

# The Conservation Board for the Chilterns Area of Outstanding Natural Beauty

## Statutory Requirements and Code of Governance

June 2017

Second Edition June 2019

Third Edition April 2021

### Forward

Since the Board was established in 2004 three important changes have taken place which impact on the form and purpose of these arrangements. First, the commercial environment in which the Board now operates is very different from that which existed 14 years ago. Second, the management of the Board and its structure has changed to match this. Last, the notion of good governance is now based on a set of strategically focussed rules, rather than attempting to direct the executive function about how to do its job.

This Statutory Requirements and Code of Governance document is in two parts as the title implies. The first part on Statutory Requirements contains a set of mandatory rules and has been taken from Schedule 3 of the Board's Establishment Order. This is included here in order to make it easier to refer to, rather than having to locate the Establishment Order itself. The second part, the Code of Governance, is the core of the document and is capable of being changed from time to time, providing the change has Board approval.

Ian Reay  
Chairman  
The Executive Committee  
May 2017

### Forward to the Third Edition

The Board's Code of Governance has been reviewed to provide an edition which is free of errors and inconsistencies of a grammar, formatting, style, and improved clarity, without upsetting the overall sense of the document. The result is the Third Edition and I am confident that this Edition will be a useful basis upon which the Code can be brought into line with any future changes to the purpose and structure of the Board.

Ian Reay  
Chairman  
The Executive Committee  
April 2021

## Background

1. Conservation Boards were created by Countryside and Rights of Way Act 2000. Section 87(1) of the Act defines the General Purposes and Powers of a Conservation Board as indicated in the following extract from the Section 87 of the Act:

**87 General purposes and powers.**

*(1) It is the duty of a conservation board, in the exercise of their functions, to have regard to—*

- (a) the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty, and*
- (b) the purpose of increasing the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty,*

*but if it appears to the board that there is a conflict between those purposes, they are to attach greater weight to the purpose mentioned in paragraph (a).*

*(2) A conservation board, while having regard to the purposes mentioned in subsection (1), shall seek to foster the economic and social well-being of local communities within the area of outstanding natural beauty, but without incurring significant expenditure in doing so, and shall for that purpose co-operate with local authorities and public bodies whose functions include the promotion of economic or social development within the area of outstanding natural beauty.*

*(3) Sections 37 and 38 of the Countryside Act 1968 (general duties as to the protection of interests of the countryside and the avoidance of pollution) apply to conservation boards as they apply to local authorities.*

*(4) The powers of a conservation board include power to do anything which, in the opinion of the board, is calculated to facilitate, or is conducive or incidental to—*

- (a) the accomplishment of the purposes mentioned in subsection (1), or*
- (b) the carrying out of any functions conferred on it by virtue of any other provision of this Part or by virtue of any enactment not contained in this Part.*

2. The Chilterns Conservation Board's Establishment Order is *The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (Statutory Instrument 2004 No.1778)*. The powers and functions of the Board are incorporated in this Statutory Instrument and it also conferred on the Board the title of '*The Conservation Board for the Chilterns Area of Outstanding Natural Beauty*'.
3. Schedule 3 of the Establishment Order: *Meetings and Proceedings of the Board*, contains a description of the arrangements for managing some of the Board's functions, which are dictated by statute and cannot be changed other than by applying to have the Statutory Instrument changed. These form the basis of the Statutory Requirements section of this document.

## Statutory requirements

### Annual general meetings and other meetings of the Board

1. The first meeting of the Board shall be the annual general meeting of the Board for 2004.
2. In 2005 and each subsequent year the Board shall hold an annual general meeting.
3. An annual general meeting shall be held at such hour as the Board may fix or, if no hour is so fixed, at twelve noon.
4. In 2005 and in each succeeding year the Board shall hold, in addition to the annual general meeting for that year, at least two other meetings for the transaction of business.
5. Every such additional meeting shall be held at such hour and on such days as the Board may determine, but shall be held as near as may be at regular intervals.
6. The chairman of the Board or, if the office of chairman is vacant, the deputy chairman of the Board may call an extraordinary general meeting of the Board at any time.
7. If the offices of chairman and deputy chairman are vacant, the chief executive officer of the Board may call an extraordinary general meeting of the Board at any time.
8. Five or more members of the Board may requisition an extraordinary general meeting of the Board.
9. The requisition referred to in paragraph 8 shall be in writing and shall be presented to the chairman of the Board or, if the office of chairman is vacant, to the deputy chairman of the Board or, if the offices of chairman and deputy chairman are vacant, to the chief executive officer of the Board.
10. Where the chairman, deputy chairman or chief executive officer (as the case may be) have not called an extraordinary general meeting within seven days of the presentation of a requisition as mentioned in paragraphs 8 and 9, any five members of the Board may forthwith call an extraordinary general meeting of the Board.

