

AM 706/25

NEW FOREST NATIONAL PARK AUTHORITY

AUTHORITY MEETING – 23 JANUARY 2025

MINOR AMENDMENTS TO AUTHORITY DOCUMENTS

Report by: Nigel Stone (Head of Resources) and Rosalind Alderman (Solicitor and Monitoring Officer)

Summary:

The Authority's Standing Orders, Scheme of Delegations, and other key governing documents fall due for review in 2025. Among other changes that could potentially be made at this time, officers and members have been discussing whether the remit of the Standards Committee should be broadened, and whether the frequency of Planning Committee meetings should be adjusted, as well as whether the delegations in respect of planning matters should be simplified. However, in view of the recent national consultation on the holding of remote / hybrid meetings and proxy voting, the outcome of which is awaited and which will need to be reflected in the Standing Orders, the invitation to give views on a suggested national scheme of delegation in respect of planning decisions, which is likely to result in a significant amendment to the Planning Committee's remit, and the standards consultation that is the subject of another report to this meeting, it is considered that it would be premature to make substantial amendments to the Authority's governing documents at this time.

Members and officers are also considering whether it would be appropriate to co-opt members onto one of the Authority's Committees, and if following further discussion and consideration this course of action is considered practicable and desirable, it would necessitate a review of the Authority's constitutional documents and its Committee structure to allow this change. Again, if that is what members wish to do, it would be sensible to await the outcome of national changes before pursuing this course of action. Members will at some stage also be asked to consider whether members' allowances should be considered by both the Standards Committee (as is currently the case) and also by the Authority's Resources, Audit and Performance Committee in view of the financial implications of this decision, with both Committees making recommendations to the full Authority prior to the adoption of a scheme of allowances. Finally, in due course the Authority may wish to make further changes, such as setting up a trading company in order to allow it to make a profit from its activities, and very probably it will also wish to seek designation by Defra as a responsible body for the purposes of conservation covenants pursuant to Part 7 of the Environment Act 2021. Again, it would be sensible to await the outcome of national changes before making changes to the constitutional documents in respect of these issues.

In the meantime, there are a number of minor amendments that could usefully be made to ensure the Authority's documents remain fit for purpose, pending any national changes to be made, if any. Accordingly, the Authority is asked to consider the attached draft Standing Orders and Member Complaints Process, attached as **Annexes 1 and 2** respectively and if thought appropriate to adopt these. The Authority's Standards Committee considered these at its meeting on 14 January 2025 and recommended them to the Authority for approval, subject to some minor amendments.

It is recommended that the Authority adopt the revised Standing Orders and Member Complaints Process (Arrangements for Dealing with Allegations) attached to this report as Annexes 1 and 2 respectively, with immediate effect.

1. Background

- 1.1 As Members will know, currently a large number of changes are pending at a national level, including the English Devolution White Paper published on 16 December 2024 which includes reference to the current ongoing standards consultation, the 'Planning Reform Working Paper: Planning Committees' published on 9 December 2024 which invites views on models for a national scheme of delegation, and the possibility of remote meetings and proxy voting becoming lawful. At this time it is not therefore proposed to carry out a substantial review or revision to the Authority's documents. It is suggested that, at the relevant time and in view of the scale of changes that will probably be necessary, the Authority might consider appointing a working group, perhaps drawn from the membership of the Standards Committee and advised by the Authority's Monitoring Officer and Section 151 Officer, to review its governing documents. In the meantime, a number of minor suggested amendments are set out below.

2. Standing Orders

- 2.1 A number of small amendments are proposed to the Authority's Standing Orders, as per the draft attached at **Annex 1**, which are simply intended to 'tidy up' the document. Other than that, no substantive changes are proposed at this stage, in view of the considerations above, but it is likely that there will be a need to amend the document if any form of remote or hybrid meeting, or capacity for proxy voting, become possible in the near future.

3. Scheme of Delegations

- 3.1 The Scheme of Delegations has been in a substantially similar format for many years, and it is considered that it would benefit from a thorough review. In particular, it is considered that the specific delegations to officers for planning matters, as set out in the existing Scheme, are currently too detailed and would benefit from simplification. The changes likely to result from the national scheme of delegation working paper will in due course assist with that, but these changes cannot be anticipated at the current time and therefore no amendments in respect of the structure of the planning delegations are currently proposed.
- 3.2 It also needs to be considered how the Authority should determine when to take legal action or to settle it. It is suggested that this should remain a matter for the full Authority, as it is at present (acting on advice from the Planning Committee in respect of planning matters). It may be sensible also to involve the Authority's Resources, Audit and Performance Committee, meaning that its terms of reference would need to be amended, to allow the Committee to consider the estimated costs, fees and damages of litigation from a financial perspective and to make recommendations to the Authority in this regard as to whether its earmarked reserves should be released. As a matter of completeness, the Planning Committee's delegations should also be amended to reflect its role in considering the wider implications of proposed or threatened litigation where it relates to planning matters. Again, this could sensibly be done at the time that the Scheme is next updated. No changes are therefore recommended to the Authority's Scheme of Delegation at this time.

4. Arrangements for dealing with allegations of a breach of the code of conduct (Member complaints process)

- 4.1 In the light of recent experiences in applying the arrangements for dealing with allegations adopted pursuant to section 28 of the Localism Act 2011, it is suggested that this document be amended as per the draft attached as **Annex 2** to this report. The key changes are to build in some flexibility to the timings of the initial stages, and to alter the process so that the whole Committee rather than a smaller panel consider the complaint at the final stage, should the matter progress that far, as this is considered a sensible course of action whatever the outcome of the national consultation.
- 4.2 Other changes that could be considered depending upon the outcome of the national consultation could include, for example, an opportunity to refer the complaint for informal resolution or mediation between the Member and complainant during the initial stage rather than continuing the investigation, but again, it is considered sensible to await the outcome of the national changes first. The Authority is requested to consider and if thought appropriate adopt the small revisions currently proposed in the meantime, which have been considered by the Standards Committee.

5. Conclusion

- 5.1 As set out above, at the current time it is considered sensible to conduct only an interim review of two of the Authority's key documents. Once the outcome of the various national changes that are likely to take place is known, it will be necessary to revise the governing documents in the light of these. In the meantime, the Authority is requested to note the report and to adopt the revisions as outlined above.

It is recommended that the Authority adopt the revised Standing Orders and Member Complaints Process (Arrangements for Dealing with Allegations) attached to this report as Annexes 1 and 2 respectively, with immediate effect.

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Papers: AM 706/25 – Cover paper
Annex 1 – Standing Orders
Annex 2 – Member complaint process

Background Papers: AM 560/20, AM 595/21, AM 605/21 and AM 653/23, and SC 58/25

Equality Impact Assessment: There are no equality or diversity implications arising directly from this report.