

RAPC 422/20

NEW FOREST NATIONAL PARK AUTHORITY

RESOURCES AUDIT AND PERFORMANCE COMMITTEE MEETING – 16 MARCH 2020

REVIEW OF CONSTITUTIONAL DOCUMENTS (FINANCE, RESOURCES & AUDIT)

Report by: Rosalind Alderman, Solicitor & Monitoring Officer and Nigel Stone, Head of Resources

1 Summary:

- 1.1 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.
- 1.2 Each Committee is being 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 recommended changes at its meeting on 26 March 2020. This report reviews and recommends some amendments (to the extent that matters fall within this Committee's remit) 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**), the Scheme of Delegations to Officers and Committees (**Annex 5**), the Financial Regulations (**Annex 6**), and the Standing Orders as to Contracts (**Annex 7**).
- 1.3 Amendments highlighted in blue have been considered by the Standards Committee and are being recommended to the Authority for approval, and matters highlighted in yellow will be considered by the Planning Committee tomorrow. This Committee is asked to consider the amendments highlighted in green.

2 Matters considered by Standards Committee

- 2.1 Before turning to RAPC specific matters, it is worth drawing the Committee's attention to a few of those matters considered and agreed by the Standards Committee that may also be of interest to this Committee.
 - 2.1.1 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 Parish Council elections. It is compatible with the New Forest National Park Authority (Establishment) Order 2005.
 - 2.1.2 Members also debated the possible use of technology to participate in meetings remotely. Members considered that this was an area which

would need further review and discussion as technology continued to evolve but that it was not currently feasible or desirable to alter the Standing Orders to allow participation through these means. It was agreed that the subject should be re-visited in the future and the ICT team has been asked to conduct a feasibility study of what is possible which will be reported back to members.

- 2.1.3 Minor changes were agreed 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.
- 2.1.4 The changes proposed to Standing Orders 4.11 and 5.12 and the Code of Conduct were made to bring the Authority in line 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 that applies to that member personally and not to other members must first obtain a dispensation under section 33 of the Localism Act 2011 from the Standards Committee. With regard to matters where all or the majority of members have a DPI and are affected to the same extent by an item of business, the Standards Committee considered the Monitoring Officer should have delegated authority to issue a dispensation. Just 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.

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, in the interests of transparency and accountability.

3 RAPC matters

- 3.1 The suggested substantive changes to the constitutional documents for matters falling within this Committee's remit can be summarised as follows.
- 3.2 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.
- 3.3 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).
- 3.4 The remit of the Section 151 officer has been clarified, allowing him or her to keep under review the Authority's finance related documents and amend these as necessary in conjunction with the Chairman of the Authority, the Chief Executive and the Solicitor and Monitoring Officer (in line with the existing delegations to that post).

- 3.5 At a recent Authority meeting a member asked whether Authority and Committee decisions could be made by email or other electronic means. The relevant legislation in England does not envisage that overall decision making should be carried out in this way and provision is specifically made in the legislation for public access to meetings, subject to certain exemptions. Notwithstanding the legislation, it is not considered that decision making by these means would in any case serve the interests of transparency and accountability and it would also entail certain practical difficulties. No amendments are therefore proposed in this regard.
- 3.6 Paragraph 5.17 of the Standing Orders has been amended to reflect the fact that all Authority and Committee meetings that are open to the public are recorded.

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 the necessary amendments are substantial will bring them back to the Committee for consideration.

In conclusion, Members are asked to consider and if thought appropriate to recommend the revised documents to the full Authority for approval at its meeting on 26 March 2020.

Recommendation:

That, subject to any further amendments discussed and agreed by the Committee, the revised Standing Orders (Annex 1), 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) and the Standing Orders as to Contracts (Annex 7) be recommended to the full Authority for approval.

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Papers:

RAPC 422/20 Annex 1 Standing Orders

RAPC 422/20 Annex 2 Code of Conduct

RAPC 422/20 Annex 3 Arrangements for dealing with allegations

RAPC 422/20 Annex 4 Local Protocol for Member and Officer Relations

RAPC 422/20 Annex 5 Scheme of Delegations to Officers and Committees

RAPC 422/20 Annex 6 Financial Regulations

RAPC 422/20 Annex 7 Standing Orders as to Contracts

RAPC 422/20 Annex 8 Local Protocol for Members dealing with planning matters