

7. REPORT OF THE MEMBER APPOINTMENT PROCESS PANEL – APPOINTMENT OF DEPUTY CHAIR OF AUTHORITY, MEMBER REPRESENTATIVE FOR BIODIVERSITY AND COMMITTEE VACANCIES (A.111/JS)

1. Purpose of the report

To appoint the Deputy Chair of the Authority to replace Mr G Nickolds following his retirement from the Authority on 31 March 2015.

To consider appointing to the Biodiversity Member Representative Role, this will become vacant on 1 April following the retirement of Mr G Nickolds on 31 March 2015.

To consider Committee appointments for the new Secretary of State Member Ms P Anderson with effect from 1 April 2015.

Key Issues

- As a Member appointed by the Secretary of State Mr G Nickolds will retire from the Authority on 31 March 2015 after completing the maximum term of office as set out in the English National Parks Vision and Circular published in 2010.
- This report asks the Authority to make appointments to the two positions of responsibility which will become vacant on 1 April when Mr Nickolds leaves, Deputy Chair of the Authority and Member Representative for Biodiversity.
- In accordance with the Authority decision to establish a Member Appointment Process Panel, the Panel has invited all members to indicate whether they wish to stand for appointment to the two positions.
- Appointments made at this meeting will commence on 1 April 2015 and end at the Authority's Annual Meeting on 4 July 2015.
- The Panel have considered the responses received in the context of the agreed principles and attempted to informally resolve any issues identified.
- Because of the timing of their meeting the report of the Panel will follow. The report will include a summary of responses received but will not make a formal recommendation to the Authority. Members are asked to consider the report in agreeing the appointments set out in the recommendations below.
- As Mr Nickolds current Committee places are ex-officio appointments these vacancies will be taken by the new Deputy Chair. The Authority therefore needs to determine the Committee appointments for the new Secretary of State Member, Ms P Anderson.

2. Recommendation(s)

- 1. To appoint a Member as Deputy Chair of the Authority from 1 April 2015 until the annual Authority meeting in July 2015.**
- 2. To confirm that the Member appointed as Deputy Chair of the Authority will also be appointed as a member of Audit, Resources and Performance Committee, Planning Committee, Urgent Business Items Sub-Committee, Strategic Advisory Group and Budget Monitoring Group from 1 April 2015 until the annual Authority meeting in July 2015.**
- 3. To appoint the new Secretary of State Member, Ms P Anderson to Audit, Resources and Performance Committee and Planning Committee from 1 April**

2015 until the Authority's Annual meeting in July 2015.

4. To appoint a Member as Member Representative for Biodiversity from 1 April 2015 until the Authority's Annual meeting in July 2015.

3. How does this contribute to our policies and legal obligations?

Appointment of Deputy Chair of the Authority

Standing Order 1.39(1) in Part 1 of Standing Orders 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. Usually appointments continue until the next Annual Meeting, unless a Member resigns from the office or, as in this case, retire as a member of the Authority.

The current Chair of the Authority is a Member appointed by the Secretary of State so under Standing Order 1.4(2) the Deputy Chair would normally be a Member appointed by a Local Authority.

Standing Order 1.4(3) states that on a casual vacancy occurring in the office of Chair or Deputy Chair of the Authority the vacancy shall be filled by the appointment by the Authority of one of its Members at their next meeting and the person so appointed shall hold office until the date upon which the person in whose place he or she is appointed would regularly have retired. In this case it will be at the July 2014 Annual Meeting.

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

The Environment Act 1995 requires that membership of the Committees should reflect the make up of the membership of the Authority. This means that, subject to the size of the Committee, in most cases each one should have or majority of Council appointed Members over the Members appointed by the Secretary of State, which includes Parish Members. As the allocation of places is calculated as a percentage which is then rounded up or down to the nearest whole number there are some circumstances in which the requirements of the Act can be met with an equal number, for example with a Committee of six.

Standing Order 1.42(2) states that where any Member ceases to be a Member of the Authority either during or at the end of their current term of office and is not re-appointed to the Authority, the vacancies that have arisen on any Committee, shall be filled by that Member's successor until the date upon which such Committee membership would normally have expired. However as the Committee places currently held by Geoff Nickolds are Ex-Officio appointments these will pass to the new Deputy Chair. The Authority will therefore need to appoint the new Secretary of State Member to Committees having regard to the requirements of the Environment Act.

Appointment of Member Representatives

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. Unlike the Deputy Chair appointment there is no legislative requirement to have any Member Representatives

4. Background

The Authority has previously established a Member Appointments Process Panel to assist with appointments to key positions at the forthcoming Annual Meeting. Councillor David Chapman, Councillor Doug Birkinshaw, Councillor Peter Harrison and Mr Zahid Hamid are currently appointed to the Panel.

