



## **Dartmoor National Park Authority**

# **Standing Orders**

**for Regulation of Authority Proceedings and Business**

# **APPENDICES**

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### Provisions Regulating Membership of the Authority

- 1 Membership of the Authority shall be governed by the 1995 Act and the 2015 Order (as amended), and in particular Schedule 1 to the 2015 Order.
- 2 A Member may at any time resign their membership of the Authority by notice in writing delivered to the Chief Executive (National Park Officer) and their resignation shall take effect on the receipt of the notice by that Officer.
- 3 Where a vacancy arises in the membership of the Authority, it shall be filled as soon as is practicable:
  - (a) where the vacancy is for a local authority Member, by the council in whose representation the vacancy arises; and
  - (b) where the vacancy is for a Member whose appointment falls to be made by the Secretary of State in accordance with Paragraph 4 of Schedule 7 to the 1995 Act, by the Secretary of State after consultation with Natural England or its successor body
- 4 As soon as is practicable after receiving a notice under paragraph 2 above, the Authority shall give public notice of:
  - (a) the resignation, termination or vacancy, and
  - (b) the name of the person concerned.

### Provisions Relating to Committees of the Authority

#### 1 Membership & Function

- 1.1 At the Annual Meeting of the Authority, the Authority shall resolve and appoint:
  - a) the membership or method of appointment for each committee
  - b) the terms of reference of each of those committees
  - c) whether non-voting members, assessors and advisers may also be appointed to any such committee
  - d) the limitations, if any, to be placed on the powers of any such committee to arrange for the discharge of its functions by a sub committee
- 1.2 The Authority shall appoint, from among the Members, a Member to preside at the meetings of each committee (*the Chair*).
- 1.3 The committee may appoint from its members a Member to preside in the absence of the Chair (*the Deputy Chair*).
- 1.4 The Chair and Deputy Chair of the Authority shall be ex officio members of every committee (excepting always the Standards sub-committee) unless they decline to serve on any particular committee.
- 1.5 It is hereby declared and affirmed that a committee may, subject always to any resolution of the Authority under Standing Order 3 and the mandatory requirements of Section 104 of the 1972 Act (Disqualifications), include co-opted persons who are not Members.
- 1.6 In determining the membership and composition of any committee, due regard shall be had to the number of elected and appointed Members established by Regulation 4 and Schedule 1 to the 2015 Order (as amended).

#### 2 Proceedings

- 2.1 Except where required by statute or expressly authorised by the Authority, no business shall be transacted at any meeting of a committee unless a Quorum of Members is present in accordance with Standing Order 4.
- 2.2 All discussion and debate in any committee shall be conducted in accordance with the Rules of Debate set out in Standing Order 18.
- 2.3 For the purpose of conducting the business of meetings in an informal and amicable manner, it shall always be open to the Chair to allow debate which does not comply with the formalities of Standing Order 18.
- 2.4 Standing Order 14 shall govern voting and decision-making in any meeting of a committee.

### **3 Meetings**

- 3.1 Standing Order 3.2 shall govern the number, date and time of meetings of every committee.
- 3.2 The Chief Executive (National Park Officer) shall issue the summons for any meeting not less than 5 clear days before the meeting to which it relates and shall forward it by email or ordinary prepaid post.
- 3.3 A Member shall have the right to attend any meeting of a committee of which they are not a member and may receive the relevant papers thereof, however they shall not be entitled to speak at that meeting except with the consent of the Chair, neither shall they have any right to vote and they shall leave the meeting if requested to do so.
- 3.4 Any Member who wishes to place a matter appropriate to its remit on the agenda of any committee may do so by giving written notice to the Chief Executive (National Park Officer) at least seven working days before the next ordinary meeting of the committee concerned.

### **Provisions Relating to Working Panels and Other Groups**

#### **4 Membership & Function**

- 4.1 At the Annual Meeting of the Authority, the Authority shall resolve and appoint:
  - a) the membership or method of appointment for any working panel or other group
  - b) the terms of reference of each of those working panels or other groups
- 4.2 The Authority shall appoint, from among the Members, a Member to preside at the meetings of each working panel or other group (*the Chair*).
- 4.3 The working panel or other group may appoint from its members a Member to preside in the absence of the Chair (*the Deputy Chair*).
- 4.4 The Chair and Deputy Chair of the Authority shall be ex officio members of every working panel or other group unless they decline to serve on any particular working panel or other group.
- 4.5 It is hereby declared and affirmed that a working panel or other group may, subject always to any resolution of the Authority under Standing Order 3 and the mandatory requirements of Section 104 of the 1972 Act (Disqualifications), include co-opted persons who are not Members.

#### **5 Proceedings**

- 5.1 Except where required by statute or expressly authorised by the Authority, a working panel or other group shall have no decision-making function, nor shall it make resolutions or recommendations, vote on any matter, or

otherwise transact any business. The role of a working panel or other group shall be:

- to consider the matter or matters referred to it by the Authority;
- to make such enquiries or investigations as are necessary to the proper consideration of the matter or matters;
- to arrange such consultations and discussions with interested parties as are desirable; and
- to communicate the views of its members to Officers of the Authority

## **6 Meetings**

- 6.1 It shall be for the members of the working panel or other group to determine the number, date and time of meetings of the panel or group.
- 6.2 The Chief Executive (National Park Officer) shall issue a notice of meeting, not less than five days before the meeting to which it relates and shall forward it by email or ordinary prepaid post.
- 6.3 A Member shall have the right to attend any meeting of a working panel or other group of which he/she is not a member and may receive the relevant notice and papers thereof.
- 6.4 Any Member who wishes to place a matter appropriate to its remit before a working panel or other group may do so by giving written notice to the Chief Executive (National Park Officer) at least seven working days before the next meeting of the working panel or other group concerned.

### Terms of Reference for Committees of the Authority

#### 1 Audit & Governance Committee

The general functions of the Audit & Governance Committee are:

- (a) to exercise such powers and decision-making duties as may be delegated to the committee by the Authority;
- (b) to scrutinise the activity of the Authority with particular reference to audit, governance, risk management, performance management and use of resources (including financial and human);
- (c) to maintain a sub-committee to deal with Standards issues;
- (d) to provide assurance to and make recommendations to the Authority, its committees and sub-committees as appropriate;
- (e) to report its findings and confirm the level of assurance that has received [In-year] to the whole Authority (via committee minutes, reviewed at Authority meetings, or other reports as determined);
- (f) to consider any relevant issue referred to it by the Chief Executive, Chief Finance Officer, Monitoring Officer, Head of Internal Audit or External Audit.

Without prejudice to its general functions, the Audit & Governance Committee shall have the following specific functions:

#### A Audit

- to support the provision, management and performance of the internal and external audit functions;
- to approve the appointment of Internal and External Auditors, to the extent permitted by law;
- to receive and consider the External Auditor's annual Audit (work) Plan and fee;
- to receive and consider the Internal Auditor's Audit (work) Plan and fee;
- to receive and consider letters, reports, audit findings and action plans received from the Internal and the External Auditors, monitoring progress on agreed recommendations and making requests for further audit work or investigation if required.