### Chairman and deputy chairman

11. The chairman and deputy chairman of the Board shall be elected by the members of the Board (in accordance with paragraph 7 of Schedule 13 to the 2000 Act) at a meeting of the Board.
12. A person elected as a chairman or deputy chairman of the Board may at any time resign his office by notice in writing given to the chief executive officer of the Board.
13. Where a casual vacancy in the office of chairman or deputy chairman of the Board occurs because either post is vacated during the term of office and either post is

filled on a temporary basis, the person so appointed shall hold office until the date upon which the person in whose place he is elected would regularly have retired.

14. Where necessary, the meeting at which such a casual vacancy is to be filled shall be convened by the chief executive officer of the Board.

## Calling of meetings

15. Meetings of the Board shall be held at such place, either within or outside the Chilterns Area of Outstanding Natural Beauty, as the Board may direct.
16. At least three clear days (excluding any day which is a Saturday, Sunday, bank holiday, Christmas Day or Good Friday) before a meeting of the Board
  - a) notice of the time and place of the intended meeting shall be published at the principal offices of the Board and, where the meeting is called by members of the Board, the notice shall be signed by those members and shall specify the business proposed to be transacted; and
  - b) a summons to attend the meeting, specifying the business proposed to be transacted and signed by the chief executive officer of the Board, shall (subject to paragraphs 17 and 18) be left at each member's home address or sent by post or email.
17. Want of service of a summons on any member of the Board shall not affect the validity of such a meeting.
18. Except in the case of business required by or under this Order or any other statutory provision to be transacted at the annual general meeting of the Board and other business brought before that meeting as a matter of urgency in accordance with the Board's standing orders, no business shall be transacted at a meeting of the Board other than that specified in the summons relating thereto.

## Conduct of meetings

19. At a meeting of the Board the chairman, if present, shall preside.
20. If the chairman is absent from a meeting of the Board the deputy chairman, if present, shall preside.
21. If both the chairman and the deputy chairman of the Board are absent, such other member of the Board as the members present shall choose shall preside.
22. Subject to the provisions of paragraph 45 of Schedule 12 to the 1972 Act (quorum), no business shall be transacted at a meeting of the Board unless:
  - a) at least one third of the whole number of members of the Board are present; and
  - b) of those present at least one is a local authority member, one a member appointed by the Secretary of State, and one a parish council member.

23. The following provisions:
- a) Part VI of Schedule 12 to the 1972 Act (Provisions relating to local authorities generally) and section 99 (Meetings and proceedings of local authorities) of that Act so far as it relates to that Part of that Schedule; and
  - b) Section 100 of that Act (admission of the public and press to local authority meetings),
- shall have effect as if the Board were a local authority for the purposes of those provisions.
24. The validity of any proceedings of the Board shall not be affected by a vacancy amongst their members, by any defect in the appointment of a member of the Board or by the want of qualification, or the disqualification, of any such member.

### Minutes of proceedings of meetings

25. A copy of the minutes of the proceedings at each meeting of the Board shall be placed on the Chilterns Conservation Board website

# Code of Governance

## Interpretation of the Code of Governance

1. Interpretation of the Code shall include:
  - a) the ruling of the chairman on the interpretation or application of this Code of Governance or as to any proceedings of the Board shall be final; and
  - b) The use of the term 'chief executive officer' in the Code of Governance shall be interpreted as being synonymous with the term 'chief officer' as defined in the Chilterns Conservation Board's Establishment Order: *The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (Statutory Instrument 2004 No. 1778)* at Part II.

