

8. REPORT OF THE MEMBER APPOINTMENT PROCESS PANEL – APPOINTMENT OF COMMITTEE CHAIRS AND VICE-CHAIRS, ANNUAL APPOINTMENTS TO COMMITTEES, SUB-COMMITTEES, PANELS AND ADVISORY GROUPS AND APPOINTMENT TO MEMBER REPRESENTATIVE ROLES (A.111/JS)

1. Purpose of the report

To appoint the Chair and Vice-Chair of the Authority's two standing Committees, Planning Committee and Audit, Resources and Performance Committee.

To consider the Authority's annual appointments to Committees, Sub-Committees, Panels and Advisory Groups and Member Representative Roles.

Key issues

- In accordance with the Authority decision to establish a Member Appointment Process Panel, the Panel invited all members to indicate whether they wish to stand for appointment to key positions and their preferences for Committee Membership.
- The Panel have met to consider the responses received in the context of the agreed principles and attempted to informally resolve any issues identified.
- The report of the Panel is attached as appendix 1. Members are asked to consider the report in agreeing the appointments set out in recommendations 1 to 8 below. (The references in brackets relate to sections A to C in appendix 1)
- The report of the Panel is a summary of responses received it is not a recommendation from the Panel.

2. Recommendations

- 1. To appoint Members as Chair and Vice Chair of the Planning Committee and Chair and Vice Chair of Audit, Resources and Performance Committee until the annual Authority meeting in July 2015. [Section A]**
- 2. To appoint Members to the Planning Committee and the Audit, Resources and Performance Committee until the annual Authority meeting in July 2015. [Section B(i) and B(ii)]**
- 3. To appoint Members to the Urgent Business Items Sub-Committee until the annual Authority meeting in July 2015. [Section B(iii)]**
- 4. To appoint 5 Council Members and 4 Secretary of State Members to the Local Joint Committee until the annual Authority meeting in July 2015. [Section B(iv)]**
- 5. To appoint 4 Council Members and 4 Secretary of State Members to the Appeals Panel until the annual Authority meeting in July 2015. [Section B(v)]**
- 6. To appoint 1 Council Member, 1 Secretary of State Member and 1 Parish Council Member to the Strategic Advisory Group until the annual Authority meeting in July 2015. [Section B(vi)]**
- 7. To appoint the Chair and Vice Chair of the Audit, Resources and Performance Committee, the Chair of the Authority and one other Member to the Budget Monitoring Group until the annual Authority meeting in July 2015. [Section B(vii)]**

8. **To appoint Members to each Member Representative role until the annual Authority meeting in July 2015. [Section C]**
9. **To confirm that all these appointments are approved duties for the payment of travel and subsistence allowances.**

How does this contribute to our policies and legal obligations?

Appointment of Chairs and Vice Chairs

3. Standing Order 1.37(1) Part I requires the Authority at the Annual Meeting to appoint Members to be the Chair and Vice Chair of each Standing Committee. Standing Orders also provide that the appointments to the offices of Chairs and Vice Chairs of each of the Standing Committees shall normally be such that one of the offices shall be held by a Council Member and the other office held by a Secretary of State National or Parish Member. Appointments continue until the next Annual Meeting unless a Member resigns from the office or resigns their membership of the Authority.

Membership of Committees, Sub-Committees, Panels and Advisory Groups

4. The Environment Act 1995 requires that membership of the Committees should as far as possible reflect the make up of the membership of the Authority. This means that each Committee should have a majority of Council appointed Members over the Members appointed by the Secretary of State, which includes Parish Members. This principle will also be taken into account when setting up an appeals panel.
5. Strategic Advisory Group meetings with Management Team contribute to making sure that the Authority secures 'continuous improvement, value for money, sustainability and high standards of corporate governance.'

Appointment of Member Representatives

6. The Member representative role provides an avenue for increased Member involvement externally and internally working with staff to achieve National Park Management Plan (NPMP) and National Park Authority outcomes and priorities.