#### B Performance and Risk

- to monitor and review the performance of the Authority with particular regard to the Business Plan, Budget Management, Treasury Management, Key Performance Indicators, other Strategic Plans and any other agreed service standards and targets;

- to receive and approve the Financial Outturn Report (making recommendations to the Authority if required)
- to approve a [Best Value] Service / Special Projects Review Programme as required and receive reports and monitor progress against action plans;
- to receive and consider other assurance reports and improvement action plans, such as: the annual report on the complaints procedure, reports on customer survey/satisfaction, peer reviews, self-assessments, Health & Safety etc. and monitor progress against them
- to consider the effective development and operation of the Risk Management Policy and procedures; obtaining assurance that risk management processes are working effectively
- to receive and consider the Strategic Risk Register and associated reports; obtaining assurance that key strategic risks are being effectively managed and addressed.

## **C Governance**

- to maintain an overview of the Authority's corporate governance arrangements, including regular reviews of the Authority's Local Code of Corporate Governance and the Annual Governance Statement;
- to maintain an overview of financial regulations, procurement policy & procedures, Standing Orders, Scheme of Delegation, working protocols and codes of conduct and behaviour - not otherwise reserved for the Standards sub-committee;
- to keep under review and monitor the effectiveness of the systems of internal control;
- to keep under review and monitor the Anti-fraud & Corruption and Confidential Reporting (Whistleblowing) Policies; and receive and consider any investigation reports referred to it;
- to consider the effectiveness of the Authority's Information Governance arrangements (General Data Protection Regulations/Freedom of Information/Environmental Information Regulations); and seek assurance that action is taken relating to any breaches or issues of non-compliance;
- to consider any issue of Authority non-compliance with its own and other relevant published regulations, waivers and exemptions of these regulations;
- to consider and make recommendations to the Authority regarding legislation, policies and procedures which guide the Authority in the discharge of its powers and duties;
- to form a panel to hear appeals from staff pursuant to various HR policies, as required.

## **D Standards**

- to promote and maintain high standards of conduct by Members and officers;
- to promote a zero tolerance to fraud and corruption within and against the Authority;
- to advise the Authority on the adoption of a Code of Conduct pursuant to s.27(2) of the Localism Act 2011;
- to assist Members to observe the Code of Conduct;
- to consider and determine complaints against Members under the Code of Conduct;
- to decide upon written applications by Members for a dispensation to speak, or to speak and to vote, on any matter coming before the Authority and/or its committees and sub-committees in relation to which the Member making the application has a disclosable pecuniary interest; and to decide the terms of any dispensation granted where this function has not been delegated to the Monitoring Officer.

## **2 Development Management Committee**

The general functions of the Development Management Committee are to exercise the Authority's development management functions as follows:

- (1) as a planning authority and mineral planning authority for Dartmoor National Park under Parts III, VII, VIII, X, XI and XV of the Town and Country Planning Act 1990 as amended or revoked and re-enacted, and any Statutory Instrument or Regulations made thereunder;
- (2) as the relevant authority under Parts I, II and III of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended or revoked and re-enacted, and any Statutory Instrument or Regulations made thereunder;
- (3) as the relevant authority for the purposes of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 as amended or revoked and re-enacted and all related matters;
- (4) as local planning authority in relation to the issue of certificates of appropriate alternative development under the Land Compensation Act 1961 as amended or revoked and re-enacted, and
- (5) as hazardous substances authority under the Planning (Hazardous Substances) Act 1990 and Planning (Hazardous Substances) Regulations 2015, as amended or revoked and re-enacted.

Without prejudice to its general functions, the Development Management Committee shall have the responsibility, in accordance with the policies and any directions of the Authority, to exercise the following powers and duties of the Authority:

- (a) to determine planning applications;



- (b) to authorise enforcement action, including legal action, or determine that it is not expedient to take action upon any breach of planning control;
- (c) to give or refuse consent for alterations to listed buildings and works in conservation areas;
- (d) to make tree preservation orders;
- (d) to regulate advertisements;
- (e) to make site inspection visits;
- (f) to respond to consultations from neighbouring local authorities.

## **TERMS OF REFERENCE FOR WORKING PANELS & OTHER GROUPS**

### **1 Chair's Advisory Group (CAG)**

#### **Membership**

As determined by the Authority at its Annual Meeting, and usually:

- Chair & Deputy Chair of the Authority (ex officio)
- Chair of the Development Management Committee
- Chair of the Audit & Governance Committee
- Chair of the Park Management Working Panel
- Chair of the Planning & Sustainable Development Working Panel
- Chief Executive (National Park Officer)
- Other Officers or Members by invitation

#### **Remit**

- 1) to provide an informal forum for the exchange of information, discussion and debate on matters relating to the Authority
- 2) to facilitate greater member involvement on all matters relevant to the Authority
- 3) to provide an opportunity for early consideration of matters likely to come before future Authority meetings
- 4) to provide a forum for panels and committees to highlight or raise issues they believe require fuller debate

#### **Terms of Reference**

- 1) to consider and discuss matters relating to the Authority
- 2) to request the attendance of Officers to discuss matters as and when necessary.
- 3) to make such enquiries or investigations as are necessary to the proper consideration of the matter or matters
- 4) to arrange such consultations and discussions with interested parties as are appropriate in pursuance of the remit of the CAG; and
- 5) to communicate the views of its members to Officers of the Authority

## **Powers**

Except where required by statute or expressly authorised by the Authority, the CAG shall have no decision making function, nor shall it make resolutions or recommendations, vote on any matter, or otherwise transact any business.

There shall be no power for the CAG to publish or state any view or opinion; make any recommendation; or commission any activity. However, this shall be entirely without prejudice to the right of any individual member of the CAG to raise any issue, canvass any direction, express any view or opinion, put forward any recommendation, or promote any activity as a member of the Authority at a duly constituted meeting of the Authority or one of its committees.

## **2 Park Management Working Panel**

### **Membership**

As determined by the Authority at its Annual Meeting, and usually not less than six Members

### **Remit**

- 1) to provide an informal forum to consider matters relevant to policy, priorities and performance in relation to the Authority's statutory conservation, and understanding and enjoyment purposes
- 2) to facilitate greater Member focus and involvement on policy development, and the monitoring of delivery
- 3) to provide an opportunity for early consideration of matters likely to come before future Authority meetings
- 4) to provide a forum for Members to highlight or raise issues they believe require fuller debate

### **Terms of Reference**

- 1) to consider and discuss matters relating to the Authority and in particular the statutory purposes of conserving and enhancing the natural beauty and promoting the understanding and enjoyment of the special qualities of the National Park
- 2) to request and receive reports and presentations from officers as appropriate
- 3) to monitor delivery of the National Park Management Plan (known as the Partnership Plan) in areas within the Panel's remit and contribute to an annual review of the Partnership Plan's priorities and objectives
- 4) to make such enquiries or investigations as are necessary to the proper consideration of matters within the remit of the Panel
- 5) to arrange such consultations and discussions with representatives of other stakeholder bodies as are appropriate within the remit of the Panel

- 6) to communicate the views of its members to Officers of the Authority
- 7) to arrange at least one field tour each year to review relevant land management, conservation, recreation, communication and education issues

### **Powers**

Except where required by statute or expressly authorised by the Authority, the Panel shall have no decision making function, nor shall it make resolutions or recommendations, vote on any matter, or otherwise transact any business.

