

## NFNPA SC 49/19

### NEW FOREST NATIONAL PARK AUTHORITY

#### STANDARDS COMMITTEE MEETING – 28 OCTOBER 2012

#### REVIEW OF NEW FOREST NATIONAL PARK AUTHORITY'S GOVERNING DOCUMENTS (STANDARDS)

**Report by:** Rosalind Alderman, Solicitor & Monitoring Officer

#### 1 Summary:

Officers are conducting an overall review of the Authority's constitutional documents, in order to ensure their consistency and fitness for purpose, to simplify certain procedures, and to consider where further delegations to officers of committees and sub-committees might facilitate the more efficient running of the Authority's business. This report reviews and in some cases recommends amendments (as shown by tracked changes) to the Authority's Standing Orders (**Annex 1**), the Code of Conduct (**Annex 2**), the Arrangements for dealing with allegations (**Annex 3**), the Local Protocol for Member and Officer relations (**Annex 4**), and the Scheme of Delegations to Officers and Committees (to the extent that matters fall within this Committee's remit) (**Annex 5**).

The remainder of the Authority's governing documents will be brought to members over the coming months and each Committee will be asked to review the Authority's governing documents as far as they relate to matters within their remit, with the full Authority being asked to approve any changes that are agreed upon.

#### 2 Standing Orders

The suggested substantive changes to the Authority's Standing Orders (Annex 1) can be summarised as follows:

- 2.1 The date of the annual meeting will be the first meeting held after 31 August in any year. This change has been requested by Defra, to allow greater time to process membership changes to all National Park Authorities arising from Parish Council elections. It is compatible with the New Forest National Park Authority (Establishment) Order 2005 (the '2005 Order').
- 2.2 Standing Order 4.5, which sets out the rules on requisitioning extraordinary meetings, has been amended to bring the wording into line with the 2005 Order.
- 2.3 Standing Orders 4.11 and 5.12, which apply to participation at meetings by any member with a disclosable pecuniary interest ('DPI') in the item of business to be transacted at the meeting, has been amended to comply with the provisions of the Localism Act 2011. Any member wishing to speak, vote or otherwise participate in any item of business in which he or she has a DPI must first obtain a dispensation from the Standards Committee (or, in some circumstances, the Monitoring Officer, as to which see further below on suggested amendments to the Scheme of Delegations). The Standing Orders and Code of Conduct

together now ensure that members with a DPI who have been given a dispensation under section 33 of the Localism Act must declare that interest and the dispensation to the meeting whether or not it is already in the register of DPIs.

- 2.4 Standing Order 5.7 has been amended to clarify the status of the Chairman's *ex officio* attendance at any Committee of which he is not also an appointed member.
- 2.5 Standing Order 7.2 has been amended to require that any nominations for the position of Chairman are submitted by close of business on the day before the annual meeting.
- 2.6 Members are requested to review the proposed changes to Standing Order 19 on the reversal of previous decisions.
- 2.7 At present the rules do not allow for Members to count in the quorum or vote at meetings where their attendance is by electronic means, such as via Skype, although of course they may watch proceedings in this way and at the Chairman's discretion may participate in the debate and ask questions. It is not proposed at this time that the Standing Orders be changed on this point, as there are practical considerations that weigh against allowing actual participation at meetings through electronic means (for example, the ICT implications, the requirements of giving notice) as well as the potential for opening decisions to challenge on these grounds. It is suggested that the Committee keep this position under review in future as it is important to ensure where possible that the NPA is in line with advances in technology, and also to recognise that remote attendance does offer benefits in terms of inclusion and equality. Members are also asked to consider and offer views as to whether they wish to consider livestreaming meetings of the full Authority and/or its Committees (each Committee will be asked this question as part of the overarching document review). Finally, on the question of electronic access, it is proposed that the Chairman of a meeting of the Authority or one of its Committees is given discretion to allow members of the public to attend by electronic means in exceptional circumstances and relating to accessibility and this change has been made to the speaking procedures at Schedule 2.
- 2.8 Minor amendments have been suggested to the Authority's speaking procedures. The provisions for speaking at Planning Committee meetings will also be reviewed by that Committee in greater detail in due course.

### **3 Other documents**

Fewer changes are proposed at this stage to the other documents listed in the introduction. Some of the key matters are:

- 3.1 The Code of Conduct (Annex 2) has been amended to mirror changes in the Standing Orders regarding DPIs.
- 3.2 Minor changes are suggested to the arrangements for dealing with allegations (Annex 3) and the Local Protocol for Member and Officer relations (Annex 4) to clarify the text and increase operational efficiency.

- 3.3 With regard to the Scheme of Delegations (Annex 5), Members are asked to consider the Committee's terms of reference at page 14 and consider whether they feel it appropriate to extend or alter the Committee's remit.
- 3.4 Also in the Scheme of Delegations it is suggested that members may wish to delegate authority to the Monitoring Officer to determine whether a dispensation would be appropriate under section 33 of the Localism Act 2011 where all or the majority of members have a DPI and are affected to the same extent by an item of business (for example, discussing and adopting a new Local Plan where most members own land that would be affected). For clarity, in these circumstances all members would nonetheless have a Part 2 (personal) interest under the Code of Conduct that they would need to declare in the ordinary way, but this would only amount to being prejudicial if for some reason their interests were affected to a greater extent by the proposal than those of other residents.

It is suggested that the full Committee should not, in general, delegate to officers any individual requests by members for a dispensation as it would be appropriate for the majority of these to be scrutinised by the Committee.

- 3.5 Various changes to some of the documents (including the Standing Orders) have also been proposed in order to tidy up outstanding points and bring the documents into line with current legislation. Further changes to some of the documents may also be required to reflect any changes once legislation currently in progress comes into effect, including the Environment Bill 2019 and any changes (for example to the processing of personal data) that may be necessitated by Britain leaving the European Union. Officers will keep these changes under review and will reflect them in the final versions that are presented to the full Authority for approval.

#### **Recommendation:**

**That, subject to any further amendments discussed and agreed by the Committee, the revisions to Authority's Standing Orders (Annex 1), the Code of Conduct (Annex 2), the Arrangements for dealing with allegations (Annex 3), the Local Protocol for Member and Officer Relations (Annex 4), and the Scheme of Delegations to Officers and Committees (Annex 5) be recommended to the full Authority for approval.**

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#### **Papers:**

**NFNPA SC 49/19 Annex 1 Standing Orders**

**NFNPA SC 49/19 Annex 2 Code of Conduct**

**NFNPA SC 49/19 Annex 3 Arrangements for dealing with allegations**

**NFNPA SC 49/19 Annex 4 Local Protocol for Member and Officer Relations**

**NFNPA SC 49/19 Annex 5 Scheme of Delegations to Officers and Committees**