allegation and make recommendations to the Committee. The Committee may make a decision to suspend the Chief Executive (National Park Officer) for the purpose of investigating any such allegation. Any such suspension shall be on full pay and shall be reviewed by the Committee no more than two months after the day on which the suspension takes effect.
5. Where the Authority ~~determines~~ proposes to appoint a Chief Executive (National Park Officer) and it ~~decides is~~ not proposed to make that the appointment be made exclusively from among its existing officers; to
 - To undertake the actions required by paragraphs 1.1 and 1.2 of Appendix 6 of these Standing Orders to recruitment bring the post to the attention of persons who are qualified to apply for it and; selection to interview applicants, together with any other appropriate action in the recruitment and selection process; and
 - To appoint appointment a Chief Executive (National Park Officer) process in accordance with the relevant requirements of the statutorily prescribed standing orders contained in Appendix 6 of the Authority's Standing Orders.
- 5.6. 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.
- 6.7. Where the Committee considers it appropriate, to extend an invitation to a Member of the Authority to attend a particular meeting of the Committee.
- 7.8. 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.
- 8.9. 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.
- 9.10. 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.

- ~~10.11.~~ 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.
- ~~11.12.~~ To consider and determine a request by a Member or Co-opted Member for approval of their reasons for not attending meetings for a period of six consecutive months for the purposes of Section 85(1) Local Government Act 1972, provided that such a request is made and approved before the expiry of the six month period of non-attendance by the Member or Co-opted Member.
- ~~12.13.~~ 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 11)

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 6 ~~THE CHIEF OFFICERS EXECUTIVE (NATIONAL PARK OFFICER)~~

I. APPOINTMENTS

1.1 Where the Authority ~~determines-proposes~~ to appoint a Chief ~~Executive-Officer~~ (National Park Officer) ~~within the meaning of the Local Authorities (Standing Orders) Regulations 1993 save that a non-statutory chief officer within the meaning of section 2(7)(a) or (b) of the Local Government and Housing Act 1989 shall be excluded~~ and it is ~~determined-not proposed~~ that the appointment ~~should not~~ be made exclusively from among ~~theits~~ existing Officers ~~of the Authority~~, it shall:

- (a) draw up a statement specifying —
 - (i) the duties of the ~~Chief Officer concerned~~ 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 of~~ such qualified applicants and interview those included on the short list, ~~or~~

~~W~~Where no qualified person has applied or is able to be appointed, the Authority shall make further arrangements for ~~re~~-advertisement in accordance with paragraph 1.1(b) above.

1.3 Every appointment of a Chief Officer shall be made by the Authority or may be delegated to a Committee or Sub-Committee discharging that function of appointment on behalf of the Authority. ~~Where the Authority determines to appoint a Chief Executive (National Park Officer);~~

~~the authority to take the steps required by paras 1.1 and 1.2 to select a preferred candidate; and~~

~~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~~ Authority shall consult Natural England ~~or Defra~~ as appropriate.

2. DISCIPLINARY ACTION

2.1 In the following paragraphs—

(a) “the 2011 Act” means the Localism Act 2011;

(b) “chief finance officer”, “disciplinary action”, “head of the authority's paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;

(c) “independent person” means a person appointed under section 28(7) of the 2011 Act;

(d) “local government elector” means a person registered as a local government elector in the register of electors in the Authority's area in accordance with the Representation of the People Acts;

(e) “the Panel” means a committee appointed by the Authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the Authority on matters relating to the dismissal of relevant officers of the Authority;

(f) “relevant meeting” means a meeting of the Authority to consider whether or not to approve a proposal to dismiss a relevant officer; and

(g) “relevant officer” means the Chief Finance Officer, Head of the Authority's Paid Service or Monitoring Officer, as the case may be.

- 2.2 A relevant officer may not be dismissed by the Authority unless the procedure set out in the following paragraphs is complied with.
- 2.3 The Authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
- 2.4 In paragraph 2.3 “relevant independent person” means any independent person who has been appointed by the Authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Authority considers appropriate.
- 2.5 Subject to paragraph 2.6, the Authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 2.3 in accordance with the following priority order—
- (a) a relevant independent person who has been appointed by the Authority and who is a local government elector;
- (b) any other relevant independent person who has been appointed by the Authority;
- (c) a relevant independent person who has been appointed by another authority or authorities.
- 2.6 The Authority is not required to appoint more than two relevant independent persons in accordance with paragraph 2.5 but may do so.
- 2.7 The Authority must appoint any Panel at least 20 working days before the relevant meeting.
- 2.8 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Authority must take into account, in particular—
- (a) any advice, views or recommendations of the Panel;
- (b) the conclusions of any investigation into the proposed dismissal; and
- (c) any representations from the relevant officer.
- 2.9 Any remuneration, allowances or fees paid by the Authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

~~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 — that the Authority terminate any suspension of the Chief Officer, or 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~~

~~that the terms on which any such suspension has taken place shall be varied in accordance with the direction~~

~~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;~~

~~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;~~

~~may require any Officer of the Authority to answer questions concerning the conduct of the Chief Officer;~~

~~shall make a report to the Authority —~~

~~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~~

~~recommending any disciplinary action which appears to them to be appropriate for the Authority to take against the Chief Officer; and~~

~~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.~~

