



Standing Orders
for meetings of the
Joint Nature Conservation Committee
April 2011

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STANDING ORDERS FOR MEETINGS OF THE JOINT NATURE CONSERVATION COMMITTEE

1. Introduction

- 1.1 The Standing Orders relate to the conduct of meetings for the Joint Nature Conservation Committee.

2. Membership of Committee

- 2.1 The membership of the Joint Committee is set out in the Natural Environment and Rural Communities Act 2006.

3. Committee meetings

- 3.1 In accordance with the Natural Environment and Rural Communities Act (2006), paragraph 16 of Schedule 4 (1): 'Committee may regulate their own procedure (including quorum)' (2) 'No proceeding of the Joint Committee is invalidated by a vacancy amongst members or any defect in the appointment of any member'.
- 3.2 There will be three Committee meetings each year. The March and November meetings will usually take place in Peterborough. The June meeting will be held in a country on a rotational basis.
- 3.3 If more than half of the Committee members request an Extraordinary General Meeting, either following discussion at a Committee meeting or by notifying the Chairman in writing, the Chairman shall arrange such a meeting within 7 days of the request being received. The Extraordinary General Meeting so announced shall be held within 14 days of its announcement.

4. Participation in meetings

- 4.1 No decision shall be made at the Committee meeting unless at least six members (a quorum) participate.
- 4.2 Participation in a meeting will usually be in person, but, exceptionally, individual members may participate by telephone or video-conference. In such circumstances such members will be deemed to be present for the purposes of that meeting. Written comments on agenda items may be submitted to the Chairman in advance of the meeting by any non-participating members, however, these will not be part of the decision-making process.
- 4.3 If the Chairman of Committee is unable to participate the Deputy Chairman will substitute for that particular meeting. In the event that the Deputy Chairman is not present or the role is vacant, the members may appoint any member to be a 'substitute Chairman' for that particular meeting. Any power or duty assigned to the Chairman in relation to the conduct of a meeting may be exercised in his/her absence by the member presiding at the meeting.

5. Declaration of interests

- 5.1 Members of the Joint Committee may not participate in the discussion or determination of matters in which they have a direct pecuniary interest.
- 5.2 Members are responsible for stating any pecuniary interest they may have in any matter discussed during a meeting of the Joint Committee before the commencement of discussion of the item. In the event of a member not appreciating at the outset of a meeting that an interest exists, the member should declare such an interest as soon as (s)he becomes aware of it;
- 5.3 When an interest is not of a direct pecuniary kind, members should consider whether participation in the discussion or determination of a matter would involve a real danger of bias. This should be interpreted in the sense that members might unfairly regard with favour, or disfavour, the case of a party to the matter under consideration. In considering whether a real danger of bias exists in relation to a particular decision, members should assess whether they, a close family member, a person living in the same household as the Committee member, or a firm, business or other organisation with which the Committee member is connected, is or is likely to be affected more than the generality of those affected by the decision in question. This would cover, for example, a situation involving a connection with a non-governmental organisation which received grant aid from the Committee or which stood to benefit by a particular course of action which might be taken by the Committee.
- 5.4 In any case of doubt, the Committee member should openly declare the possibility of an interest, whether direct or indirect. The Chairman will rule on whether any interest was such as to prevent the member participating in discussion or determination of the matter.
- 5.5 Where in the opinion of the Chairman there is a potential conflict of interest between the member's interest and that of the Committee, the member shall withdraw from the meeting for the duration of the item.
- 5.6 Additionally, each member of the Joint Committee is responsible for:
 - i. declaring, at least annually as required, for recording in the Register of Interests, any personal interest they may have, whether financial or otherwise, in the business of the Joint Nature Conservation Committee. This includes any interest in other bodies whose business might impinge on that of the JNCC. Examples include being a paid employee, partner, Director or proprietor of a company, partnership or other body;
 - ii. declaring, at least annually as required, for recording in the Register of Interests, any such personal interest on the part of a close family member, and their involvement in any not-for-profit organisation, e.g. charity, as a Trustee or member of the Committee of management or other controlling body, if that body might receive grants from the JNCC or where the family members might be involved in promoting such other organisation, or other significant dealings;

- iii. maintaining the confidentiality of confidential JNCC business at all times, including confidential papers and discussions relating to Committee meetings.

6. Attendance of the public

- 6.1 All business sessions of the Committee shall be open to the public (except for discussion of confidential items, as determined by the Chairman).
- 6.2 The public are welcome to attend Committee meetings as observers, but not to participate.
- 6.3 No cameras or recording equipment shall be allowed into meetings of the Committee, except with prior permission from the Chairman.

7. Availability of agendas, papers and minutes in advance of meetings

- 7.1 The Committee is committed to the principle of open government. Items for consideration at meetings of Committee will be classified as confidential subject to the conditions set out in relevant legislation and government guidance¹. Guidance on confidentiality of Joint Committee business is attached at Annex A.
- 7.2 The agenda and supporting papers for Committee meetings, including unconfirmed minutes of the previous meeting, will normally be dispatched to the receiving address of each Committee member at least ten working days prior to the Committee meeting.
- 7.3 Papers shall be made available to the public via the JNCC's website and on paper on request as far as practicable, including at meetings to which they relate. Agendas and papers will normally be made available on the website at least seven working days in advance of the meeting to which they relate and unconfirmed minutes no later than six weeks after the meeting to which they relate. Cover notes are provided with all papers on the website explaining their status and referring readers to the minutes of the meeting for the views of the JNCC on the paper.

