

AM 560/20

NEW FOREST NATIONAL PARK AUTHORITY

9 JULY 2020

REVIEW OF CONSTITUTIONAL DOCUMENTS

Report by: Rosalind Alderman, Solicitor & Monitoring Officer

1 Summary:

- 1.1 As Members will be aware, officers have conducted 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 efficient running of the Authority's business.
- 1.2 Each Committee has been asked to review the Authority's governing documents as far as they relate to matters within their remit, and the full Authority is now being asked to approve the recommended changes to the documents, namely 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**), the Scheme of Delegations to Officers and Committees (**Annex 5**), the Financial Regulations (**Annex 6**), the Standing Orders as to Contracts (**Annex 7**), and the Local Protocol for Members dealing with planning matters (**Annex 8**). The amendments that have been discussed are marked with tracked changes.
- 1.3 In view of environmental considerations, and also because most Members have seen the majority of the proposed changes already, the Annexes to this paper will not be distributed to all Members by post but only to those Members who are not on a Committee. However, should any Member require a paper copy of the annexes prior to the meeting, please contact David Stone (by email to David.Stone@newforestnpa.gov.uk). A couple of further changes to the constitutional documents are proposed by way of this paper that were not covered in previous drafts, and these are outlined in section 3 below.
- 1.4 It should be noted that there has been an intervening version of the Authority's Standing Orders since the last versions that were circulated to the Committees. As Members will recall, it was necessary for the Chief Executive to approve certain changes under her delegation for urgent matters in order to allow remote meetings. The changes proposed by this paper have therefore been shown in Annex 1 marked for the purposes of comparison against the most recent version of the Standing Orders that was adopted in April 2020.

2 Key changes

- 2.1 The date of the annual meeting will be the first meeting held after 31 August in any year. This change was requested by Defra, to allow greater time to process membership changes to all National Park Authorities arising from local

elections. It is compatible with the New Forest National Park Authority (Establishment) Order 2005.

- 2.2 The Scheme of Delegations has been reorganised to reflect the cascade of authority down from the full Authority by way of Committees and Member panels and on to officers. These changes are not shown in the marked up document as they would render it difficult to read the substantive amendments.
- 2.3 The status and decision making capacity of officer-led groups such as the Executive Leadership Team and Executive Board has been formalised in Section 6 of the Scheme of Delegations (Annex 5).

3. New changes since last RAPC meeting

Minor changes have been made as to numbering including reorganising the Schedules to the Standing Orders, and to clarify the governing documents as necessary and bring them up to date with relevant legislation. Some further minor changes have been suggested as a result of coronavirus. A few further proposed changes are brought to Members' attention as outlined below.

- 3.1 A change has been made to the Scheme of Delegations to clarify that the Authority's seal may be attested by any one of the Chief Executive, the Executive Director, the Head of Resources (CFO), or the Solicitor and Monitoring Officer.
- 3.2 A further delegation has been added to the CFO's remit, in order to ensure the efficient administration of grant funding, to allow him/her to set or amend internal rules and procedures for the giving of grants. In order to exercise this delegation the CFO must first consult with the Chief Executive and other relevant Members (or in their absence the Chairman/ Deputy Chairman), and he/she may only do so within the overall framework of the annual budget.
- 3.3 The Standing Orders have been amended to allow ballots to take place at virtual/remote meetings. The proposed procedure follows the existing procedure for physical meetings as closely as possible. It is anticipated, in view of the importance of transparency, that the majority of Members' decisions at virtual meetings will continue to be made by verbal indication of votes (or, should the technology become available to the Authority and the Chairman so wish, by voting buttons). However, there may be some circumstances – such as the election of the Chairman where there is more than one candidate – in which most Members might prefer the matter to be determined by secret ballot. Secret ballots can only take place where the majority of members so determine, whether at physical or remote meetings. If sufficient Members do wish to use a secret ballot, under the proposed amendments to the Standing Orders this may be done by email and phone (further guidance will be circulated in due course), and the meeting will if necessary be adjourned to allow the process to be completed. It is not currently possible for a ballot at a virtual meeting to be fully secret, in that the Monitoring Officer and Deputy Monitoring Officer will need to be aware which way votes are cast in order to facilitate the process, but this information need not be made available to other Members nor to the public at the meeting itself (there may of course be circumstances where subsequent

disclosure of the voting is required by law, as long as the information is held within the Authority's systems).

- 3.4 Should Members be minded to adopt the suggested change outlined at 3.3 above it would be advisable to do so with immediate effect, to allow the appointment of a Member to the Recreation Strategy Advisory Group on the agenda for today's meeting to take place by secret ballot (should there be more than one candidate proposed and should the majority of members so wish). If Members are not minded to adopt this change, it will be necessary to determine any appointment falling due at this or any other virtual meeting in accordance with the current rules, by way of each Member verbally indicating whether they support or oppose a proposal or are abstaining from the vote.

Finally, Members are asked to note that further changes to some of the documents may be required over coming months to reflect any changes once legislation currently in progress comes into effect, for example the Environment Bill and any changes that may be necessitated by leaving the European Union. Officers will keep these changes under review as necessary and if any required amendments are substantial will bring these back to the Committee for consideration.

In conclusion, Members are asked to consider and if thought appropriate to adopt the revised documents with immediate effect.

Recommendation:

That, subject to any further amendments discussed and agreed by the Authority, the revised Standing Orders (Annex 1), the Code of Conduct (Annex 2), the Arrangements for dealing with Member allegations (Annex 3), the Local Protocol for Member and Officer Relations (Annex 4), the Scheme of Delegations to Officers and Committees (Annex 5), the Financial Regulations (Annex 6), the Standing Orders as to Contracts (Annex 7) and the Local Protocol for Members dealing with planning matters (Annex 8) be approved with immediate effect.

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Papers:

AM 560 /20 Annex 1 Standing Orders

AM 560 /20 Annex 2 Code of Conduct

AM 560 /20 Annex 3 Arrangements for dealing with allegations

AM 560 /20 Annex 4 Local Protocol for Member and Officer Relations

AM 560 /20 Annex 5 Scheme of Delegations to Officers and Committees

AM 560 /20 Annex 6 Financial Regulations

AM 560 /20 Annex 7 Standing Orders as to Contracts

AM 560 /20 Annex 8 Local Protocol for Members dealing with planning matters