There shall be no power for the Panel to give instructions or directions; publish or state any view or opinion; make any recommendation; or commission any activity. However, this shall be entirely without prejudice to the right of any individual member of the Panel to raise any issue, canvass any direction, express any view or opinion, put forward any recommendation, or promote any activity as a member of the Authority at a duly constituted meeting of the Authority or one of its committees.

## **3 Planning & Sustainable Development Working Panel**

### **Membership**

As determined by the Authority at its Annual Meeting, and usually not less than six Members

### **Remit**

- 1) to provide an informal forum to consider matters relevant to policy, priorities and performance in relation to the Authority's forward planning and development management functions and the statutory duty to seek to foster the socio-economic well-being of the local community insofar as this is compatible with the pursuit of National Park purposes
- 2) to facilitate greater Member focus and involvement on policy development, and the content of the Development Plan and supplementary planning documents
- 3) to provide an opportunity for early consideration of matters likely to come before future meetings of the Development Management Committee or full Authority
- 4) to provide a forum for Members to highlight or raise issues they believe require fuller debate

### **Terms of Reference**

- 1) to consider and discuss matters relating to development management, Development Plan policy, the duty to promote sustainable development and the responsibility for forward planning, community and economic development
- 2) to request and receive reports and presentations from officers as appropriate
- 3) to monitor performance and delivery of the socio-economic components of the National Park Management Plan (known as the Partnership Plan), the policies in the Development Plan and development management decisions

- 4) to make such enquiries or investigations as are necessary to the proper consideration of matters within the remit of the Panel
- 5) to arrange such consultations and discussions with representatives of other stakeholder bodies as are appropriate within the remit of the Panel
- 6) to communicate the views of its members to Officers of the Authority
- 7) to arrange at least one field tour each year to review recent planning decisions and consider planning policy and sustainable development issues.

### **Powers**

Except where required by statute or expressly authorised by the Authority, the Panel shall have no decision making function, nor shall it make resolutions or recommendations, vote on any matter, or otherwise transact any business.

There shall be no power for the Panel to give instructions or directions; publish or state any view or opinion; make any recommendation; or commission any activity. However, this shall be entirely without prejudice to the right of any individual member of the Panel to raise any issue, canvass any direction, express any view or opinion, put forward any recommendation, or promote any activity as a member of the Authority at a duly constituted meeting of the Authority or one of its committees.

## The Chief Executive (National Park Officer)

### 1 Appointments

*The Environment Act 1995 Schedule 7 para 14 & The Local Authorities (Standing Orders) Regulations 1993*

- 1.1 Where the Authority proposes to appoint a Chief Executive (National Park Officer) and it is not proposed that the appointment should be made exclusively from among the existing Officers of the Authority, it shall:
  - (a) draw up a statement specifying—
    - (i) the duties of the Chief Executive (National Park Officer), and
    - (ii) any qualifications or qualities to be 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 (a) above to be sent to any person on request.
- 1.2 Where a post has been advertised as provided in paragraph 1.1(b) above, the Authority (or an Appointment Committee or sub-committee of the Authority for that purpose) shall:
  - (a) interview all qualified applicants for the post, or
  - (b) select a short list from amongst such qualified applicants and interview those included on the short list, or
  - (c) where no qualified person has applied or is able to be appointed, make further arrangements for re-advertisement in accordance with paragraph 1.1(b) above.
- 1.3 Every appointment of a Chief Executive (National Park Officer) shall be made by the Authority except that:
  - (a) the steps taken under paragraph 1.1 or 1.2 above may be delegated by the Authority to an Appointments Committee or sub-committee of the Authority established for that purpose;
  - (b) the interview, selection and appointment of a Chief Executive (National Park Officer) may be delegated by the Authority to an Appointments Committee or sub-committee of the Authority established for that purpose, or a relevant Joint Committee.
- 1.4 Before making or adopting an appointment of a Chief Executive (National Park Officer) or assigning additional responsibilities to a person holding such an appointment, the Authority shall consult Natural England.

### 2 Disciplinary Action

- 2.1 No disciplinary action (within the meaning of Part II of the 1993 Regulations) in respect of the Chief Executive (National Park Officer) except action described in

paragraph 2.2 below may be taken by the Authority, or by a committee, sub-committee, relevant Joint Committee 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 the 1993 Regulations.

- 2.2 The action mentioned in paragraph 2.1 above is suspension of the Chief Executive (National Park Officer) by the Authority, or in an urgent case by the Chair or in their absence the Deputy Chair acting on behalf of the Authority, 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 takes effect.

### **3 Investigation of Alleged Misconduct**

- 3.1 Where it appears to the Authority that a complaint of misconduct involving the Chief Executive (National Park Officer) (*"the Chief Officer"*) requires to be investigated, the Authority shall appoint a person (*"the designated independent person"*), being such person as may be agreed between the Authority and the Chief Officer or, in default of such agreement, appointed by the Secretary of State.
- 3.2 The designated independent person—
- (a) may direct—
    - (i) that the Authority terminate any suspension of the Chief Officer, or
    - (ii) that any such suspension shall continue after the expiry of the period mentioned in Paragraph 2.2 above or the expiry of any period specified in any such previous direction, as the case may be, or
    - (iii) that the terms on which any such suspension has taken place shall be varied in accordance with the direction;
    - (iv) that no steps (whether by the Authority or any Committee, Sub-committee or Officer of theirs) towards disciplinary action or further disciplinary action against the Chief Officer, other than steps taken in the presence, or with the agreement, of the designated independent person, are to be taken before a report is made under sub-paragraph (d) below;
  - (b) may inspect any documents relating to the conduct of the Chief Officer which are in the possession of the Authority, or which the Authority has power to authorise them to inspect;
  - (c) may require any Officer of the Authority to answer questions concerning the conduct of the Chief Officer;
  - (d) shall make a report to the Authority—
    - (i) stating their opinion as to whether (and if so, the extent to which) the evidence they have obtained supports any allegation of misconduct against the Chief Officer, and
    - (ii) recommending any disciplinary action which appears to them to be appropriate for the Authority to take against the Chief Officer; and

- (e) shall no later than the time at which they makes their report under subparagraph (d), send a copy of the report to the Chief Officer.
- 3.3 The Authority shall pay the remuneration of the designated independent person, and reimburse any costs and expenses incurred by them in or in connection with the discharge of their functions.

