

17 March 2016

## SECRETARY TO THE FORESTRY COMMISSIONERS

### Purpose

1. To inform Commissioners of the future arrangements to fulfil the role of the Secretary to the Forestry Commissioners.

### Background

2. The role of the Secretary is not actually detailed in the Forestry Act 1967. In fact it is only mentioned in Schedule 1, Part 1, paragraph 4 which details the use of the Commissioners' seal.
3. In practice the Secretary performs many, but not all, of the functions of the role of the Secretary to the Board of a private enterprise.
4. The most important function of the FC's Secretary is to ensure that the Commissioners' statutory functions are fulfilled and that Commissioners are informed of any proposed changes to their statutory functions.

### Current Situation

5. The retirement of the current Secretary, Wilma Harper, has led to a consideration of the role of the Secretary going forward.
6. I have discussed options with the Chair and we have agreed to maintain the role as outlined below:
  - **Oversee Commissioners' statutory functions. This includes:**
    - Ensuring Commissioners statutory duties are fulfilled
    - Ensuring Commissioners are aware of proposed changes to their statutory duties
    - Overseeing Commissioner appointment process
    - Managing budget for Commissioner activities and salaries
    - Attending Commissioners' meetings when necessary.

- **Act in place of Commissioners, signing documents and authorisations, ensuring that necessary 'due diligence' has been carried out. This includes:**
    - Signing SIs – Commissioners are unusual (probably unique) in being able to enact secondary legislation (Statutory Instruments) in their own right under the Forestry Act 1967 and the Plant Health Act 1967.
    - Issuing authorisation cards – Acts as proof that staff members have powers of entry and enforcement
    - Signing to certify the Commissioners seal
    - Signing documents on behalf of Commissioners and Ministers.
  - **Ensure robust corporate governance. This includes:**
    - Providing advice on governance issues
    - Overseeing Terms of Reference for Board and delegated authorities
    - Overseeing certain Departmental functions e.g. records, honours.
7. As Commissioners will know, Stephen Bennett has been operating as Wilma's deputy in these matters for some years. After discussion with the Chair, I approached Stephen and he has agreed to take on this role in addition to other new duties, now that from 1 April he will no longer have responsibility for Equality and Diversity.
  8. I have agreed with the Chair that it will not be necessary for Stephen to attend all of the Commissioners' meetings, but he will attend as and when required. I attend Commissioners' meetings and have overall responsibility for Stephen's area of work. I will field any queries and questions and remit them back to Stephen as necessary.
  9. Stephen already takes the lead on many of the duties outlined in the role above e.g. Commissioners' appointments. Stephen is also the reporting officer of Fiona Alexander so is very familiar with the systems provided to support Commissioners in their role.

## Resource Implications, Risk Assessment and Communications Issues

10. None at present.

## Conclusion

11. The Board is asked to note the appointment of Stephen Bennett as Secretary to the Forestry Commissioners.

**Jean Lindsay**  
**Director Central Services**  
**February 2016**