



Lee Valley
Regional Park Authority

LEE VALLEY REGIONAL PARK AUTHORITY

ANNUAL AUTHORITY MEETING

5 JULY 2018 AT 14:00

Agenda Item No:

9

Report No:

A/4261/18

REVIEW OF STANDING ORDERS

Presented by the Director of Corporate Services

SUMMARY

This report asks Members' approval to a revision of Standing Orders as a result of governance changes agreed by the Authority since the last revision in 2015 (paper A/4207/15), clarification of absence from meetings (SO78) and inclusion of a Conflict of Interests Protocol as Appendix E to Standing Orders.

RECOMMENDATIONS

- Members Approve:
- (1) the proposed changes to Standing Orders as detailed in Appendix A to this report;
 - (2) inclusion of a Conflict of Interests Protocol as an Appendix to Standing Orders; and
 - (3) delegation to the Director of Corporate Services to make any minor changes to assist in interpretation or clarification or to correct any administrative errors or omissions that have been overlooked.

BACKGROUND

- 1 The Lee Valley Regional Park Authority was created by a private act of parliament, the Lee Valley Regional Park Act 1966 (the Park Act), which provides that the Authority may make Standing Orders with respect to the proceedings of its meetings.
- 2 The Authority's present Standing Orders were last revised in April 2015 (paper A/4207/15) although the Director of Corporate Services has delegation to make minor changes to assist in interpretation or clarification or to correct any administrative errors or omissions that have been overlooked. These are included in the proposed changes detailed in Appendix A to this report.

STANDING ORDERS

- 3 For Members' information, the following are provisions adopted by Authority Members which do not flow directly from the Park Act:
 - the Authority generally adopts the principles of the Local Government Acts (pre-amble to Standing Orders);
 - proportionality in relation to political balance (SO42);
 - Substitute Members (SO73);
 - extra provisions in relation to co-opted Members (SO76);
 - Politically Restricted posts (SO89); and
 - Access to Information provision (SO98).
- 4 The proposed changes fall into the categories below:
 - minor corrections;
 - clarification of wording to ease interpretation;
 - inclusion of a new appendix to Standing Orders; and
 - to incorporate relevant Authority decisions since the last revision.

PROPOSED CLARIFICATION OF ABSENCE FROM MEETINGS

- 5 Members are appointed to the Park Authority to represent the views of their constituent council and to fulfil this role it is expected that all Members will make a contribution throughout their term of office to the work of the Authority. This will include:
 - attendance at meetings of the Authority; and
 - attendance at meetings of committees, sub-committees and task and finish groups to which they may be appointed.
- 6 To this end the Park Act (Section 8) also permits constituent councils to appoint Deputy Members to attend on behalf of the appointed Member if the appointed Member is unable to attend meetings. A Deputy Member will have the same rights as the nominated Member and these cannot be denied by the Authority as they are rights under the Park Act.
- 7 Section 85(1) of the Local Government Act 1972 states that "if a member of a Local Authority fails, throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the Authority they will, unless the failure was due to some good reason approved by the Authority before the expiry of that period, cease to be a member of the Authority". Attendance can be at any committee, sub-committee, or any joint committee, joint board or other body where the functions of the Authority are discharged or who were appointed to advise the Authority on any matter relating to the discharge of their functions.
- 8 Once a Member loses office, through failure to attend for a six month period, the disqualification cannot be overcome by the Member subsequently resuming attendance nor can retrospective approval of the council be sought for an extension in time.
- 9 The requirement to attend a meeting within a six month period can be waived and the time limit extended if any failure to attend was due to reasons approved

by the Authority in advance of the six month period expiring.

- 10 The current provision of SO78 in effect means that the Authority gives deemed permission to an appointed Member to satisfy the requirement of attendance at meetings (under the above section) if a Deputy has attended in their place. This is a matter that could be described as open to interpretation accepting that it is likely that the Park Act intended that the Deputy's attendance would suffice. Whilst silent on this point it is though unlikely that the Park Act intended that the full Member would never need to attend yet satisfy the absence rules. The proposed amendment to SO78 below will not automatically mean that the attendance of a Deputy on behalf of a Member will save a Member from termination under the 6-month rule. In these circumstances it will therefore still be a matter for Members to approve an extension of the period of absence before the expiry of the 6 month period if a request is made by the Member of the Authority.