## Provisions Relating to Members Interests

### 1 General Obligations

All Members, including any person co-opted as a member of the Authority or one of its Committees, Sub-committees, working panels or other groups, shall at all times when conducting the business of the Authority, or conducting the business of the office to which the Member has been appointed or elected, or acting as a representative of the Authority, act in accordance with:

- (a) the Members Code of Conduct
- (b) the Protocol for Member/Officer Relations
- (c) the provisions relating to Members Interests

### 2 Registration of Interests

A Member or co-opted member shall within 28 days of their appointment register their disclosable pecuniary interests as required by law, together with those matters specified in paragraph 3.1 of the Members Code of Conduct with the Authority's Monitoring Officer for inclusion in the official Register of Members' Interests.

### 3 Canvassing for Appointments

- 3.1 Any candidate for employment by the Authority or for any appointment by or behalf of the Authority, who shall canvass any Member or Committee of the Authority in respect of their employment or appointment, whether directly or indirectly, or shall seek any reference or testimonial as to their ability, expertise or character in order to accompany or support their application for employment or appointment, shall be disqualified from that employment or appointment.
- 3.2 A Member of the Authority shall not solicit for any person any employment with the Authority or appointment by the Authority.
- 3.3 A Member shall not provide any reference or testimonial to a candidate's ability, expertise or character to accompany or support of any application for employment with the Authority or appointment by the Authority.

### 4 Relatives of Members or Officers

- 4.1 Every candidate for employment with the Authority or appointment by the Authority shall when making their application be required to declare whether they know themselves to be related to any Member or Officer of the Authority. Any person who knowingly or recklessly makes a false declaration shall be disqualified from that employment or appointment and if already employed or appointed shall be liable to be dismissed forthwith from that employment or appointment.



- 4.2 Every Member and Officer of the Authority shall disclose to the Chief Executive (National Park Officer) any relationship known to them to exist between themselves and any person whom they know or believe to be a candidate for employment with the Authority or appointment by Authority.
- 4.3 The effect of this Standing Order shall be included in any form of application.
- 4.4 For the purpose of this Standing Order, persons shall be deemed to be related to one another if their relationship is one of:
- a spouse, civil partner or partner
  - a father or mother
  - a son or daughter
  - a brother or sister
  - a grandparent or grandchild
  - an aunt, uncle, niece or nephew
  - a step-son, step-daughter or child of the family
  - the spouse, civil partner or partner of any of the preceding persons

For the avoidance of any doubt, the term “partner” above shall refer to any two persons not married to one another but living together as a couple in one household.



**Dartmoor National Park Authority**  
**MEMBERS CODE OF CONDUCT**  
 (“the Code”)

Document Status	
Date adopted	28 June 2024
Adopted by	Authority
Lead Officer	Monitoring Officer
Date of next review	June 2029

## 1. INTRODUCTION

- 1.1 Dartmoor National Park Authority (“the Authority”) has adopted the following Code dealing with the conduct that is expected of Members of the Authority when they are acting in that capacity. The Code is adopted under section 27(2) of the Localism Act 2011.
- 1.2 The Code is intended to be consistent with the following Seven Principles of Public Life under section 28(1) of the Localism Act 2011, and should be read in the light of those principles, namely that Authority Members will act with selflessness, integrity, objectivity, accountability, openness, honesty and leadership. These principles are set out in more detail in **Appendix A** to this Code.
- 1.3 This Code applies to any Member or co-opted Member of Dartmoor National Park Authority.
- 1.4 Members of the Authority must comply with this Code when:
- a. you are engaged on the business or function of the Authority; or
  - b. you behave so as to give a reasonable person the impression that you are acting as a representative of the Authority.
- 1.5 If you require any guidance on any matter under the Code, you should seek advice without delay from the Monitoring Officer or your own legal adviser. It remains your responsibility to comply with the provisions of the Code.

- 1.6 Any allegations or complaints made against you that you have failed to comply with the terms of the Code, will be dealt with by the Authority in accordance with the [Complaints Procedure – Members Code of Conduct](#) as set out in **Appendix C**.
- 1.7 You should note that it is a criminal offence under section 34 of the Localism Act 2011 if you without reasonable excuse provide information that is false or misleading, either knowing that the information is false or misleading or reckless whether the information is true and not misleading, where you:
- i. fail to notify the Monitoring Officer of a *disclosable pecuniary interest* before the end of 28 days of becoming appointed or re-appointed as a Member;
  - ii. fail to notify the Monitoring Officer of a *disclosable pecuniary interest* before the end of 28 days of becoming aware of the interest and the interest is not already registered or not subject of a pending notification to the Monitoring Officer;
  - iii. fail to disclose a *disclosable pecuniary interest* at a meeting, where the said interest has not already been registered or notified to the Monitoring Officer;
  - iv. participate in discussions or votes at the meetings that relate to the *disclosable pecuniary interest* unless you have been granted a dispensation; or,
  - v. you knowingly or recklessly provide false or misleading information in any of the said disclosures or notifications.
- 1.8 A list of *disclosable pecuniary interests* which must be registered for Members, their spouse or civil partner, or any person with whom they are living as if they were a married couple of civil partners is provided at **Appendix B**.

## 2. GENERAL OBLIGATIONS

- 2.1 You must treat others with courtesy and respect.
- 2.2 You must not bully, harass, intimidate or attempt to intimidate any person.
- 2.3 You must not do anything which compromises or is likely to compromise the impartiality of anyone who works for or on behalf of the Authority.
- 2.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing the Authority, or your office as a member of the Authority, into disrepute.
- 2.5 You must impartially exercise your responsibilities in the interests of the community. You must not use or attempt to use your position as a Member, or any knowledge gained solely as a result of your position as a Member, improperly to confer on or secure for yourself or any other person any advantage or disadvantage.
- 2.6 You must not knowingly prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.

- 2.7 You must not disclose information which is given to you in confidence, or information which you believe or ought reasonably to be aware is of a confidential nature, unless:
- i. you have the consent of a person authorised to give it; or
  - ii. you are required by law to do so; or
  - iii. the disclosure is made to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
  - iv. the disclosure is reasonable, in the public interest, made in good faith, and made in compliance with the reasonable requirements of the Authority after consultation with the Authority's Monitoring Officer.
- 2.8 You should promote equalities and an inclusive and diverse culture in the Authority and your actions should help create an environment where different perspectives and backgrounds are encouraged and valued and no person is discriminated against.
- 2.9 You must undertake any training provided by the Authority in relation to this Code of Conduct.
- 2.10 In carrying out your role as a Member of the Authority you must at all times:
- act lawfully, and
  - exercise reasonable care and diligence.

