

## Appointment of Members to Committees

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<b>Name of Committee</b>	National Park Authority
<b>Date</b>	1 July 2022
<b>Report Author</b>	Legal & Democratic Services
<b>Item I2</b>	For Decision
<b>Public Interest Test</b>	Not Applicable

### **Recommendation: It is recommended the Authority:**

- 1. Until the appointment of Members by Welsh Government or the Authority AGM in 2023 (whichever is the first in time).**
  - a. Appoint the Chair and Deputy Chair of Planning Committee, Audit and Risk Committee, Finance and Performance Committee, and Social Development Fund Committee; and**
  - b. Appoint the Membership of Committees as set out in Appendix I to this report.**
- 2. Subject to 1.2 and 1.4 below agrees that the Authority Solicitor and Monitoring Officer amends Standing Orders and the Scheme of Delegation to reflect the required amendments detailed in the above recommendations and makes any consequential changes.**
- 3. Such amendments and changes remain in place until the original requirements of Standing Orders and the Scheme of Delegation would be satisfied for each Committee by the Welsh Government appointed Member taking office. Any other amendments remain in place until satisfied in accordance with this recommendation.**

### **1. Introduction**

1.1. This report enables the Authority to carry out its annual review of arrangements for discharging its decision-making responsibilities, in particular the delegation of responsibilities, and making of appointments to Committees. The recommendations for Member appointments are made by the Authority.

1.2. The report asks the Authority to appoint Members to its Committees

- 1.3. Under Schedule 7 Para 13 of the Environment Act 1995, the Authority has a duty to secure that the division of local authority appointed Members and Welsh Government appointed Members on any Committee is (as nearly as possible using whole numbers) in the same proportion as required in the case of the Authority itself namely 2/3 appointed by the respective local authorities and 1/3 appointed by Welsh Government. The Authority also requires all its meetings must have at least one local authority and one Welsh Government member in attendance.

Similarly, the quorum on committees must contain one local authority and one Welsh Government appointed Member

## **2. Issues for consideration**

- 2.1. The Authority has 18 members, 12 appointed by the respective Local Authorities and 6 by Welsh Government. There are 3 Welsh Government vacancies that will take several months to fill. Consequently, the Authority will need to appoint to its committees without the required proportion of Welsh Government appointed members in office
- 2.2. Further restrictions on appointment of Chairs and Deputy Chairs are contained within the Authority's Scheme of Delegations are set out generally in **Appendix One**.
- 2.3. Subject to the appointments by the Authority, the Committees may not contain the required ratio of local authority to Welsh Government appointed members, nor may they satisfy the quorum requirements contrary to Standing Orders and the scheme of Delegations.
- 2.4. Therefore, once the Authority has appointed the Chair and Deputy Chairs to its committees the Authority will need (until such time as Welsh Government members have been appointed and received their required training to become a member of a respective committee) to suspend Standing Orders/the Scheme of Delegation removing the requirement for the
  - 2.4.1. Ratio of members; and
  - 2.4.2. Quorum at Committee meetings to include one local authority and one Welsh Government member

## **3. Procedural Requirements**

- 3.1. The Authority has the power to suspend Standing Orders (S.O. 26) and the Chair of the Authority will be required to make a motion to amend Standing Orders 6.1 and 30.8.21 requiring that the quorum at committees contain at least one local authority and one Welsh Government member. Such amendment should apply only to a committee that would not have a Welsh Government appointed member.

- 3.2. Similarly, the Authority will need to resolve to amend the Scheme of Delegation to reflect the same changes regarding the effected committee
- 3.3. Further details of the amendments will not be known until members have elected the Chairs of the committees and hence Members are asked to delegate the amendments to the Authority Solicitor and Monitoring Officer.

#### **4. Equality And Diversity Implications**

- 4.1. None

#### **5. Legal Implication**

- 5.1. The fact that the Authority has three Welsh Government appointed member vacancies does not invalidate the proceedings of the Authority<sup>1</sup>
- 5.2. The Environment Act 1995 states<sup>2</sup> the proceedings of a committee shall not be invalidated by any failure of a National Park authority to perform its duty regarding the ratio of local authority to Welsh Government members. Consequently, the fact the Authority is unable to maintain the 2/3 LA member to 1/3 WG member or may not have a WG member on the committee at all, will not invalidate the decision of any committee.
- 5.3. Where a meeting is inquorate, Standing Orders (6.3, 6.4 and 30.8.6.2) require the business of that meeting is adjourned to the next meeting of the NPA/Committee.
- 5.4. The Authority has the power to amend Standing Orders and the Scheme of Delegation regarding the composition of committees and their quorum and can delegate its effect to the Authority Solicitor and Monitoring Officer.

#### **6. Financial implications**

- 6.1. None

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<sup>1</sup> Local Government Act 1972, Schedule 12, Part IV, paragraph 43. And Environment act 1995, Schedule 6, paragraph 12(4)

<sup>2</sup> Schedule 7, paragraph 13(5)

## Appendix One – Restrictions on Appointments based on Scheme of Delegation

Committee	No of Members	LA Members	WG Members	Independent Members	Quorum	Minimum No of LA & WG members	Restrictions
Full NPA	18	12	6	N/A	6	One of each	N/A
Planning Committee	12	8	4	N/A	6	One of each	The Chair and Deputy of the NPA cannot be Chair/Deputy of Planning Committee
Audit & Risk	6	4	2	N/A	2	One of each	Chair and Deputy of the NPA and Chair and Deputy of Planning Committee and Finance and Performance committee are not eligible to be Chair/Deputy
Finance & Performance***	6	2	1	N/A	2	One of each	Chair and Deputy Chair of Audit & Risk Committee are not eligible to be Chair/Deputy
Standards Committee	6	2	1	3	3*	One of each	Chair and Deputy of the NPA and Chair and Deputy of Audit and Risk Committee are not eligible to be Chair/Deputy
Chairs Committee	6	N/A **	N/A**	N/A	2	One of each	Restricted to Chairs and Deputies Only
SDF	6	4	2	N/A	2	One of each	No restrictions

\*Two must be independent members

\*\* The Scheme is silent on any requirement as the members are restricted to Committee Chairs

\*\*\* Chair and Deputy Chair of Finance are not remunerated