- 11 Proposed amended SO78:

Subject to the exceptions prescribed by statute as regards members of HM Forces etc during war or emergency, if a Member of the Authority fails throughout a period of six consecutive months from their last attendance to attend a qualifying meeting of the Authority, commencing from the AGM at which the Member was appointed for a 4 year term or their appointment to a casual vacancy, they shall cease to be a Member of the Authority, UNLESS the Authority or the Executive Committee approves an extension of the period of absence before the expiry of that period. ~~OR a duly nominated deputy is sent in their place.~~ Qualifying meetings will be any meeting of the Authority Members conducting Authority business excepting site visits and workshops."

PROPOSED CONFLICT OF INTERESTS/LOYALTIES PROTOCOL

- 12 Competitive procurement of the Leisure Services Contract (LSC) which expires on 31 March 2020 is about to commence and failure to comply with the Public Contract Regulations 2015, such as perceived conflict of interests or unequal treatment of bidders, will compromise impartiality and independence of the procurement process for the new LSC.
- 13 Conflict of interests can occur naturally as a product of the way a system is designed. Providing services via third parties increases the potential for conflicts of interest as organisations act as both commissioner and provider of related services. A clear approach to managing these conflicts is necessary to counter concerns about lack of transparency and the view that conflict of interests are influencing decisions.
- 14 Therefore to aid Members and to ensure that the Authority manages any interest that arises, or could reasonably be perceived to arise, it is proposed that a Conflict of Interests/Loyalties Protocol, attached as Appendix B to this report, be adopted to meet:
- the need to administer a fair, transparent and objective procurement process;
 - the need for Authority Members to approve the key elements of the procurement process e.g., the scope of the procurement and the award criteria; and

- the need to treat all bidders on the same basis as any other competing bidder in relation to the procurement information provided to it and in the evaluation of its bid.

ENVIRONMENTAL IMPLICATIONS

- 15 There are no environmental implications arising directly from the recommendations in this report.

FINANCIAL IMPLICATIONS

- 16 There are no financial implications arising directly from the recommendations in this report.

HUMAN RESOURCE IMPLICATIONS

- 17 There are no human resource implications arising directly from the recommendations in this report.

LEGAL IMPLICATIONS

- 18 There are no legal implications arising directly from the recommendations in this report.

RISK MANAGEMENT IMPLICATIONS

- 19 There are no risk management implications arising directly from the recommendations in this report.

EQUALITY IMPLICATIONS

- 20 There are no equality implications arising directly from the recommendations in this report.

Author: Beryl Foster, 01992 709 836, bfoster@leevalleypark.org.uk

ABBREVIATIONS

the Park Act Lee Valley Regional Park Act 1966
LSC Leisure Services Contract

PREVIOUS COMMITTEE REPORTS

Authority	A/4207/15	Review of Standing Orders	30 April 2015
Authority	A/4194/14	Amendments to Standing Orders	23 October 2014
Authority	A/4191/14	Modification of Standing Orders in regard to Substitutes	31 July 2014
Authority	A/4178/14	Review of Standing Orders	23 January 2014
Executive Committee	E/333/14	Review of Standing Orders	23 January 2014

Authority	A/4172/13	Review of Standing Orders and other related Governance matters	11 July 2013
Executive Committee Authority	E/198/12	Review of Standing Orders	22 March 2012
Authority	A/4079/10	Proposed changes to Standing Orders to provide for the public to ask questions and speak at meetings	21 January 2010
Authority	A/4078/10	Legal position of deputies under the Lee Valley Regional Park Act 1966 and the options for Members to appoint substitutes to committees	21 January 2010
Authority	A/3978/08	Revision of Standing Orders	27 March 2008
Authority	A/3890/06	Revision of Standing Orders	28 September 2006
Authority	A/3664/03	Revision of Standing Orders	25 September 2003
Authority	A/3263/99	Revision of Standing Orders	21 January 1999