### **3. REGISTRATION AND DECLARATIONS OF INTEREST**

- 3.1 Subject to paragraph 3.4, you must register in the Authority's Register of Members' Interests information regarding your personal interests. In this Code of Conduct "your personal interests" means:
- (i) any disclosable pecuniary interest (as defined by statutory regulations in force from time to time and set out for information in **Appendix B**) which is held by you or, to your knowledge, by your spouse or civil partner, or a person with whom you are living as if a married couple or civil partners; and
  - (ii) any other interest as defined in paragraph 3.3 below which is held by you.
- 3.2 You must register information regarding your personal interests by giving written notice to the Monitoring Officer, who maintains the Register; within 28 days of your appointment as a member of the Authority; and thereafter, within 28 days of any change taking place in your personal interests.
- 3.3 The following are personal interests within paragraph 3.1(ii):

- a) your membership in a position of general management or control of any body:
    - (i) exercising functions of a public nature; or directed to charitable purposes; or
    - (ii) whose principal purposes include influence of public opinion or policy;
  - b) your membership of any body to which you are appointed by the Authority;
  - c) your membership of any public body;
  - d) your membership of any charitable body;
  - e) your membership of any political party or trade union;
  - f) your membership of the United Grand Lodge of England (freemasons);
  - g) any land owned by the Authority of which any of the persons mentioned at paragraph 3.1(i) above, are the tenant or licensee.
- 3.4 Where you consider that disclosure of the details of any of your personal interests could lead to you, or a person connected with you, being subject to violence or intimidation, you may inform the Monitoring Officer. If the Monitoring Officer agrees, details of any *sensitive interest* will not be included in any copy of the Register of Member's Interests which is made available for inspection or any published version save as to note that you have an interest, the details of which are withheld under Section 32 of the Localism Act 2011.
- 3.5 Where you become aware of any change that means that the interest in paragraph 3.4 has become disclosable and is no longer a sensitive issue, you should within 28 days notify the Monitoring Officer asking that the interest be included in the Register of Interests.
- 3.6 Where you attend a meeting of the Authority, or of a Committee of the Authority, and you are, or ought reasonably to be, aware that any of your personal interests are relevant to an item of business which is being considered, then unless the interest is one which has been noted under paragraph 3.4 you must disclose to that meeting the existence and nature of that interest at the commencement of that item of business, or when the interest becomes apparent, if later.
- 3.7 Where you attend a meeting of the Authority, or of a Committee of the Authority, and you are, or ought reasonably to be, aware that a decision in relation to any item of business which is to be transacted might reasonably be regarded as affecting your wellbeing or financial position, or the wellbeing or financial position of a person described in paragraph 3.8 to a greater extent than the majority of inhabitants of the Dartmoor National Park, then you must disclose to that meeting the existence and nature of that interest at the commencement of that item of business, or when the interest becomes apparent, if later.
- 3.8 The persons referred to in paragraph 3.7 are:
- a) a member of your family;
  - b) any person with whom you have a close association;

c) in relation to persons described in (a) and (b), their employer, any firm in which they are a partner, or company of which they are a director or shareholder.

3.9 Where you disclose an interest pursuant to paragraph 3.7, you will need to consider whether the nature of the interest is such that it may, or may reasonably be perceived to, conflict with your public duties. If a reasonable member of the public, knowing all the facts, would believe that it is likely to prejudice your judgement of the wider public interest, you should not participate in the discussion or vote on the matter and you should leave the room after exercising any right to speak which a member of the public would have (should you wish to do so).

3.10 Where you have a *disclosable pecuniary interest* in an item of business you must withdraw from the meeting whilst the matter is being considered unless you have obtained a dispensation from the Standards Committee or where reasonable expediency requires earlier consideration, the Head of Paid Service (Chief Executive). The Head of Paid Service, may where appropriate under the Authority's Scheme of Delegation, delegate this function and consideration to the Monitoring Officer.

3.11 You may on written request to the Monitoring Officer seek a dispensation from the provisions of paragraph 3.9 where:

- a) the Authority considers that without the dispensation the number of persons participating in any particular business would be so great a proportion of the body transacting the business, that it would impede the transaction of the business; or,
- b) the Authority considers that the dispensation is in the interest of persons living in the Authority's area; or,
- c) the Authority considers it otherwise appropriate to grant a dispensation.

The request for this dispensation will be considered by the Standards Committee or where reasonable expediency requires earlier consideration, the Head of Paid Service (Chief Executive). The Head of Paid Service, may where appropriate under the Authority's Scheme of Delegation, delegate this function and consideration to the Monitoring Officer.

#### **4. GIFTS AND HOSPITALITY**

4.1 If you are in receipt of a gift or hospitality with a value of £50 or more which is attributable to your membership of the Authority, or any offer of any such gift or hospitality, you must disclose this to the Monitoring Officer; and you must decline to accept any such gift or hospitality which could reasonably be perceived as creating an obligation upon the Authority, or upon yourself as a member of the Authority.

## **APPENDIX A**

### **THE SEVEN PRINCIPLES OF PUBLIC LIFE (THE NOLAN PRINCIPLES)**

#### **1. Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **2. Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

#### **3. Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **4. Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **5. Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **6. Honesty**

Holders of public office should be truthful.

#### **7. Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## APPENDIX B

*This Appendix is not part of this Code of Conduct but it contains, for information, the currently defined list of disclosable pecuniary interests which must be registered for Members, their spouse or civil partner, or any person with whom they are living as if they were a married couple of civil partners.*

- i. Any employment, office, trade, profession or vocation carried on for profit or gain.
- ii. Any payment or provision of any other financial benefit (other than from the Authority) made or provided in the last 12 months in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the Member's election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Unions and Labour Relations (Consolidation) Act 1992.
- iii. Any contract under which goods or services are to be provided or works are to be executed and which has not been fully discharged which is made:
  - between the Authority and the Member; and/or
  - to the Member's knowledge, by their spouse or civil partner, or a person with whom they are living as if they were a married couple or civil partners; and/or
  - between any body in which any of the above have a beneficial interest.
- iv. Any beneficial interest in land (not including an interest which does not carry with it a right to occupy the land or to receive income) which is within the area of the Dartmoor National Park.
- v. Any licence (alone or jointly with others) to occupy land in the area of the Dartmoor National Park for a month or longer.
- vi. Any tenancy where (to the Member's knowledge) the landlord is the Authority and the tenant is a body in which the Member; and/or, to the Member's knowledge, their spouse or civil partner, or a person with whom they are living as if they were a married couple or civil partners has a beneficial interest.
- vii. Any beneficial interest in securities of a body where:
  - that body (to the Member's knowledge) has a place of business or land in the Dartmoor National Park; and either:
    - (i) The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - (ii) If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Member and/or, to the Member's knowledge, their spouse or civil partner, or a person with whom they are living as if they were a married couple or civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



## **APPENDIX C**

### **COMPLAINTS PROCEDURE – MEMBERS CODE OF CONDUCT**

The Monitoring Officer will in most circumstances inform the Member(s) concerned that a complaint has been received and invite the Member(s) to make a statement. The Monitoring Officer will also consult with one of the Independent Persons appointed under section 28(7) of the Localism Act 2011.

The Monitoring Officer will make an initial assessment:

- whether the matter complained of is capable of being a breach of the code of conduct
- whether the Member admits or denies of the allegation, in whole or part
- whether there is evidence of a breach of the code of conduct
- the seriousness of any apparent breach and the balance of public interest in any investigation
- whether any reasonable explanation has been offered which should be taken into account

The Monitoring Officer may decide:

- that no breach appears to have occurred
- that a breach appears to have occurred, but no further action should be taken
- to explore the scope for a “no fault” outcome (e.g. by mediation or the Member receiving additional training)
- that a formal investigation is necessary
- that the complaint if proven, could constitute a criminal offence. In these instances the complainant will be referred to the police.

