

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 MEMBER REPRESENTATIVES AND OUTSIDE BODIES (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 2018/19 appointments to Committees, Sub-Committees, Panels, Advisory Groups and Member Representative Roles.

To consider the Authority's 2018/19 appointments to Outside Bodies

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 when agreeing the appointments set out in recommendations 1 to 13 below. (The references in brackets relate to sections A to D in Appendix 1)
- The Panel have considered the responses regarding the appointments to Outside Bodies but this year these will be the subject of a separate report on the meeting agenda.
- The report of the Panel is a summary of responses received it is not a recommendation from the Panel.

2. Recommendations

1. To confirm the Authority's previous decision to set the size of the two Standing Committees to 15, with 8 Local Authority Members and 7 Secretary of State Members and allocate Local Authority places on Planning Committee as set out in Section B (i) of Appendix 1.
2. 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 2019 [Section A]
3. To appoint Members to the Planning Committee and the Audit, Resources and Performance Committee until the annual Authority meeting in July 2019. [Section B(i) and B(ii)]
4. To appoint Members to the Urgent Business Items Sub-Committee until the annual Authority meeting in July 2019. [Section B(iii)]
5. To appoint 5 Council Members and 4 Secretary of State Members to the Local Joint Committee until the annual Authority meeting in July 2019. [Section B(iv)]

6. To appoint 5 Council Members and 4 Secretary of State Members to the Appeals Panel until the annual Authority meeting in July 2019. [Section B(v)]
7. To appoint 1 Member and 1 Deputy to the Due Diligence Panel until the annual Authority meeting in July 2019. [Section C(i)]
8. To confirm the appointments to the Development Plan Steering Group. [Section C (ii)]
9. To confirm the appointments to the Shadow Charity Board. [Section C(iii)]
10. 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 2019. [Section C(iv)]
11. To appoint two Local Authority Members, One Secretary of State and one Parish Member to the Member Appointments Process Panel until the annual Authority meeting in July 2019. [Section C (v)]
12. To appoint Members to the 11 Member Representative Roles set out in Section D of Appendix 1.
13. To appoint Members to the 27 Outside Bodies set out in Section E of Appendix 1.
14. To confirm that all these appointments are approved duties for the payment of travel and subsistence allowances as set out in Schedule 2 of the Members' Allowances Scheme.

How does this contribute to our policies and legal obligations?

Appointment of Chairs and Vice Chairs

3. Standing Order 1.39(1) Part I requires the Authority at the Annual Meeting to appoint Members to be the Chair and Vice Chair of each Standing Committee. At a previous Annual Authority meeting it was agreed to amend Standing Orders by omitting the previous Standing Order 1.39(2) which stated 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. Therefore this no longer applies to these appointments. Appointments made will 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 makeup of the membership of the Authority. This means that each Committee should, in most cases, have a majority of Council appointed Members over the Members appointed by the Secretary of State, which includes Parish Members. There are a few exceptions where due to rounding up and rounding down the numbers from each category are equal. This principle is also taken into account when setting up an Appeals Panel.

Member Representative Roles

5. The Member Representative role provides an avenue for involvement externally and internally working with staff to achieve NPMP and National Park Authority outcomes and priorities and deliver the Government's 8 Point Plan for National Parks. A generic job description is available in the Democratic Services Handbook.

Appointments to Outside Bodies

6. These appointments contribute to the National Park Management Plan outcomes and corporate objectives by continuing and supporting the Authority's working with stakeholders and partners.

Background Information

7. The Authority established a Member Appointments Process Panel to assist with appointments to key positions at the Annual Meeting. This year Cllr J Atkin, Cllr J Perkins and Cllr C Carr were appointed as Panel Members.
8. The purpose of the Panel is to:
 - invite, receive and consider expressions of interests from Members in the annual appointments
 - apply the agreed 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 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, advisory groups and outside bodies.
10. The Panel met on 19 June to consider the responses and check them against the following appointment principles:
 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. Standing Orders state 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 the Panel have asked that candidates for the Chair and Vice-Chair positions supply a written statement of not more than 500 words in support of their expression of interest which will be circulated in advance of the meeting (if received).