## Revocation, suspension and variation of the Code of Governance

2. Except for those standing orders derived from statutory authority:
  - a) any motion to revoke this Code of Governance or any part of it shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Board; and
  - b) any motion to add or vary this Code of Governance shall be made, proposed and seconded at an Annual General Meeting of the Board
3. Except for those standing orders derived from statutory authority, and subject to paragraph 4, any of the preceding standing orders may be suspended so far as regards any business at the meeting where its suspension is moved.
4. A motion to suspend the Code of Governance shall not be moved without notice unless there shall be present at least one half of the whole number of the members of the Board.

## The Board

5. The Board meeting shall exercise all the powers, duties and functions of the Board that are not specifically delegated to a standing committee.
6. Any arrangements made by the Board for the discharge of its functions by a committee, sub-committee or an officer shall not prevent the Board meeting from exercising those functions.
7. The following powers, duties and functions are specifically reserved to be exercised by the Board meeting:
  - a) approval of the Code of Governance for the conduct of the business of the Board;

- b) approval of a Calendar of Meetings for the discharge of the business of the Board;
- c) appointment of members or officers to outside bodies;
- d) approval of the annual budget and the Board's annual accounts;
- e) exercise of the Board's powers of borrowing;
- f) determination of all constitutional and funding issues affecting the Board and its members;
- g) approval of the members' allowances scheme;
- h) approval of the members' Code of Conduct and relevant protocols;
- i) approval of a complaints procedure;
- j) approval of employment policies including health and safety, industrial relations and related issues;
- k) appointment and dismissal of the chief executive officer and monitoring officer;
- l) approval of the strategies, policies, plans and programmes that guide the Board in the discharge of its powers and duties;
- m) adoption of the management plan under section 89 of the Countryside and Rights of Way Act 2000;
- n) determination of a Board response on any proposals that affect the Chilterns Area of Outstanding Natural Beauty or the Board, its powers, duties, functions and responsibilities, particularly, but not exclusively, from central, regional or local government, neighbouring authorities, partnerships and other external bodies, except where the chief executive officer in consultation with the chairman considers that such response should be determined by officers, or a standing committee or sub-committee; and
- o) determination of any matters where policy issues are relevant which have been referred for decision by any standing committee of the Board.

## Order of business

8. The order of business if relevant at meetings of the Board is:
  - a) at the annual general meeting of the Board to elect a chairman and deputy chairman;
  - b) to choose a person to preside if the chairman and deputy chairman are absent;
  - c) to deal with any business required by statute to be done before any other business of the Board;

- d) to read and approve as a correct record and sign the Minutes of the last meeting of the Board. If a copy has been circulated to each member of the Board not later than the date of issue of the summons to attend the meeting, they shall be taken as read;
  - e) to deal with any business expressly required by statute to be done;
  - f) to introduce any business which by reason of special circumstances the chairman of the meeting, after consultation with the chief executive officer of the Board, is of the opinion should be considered as a matter of urgency, and then to resolve when such business shall be ordered onto the agenda;
  - g) to dispose of business remaining from the last meeting;
  - h) to consider motions in the order of which notice has been received;
  - i) other business specified in the summons; and
  - j) to receive and consider the minutes and recommendations of committees.
9. The order of business at any meeting of the Board (other than business falling at sub-paragraphs (a), (b), (c), (d) or (f) above) may be varied either at the discretion of the chairman or by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

## Minutes

- 10. Minutes of the proceedings of each meeting of the Board shall be drawn up and kept for that purpose and shall be signed at the same or next suitable meeting of the Board by the person presiding and any minute purporting to be so signed shall be received in evidence without further proof.
- 11. As soon as the minutes have been read, the chairman shall put the question that the minutes of the last meeting of the Board be signed as a correct record.
- 12. No discussion shall take place upon the minutes, except upon their accuracy. Any question of the accuracy of the minutes shall be raised and if no such question is raised, or, if it is raised, then as soon as it is disposed of, the chairman shall sign the minutes.
- 13. Minutes of the proceedings purporting to be signed by the Chairman following approval shall be received in evidence without further proof.

## Disorderly conduct

- 14. If, at a meeting, any member of the Board, in the opinion of the chairman notified to the Board, misbehaves by persistently disregarding the ruling of the chairman, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Board, the chairman or a member may move "that the member named be not further heard" and the motion if seconded shall be put to a vote without discussion.