#### **1. Decide no further action be taken**

The Monitoring Officer can decide that no action is required in respect of a complaint. This could be due to the fact that the Monitoring Officer does not consider the complaint to be sufficiently serious to warrant any action. Alternatively it could be due to the length of time elapsed since the alleged conduct, or because it is considered that there has been no failure to comply with the Code of Conduct.

There is no right of appeal against a decision to take no further action.

#### **2. Refer for other action**

The Monitoring Officer can decide that action other than an investigation should be explored. The suitability of other action is dependent on the nature of the complaint. Deciding to deal pro-actively with a matter in a positive way that does not involve an investigation can be a good way to resolve matters that are less serious and may produce a more effective result.

Other action may also be appropriate where a breakdown in relationships within the Authority is apparent, evidence of which may include:

- a pattern of allegations of disrespect, bullying or harassment
- a series of 'tit for tat' allegations

If the Monitoring Officer embarks on a course of other action, it will be emphasised to the parties concerned that the purpose of other action is not to find out whether the Member has breached the code. The decision is made as an alternative to investigation.

There is no appeal against the decision to deal with a complaint by other action.

### **3. Referral for investigation**

The Monitoring Officer will appoint an investigating officer, who may be an officer of the Authority or may be an external contractor. On completion of the investigation, which must be within 3 months, the Monitoring Officer will consider the Investigating Officer's report and determine whether to convene a Hearing Panel.

If the Monitoring Officer considers there has not been a failure to comply with the code of conduct, the complaint may be dismissed and the investigation closed.

If the Monitoring Officer considers that there appears to have been a failure to comply with the code of conduct, a Hearing Panel will be convened. A Hearing Panel will be comprised of three Members of the Authority, who will normally be members of the Standards sub-committee. The hearing will be a public meeting at which the Panel will hear and question the Investigating Officer's report, anything the Member(s) concerned wish to say and the advice of the Monitoring Officer.

### **Hearing**

The Hearing is a formal meeting of the Authority and is not a court of law. It does not hear evidence under oath, but it does decide factual evidence on the balance of probabilities. The subject Member may choose to be represented by a counsel, solicitor or any other person they wish. The public are not able to make representations at the hearing, but can be present if the meeting is held in public.

The Hearings Panel will usually announce its decision at the end of the hearing and if possible make a short written decision available on the day of the hearing. A full written decision will be drawn up shortly after the end of the hearing and made available to all relevant parties. A summary of the decision may be published in a local newspaper and on the Authority's website.

There is no right of appeal against a decision of the Hearing Panel.

# Confidential Reporting Policy

## *'Whistleblowing'*

### 1 Introduction

- 1.1 The Public Interest Disclosure Act 1998 aims to ensure that irregularities can be identified and addressed quickly and seeks to strengthen employment rights by protecting responsible workers who report wrongdoing or failures in the workplace.
- 1.2 Employees may be the first to realise that something seriously wrong appears to be happening within the Authority. However, they may be reluctant to express their concerns either because they feel that speaking up would be disloyal to their colleagues or to the Authority or because they fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern than to report a suspicion of malpractice.
- 1.3 The Authority is committed to the highest possible standards of openness, probity and accountability as is shown in its separate Anti-Fraud and Corruption Policy. In line with that commitment the Authority encourages employees and others with concerns about any aspect of the Authority's work to come forward and voice those concerns. It recognises that certain cases will have to proceed on a confidential basis. This policy makes it clear that staff can do so without fear of reprisals and is intended to encourage and enable staff to raise serious concerns **within** the Authority rather than ignoring a problem or reporting it to an outside body.
- 1.4 The Authority recognises and endorses that seeking advice from, and being represented by your Trade Union may be the best course of action for a member of staff to raise any issue under this policy.

### 2 Aims and Scope of this Policy

- 2.1 This policy aims to:
  - provide avenues for employees, Members and volunteers to raise concerns and receive feedback on any action taken;
  - allow employees, Members and volunteers to take the matter further if dissatisfied with the Authority's response;
  - reassure employees, Members and volunteers that they will be protected from reprisals or victimisation when reporting concerns in good faith.
- 2.2 This policy covers concerns that fall outside the scope of other procedures. It is not intended as a mechanism to challenge lawful financial or business decisions

made by the Authority or its Committees. Nor is it an alternative to disciplinary or grievance procedures. It may however overlap with other corporate policies for dealing with suspected irregularities (fraud or corruption) complaints, the Member Code of Conduct and protocols for good working relationships within the Authority.

2.3 Concerns raised under this Whistleblowing Policy should be about something believed to be:

- unlawful;
- unauthorised;
- dishonest;
- corrupt;
- contrary to the Authority's Standing Orders, Scheme of Delegation, Financial Regulations or Procurement Policy and Procedures;
- in breach of the Authority's duties regarding the health, safety and welfare of employees;
- improper conduct or unauthorised use of public funds.

### **3 Safeguards**

#### **3.1 Harassment or Victimisation**

The Authority recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the suspected malpractice. The Authority will take action to protect any person who raises a concern in good faith. Harassment or victimisation will not be tolerated and will be treated as a serious matter to be dealt with under the appropriate disciplinary procedures.

3.2 The fact that a concern is raised under this Whistleblowing Policy by a person who is subject to any disciplinary, capability or redundancy process, shall not affect that process, unless the concern is directly related to the reasons for or conduct of that disciplinary, capability or redundancy process

#### **3.3 Confidentiality**

All concerns will be treated in confidence and the Authority will do its best to protect your identity if you do not want your name to be disclosed. If investigation of a concern discloses a situation which is sufficiently serious to warrant disciplinary action or police involvement then your evidence may be important. However, your name will not be released as a possible witness until the reasons have been discussed with you.

#### **3.4 Anonymous Allegations**

The Authority would strongly encourage you to put your name to your concern. It may not be possible to investigate or act upon concerns expressed anonymously, particularly if important information is not available. In deciding whether to take action in respect of an anonymous report the following criteria will be considered:

- the seriousness of the concern raised;

- the circumstances in which the concern is reported;
- whether there is a realistic prospect of investigating the concern.

3.5 For concerns raised anonymously, it will be more difficult for the matter to be investigated and for feedback to be provided. For this reason, if you wish to raise your concern anonymously, it may be better to contact your trade union and ask them to raise the concern on your behalf.

### 3.6 Incorrect and Unsubstantiated Allegations

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make untrue, malicious or vexatious allegations, disciplinary action may be taken against you.

## 4 **How to Raise a Concern**

4.1 As a first step, you should normally raise concerns with your Line Manager. If for some reason you feel that this is inappropriate, you may prefer to approach the Monitoring Officer or the Chief Financial Officer. These Officers will then liaise to ensure that the concern is properly investigated and that any such investigation is properly monitored.

Alternatively, if your complaint is that something seriously wrong is occurring at a senior management level within the Authority you may prefer to approach the Head of the Devon Audit Partnership (DAP) tel. 01392 382438; e-mail: [audit@devon.gov.uk](mailto:audit@devon.gov.uk), the External Auditor or one of the Independent Persons of the Authority's Standards Sub-Committee.