8. Order of business

- 8.1 Business at Committee shall normally include items *inter alia*:
 - i. to record the names of members attending the meeting;
 - ii. to receive apologies for absence;
 - iii. to receive any declaration of interest for specific items of which any member or officer is aware;
 - iv. to consider matters brought forward at the direction of Chairman or members of Committee;
 - v. to consider matters arising

¹ e.g. Environmental Information Regulations; Data Protection Act; Copyright Acts; Code of Practice on Access to Government Information; Freedom of Information Act.

- vi. to consider specific matters or documents relating to the Committee's work, including papers circulated subsequent to the normal issue of papers for the meeting;
- vii. to consider any other business;
- viii. to confirm the venue, date and time of the next meeting.

9. Decision-making procedures

- 9.1 Committee will normally reach decisions by consensus. Where agreement cannot be reached by consensus, a vote will be taken on recommendations to Committee, once all issues relating to them have been discussed.
- 9.2 Each Committee member is entitled to one vote.
- 9.3 A majority vote is required for a decision to be agreed. If a majority vote is not reached and the issue must be decided at the meeting, the Chairman has a second or 'casting' vote. If any member(s) disagree(s) with the final decision, (s)he may have their views noted in the minutes. If a vote is not taken then the issue(s) may be deferred so that additional information or options can be provided.
- 9.4 Once a vote has been taken and the outcome determined, the Chairman will state the decision made and this will be recorded for the minutes.
- 9.5 Committee may agree to specific decisions being made by consultation of members intersessionally. In such cases Committee should also agree the process by which this will be done.
- 9.6 In fulfilling its role the Committee will:
 - take the initiative, and facilitate others, in identifying strategic issues for or affecting nature conservation;
 - provide impartial scientific advice to Government, the UK conservation bodies and others;
 - establish a collective UK stance on issues whilst empathising with any different positions of countries within the UK.
 - lead changes relating to its advice, within the JNCC and more widely, through its behavior and decisions;
 - work collaboratively with the UK conservation bodies and share in each others' successes.
- 9.7 Independent members should, in particular:

endeavour to bring forward issues and thinking outside of the normal experience of the country agency bodies to the strategic development of JNCC's work and the formulation of policy and advice;

10. Production and distribution of minutes of Committee meetings

- 10.1 Minutes will be taken by a member of staff. Taken in conjunction with the papers presented to the meeting, the minutes should provide a correct record

of the meeting, in sufficient detail to comprise an audit trail of issues discussed and decisions taken by Committee.

- 10.2 Draft minutes shall be circulated to all members within 15 working days of the date of Committee meeting. Committee members should inform the Chairman of any proposed amendments to the minutes within 10 working days of receipt. The Chairman and Chief Executive will arbitrate over matters of dissent, following consultation with the Chief Executive. Within 30 working days of the meeting, the Chairman will clear the minutes for publication on the JNCC's website, amended as necessary, as the unconfirmed record of the meeting.
- 10.3 The unconfirmed minutes will be confirmed at the next meeting of the Committee, sent to all members and published on the JNCC's website (see 7.3 above).

11. Role and responsibilities of the Chairman, in respect of meetings of the Joint Committee

- 11.1 The Chairman is responsible for:
 - i. preserving order amongst all those present in meetings of the Joint Committee, including any members of the public;
 - ii. determining all matters of order, conflict of interest, confidentiality, competency and relevancy;
 - iii. determining in which order members wishing to speak should do so;
 - iv. ensuring that members of the Committee have sufficient opportunity to express their views on any matter under discussion;
 - v. deciding whether to defer to a closed session discussion of any item if it becomes apparent that open debate would breach personal or commercial confidentiality or would otherwise compromise the JNCC's duty to safeguard the public interest. In reaching decisions of this nature, Chairman shall follow the guidance set out in Annex A to these Standing Orders, "JNCC guidance on confidentiality of papers relating to meetings of the Joint Committee and Board", especially the section headed "Criteria for determining confidentiality of JNCC business". If Chairman decides that an item of business should be deferred to a closed session, he shall advise the meeting of the reason(s) for his/her decision;
 - vi. making decisions intersessionally on behalf of the Committee when specifically authorised to do so;

12. Role and responsibilities of the Chief Executive, in respect of meetings of the Joint Committee

12.1 The Chief Executive is responsible for:

- i. ensuring that a register of members' interests is compiled and maintained, which shall be open to public inspection and published annually in the JNCC's annual report;
- ii. advising the Joint Committee on the following, for which (s)he is directly responsible:
 - a) the discharge of its responsibilities as set out in the Management Statement, in the founding legislation and in any other relevant instructions and guidance that may be issued from time to time;
 - b) ensure that financial considerations are taken fully into account by the Joint Committee at all stages in reaching and executing its decisions, and that financial appraisal techniques are followed;
 - c) taking action as set out in paragraphs 3.7.5 of Managing Public Money if the Committee or its chairman, if contemplating a course of action which he/she considers would infringe the requirements of propriety or regularity or does not represent prudent or economical administration or efficiency or effectiveness, questionable feasibility, or is unethical.