Proposals

Appointment of Chairs and Vice Chairs of Planning Committee and Audit, Resources and Performance Committee. (Recommendation 2)

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 the two standing committees. All four of the named Members interested in the roles of Chair and Vice-Chair of Audit Resources and Performance Committee comply with principle 7 as they have not exceeded the maximum continuous period of holding any one office for four continuous terms. One of the Members interested in the role of Vice Chair of Audit Resources and Performance Committee does not comply with principle 11 as they have not yet completed a full calendar year as a Member of the Authority. The two named Members interested the role of Chair of Planning Committee do comply with principle 7 but the one named Member for the Vice-Chair role does not.
15. If no further nominations are received at the meeting the appointments for Vice Chair of

Planning Committee may be approved without the need for a ballot. As the role of Chair of Planning Committee is contested a ballot is required. 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.

16. Two Members have expressed an interest in role of Chair of Audit, Resources and Performance Committee and two others in the Vice-Chair role. As these positions are 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 expressions of interest and carry out a ballot for the appointment.

Appointments to Planning Committee and Audit Resources and Performance Committee. (Recommendation 3)

17. Section B of the Panel's report sets out suggested Membership of Committees, Sub-Committees, Panels and Advisory Groups 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.

18. 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 with a Committee size of 15 there should 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 Members appointed as Committee Chairs and Vice Chairs are Members of the appropriate 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. This year the Planning Committee allocations for Local Authority Members have been made in line with those agreed last year. The remaining Members will be appointed to the Audit Resources & Performance Committee.

19. The proposed Committee Membership as in sections B(i) and B(ii) of Appendix 1 are based on the previous Authority decision to fix the Standing Committees at 15 Members, with 8 Local Authority Members and 7 Secretary of State Members. As last year before appointing to the Planning Committee the Authority will be asked to confirm the allocation of Local Authority Members places by appointing Authorities, as set out in section B(i) of Appendix 1. Recommendation 1 refers to this.

20. This year, at the time of writing this report there are three Secretary of State Member vacancies. There will therefore be Secretary of State vacancies on both Committees. The report of the Panel offers various options how this could be dealt with including the possibility of one or more Secretary of State Members being appointed to both Standing Committees.

**Appointments to Committees, Sub-Committees, Panels and Advisory Groups.
(Recommendations 4 to 11)**

21. Sections B and C of the Panel's report sets out suggested Membership of Committees, Sub-Committees, Panels and Advisory Groups based on the preferences of individual Members and the expressions of interest received for the key positions above.
22. 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.
23. Urgent Business Items Sub-Committee (Section B(iii)) – As the places on the Sub-Committee are allocated according to appointments to key positions if the appointments are not balanced between Local Authority Members and Secretary of State Members then we will need to seek expressions of interest for at least one additional Member to maintain the proportionality requirements set out in the Environment Act.
24. Local Joint Committee (Section B(iv)) – 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. At the time of writing this report there are 2 Local Authority Member vacancies and 2 Secretary of State Member vacancies.
25. Appeals Panel (Section B(v)) – 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 in the past the Authority has appointed a pool of at least 8 members which reflects the make-up of the Authority. This year we have insufficient expressions of interest from both Local Authority Members and Secretary of State Members to maintain the membership at 9. If there a no further Members willing to be appointed to the Panel the report of the Panel puts forward a number of options to reduce the size of the Panel while maintaining the ratios required by the Environment Act.
26. Due Diligence Panel (Section C(i)) – This Panel currently has quarterly meeting dates set up but as meetings are dependent on business arising these may or may not take place or may need to be re-arranged at short notice. We have received three expressions of interest for two vacancies – one Member and one Deputy Member so a vote would need to be taken to determine this appointment can be confirmed.
27. Development Plan Group (Section C(ii)) – This Panel was set up as a time limited body tasked to carry out a specific purpose. The main purpose for it being included in this list is to confirm meetings of the Group as an approved duty during 2018/19. The Panel's report shows that there is currently a vacancy and one Member is not interested in joining the Group if appointed as Chair of the Authority, one wishes to remain on the Group although no longer Chair of the Authority and another has expressed an interest in joining. According to the Officers who service the Group it is suggested that the current Membership be confirmed as it is not likely to meet many more times.
28. Charity Shadow Board (Section C(iii)) – At the meeting of the Authority held on 25 May 2018 the Authority approved proposals to establish a Peak District Charity and appointed Cllr McCloy, Cllr McLaren and Mr Hamid, former members of the Charity Working Group, to a Shadow Board. The main purpose for the Shadow Board being included in this list is to confirm it as an approved duty during 2018/19 however one

Member, Cllr Mrs Roberts has expressed an interest in joining the Shadow Board. As the Charity has not yet been established the Authority may increase the size of the Shadow Board if it wishes to accommodate this request. Once the Charity has been established it will become an outside body with any National Park Authority Trustees appointed in accordance with the Charity's constitutional arrangements.