To ensure that allegations are considered consistently you should seek a private meeting to raise your concern with any of the people listed above, who will ensure that the concern is properly investigated and that any such investigation is properly monitored.

4.2 Concerns can be raised orally but it is good practice for the concern to be recorded in writing at an early stage to ensure that all the details are correctly understood. You may be asked to set out the background and history of the concern (giving names, dates and places where possible) and the reason why you are particularly concerned about the situation. However, if you do not feel able to do this, the person to whom you voice your concerns will produce a written note of your concern and give you an opportunity to agree and sign this as a correct record.

4.3 The earlier you express the concern, the easier it is to take action.

4.4 Although you are not expected to prove the truth of an allegation, you will be asked to explain fully the grounds for your concern and any evidence in support.

4.5 If you are a member of a Trade Union, you may wish to seek advice from your Trade Union representative on how best to raise your concern. Where you wish to raise your concern anonymously it may be possible to do this through your Trade Union.

## **5 How the Authority will Respond**

- 5.1 The action taken by the Authority will depend on the nature of the concern. After initial enquiries to assess the seriousness of the matter it may be:
- investigated internally;
  - the subject of an independent (external) investigation;
  - referred to Internal Audit (Devon Audit Partnership)
  - referred to the police;
  - referred to the Standards sub-committee;
- 5.2 Some concerns may be resolved without the need for investigation and without the person or persons under investigation being aware of the process.
- 5.3 In any event, within ten working days of a concern being received, the Authority will write to you at your home address:
- acknowledging that the concern has been received;
  - indicating how it proposes to deal with the matter;
  - giving an estimate of how long it will take to provide a response;
  - telling you whether further investigations will take place, and if not, why not;
  - naming an independent officer to support you during any investigation.
- 5.4 The named support officer will make contact with you, to explain their role, agree frequency of contact and keep you informed about the progress of the investigation. You should raise with this support officer any concerns you have about the conduct of the investigation. The support officer will take appropriate steps to support you in the workplace and at any criminal or disciplinary proceedings which may eventually result from your concern and at which you are asked to give evidence.
- 5.5 The Authority accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigations and/or proceedings.

## **6 Detriment**

The Authority is committed to ensuring that an employee, Member or volunteer who reports a concern in good faith suffers no detriment by reason of doing so.

## **7 How the Matter can be Taken Further**

- 7.1 This policy is intended to provide you with a way to raise concerns within the Authority. The Authority hopes you will be satisfied by its response. If you are not you may wish to raise the matter with the Chief Executive (NPO) or the Chair of the Authority.

7.2 If you feel that it is necessary to take the matter outside the Authority, you may wish to consider:

- your Trade Union [UNISON hotline for whistleblowers 0800 0 857 857];
- the Local Government & Social Care Ombudsman;
- relevant professional bodies or regulatory organisations;
- your solicitor or legal adviser;
- the Police;
- the Health and Safety Executive;
- the Advisory, Conciliation & Arbitration Service (ACAS)
- 'Protect' – a Registered Charity: <https://protect-advice.org.uk>
- Independent Person
- External Auditor

For further advice, visit [www.gov.uk/whistleblowing](http://www.gov.uk/whistleblowing)

## 8 The Responsible Officer

The Monitoring Officer has overall responsibility for the operation of this policy. The Monitoring Officer will maintain a record of all concerns raised under this policy and the outcomes of any investigations (but in a form which does not compromise confidentiality) and report as necessary to the Authority.

## APPENDIX

### (a) Persons to whom concerns should be reported and / or contact in confidence for advice

The Monitoring Officer – Neil White, Head of Organisational Development

The Chief Financial Officer (S151 Officer) -Angela Stirland, Head of Business Support

The Chief Executive (National Park Officer) - Kevin Bishop

Leadership Team - Kevin Bishop, Richard Drysdale, Dean Kinsella, Angela Stirland, Neil White

The Head of Devon Audit Partnership - Tony Rose

Your trade union representative

## Provisions Relating to Public Participation at Meetings

For the purposes of this Schedule “participation” and “participate” shall mean the asking of any question, the making of any presentation or statement, or the submission of any petition.

### 1 Public Participation at Meetings of the Authority

- 1.1 Subject to certain limitations and exceptions as set out below, Town Councils, Parish Councils (including Parish Meetings), members of the public and representatives of organisations shall have an opportunity to participate at meetings of the Authority.
- 1.2 The agenda for a meeting of the Authority, save the Annual Meeting, shall include an agenda item to receive public participation.
- 1.3 Any member of the public or representative of an organisation who wishes to take this opportunity of participation at a meeting of the Authority shall notify the Authority at least 24 hours before the commencement of the meeting.
- 1.4 The notification under 1.3 above shall include the name of the person to address the meeting and a brief summary of the matter or matters to be raised, in the case of a Town Council, Parish Council or Meeting, written confirmation that the person is authorised to speak on behalf of the Town Council, Parish Council or Meeting.
- 1.5 For the avoidance of doubt, participation may be exercised with regard to any matter within the purview of the Authority and shall not be limited to matters on the agenda for that meeting.
- 1.6 Subject to Standing Order 9, the Chair will invite each speaker who has given prior notice in accordance with 1.3 (above) to address the meeting. The speaker may address the meeting for up to 3 minutes, or such longer period as the Chair in their absolute discretion may permit.
- 1.7 The total time allowed for all public participation at any meeting under these Standing Orders shall not normally exceed 20 minutes.
- 1.8 Any statements, questions or petitions shall be heard and received without debate. Members may ask questions for clarification but shall not respond on any matter or enter into any debate.
- 1.9 Every person asking a question or making a statement requiring a response shall receive a written response from an Officer of the Authority within 14 days, unless additional time for investigation and/or consideration is required. If additional time is required an interim response shall be sent giving reasons and the date by which it is anticipated that a final response will be provided.



- 1.10 Members of the Authority shall be informed of the response in due course.
- 1.11 Where there are a number of people wishing to participate, who in the opinion of the Chair appear to be concerned with the same subject matter, the Chair may indicate that the number of individual speakers cannot be accommodated and may ask those concerned to nominate a spokesperson to address the meeting. In these circumstances the Chair may allow a brief adjournment to enable a spokesperson to be appointed and may indicate that a speaking time in excess of 3 minutes will be permitted.
- 1.12 Upon the conclusion of the time for public participation the Chair shall move to the next item of business and from that point no further public participation shall be permitted at that meeting.
- 1.13 For the avoidance of doubt “Chair” shall mean the person presiding at the meeting of the Authority in accordance with Standing Order 7.

