

7. NOTICE OF MOTION - APPOINTMENT PRINCIPLES (JS)

1. Purpose of the report

At the meeting of the Authority held on 5 June 2015 Cllr P Brady moved a motion seconded by Cllr Mrs J Twigg. For information a copy of the original motion is set out in appendix 2. As the motion included proposals to amend part 1 of the Authority's Standing Orders, consideration of the motion was adjourned to the AGM held on 3 July 2015. At that meeting the Authority made a decision on most of Part A of the motion but deferred further consideration of the elements relating to the "Democratic Principles" and established a small Member working group to look at the proposed principles and report back with proposals. The group met on 18 August 2015 to discuss the issues raised by officers and produce a modified set of principles to be brought back to a meeting of the Authority.

The purpose of this report is to ask the Authority to determine the remaining elements of the Notice of Motion by considering the revised "Appointment Principles set out in Appendix 1 and the outstanding proposal to amend Part 1 of the Authority's Standing Orders which make reference to the principles.

Key Issues

- A notice of motion has been moved and seconded that proposes that the Authority adopts a set of "Democratic Principles" and make amendments to Standing Orders to recognise these principles when making appointments to positions of responsibility.
- At the AGM held on 3 July 2015 the Authority considered the motion with a supporting report setting out Officer comments on the proposed principles. The Authority deferred consideration of this part of the motion and asked a group of Members to meet to look at the issues raised.
- The Group met on 18 August where a revised set of principles were developed. As part of the discussion it was suggested that the principles should be referred to as the "Appointment Principles".
- There was one element of the principles where the opinion of the group was divided. This related to paragraph 6 and 7 in Appendix 1 which suggests that it is desirable that at least one of the office holders is a person living in or representing an area that lies within the National Park. The view of the Group that this issue should be brought back to the Authority for consideration.
- The Authority has previously agreed a set of Appointment Principles, these are attached as appendix 4. If the motion is agreed these will be replaced by the new principles.

2. Recommendation

To consider feedback from the group of Members appointed by the Authority, look at the remainder of the Notice of Motion and determine the motion in accordance with the procedure set out in section 5 of this report.

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

Part 1 of Standing Orders relates to Meetings and Proceedings of the Authority. These include the arrangements for appointing the Chair and Deputy Chair of the Authority, Committee Chairs and Vice-Chairs and appointments to Committees. Although the Authority has previously adopted appointment principles (Appendix 4) that are taken

into account when making appointments at the Annual meeting they are not currently referred to in standing orders. While the proposals will introduce a new standing order to recognise the existence of principles they will remain guiding principles which are not enforceable and cannot override the rights of any individual Member to be considered for a key role.

4. Background

4.1 At the meeting of the Authority held on 5 June 2014 Cllr P Brady moved a motion that he had submitted in accordance with Standing Order 1.14 (Notices of Motion). As the motion would result in amendments to Part 1 of Standing Orders (Meetings and Procedures) once it had been moved by Cllr P Brady and seconded by Cllr Mrs J Twigg, discussion and voting on the motion was adjourned in accordance with Standing Order 1.25 (Variation and revocation of Standing Orders). The motion was split into two parts referred to as Part A and Part B.

4.2 The purpose of an adjournment under Standing Order 1.25 was to allow the Authority to reflect on the full implications before approving changes to Standing Orders. Therefore on 3 July 2015 the Authority considered the motion in the context of a report which assessed the impact of the changes and highlighted issues that Members should consider before making these changes. The report did not amend the original motion as moved and seconded at the previous meeting, however Members were able to move, debate and vote on amendments in the usual way.

4.3 The Authority therefore agreed most of Part A of the motion but deferred consideration on the elements in Part A and Part B which referred to the “Democratic Principles”. In deferring these elements the Authority appointed Cllr P Brady, Cllr C Furness, Mr Z Hamid and Cllr Mrs N Hawkins to consider the proposals in the context of the officer’s report. The Group met on 18 August to discuss the issues and the document attached as appendix 1 sets out an amended set of principles which reflect these issues.

4.4 The main proposed changes were to:

- refer to the principles as “Appointment Principles”
- amend the proposed new standing order 1.3A to refer to “the relevant officer” rather than the Chief Executive
- delete the first part of part of paragraph 1 to address officer concerns about interpretation.
- add in the “and in the best interests of the Authority” to paragraph 3
- Replace all references to “Group” with “Appointment Category”

4.5 At the meeting of the group there was a discussion around paragraphs 6 and 7 about whether the Authority as a whole would think that it was desirable that appointments should be made having regard to the two criteria set out under this paragraph. While it was generally accepted that the principle that each office holder comes from a different appointment category was desirable there were mixed views about the suggestion that at least one of the office holders is a person living in or representing an area that lies within the National Park.

5. Proposals

5.1 Strictly speaking as the Authority deferred consideration of the outstanding parts of the motion submitted by Cllr P Brady the following motion remains on the table for determination:

Part A

That a new Standing Order 1.3A be introduced to read as follows:

- a) *The Authority shall approve and thereafter keep under review a statement, to be known as “the Democratic Principles”, the purpose of which shall include advice to guide Members on factors to be taken into consideration when electing or appointing Members to an office or position.*
- b) *Before the Authority elects or appoints a Member to a position of responsibility, the Chief Executive shall draw to the attention of members the Democratic Principles or the relevant section thereof.*

Part B

That there be substituted for the Democratic Principles, the principles set out in Appendix 2. (of this report)

5.2 Therefore to progress the suggestions made by the group the mover of the motion or any other Member must move an amendment to the current motion as follows:

1. In part A replace the words “Democratic Principles” with “Appointment Principles” and substitute “appropriate officer” for “Chief Executive”
2. In part B replace “appendix 2” with “appendix 1”.

5.3 The Authority should then vote on the above amendments to establish whether they become part of the substantive motion.

5.4 If these amendments are approved it is then suggested that the Authority has a discussion about the content of paragraphs 6 & 7 of Appendix 1. During the discussion further amendments can be proposed by deleting or adding words.

5.5 Following the discussions the substantive motion would then be determined by a show of hands. If the majority of Members present vote in favour of the motion it will be carried and implemented, if the majority of votes are against the motion will be lost. In either event the Notice of Motion would have been dealt with and the Authority can move on to the next item of business.

Are there any corporate implications members should be concerned about?

6. Financial:

No direct costs arise.

7. Risk Management:

None

8. Sustainability:

None

9. Equality:

Any principles agreed by the Authority on appointments to key positions must make sure that all Members are able to be considered for appointment if they wish to do so and that the final appointments are made in an open and transparent way.

10. Background papers (not previously published)

Discussion Paper - Peak District Members' Group – Circulated by Cllr P Brady

Appendices

Appendix 1 - The Appointment Principles (Amended to reflected the Group Discussions)

Appendix 2 - The Democratic Principles (As submitted with the Notice of Motion)

Appendix 3 - The Democratic Principles (Annotated to show the amendments suggested by the Group)

Appendix 4 – The existing Appointment Principles (If the motion is approved these will be replaced by Appendix 1)

Report Author, Job Title and Publication Date

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