29. Budget Monitoring Meeting (Section C(iv)) – The Authority has previously agreed that most of the Members appointed to this advisory group will be those appointed to Chair and Vice Chair roles earlier in the meeting. One other Member is appointed from either of the constituent groups. This year two expressions of interest has been received for this position so, even if no further nominations are received at the time of the meeting, a vote would be taken. Both Members expressing an interest have indicated that they wish to stand for Chair of the Authority which if either were appointed to would mean that one Member would automatically become a members of this group. If this were the case one expressions of interest would be withdrawn and the appointment would be uncontested.
30. Member Appointments Process Panel (Section C(v)) – This Panel usually meets in June each year to consider expressions of interest for appointments made at the Annual meeting. The current Members have indicated that they are willing to remain on the Panel and one Parish Member has expressed an interest in filling the Secretary of State vacancy. In previous years this place has been allocated to a national Secretary of State Member. Two Parish Members may be appointed to the Panel if no other Secretary of State Members are interested or able to be appointed to the Panel

Member Representatives (Recommendation 12)

31. At the meeting of the Authority held on 26 May 2017 (Min No 28/17 refers) it was agreed that the number of Member Representative roles would be reduced and, subject to retaining the existing scrutiny roles, be refocused to align with the Government's priorities asset out in the 8 Point Plan for English National Parks.
32. The Panel has therefore sought expressions of interest for the following Member Representative Roles:
- Asset Management
 - Communities
 - Connecting Young People and Nature
 - Food and Farming
 - Health and Wellbeing
 - Landscape and Heritage
 - Member Learning and Development
 - Planning Enforcement
 - Tourism and Participation
 - Rural Economy
 - Thriving Natural Environments
33. The expressions of interest received are set out in the Panel's report. At the meeting proposers and seconders will be sought for each Member and put to the vote. Where more than one Member has been nominated the Authority may choose to vote by either a ballot or a show of hands.

Appointments to Outside Bodies (Recommendation 13)

34. Following a comprehensive review of outside bodies in 2017 the Authority currently appoints Members to 26 Outside Bodies. These are listed in Section E of Appendix 1.

35. For each outside body Section E identifies how many Members and Deputies the Authority is able to appoint and this is followed by details of Members who have expressed an interest in being appointed to that body. Where more there are more Members interested than there are places or Members have not expressed a preference for being the Member or a Deputy a vote will need to be taken to allocate the places. Usually this will be by a show of hands.

Are there any corporate implications members should be concerned about?

Financial:

36. Although a special responsibility allowance is paid to the Chair and Vice-Chair roles these costs are included in the 2018/19 budget so the appointments do not incur any additional cost to the Authority.
37. Members may claim travel and subsistence for attendance at duties relating to the appointments made and these costs are included in the 2018/19 budget so the appointments do not incur any additional cost to the Authority.

Risk Management:

38. There are no apparent risks. Members have the opportunity to seek appointments to all the available positions.

Sustainability:

39. There are no issues to highlight

Equality:

40. The Authority monitors its membership by 3 out of the 9 Protected Characteristics set out in the Equality Act 2010.
41. For information 78% of the current Authority Members are men and 22% are women (An increase/decrease of 11% since the 2017 Annual Meeting. At the 2017 Annual Meeting 83% of the six appointments attracting a Special Responsibility Allowance were held by men and 17% by women (unchanged from 2016). 81% of the Member Representatives appointed in 2017 were men and 19% were women (An increase/decrease of 1% from 2016).

42. **Background papers (not previously published)**

None

43. **Appendices**

Appendix 1 - Report of the Member Appointment Process Panel 2018.

Report Author, Job Title and Publication Date

Jason Spencer, Democratic Services Manager, 27 June 2018
jason.spencer@peakdistrict.gov.uk