APPENDICES ATTACHED

Appendix A	Proposed changes to Standing Orders
Appendix B	Conflict of Interests/Loyalties Protocol

This page is blank

PROPOSED AMENDMENTS TO STANDING ORDERS

No.	SO	Current	Amended	Reason
1	66	In addition to the above, all Standing Orders relating to committees, excepting Orders 42, 51 and 59 will apply to the Executive Committee.	In addition to the above, all Standing Orders relating to committees, excepting Orders 42, 51 and 56 will apply to the Executive Committee.	Correction
2	69	All Standing Orders relating to committees, excepting Standing Orders 34, 38, 41, 43 and 44 will apply to Task and Finish Groups/Panels.	All Standing Orders relating to committees, excepting Standing Orders 34, 38, 41, 43 and 45 will apply to Task and Finish Groups/Panels.	Correction
3	78	Subject to the exceptions prescribed by statute as regards members of HM Forces etc during war or emergency, if a Member of the Authority fails throughout a period of six consecutive months from their last attendance to attend a qualifying meeting of the Authority, commencing from the AGM at which the Member was appointed for a 4 year term or their appointment to a casual vacancy, they shall cease to be a Member of the Authority, UNLESS the Authority or the Executive Committee approves an extension of the period of absence before the expiry of that period OR a duly nominated deputy is sent in their place. Qualifying meetings will be any meeting of the Authority Members conducting Authority business excepting site visits and workshops.	Subject to the exceptions prescribed by statute as regards members of HM Forces etc during war or emergency, if a Member of the Authority fails throughout a period of six consecutive months from their last attendance to attend a qualifying meeting of the Authority, commencing from the AGM at which the Member was appointed for a 4 year term or their appointment to a casual vacancy, they shall cease to be a Member of the Authority, UNLESS the Authority or the Executive Committee approves an extension of the period of absence before the expiry of that period. OR a duly nominated deputy is sent in their place. Qualifying meetings will be any meeting of the Authority Members conducting Authority business excepting site visits and workshops.	Subject to approval at AGM 5 July 2018 Paper A/4261/18
4	91	The Common Seal of the Authority shall not be affixed to any document unless the sealing has been authorised by a resolution of the Authority or gives effect to any decision by an officer of the Authority or committee exercising delegated powers, but a resolution of the Authority or committee authorising the acceptance of any tender, the purchase, sale, letting, or taking of any petition, memorial, or address, the making of any contract or the doing of any other thing, shall be sufficient authority for sealing any document necessary to give effect to the resolution or	The Common Seal of the Authority shall not be affixed to any document unless the sealing has been authorised by a resolution of the Authority or gives effect to any decision by an officer of the Authority or committee exercising delegated powers, but a resolution of the Authority or committee authorising the acceptance of any tender, the purchase, sale, letting, or taking of any petition, memorial, or address, the making of any contract or the doing of any other thing, shall be sufficient authority for sealing any document necessary to give effect to the resolution or	To reflect changes in Financial Regulations

No.	SO	Current	Amended	Reason
		delegated power providing financial regulations have been complied with (see Financial Regulation 631 and 632).	delegated power providing financial regulations have been complied with (see Financial Regulation 603 and 604).	
5	Appendix A Executive Committee Membership	6 members, including Chairman and Vice-Chairman of Authority	8 members, including Chairman and Vice-Chairman of Authority	As agreed at AGM 9 July 2015 Paper A/4211/15
6	Appendix A Upper Lee Valley Regeneration & Planning Committee	Meetings, Membership and Terms of Reference	Deleted	As agreed at AGM 6 July 2017 Paper A/4243/17
7	Appendix A Lower Lee Valley Regeneration & Planning Committee	Meetings, Membership and Terms of Reference	Deleted	As agreed at AGM 6 July 2017 Paper A/4243/17
8	Appendix A Regeneration & Planning Committee		<p>Meetings 6 weekly or as required</p> <p>Membership 11 Members</p> <p>Terms of Reference</p> <ul style="list-style-type: none"> • Consideration of all planning matters referred to the Committee relating to s14 of the Lee Valley Regional Park Act 1966 • Comment and make representations on planning applications and proposed policies of the riparian boroughs, regional agencies and national government that will impact the Regional Park • Approval of policies and proposals from officers on planning matters for submission to full Authority • Endorsement of planning matters dealt with by way of delegation to officers in accordance with approved policy 	As agreed at AGM 6 July 2017 Paper A/4243/17
9	Appendix A Task & Finish	Communications & Access Group Contract Monitoring Working Group	Deleted	As agreed at AGM 9 July 2015