15. If, after such a motion has been carried, the member persistently misbehaves the chairman may require the removal of the member for such period as the chairman shall determine. The chairman may, if necessary, adjourn or suspend the meeting of the Board.
16. If a member is required to leave the meeting under paragraph 15, the member is not entitled to vote during the period of exclusion.

## Appointment of committees

17. Subject to any statutory provision to the contrary, the Board may arrange for the discharge of any of their functions:
  - a) By a standing committee, committee, sub-committee or an officer of the Board;  
or
  - b) By any local authority.
18. The Board shall appoint, usually at one Annual General Meeting, any such additional standing committee, and may at any time appoint such other committees, advisory groups or working parties as are necessary to carry out the work of the Board.

## Standing committees

19. Each year the Board shall approve a calendar of meetings of the Board and its committees
20. The standing committees of the Board shall consist of the Executive Committee and the Planning Committee
21. Each standing committee, committee and subcommittee shall elect a chairman and vice chairman from amongst the membership of the committee.
22. The Board shall appoint members of the Board to the standing committees usually at its Annual General Meeting.
23. The chairman of the Board shall be a member of the Executive Committee.
24. The proceedings of a committee or sub-committee to which paragraphs 19 to 23 apply shall not be invalidated by any failure of the Board to perform its duty under that paragraph.

## Advisory groups

25. The Board may appoint from time to time deliberative and advisory panels and working groups in relation to its various functions. None of these panels or working groups enjoys decision-making functions. All matters arising from the work of these bodies that require a decision will be brought to the Board or an appropriate committee by a member of the advisory group or the chief executive officer.

## Voting for membership of the standing committees

26. Subject to paragraphs 19 to 23, members wishing to stand for election to one of the standing committees must notify their preference to the chairman not less than 14 days in advance of the advertised date of the Annual General Meeting. If there are more volunteers for a standing committee than are required the chairman will choose from amongst the volunteers those who will sit on a standing committee taking into account the required balance between local authority, Secretary of State and parish council appointees. If there are insufficient volunteers from one of the appointing groups then the chairman will use his judgement in allocating places on a standing committee from amongst the other volunteers.

## Co-opted members

27. From time to time, as it sees fit, the Board or each committee or advisory group may appoint any person to be a member of any meeting of the Board, and to be a member of any committee, sub-committee, joint committee, panel or working party who is not a member of the Board. Such persons shall not exceed two at meetings of the Board and four on each of the Executive Committee or Planning Committee. Such persons shall be nominated by two members of the Board or committee, and approved by a majority vote of the Board or committee.
28. A person who:
- a) is a member of a committee appointed by the Board, and who is not a member of the Board;
  - b) is a member of a joint committee by the Board and one or more local authorities and who is not a member of either the Board or any relevant local authority; and
  - c) is a member of a sub-committee appointed by a committee and is not a member of the Board

shall for all purposes be treated as a non-voting member of that committee, joint committee, or as the case may be, sub-committee or advisory group, and shall not be counted in determining whether any committee, joint committee, sub-committee, or advisory group is quorate.

## Convening of meetings of committees and sub-committees

29. All meetings of committees and sub-committees shall be summoned by the chief executive officer or planning officer of the Board.
30. The chairman of a committee or the chairman of the Board may call a special meeting of the committee at any time. A special meeting may also be called on the resolution of a quarter of the whole number of the committee, delivered in writing to the chief executive officer of the Board but in no case shall fewer than three

members requisition a special meeting. The summons to a special meeting shall set out the business to be considered thereat.

## Quorum of committees, sub-committees and advisory groups

31. Except where authorised by a statute or ordered by the Board, business shall not be transacted at a meeting of any committee unless at least one third of the whole number of the committee or sub-committee is present. However, in no case shall the quorum of a committee be fewer than three members of which at least one is a local authority member, one is a member appointed by the Secretary of State and one is a parish council member. If not quorate a decision can be made outside the meeting, by teleconference and/or by email.
32. Except as previously set out, or otherwise ordered by the committee which has appointed it, business shall not be transacted at a sub-committee or advisory group unless at least one third of the whole number of the sub-committee is present.

## Right to attend meetings

33. Any member of the Board may attend meetings of a committee or sub-committee of the Board of which he is not a member and may receive the relevant papers.