12.2 In the event that his/her advice as set out above is overruled by the Joint Committee, and the Chief Executive feels that the action contemplated could not be defended before the Public Accounts Committee, the Scottish Parliament, the National Assembly for Wales and the administration in Northern Ireland, the Chief Executive may require the Chairman to give him/her a written instruction on the matter, which instruction will be drawn to the attention of the Comptroller and Auditor General.

13. Role and responsibilities of other officers of the JNCC and guests, in respect of meetings of the Joint Committee

13.1 Other officers of the JNCC and guests may be invited by the Chairman or presiding member to participate in Committee meetings. Their role is to:

- i. inform Committee on matters to enable Committee to reach decisions and to provide guidance on issues under discussion. They may take no part in the formal decision making process.
- ii.

14. Suspension and amendment of Standing Orders

14.1 These Standing Orders may not be suspended, amended or added to except by a decision by Committee at a meeting.

14.2 Notwithstanding the provision in paragraph 14.1 above, these Standing Orders not be suspended, amended or added to where this would contravene any statutory provision or direction made by the Secretary of State.

ANNEX A

JNCC GUIDANCE ON CONFIDENTIALITY OF PAPERS RELATING TO MEETINGS OF THE JOINT COMMITTEE AND BOARD

1. The Joint Committee intends that as much as possible of its business shall be open to public scrutiny.
2. Most information can be freely disclosed, subject to the conditions set out in relevant legislation and government guidance (e.g. Freedom of Information Act; Environmental Information Regulations; Data Protection Act; Copyright Acts; and the Code of Practice on Access to Government Information).
3. Papers written for consideration at meetings of the Committee or Board may be discussed in the presence of members of the public and will be published, with their associated minutes, unless classified as confidential. It should be made clear however that confidential papers can be requested by others and refusal to disclose could require a specific public interest test.
4. Only information of types listed in paragraphs 1–3 of the attached criteria may (although not necessarily will) be classified as confidential. Chairman may decide, having regard to the public interest as required, that a confidential classification should not be applied.
5. Authors of papers that need to include information of the types described in paragraphs 2 and 3 of the criteria should endeavour to obtain permission to publish from any third party involved before submitting the paper to the Committee or Board. If permission is not obtained in writing the paper must be classified as confidential and must not be disclosed to the public or discussed in their presence.
6. The Director sponsoring a paper that needs to include information of the types described in paragraphs 1-3 of the criteria should agree with the Chief Executive the status of the paper and explain the reason for the inclusion of any confidential information in the cover note.
7. If confidential information is essential to the purpose of the paper and cannot be entirely excluded, it should, where possible, be mentioned only in a separate, confidential, cover note so that the paper itself need not be confidential.
8. If confidential information cannot be mentioned separately from the rest of the paper without the paper becoming too opaque to be understood, the whole paper must be classified as confidential and must not be disclosed to the public or discussed in their presence.
9. Chairman may decide, before or during a Committee or Board meeting, that discussion of a paper not classified as confidential is likely to breach personal or commercial confidentiality or would otherwise compromise the JNCC's duty to safeguard the public interest to defer further discussion to a session to which the public is not admitted.
10. Minutes of confidential items will also be confidential where they contain information of the type described in paragraphs 1 – 3 of the criteria.

11. Confidential papers and minutes will be periodically reviewed. Where, in the opinion of the Chief Executive the reason for confidentiality is no longer relevant, papers will be made open and placed on the website.

CRITERIA FOR DETERMINING CONFIDENTIALITY OF JNCC BUSINESS

Revised May 2009

1. *Never disclose information:*
 - 1.1 whose publication is prohibited by statute, e.g. the Official Secrets Acts, the Data Protection Act 1998, Copyright Acts, Public Records Acts.
2. *Disclose information only with permission from third party and legal advice:*
 - 2.1 relating to legal proceedings (including public inquiries), where it is not already in the public domain;
 - 2.2 whose disclosure could endanger the life or physical safety of any person.
3. *Disclose information after making a public interest judgement:*
 - 3.1 relating to individual(s) (e.g. where publication would breach personal privacy rights);
 - 3.2 received by the JNCC in confidence;
 - 3.3 commercial-in-confidence and contractual information;
 - 3.4 whose disclosure would pre-empt its imminent publication in some other form;
 - 3.5 constituting advice given in confidence to the UK Government or devolved administrations;
 - 3.6 whose disclosure would increase the likelihood of damage to the environment but whose disclosure would nevertheless be in the overwhelming public interest;
 - 3.7 relating to sensitive staffing and management matters.
4. Papers should be written to be read by the general public. All papers should be:
 - factual
 - succinct
 - clear and self-explanatory
 - impersonal and dispassionate
 - free of jargon and/or abbreviations.
5. For further advice, please contact the JNCC's Business Unit.