No.	SO	Current Meetings, Membership and Terms of Reference	Amended	Reason
10	Groups/Panels for specific projects Appendix A Task & Finish Groups/Panels for specific projects	Contaminated Land Working Group Meetings, Membership and Terms of Reference	Deleted	As agreed at AGM 6 July 2017 Paper A/4243/17
11	Appendix A Task & Finish Groups/Panels for specific Projects		<p>ICE CENTRE PROJECT WORKING GROUP</p> <p>Meetings As required</p> <p>Membership 10 Members</p> <p>Terms of Reference</p> <ul style="list-style-type: none"> to consider the strategic direction of the project; to ensure that the project is consistent with the Authority's policy framework; to consider the feasibility and viability of the project; to assess the capital and revenue implications of the project. 	As agreed at AGM 19 July 2015 Paper A/4211/15
12	Appendix A Task & Finish Groups/Panels for specific Projects		<p>LAND & PROPERTY REVIEW WORKING GROUP (reporting to Executive Committee)</p> <p>Meetings As required</p> <p>Membership 7 Members</p> <p>Terms of Reference</p> <ul style="list-style-type: none"> To review the land and property portfolio in support of delivery of the Authority's statutory remit and overall objectives To review adopted land acquisition policies Develop a land and property acquisition/disposal strategy within the parameters of the Lee Valley Regional Park Act 1966 	As agreed at Exec 17 Dec 2015 Min No 699
13	Appendix A Task & Finish Groups/Panels for		<p>LEVY STRATEGY WORKING GROUP (reporting to Executive Committee)</p>	As agreed at Exec 21 July 2016 Min No 752

No.	SO	Current	Amended	Reason
	specific Projects		<p>Meetings As required</p> <p>Membership 8 Members</p> <p>Terms of Reference To develop a 4 year levy strategy (2017/18-2020/21) and financial plan that delivers the statutory objectives of LVRPA, whilst reducing the burden on the tax payer. In response to the current political climate around the levy and the uncertain economic climate it is proposed that the Authority looks at options for a significant reduction of the levy during the period 2017/18 to 2020/21.</p>	<ul style="list-style-type: none"> • Review levying for capital by 2020 (i.e., at the end of the existing capital programme) all capital funding to be generated from Land/Capital sales (with short term borrowing to bridge any cash-flow gaps, e.g., ice centre project). • Reducing Leisure Services Contract management fee by - half by 2020 - potential saving £1.6m – consideration of future contract to deliver other half of £1.6m say by 2020-2025 (the Trust say this requires further capital investment). • Review Grounds Maintenance specification. • Review investment opportunities e.g., Picketts Lock development. • Consideration of transfer of further services to 3rd party organisations. • Shared Services with neighbouring Authorities/institutions. • Recommend income generating stretch target for open spaces. • Savings targets for service review areas, e.g., IT infrastructure.