## Attendance of the public at meetings

34. Meetings of the Board or any committee or sub-committee shall be open to the public except when dealing with confidential or exempt information as specified in paragraphs 35 and 36.
35. The Board or any committee or sub-committee of the Board shall by resolution exclude the public from a meeting during an item of business whenever it is likely, in view of the nature of the business to be transacted or of the nature of the proceedings, that if members of the public were present during that item, confidential information as defined in section 100A(3) of the Local Government Act 1972, would be disclosed to them in breach of an obligation of confidence.
36. The Board or any committee or sub-committee of the Board may by resolution exclude the public from a meeting, upon a motion duly made and seconded being carried by a majority, whenever it is likely, in view of the nature of the business to be transacted or of the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information, as defined in section 100I of the Local Government Act 1972.
37. The business, the subject of the resolution, shall stand adjourned until all other business of the meeting has been transacted, whereupon the public shall leave the meeting and the adjourned business shall be considered.

## Failure of member to attend Board meetings

38. If a member of the Board fails to attend any meeting of the Board for six consecutive months (beginning with the date of the meeting from which he first

absented himself), he shall, unless the failure was due to some reason approved by the Board, be deemed to have resigned his office as a member of the Board at the expiration of that period.

39. Attendance as a member at a meeting of any committee or sub-committee of the Board, and attendance as representative of the Board at a meeting of any body or persons shall be deemed for the purpose of paragraph 38 to be attendance at a meeting of the Board.

## Preparation and publication of agendas and reports

40. An item of business may not be considered at a meeting of the Board, or a committee or subcommittee, unless either:
  - a) A copy of the agenda including the item is open to inspection by members of the public for at least three clear days before the meeting or, where the meeting has been convened at shorter notice, from the time the meeting is convened, or
  - b) By reason of special circumstances, which shall be specified in the minutes, the Chairman of the meeting, after consultation with the chief executive officer of the Board, is of the opinion that the item should be considered at the Board as a matter of urgency or confidentiality.
41. All items for which it is likely that the public shall be excluded from the meeting shall be grouped at the end of the agenda for the meeting and the agenda shall indicate that the public are likely to be excluded from the meeting during the discussion of these items.
42. One copy of the agenda for a meeting and one copy of the reports for a meeting which relate to items during which the meeting is open to the public shall be open to inspection by members of the public after copies of the agenda and reports have been made available to members of the Board.
43. The minutes of the meetings that were open to the public shall be available to the public after copies of the minutes are available to members of the Board.
44. Where the whole or part of a meeting has been open to the public, copies of the list of background papers, excluding those papers that reveal confidential or exempt information, shall be available for inspection by members of the public for four years from the date of the meeting.

## Disclosure of information by a member of the Board

45. A member of the Board, or any member of any committee, sub-committee or advisory group who is not a member of the Board, shall not disclose or quote in public the contents of any agenda, report or other document that is marked "Confidential" or "Not for Publication" unless the document has been made available to the public or the press on behalf of the Board.
46. A member of the Board, or any member of any committee or sub-committee who is not a member of the Board, shall not disclose to a non-member or quote in

public any unpublished matter disclosed to a member in his capacity as a member of the Board or committee or subcommittee as the case may be, where such disclosure would prejudice the interests of the Board.

## Authentication of documents

47. Where any document is a necessary step in legal proceedings on behalf of the Board it shall, unless the Board has given the necessary authority to some other person for the purpose of such proceedings, be signed by the chief executive officer.

## Statutory Requirements and Code of Governance to be given to Members

48. A printed copy of the Statutory Requirements and Code of Governance shall be given to each member of the Board by the chief executive officer.

## Members' rights to inspect documents

### **Relating to business at meetings**

49. Documents which are in the possession of or under the control of the Board and contain material relating to any business to be transacted at a meeting of the Board or a committee or sub-committee of the Board shall be open to any member of the Board.

### **Other documents**

50. A member wishing to inspect a document other than those covered by paragraph 63 should make a written request to the chief executive officer and the chairman of the committee concerned. If the chief executive officer is satisfied after consultation with the chairman that the request to inspect the document is reasonably in furtherance of that member's need to know the document is to be produced for the member's inspection
51. If a member's request raises any legal issues, the chief executive officer of the Board and the chairman shall consult the monitoring officer.
52. If the matter is not resolved it shall then be referred to the appropriate committee for a decision.