Background

7. At a meeting held on 15 March the Authority established a Member Appointments Process Panel to assist with appointments to key positions at the forthcoming Annual Meeting. The Authority has appointed Councillor David Chapman, Councillor Doug Birkinshaw, Councillor Peter Harrison and Mr Zahid Hamid as members of the Panel however Councillors Chapman and Birkinshaw were unable to participate as they have expressed an interest in one of the key positions.
8. The purpose of the Panel is to:
 - invite, receive and consider expressions of interests from members in the annual appointments
 - apply the principles to identify any issues that conflict with the agreed principles
 - contact relevant members to discuss and resolve issues if possible
 - compile a list of candidates for the appointments for consideration at the Annual meeting.
9. As part of the process the Panel has contacted all Members individually to ask them to advise them on whether they intend to stand for appointment as Chair and Deputy Chair of the Authority, Chair or Vice Chair of Planning or Audit, Resources and Performance

Committee or one of the member representative roles and their preferences on appointments to committees, sub-committees, panels and advisory groups.

10. The Panel met on 20 June to consider the responses and check them against the following appointment principles confirmed by the Authority on 15 March 2013:
 1. Democratic process remains essential.
 2. Any Member should continue to be eligible to stand for election for any post and all Members should continue to have the opportunity to vote for their preferred candidates.
 3. The chosen system should foster confidence, unity and trust within the Authority.
 4. All Members should be assumed to be equally committed to the objectives of the National Park, and to have a contribution to make across the full range of the Authority's work.
 5. All Members should be considered equally for all appointments but need to maintain the overall balance between different categories of members.
 6. Anyone holding office should be seen to act on behalf of all Members in the interests of the Authority, and not be allied with one particular group or interest.
 7. All appointments should be time limited with a stipulated maximum continuous period of holding any one office to four continuous terms.
 8. Responsibility of nominated members to demonstrate to colleagues their interest and potential.
 9. Responsibility of nominated members to show that they understand what will be required of them.
 10. That we should strive to achieve a similar balance across Member Representatives and outside body appointments if possible although it is recognised this may not always be achievable and the main aim is to appoint members who have demonstrated interest and potential.
 11. That newly appointed members will not be considered for Chair or Deputy/Vice Chair position in their first year of office.
11. After considering the responses against the principles the Panel has produced the report included here as **appendix 1** which sets out a summary of the responses received. Where more than one member has expressed an interest in a role all the names put forward have been included in appendix 1 and where a vote is needed this is highlighted in the proposals section below. The intention of the Panel's report is to help improve the efficiency of making annual appointments however the Authority cannot prevent any Member from standing for appointment even if they have not given the Panel advance notice of their intentions.
12. On the 15 March 2013 the Authority also agreed an amendment to standing orders so that when more than one Member is standing for a Chair or Deputy/Vice Chair position the voting must be carried out by ballot of all Members present at the meeting. Should the need arise the ballot papers will be distributed to Members as required. The Authority may also decide to carry out a ballot for other appointments if the majority of Members present agree.
13. The Panel also considered points 8 and 9 in the principles above regarding the responsibility of nominated members to demonstrate interest and potential and show that they understand what is required of them. With this in mind candidates for contested chair and vice-chair positions have been asked by the Panel to supply a written statement of not more than 500 words in support of their nomination addressing these points. These Members have been given until 12 noon on Wednesday 2 July to provide a statement. All statements received by the deadline will be circulated to all Members by email on Wednesday afternoon. The Panel decided not to apply this requirement to contested Member Representative Roles but acknowledge that some Members may choose to circulate information in support of their interest in the role. While the Panel has asked for a

statement to help address the relevant principles the Authority cannot prevent any Member from standing for appointment if they have not submitted a statement. The purpose of asking for statements in advance is to avoid asking candidates to make a speech in support of their nomination at the meeting.

Proposals

Appointment of Chairs and Vice Chairs of Planning Committee and Audit, Resources and Performance Committee. (Recommendation 1)

14. Section A of the Panel's report sets out the names of those Members who have expressed an interest in the roles of Chair and Vice-Chair of Planning Committee and the Chair and Vice-Chair of Audit, Resources and Performance Committee. All the named Members comply with principle 7 as they have not exceeded the maximum continuous period of holding any one office for four continuous terms.
15. It is a requirement of standing orders that for appointments to the role of Chair or Vice Chair of a Standing Committee one of the roles should normally be held by a Council Member and the other held by a Secretary of State Member. In the case of Planning Committee there Members from both constituent groups named for the Chair and Vice Chair roles the Authority should have regard for this requirement when making the appointments. However the names for Chair and Vice Chair or Audit, Resources and Performance Committee as put forward in Section A, meet this requirement.
16. If no further nominations are received at the meeting the appointments for Chair and Vice Chair or Audit, Resources and Performance Committee may be approved without the need for a ballot. If further nominations are received and alternative members appointed we will need to amend the same names included in section B where appointments to Committees are made by virtue of their appointment as Chair or Vice Chair or where proportionality rules need to be considered.
17. Two Members have expressed an interest in the role of Chair of Planning Committee, as this position is contested if at the time of the meeting both Members still wish to be considered the Authority will need to make sure there are no further nominations and carry out a ballot for the appointment.
18. Four Members have expressed an interest in the role of Vice Chair of Planning Committee, as this position is contested if at the time of the meeting both Members still wish to be considered the Authority will need to make sure there are no further nominations and carry out a ballot for the appointment.
19. When voting in the ballot Members should have regard to Standing Order 1.39 which states:

"The appointments to the offices of Chairs and Vice Chairs of each of the Standing Committee shall normally be such that one of the offices shall be held by a Council Member and the other held by a Secretary of State Member."

As this standing order uses the word "normally" the Authority has previously agreed to make appointments where members from the same constituent group have held the positions of Chair and Vice Chair because the circumstances at that time merit a deviation from the "normal" arrangements. It should be noted that when this happens as it has a knock on effect on Committee Membership further consideration may have to be given to places on the Standing Committees to make sure that the Authority complies with the rules relating to proportionality (See paragraph 21 below).

Appointments to Planning Committee and Audit Resources and Performance Committee. (Recommendation 2)

20. Section B of the Panel's report sets out suggested Membership of Committees, Sub-Committees, Panels and Advisory Group based on the preferences of individual Members and the nominations received for the key positions above. Sections B(i) and B(ii) refer specifically to membership of the Authority's two standing committees.
21. Standing Order 1.40 sets out the arrangements for appointing Members to Standing Committees which is summarised as follows:
 - (1) Both Council Members and Secretary of State appointed Members must be appointed to Committees and in the same proportion as the membership of the Authority. This is a requirement of the Environment Act which means that there should always be one more Council appointed member on each Committee.
 - (2) The Authority has two Standing Committees - Planning Committee and Audit Resources & Performance Committee
 - (3) The Chair and Deputy Chair of the Authority and Chairs of Committees are ex-officio Members of each standing Committee
 - (4) Members shall be appointed to the Planning Committee by the allocation of a number of places to the Constituent Councils and to the Secretary of State appointed National and Parish Members in such proportions as are determined at each Annual meeting. The remaining Members will be appointed to the Audit Resources & Performance Committee.
22. The proposed Committee Membership as in sections B(i) and B(ii) reflect these requirements which means that, after appointments to Chair and Deputy/Vice Chair roles, normally a total of 13 Members are appointed to Planning Committee and the remaining 13 Members, 7 Local Authority Members and 6 Secretary of State Members are appointed to Audit Resources and Performance Committee.
23. However as the Chair of ARP and the Chair of Planning are appointed to both standing committees, and the Chair of the Authority and Deputy Chair are ex-officio Members with full voting rights the Authority may have to revisit the number of places on both Committees once these appointments are made. An update will be provided at the meeting but it is possible that in order to maintain the proportionality requirements set out in the Environment Act a number of Local Authority Members may need to be appointed to both Committees. Councillor Birkinshaw has already volunteered to be appointed to both but we may need to seek further nominations at the meeting.

Appointments to Committees, Sub-Committees, Panels and Advisory Groups. (Recommendations 3 to 7)

24. Section B of the Panel's report sets out suggested Membership of Committees, Sub-Committees, Panels and Advisory Group based on the preferences of individual Members and the nominations received for the key positions above.
25. If no changes are needed at the meeting the appointments may be approved as proposed subject to the following issues identified by the Panel being addressed.
26. **Urgent Business Items Sub-Committee** – As the places on the Sub-Committee are allocated according to appointments to key positions if the normal arrangements for appointing a Secretary of State Member to one position and a Local Authority Member to another are not followed we will need to seek nominations for at least one additional Member to maintain the proportionality requirements set out in the Environment Act.