No.	SO	Current	Amended	Reason
14	Appendix A Task & Finish Groups/Panels for specific Projects		<ul style="list-style-type: none"> • Review level of general reserves £4m – transfer of risk to third parties e.g., Leisure Services Contract and other contracts. • Specify time-scales for reduction e.g., 3, 5, 10 years? • Assess each income generation/cost saving area in terms of level of confidence and timeline. • Recommend a levy reduction target for 2017/18. <p>LEISURE SERVICES CONTRACT REVIEW WORKING GROUP (reporting to Executive Committee)</p> <p>Meetings As required</p> <p>Membership 8 Members</p> <p>Terms of Reference</p> <ul style="list-style-type: none"> • To input into the joint (Authority and Trust) 3 year review as required under the Leisure Services Contract which commenced on 1 April 2015 • To consider any service amendment proposals, i.e., changes to operation of the contract, to be voluntarily agreed by the Trust for the remaining term of the contract • To consider the procurement strategy for the future Leisure Services Contract • To consider the sustainability of all Authority venues/services in relation to future leisure service contracts 	As agreed at AGM 6 July 2017 Paper A/4243/17
15	Appendix C Members' Planning Code of Good Practice	5. Your role as a Member of the respective Regeneration & Planning Committees is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons, taking into account the remit of the	5. Your role as a Member of the respective Regeneration & Planning Committees is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons, taking into account the remit of the	As agreed at AGM 6 July 2015 Paper A/4243/17

No.	SO	Current	Amended	Reason
16	Appendix E Conflict of Interests/Loyalties Protocol	Park Authority. N/A	Park Authority. See Appendix B to this report	Subject to approval at AGM 5 July 2018 Paper A/4261/18

Conflict of Interests/Loyalties Protocol

Conflicts of interest can occur naturally as a product of the way a system is designed. Providing services via third parties increases the potential for conflicts of interest as organisations act as both commissioner and provider of related services. A clear approach to managing these conflicts is necessary to counter concerns about lack of transparency and the view that conflicts of interest are influencing decisions.

It is important to recognise the risk of conflicts of interest and their impact on how decisions and operations are perceived. A failure to recognise a conflict of interest can give the impression that the organisation or individual is not acting in the public interest and could potentially lead to a decision being subject to challenge. This can damage reputations and undermine confidence in organisations.

Serving on outside bodies has always been an established part of a Member's role. The Authority encourages Members to participate in the wider community to use their knowledge and skills to help the organisation to which they are appointed. It brings the benefit of enabling the Authority to participate in partner organisations and also means that Members can bring back knowledge and experience which are of value to the Authority.

The Authority is now increasingly working in partnership with outside bodies and clarity and understanding of the roles that Members play is important. This guidance note aims to help you understand the main implications of such arrangements. For more detailed advice you can contact Beryl Foster, Director of Corporate Services.

When dealing with Authority business Members are bound by their own Authority's Code of Conduct (SO79) and statutory legislation, such as the Localism Act 2011 (which amended the way in which Members interests need to be registered and declared). Members are also required to complete a Register of Interests declaration on an annual basis (SO80) and this is reviewed annually by the external auditors.

Potential areas of conflict

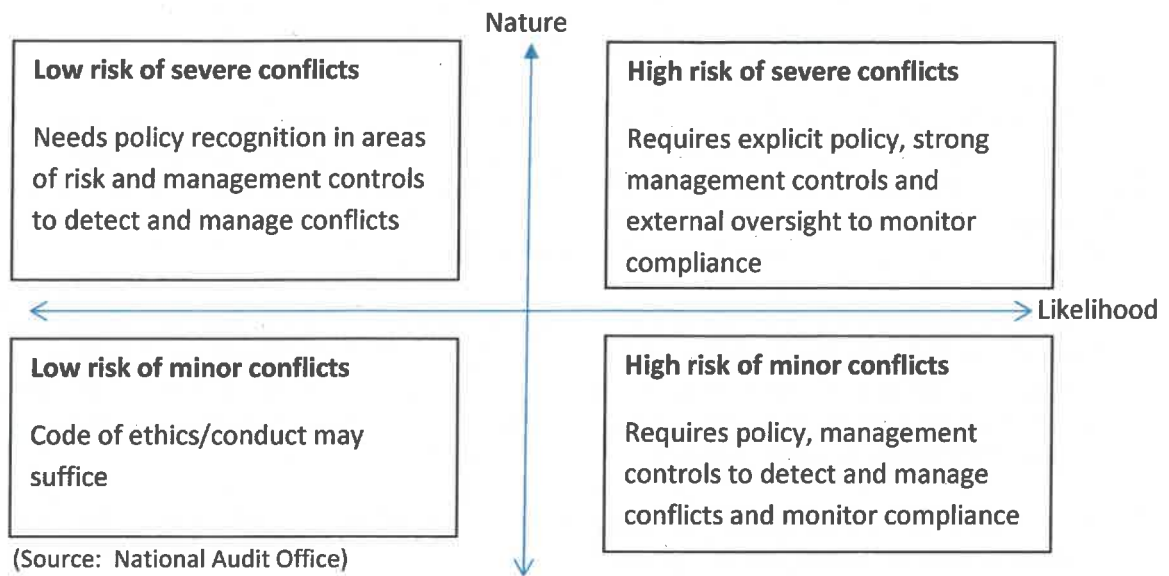
These conflicts arise because although the Member does not stand to gain any benefit, the Member's decision making at the Authority could be influenced by their other interest.