### **All documents**

53. Members and officers are advised that where information of a possibly defamatory nature is contained in a document, inspection of which by a member of the Board is permitted, such inspection is allowed on the clear understanding that neither the

document nor any description of its contents should be passed on to any other party.

54. Nothing in these rules shall be deemed to affect the right of any member of the Board to inspect any document where such right is provided by any other statute or regulation.

## Public question time

55. At meetings of the Board, committees or sub-committees, other than any committee, subcommittee or advisory group dealing solely with issues relating to the Board's personnel, provision shall be made for an item in the agenda of the Board, committee or sub-committee meetings for public questions. The item shall appear next after the item dealing with apologies for absence, signing the minutes of the last meeting as a correct record and the taking of matters arising from those minutes, save that in relation to meetings of the Planning Committee questions shall be posed at the time the relevant item is before the Committee.
56. For the purposes of the Code of Governance a "public question" shall mean the asking of any question, the making of any statement or the presentation of any petition in relation to any item on the relevant Board committee or sub-committee agenda at which the question is to be posed.
57. Persons wishing to ask questions must inform the chief executive officer of the Board or his representative prior to the meeting.
58. The chairman of the Board committee or sub-committee will invite those who have given prior notice to pose their question at an appropriate time. The questioner may speak for up to two minutes, or longer at the chairman's discretion.
59. There will be no debate on any question posed which may be answered at the time or noted for consideration when the relevant agenda item is reached. The chairman may allow a supplementary question wherever he thinks this is reasonable and appropriate.
60. The time allowed for public question time shall not exceed 20 minutes unless the chairman directs otherwise.
61. Where a large number of questioners appear to be concerned with the same subject matter, the chairman may ask those concerned to nominate one of their number to pose the appropriate question. In such cases the chairman shall allow up to 5 minutes for this to be done.
62. In exceptional circumstances, the chairman may adjourn the meeting to allow views to be expressed more freely.

## The Executive Committee

### Functions

63. The Executive Committee shall:

- a) regulate and control the Board's finances including balances and any capital or reserve funds, prepare the annual review and capital budget to make recommendations to the Board on the annual forecast, estimates and budget and to be responsible for borrowing transactions and the investment of funds;
- b) prepare the annual budget and the Board's annual accounts;
- c) ensure that the Board makes adequate insurance arrangements;
- d) arrange for both the internal and external audit of the Board's accounts;
- e) make arrangements for the proper administration of the Board's financial affairs as required by section 151 of the Local Government Act 1972;
- f) monitor and review the implementation of the Board's policy and strategy as set out in the Area of Outstanding Natural Beauty Management Plan, Business Plan and Budget, and make recommendations accordingly;
- g) prepare employment policies including health and safety, industrial relations and related issues;
- h) oversee all human resources matters relating to the Board, including, but not limited to, conditions of service and welfare of all staff, health and safety at work and the legislation relating to industrial relations and pension provision. The Executive Committee has appointed an HR Advisory Group in accordance with paragraph 25 to assist in this.
- i) Provide members to sit on the Appeals Sub-Committee as specified in paragraph 68;
- j) consider disciplinary proceedings concerning the chief executive officer; and
- k) consider all matters of an organisational and administrative nature referred to it from time to time by the Board.

### **Composition**

64. Subject to the provisions of paragraph 26 the Executive Committee shall be comprised of nine members of the Board, one of whom will be the chairman of the Board, and up to four persons who are not members of the Board.

The composition of those nine members ideally shall be:

Local authority members:	4
Members appointed to the Board by the Secretary of State:	3
Parish council members:	2

65. No substitute member is permitted to attend meetings on another member's behalf.

### **Form of signature**

66. Where the Executive Committee acts on matters delegated to it, the chairman (or deputy chairman in his absence) of the Committee will be the authorised signatory using the following convention: “xxx, Chairman, Chilterns Conservation Board Executive Committee, for and on behalf of the Chilterns Conservation Board”. From time to time, the chief executive officer may act on behalf of the Executive Committee. The chief executive officer will then be the authorised signatory and shall follow the convention with the appropriate amendments.