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 Authority meetings.

In light of the forthcoming vacancies the Panel has contacted all Members individually to ask them to advise them on whether they intend to stand for appointment as Deputy Chair of THE Authority and any of the vacant member representative roles for Biodiversity.

When the Panel considers the responses received they are checked 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.

After considering the responses against the principles the Panel will produce a report which to be circulated before the Authority meeting. This will set out a summary of the responses received. Where more than one member has expressed an interest in a role all the names put forward will be included in the report. The intention of the Panel's

report is to help improve the efficiency of making 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.

Standing Order 1.12 requires that when more than one Member is standing for a Chair or Deputy/Vice Chair position or 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 therefore, if contested, it is proposed that a ballot also be held to appoint to the Member representative role.

To meet the requirements of 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 the candidates for the role of Deputy Chair have been advised that they may submit a written statement of not more than 500 words in support of their nomination addressing these points. All statements received by the deadline will be circulated to all Members by email on Wednesday 25 March. The Panel has previously suggested that decided this requirement should not apply to contested Member Representative Roles. 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.

5. Proposals

Appointment of Deputy Chair of the Authority. (Recommendation 1)

Section A of the Panel's report will identify the Members who have expressed an interest in the role of Chair of Deputy Chair. The report will also identify when the appointment of a named Member would not meet any of the appointment principles.

Unless the appointment is not contested a ballot will be held.

Appointments to Audit Resources and Performance Committee, Planning Committee, Urgent Business Items Sub-Committee, Strategic Advisory Group and Budget Monitoring Group. (Recommendations 2 and 3)

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. With 30 Members the proportions are Local Authority Members 53.3% , Secretary of State Members 46.6%
- (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.

The Authority is therefore asked to confirm that the Member appointed under recommendation 1 is also appointed to Audit, Resources and Performance Committee, Planning Committee, Urgent Business Items Sub-Committee, Strategic Advisory Group and Budget Monitoring Group to fill the relevant vacancies.

In some cases the Member appointed as Chair of Audit, Resources and Performance Committee may already be appointed by the Authority to one of these Bodies so a further vacancy will arise. Where this is the case these will be identified at the meeting and the Chair will seek nominations from the meeting.

Recommendation 3 relates to the appointing the new Secretary of State Member, Ms Penny Anderson to the Standing Committees. Usually if appointed part way through the year the new Member would automatically be appointed to the Committee places held by the Member they replace, in this case we are not to use this approach as the places held by the current Member are Ex-Officio appointments which will be allocated to the Member appointed as Deputy Chair above. Until the Deputy Chair is appointed we will not know for sure how the appointment will impact on Committee Membership and this will be highlighted at the meeting. However, having considered the various alternatives, it appears that the simplest way to achieve the required balance and meet the Committee preferences of the new member is to appoint Ms Anderson to both Committees between 1 April and 3 July.

Appointment to Member Representative Roles (Recommendation 4)

The key role for Member Representatives is to support the achievement of National Park Management Plan (NPMP) outcomes.

The Authority has agreed to have the 9 Member Representative roles to support the themes of the NPMP plus additional roles to support Asset Management and Member Learning and Development. The 11 agreed roles are as follows:

Landscape	Recreation
Cultural Heritage	Promoting Understanding
Biodiversity	Tourism
Climate Change	Economy
People and Communities	Asset Management
Member Learning and Development	

At the Authority's Annual meeting in July 2014 appointments were made to all 11 positions but as a result of the change in membership the Biodiversity role will become vacant on 1 April 2015. The Panel has invited expressions of interest in the role, these will be included in the report. If the position is contested there will be a vote to determine who is appointed. However, as happened in 2014, the Authority does have the option to defer the appointment until the Annual Meeting in July

Appointment to Outside Bodies

As a result of the Membership changes from 1 April appointments to the following outside bodies will become vacant:

- Derbyshire Health and Wellbeing Stakeholder Engagement Forum
- East Midlands Councils
- Chair of Moors for the Future Partnership Group
- Peak District Local Nature Partnership

As the Authority has already appointed Members to act as Deputies on most of the above bodies. It is proposed that the Authority takes the approach followed in previous years by deferring the appointments until July.

Are there any corporate implications members should be concerned about?

6. Financial:

Although a special responsibility allowance is paid to the Chair and Vice-Chair roles these costs are included in the 2015/16 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 2015/16 budget so the appointments do not incur any additional cost to the Authority.

7. Risk Management:

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

8. Sustainability:

There are no issues to highlight.

9. Background papers (not previously published)

None

Appendices

Appendix 1 – Report of the Member Appointment Process Panel - March 2015
(To follow)

Report Author, Job Title and Publication Date

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