Conflict of interest: is a set of circumstances that creates a risk that an individual's ability to apply judgement or act in one role is, or could be, impaired or influenced by a secondary interest. The perception of competing interests, impaired judgement or undue influence can also be a conflict of interest.

Conflict of loyalty: is when a Member's loyalty or duty to another person or organisation could compete with or prevent them from making a decision only in the best interests of the Authority.

The test is always that there is a conflict of interest if the Members' other interest could, or could be seen to, interfere with the Member's ability to decide an issue only in the best interests of the Authority, independently of any competing interest. Where Members decide that a conflict of loyalty poses no risk or a low risk to decision making in the best interests of the Authority, the affected Member, having declared their other interest, can participate in decision making.

Taking a proportionate approach to managing conflicts



- Members appointed to outside bodies should declare an interest at Authority meetings where anything pertaining to the outside body is to be considered. (The outside body may also require you to declare an interest as an Authority Member at its meetings.)
- In relation to matters which concern deliberations connected with the transfer of property, financial matters and contract negotiations between the outside body and the Authority, Members appointed to the outside body should not participate in the discussion or debate when an Authority decision is going to be taken and must absent themselves from the meeting because of the inherent tension between loyalties. Consideration should include all the circumstances of the particular decision, but with the guiding principle that at Authority meetings the best interests of the Authority, independent of any competing interest, are paramount and the importance of how matters may appear to a fair-minded and well-informed observer.
- Where you might be inclined to the view that you have no disclosable pecuniary interest, your appointment to the outside body may well be regarded, on an objective appraisal, as giving rise to a legitimate fear of lack of impartiality, especially having regard to the desirability of maintaining public confidence. Participation in decision making at the Authority by a Member who is biased potentially lays the decision open to challenge.
- In almost all circumstances, when making decisions at the body to which you have been appointed, you will owe a duty to act in the best interests of that body. It is permissible to take account of the Authority's wishes, but in any conflict, you must act in the best interests of the outside body.
- Where there is a decision at the outside body which also affects the Authority (the appointing body), the similarity of purpose between the two organisations means that conflicts of loyalty which do crop up often present only low risk. However the Member should decide in each case how the conflict of loyalty should be handled and should ensure that they can demonstrate that any decision was taken only in the best interests of the outside body.
- Failure to act properly where there is a conflict of interest is a breach of the Members responsibilities. A decision affected by a conflict of interest could be challenged. In some circumstances the decision may be unsafe and capable of being invalidated or, in the worst case, might be void from the start. If this situation arises then the Authority will consider making a complaint to the Member's home Council and requesting that the matter be referred to the relevant Councillor's Conduct Committee.

Confidentiality

- All agendas, reports, minutes or other documents and all proceedings of the Authority and its appointed bodies shall be treated as confidential until they are made public by the Authority (SO102).
- Members cannot use information obtained from outside bodies for their own benefit or that of another organisation including the Authority if it has been obtained in confidence or has special value, such as commercial sensitivity.

This page is blank