## The HR Advisory Group

67. The HR Advisory Group shall:
- a) Comprise five members including the deputy chairman and one member of the Executive Committee and at least two co-opted members all chosen by the chairman of the Executive Committee in consultation with the chief executive officer;
  - b) Review all HR arrangements as necessary including the HR Policies, Procedures and Staff Handbook;
  - c) Provide the chairman with advice on performance appraisals;
  - d) Provide the chairman with advice on remuneration;
  - e) Provide advice to the Appeals Sub Committee as requested;
  - f) Conduct a regular confidential staff survey; and
  - g) Report directly to the chairman.

## The Appeals Sub-Committee

68. The Appeals Sub-Committee shall
- a) comprise three members of the Executive Committee, of which one shall be a local authority member, one shall be a member appointed by the Secretary of State, and one shall be a parish council member if possible. The members, assisted by one or more external members, and by the HR Advisory Group if appropriate, shall be chosen by the chairman of the Executive Committee in consultation with the chief executive officer. If the matter under appeal arises from a decision of the Executive Committee, the members chosen to sit shall be members of the Board who do not sit on the Executive Committee together with one or more external members.
  - b) hear and determine all disciplinary and other appeals arising under the relevant conditions of service for all the Board’s employees.

## The Planning Committee



## **Functions**

69. The Planning Committee shall make all representations on behalf of the Board in relation to planning policy and planning applications.
70. Exceptionally the Planning Committee may conclude that the matter on which it has commented is of such significance to the Chilterns Area of Outstanding Natural Beauty that it requires the authority of the Board. Where possible this will be dealt with under the "Report of the Planning Committee" item on the Board agenda. Where this is not possible the chairman of the Board will be asked to admit the matter at the next meeting of the Board.
71. In particular cases where the Planning Committee requires informal guidance from the Board, the chairman of the Planning Committee, or in his absence the deputy chairman, shall liaise with the chairman of the Board.
72. The Planning Committee shall delegate to the planning officer in consultation with the chief executive officer such of its functions as it considers desirable and expedient and shall keep such delegation under review.
73. The Planning Committee will report responses made on significant matters by it, or on its behalf, to the Board at each subsequent meeting of the Board.

## **Composition**

74. Subject to paragraph 26 the Planning Committee shall be comprised of nine members of the Board and up to four persons who are not members of the Board.

The composition of those nine members ideally shall be:

Local authority members:	4
Members appointed to the Board by the Secretary of State:	3
Parish council members:	2

75. No substitute member is permitted to attend meetings on another member's behalf

## **Form of signature**

76. Where the Planning Committee acts on planning matters under its delegated authority the chairman (or vice-chairman in his absence) of the Committee will be the authorised signatory using the following convention: "xxx, Chairman, Chilterns Conservation Board Planning Committee, for and on behalf of the Chilterns Conservation Board".

## **Candidates for appointment as officers**

77. Canvassing of members of the Board or of any committee of the Board directly or indirectly for any appointment under the Board (including any employment) shall disqualify the candidate concerned for such appointment.

78. A member of the Board shall not solicit for any person any appointment under the Board, but this shall not preclude a member from giving a written testimonial of a candidate's ability, experience or character for submission to the Board with an application for appointment.
79. Candidates for any appointment under the Board who know that they are related to any member or senior officer of the Board shall, when making an application, disclose that relationship to the chief executive officer. A candidate who fails to do so shall be disqualified for such appointment and, if appointed, shall be liable to dismissal without notice.
80. Every member and senior officer of the Board shall disclose to the chief executive officer any relationship **known** to exist between himself and a candidate for an appointment of which she/he is aware. It shall be the duty of chief executive officer to report to the Board or to the appropriate committee any such disclosure made. This requirement of the Code of Conduct shall be included in any form of application.
81. For the purpose of this Code of Governance "Senior Officer" means any officer under the Board so to be designated by the Board or an appropriate committee and persons shall be deemed to be related if they are a spouse or partner, or if either of them is the son or daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt or nephew or niece or the partner or spouse of any of the preceding persons. The term "partner" above means a member of a couple who have entered into a civil partnership, or who live together and who are of the same or of the opposite sex.