27. **Local Joint Committee** – The constitution of this Committee requires that the number of Authority Members on the Committee should be equal to the number of employees. This means that 9 members need to be appointed, and to meet the requirements of the Environment Act 5 must be Local Authority Members and 4 Secretary of State Members. We therefore need one more Local Authority nomination for this Committee.
28. **Appeals Panel** – Except for training purposes the Appeals Panel would not normally meet as a group. Members are drawn from the Panel as needed to consider employee appeals. The meetings are usually arranged at relatively short notice and because of agreed procedures there is limited flexibility in the chosen date so we need to have a pool of 8 members which reflects the make-up of the Authority. We currently have two more nominations for the Secretary of State Member places than we need, however if all those named still wish to be included on the list the Authority may appoint more than 4 as the overall balance will be maintained when selecting Panel Members if a hearing is required.
29. **Strategic Advisory Group** – The Authority has previously agreed that most of the Members appointed to this advisory group will be those appointed to Chair and Deputy/Vice Chair roles earlier in the meeting. However three Members are appointed from each of the three constituent groups. We have received three nominations for the Councillor and Secretary of State representatives and two Members have expressed an interest in the Secretary of State place. If at the time of the meeting all the Members named still wish to be considered the Authority will need to make sure there are no further nominations and vote on each appointment in accordance with the procedure set out in standing orders. While it is not a requirement, standing orders allow the Authority to vote by ballot if the majority of Members present agree to use this approach.
30. **Budget Monitoring Group** – The Authority has previously agreed that most of the Members appointed to this advisory group will be those appointed to Chair and Deputy/Vice Chair roles earlier in the meeting. However one other member is appointed from either of the constituent groups. We have received three nominations for this position. If at the time of the meeting all the Members named still wish to be considered the Authority will need to make sure there are no further nominations and vote on each appointment in accordance with the procedure set out in standing orders. While it is not a requirement, standing orders allow the Authority to vote by ballot if the majority of Members present agree to use this approach.

Appointment to Member Representative Roles (Recommendation 8)

31. At the meeting of the Authority held on 2 December 2011. Members considered proposals following a review of Member Representative Roles.
<http://resources.peakdistrict.gov.uk/ctte/authority/reports/2011/111202Item9-3.pdf>
32. The key role for Member Representatives is to support the achievement of National Park Management Plan (NPMP) outcomes. The updated NPMP has 4 themes and 16 outcomes and can be found at:
<http://resources.peakdistrict.gov.uk/ctte/authority/reports/2012/120203Item9-1App1.pdf>
33. The Authority agreed to have the 9 Member Representative roles to support the themes of the NPMP plus an additional role to support Asset Management. The 10 agreed roles are as follows:

| | |
|------------------------|-------------------------|
| Landscape | Recreation |
| Cultural Heritage | Promoting Understanding |
| Biodiversity | Tourism |
| Climate Change | Economy |
| People and Communities | Asset Management |

34. At the Member workshop held in November 2013 it was agreed that there should be a Member Representative for Member Learning and Development so that role has been added to this year's list.
35. The Panel invited all Members to express an interest in being appointed to the posts. The responses received are set out in section C in appendix 1.
36. At the time of writing the report one nomination had been received for the Climate Change, Promoting Understanding and Asset Management roles. If no further nominations are received at the meeting these can be agreed as proposed.
37. For the People & Communities role three Members have expressed an interest in being appointed as a Member representative, however in the past two Members have shared the role. As this arrangement has worked well in the past the Authority may wish to consider whether to use this approach again.
38. For the Landscape, Cultural Heritage, Biodiversity, Recreation, Tourism, Economy and Learning and Development roles two nominations have been received for each role. If at the time of the meeting both Members still wish to be considered the Authority will need to make sure there are no further nominations and vote on each appointment. While it is not a requirement Standing Orders allow the Authority to vote by ballot if the majority of Members present agree to use this approach.

Are there any corporate implications members should be concerned about?

39. **Financial:**
Although a special responsibility allowance is paid to the Chair and Vice-Chair roles these costs are included in the 2014/15 budget so the appointments do not incur any additional cost to the Authority.

Again although Members may claim travel and subsistence for attendance at duties relating to the appointments made these costs are included in the 2014/15 budget so the appointments do not incur any additional cost to the Authority.

There is a proposal in the report for two Members may share one of the Member Representative Roles, as there is no special responsibility allowance attached to this appointment it is unlikely that this arrangement would result in any significant additional costs to the Authority.

40. **Risk Management:**
There are no apparent risks. Members have the opportunity to seek appointments to all the available positions.

41. **Sustainability:**
There are no issues to highlight.

42. **Background papers** (not previously published)
None

Appendices – Appendix 1 – Report of the Member Appointment Process Panel 2014.

Report Author, Job Title and Publication Date

Jason Spencer, Democratic Services Manager, 26 June 2014