## Chief executive officer

### **Appointments**

82. Where the Board proposes to appoint its chief executive officer, and it is not proposed that the appointment shall be made exclusively from among its existing officers, it shall:
- a) draw up a statement specifying:
    - i. the duties of the chief executive officer; and
    - ii. any qualifications or qualities sought in the person to be appointed.
  - b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
  - c) make arrangements for a copy of the statement mentioned in paragraph 82(b) to be sent to any person on request.
83. Where a post has been advertised as provided in paragraph 82(b) the Board shall interview all qualified applicants for the post, or select a short list of such qualified applicants and interview those included on the short list. Where no such qualified person has applied, the Board shall make further arrangements for advertisement in accordance with paragraph 82(b).

## **Disciplinary action**

84. No disciplinary action (within the meaning of Part II of the Local Authorities Standing Orders Regulations 1992) in respect of the chief executive officer, except action described in paragraph 85, may be taken by the Board, or by a committee or sub-committee of the Board, or any other person acting on their behalf, other than in accordance with a recommendation in a report made by a designated independent person under regulation 3 of those regulations.
85. The action mentioned in paragraph 84 is suspension of the chief executive officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension shall be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension comes into effect.

## **Delegation to the chief executive officer**

### **General**

86. The chief executive officer of the Board is authorised to act on behalf of the Board in relation to any matters subject to the following overriding provision which is that any action under delegated powers shall be in accordance with:
  - a) The overall policies approved by the Board or any of its committees or sub-committees;
  - b) The Code of Governance; and
  - c) Financial regulations.
87. Without prejudice to the above delegation, the chief executive officer is expected in appropriate cases to:
  - a) Maintain a close and regular liaison with the Board's chairman and/or the appropriate committee chairman or sub-committee chairman (or in his absence the deputy chairman and with local authority members, members appointed by the secretary of state and with parish council members;
  - b) Consult as necessary with any member who has a specific, local or specialist interest in the matter; and
  - c) Consult with the Board's monitoring officer or deputy monitoring officer.
88. Before exercising any delegated power the chief executive officer must consider whether the decision to be made is of such a nature that it ought to be referred for decision to the Board or to the appropriate committee or sub-committee.
89. Any power delegated to the chief executive officer may be exercised by an authorised officer in his absence or at other times with any general directions of the chief executive officer.

### **Interests of officers in contracts**

90. The chief executive officer of the Board shall record in a book to be kept for the purpose particulars of any notice given by an officer of the Board under section 117 of the Local Government Act 1972 of a prejudicial interest in a contract, and the book shall be open during office hours to the personal inspection of any member of the Board.

### **Personnel**

91. The chief executive officer is authorised to act in relation to the appointment, dismissal, discipline and determination of all other matters relating to the employment of staff and the conditions on which they are employed as specified in the HR Policies and Procedures and Staff Handbook.
92. The chief executive officer may authorise employees to exercise such powers of entry, inspection and survey of land, buildings or premises and may issue any necessary evidence as authority as may be appropriate to the exercise of his duty and in respect of which the Board has power.

### **Legal and procedural**

93. The chief executive officer may:
- a) serve statutory notices to ascertain the legal interests of any person in land;
  - b) to institute, defend or settle legal proceedings in the name of the Board or an individual officer of the Board at common law or under any enactment, statutory instrument, order or byelaw conferring functions upon the Board or in respect of functions undertaken by them and to lodge an appeal against any such decision. For the avoidance of doubt this authority shall extend to the taking of all procedural steps, including the service of notices, statutory or otherwise, counter-notices and notices to quit.
  - c) To authorise officers of the Board to prosecute or defend or appear in any legal proceedings by virtue of the provisions of section 223 of the Local Government Act 1972 and to appear on behalf of the Board at any inquiries, tribunal or other body responsible for matters affecting the Board.

### **Planning**

94. The Planning Committee may delegate its responsibilities for making representations and objections to the chief executive officer of the Board, or to the planning officer in consultation with the chief executive officer, in circumstances where response deadlines do not enable prior consideration by the Planning Committee. Any responses will be agreed with the chairman of the Planning Committee and shall be reported to the next meeting of the Planning Committee for ratification and relevant members of the Planning Committee before making comments or representations.

95. When necessary the chief executive officer will consult with the chairman of the Planning Committee

**Form of signature**

96. Where action is delegated to the chief executive officer, she/he will be the authorised signatory in the same manner as above. Where action is delegated to the planning officer in consultation with the chief executive officer, she/he will be the authorised signatory in the same manner as above.