## **2 Public Participation at Meetings of the Development Management Committee**

- 2.1 Subject to certain limitations and exceptions as set out below, there shall be an opportunity for Town Councils, Parish Councils (including Parish Meeting), members of the public and representatives of organisations to participate in certain items of business at meetings of the Development Management Committee.
- 2.2 This opportunity for participation shall be limited to the following items on the agenda:
- (a) applications for determination by the committee
  - (b) monitoring & enforcement
- 2.3 For the avoidance of doubt, participation may only be exercised with regard to any matter on the open proceedings (part 1) agenda for that meeting.
- 2.4 Any Town Council, Parish Council (including Parish Meeting), member of the public or representative of an organisation who wishes to take this opportunity of participation at a meeting of the Development Management Committee shall notify the Authority in writing by 10am on the day before the meeting.
- 2.5 The notification under 2.4 above shall include:
- (a) the name of the person to address the meeting;
  - (b) written confirmation that the person is authorised to speak on behalf of the Town Council, Parish Council or Parish Meeting;
  - (c) the application/matter(s) they wish to speak on; and
  - (d) an indication whether they will speak in support of or against the proposal.

2.6 Subject to Standing Order 9, the Chair will invite public participation by any person who has given prior notice in accordance with 2.4 and 2.5 (above). The order for speaking shall be as set out in this clause and only one speaker shall be permitted in each category (A) and (B). Each speaker may address the meeting for up to 3 minutes, or such longer period as the Chair in their absolute discretion may permit.

**A Applications**

- (a) an authorised representative of the Town Council/Parish Council/Meeting(s) for the area
- (b) any person objecting to the application
- (c) the applicant or their agent or any person supporting the application

**B Monitoring & Enforcement**

- (a) an authorised representative of the Town Council/Parish Council/Meeting for the area
- (b) any person supporting legal action
- (c) the land owner or their agent or any person opposing legal action

2.7 The right to participate shall not include the right to circulate, distribute or display any document, plan, image or photograph.

2.8 Any participation shall be heard and received without debate. Members may ask questions for clarification but shall not respond on any matter or enter into any debate with a speaker.

2.9 Where there are a number of people wishing to participate, who in the opinion of the Chair appear to be concerned with the same subject matter, the Chair may indicate that the number of individual speakers cannot be accommodated and may ask those concerned to nominate a spokesperson to address the meeting. In these circumstances the Chair may allow a brief adjournment to enable a spokesperson to be appointed and may indicate that a speaking time in excess of 3 minutes will be permitted.

2.10 Where there are two or more applications on the agenda concerning similar or related matters (e.g. listed building consent & planning permission for same site; 3 separate free-standing applications for a structure to be erected on different parts of the same parcel of land) the Chair shall determine and announce whether the applications are being taken together. If it is determined to take the applications together the speaker shall not be entitled to address the meeting for more than one period of up to 3 minutes, or such longer period as the Chair in their absolute discretion may permit.

- 2.11 Upon the conclusion of the time for public participation the Chair shall open the debate and from that point no further public participation shall be permitted on that matter / those matters at that meeting.
- 2.12 For the avoidance of doubt “Chair” shall mean the person presiding at the meeting of the Development Management Committee in accordance with Standing Order 7.

### **3 Public Participation at Meetings of the Audit and Governance Committee and Standards Committee**

- 3.1 Subject to certain limitations and exceptions as set out below, members of the public and representatives of organisations shall have an opportunity to participate at meetings of the Audit and Governance Committee and Standards sub-committee.
- 3.2 The agenda for a meeting of the Committees, save any extraordinary meeting, shall include an agenda item to receive public participation.
- 3.3 Any member of the public or representative of an organisation who wishes to take this opportunity of participation at a meeting of the Committee shall notify the Authority at least 24 hours before the commencement of the meeting.
- 3.4 The notification under 3.3 above shall include the name of the person to address the meeting and a brief summary of the matter or matters to be raised.
- 3.5 For the avoidance of doubt, participation may be exercised with regard to any matter within the purview of the Committee and shall not be limited to matters on the agenda for that meeting.
- 3.6 Subject to Standing Order 9, the Chair will invite each speaker who has given prior notice in accordance with 3.3 and 3.4 (above) to address the meeting. The speaker may address the meeting for up to 3 minutes, or such longer period as the Chair in their absolute discretion may permit.
- 3.7 The total time allowed for all public participation at any meeting under these Standing Orders shall not normally exceed 20 minutes.
- 3.8 Any statements, questions or petitions shall be heard and received without debate. Members may ask questions for clarification but shall not respond on any matter or enter into any debate.
- 3.9 Every person asking a question or making a statement requiring a response shall receive a written response from an Officer of the Authority within 14 days, unless additional time for investigation and/or consideration is required. If additional time is required an interim response shall be sent giving reasons and the date by which it is anticipated that a final response will be provided.

- 3.10 Members of the Committee shall be informed of the response in due course.
- 3.11 Upon the conclusion of the time for public participation the Chair shall move to the next item on the agenda and from that point no further public participation shall be permitted at that meeting.
- 3.12 For the avoidance of doubt “Chair” shall mean the person presiding at the meeting of the Authority in accordance with Standing Order 7.

### Voting Procedures (Development Management)

Planning permission may only be granted or refused following a resolution (*motion*) which is properly proposed, seconded and carried on a vote.

A motion to grant planning permission which is not carried at the vote does not amount to a decision to refuse planning permission.

In the same way, a motion to refuse planning permission, which fails at the vote, is not a resolution to grant planning permission.

The procedure for determining an application before the Development Management committee may be summarised as follows:

- 1 **Agenda for meeting contains Officer report with recommendation** - this does not constitute a resolution or motion.
- 2 **Officer outlines case and gives oral update** (may include new conditions/change of recommendation in some cases).
- 3 **Applicant (Agent), Objector and Town Council/Parish Council/Meeting invited to speak.**
- 4 **Member puts a Motion** (*e.g. moves recommendation in report to grant planning permission with conditions*).
- 5 **Motion seconded.**
- 6 **Members debate report & recommendation.**

#### **NO FURTHER SUBSTANTIVE MOTIONS SHOULD BE ACCEPTED UNTIL COMMITTEE HAS VOTED ON MOTION AS PROPOSED** (see below)

- 7 **Debate continues until Chair calls for vote** (including speakers for & against the Motion; proposals to amend the Motion; calls to defer or adjourn to site inspection).

**NB** proposal for site inspection or to defer amount to new Motions and may only be considered when there is not a Motion under debate (i.e. after a vote on the current Motion).

- 8 **Vote** - if Motion is carried: **Decision**  
- if Motion is not carried: **Motion lost, Chair calls for new Motion.**
- 9 **Member puts new Motion\*** (must have reasons - planning policy grounds & evidence in support of policies) \* *The new motion can be similar to first motion (e.g. grant with different conditions) or contrary to first motion (e.g. refusal).*

- 10 Motion seconded.**
- 11 Debate continues until vote.**
- 12 Vote** - if Motion is carried: **Decision**  
- if Motion is not carried: **Motion lost, Chair calls for new Motion.**

**Amendments** may be proposed to Motion at any time before vote (e.g. add/remove conditions or reasons) but an amendment must not contradict the Motion (that requires a new Motion).

**Standing Order 18.6** states:

*An amendment shall be relevant to the Motion and shall be either:*

- (a) to leave out words; or*
- (b) to insert or add words; or*
- (c) to leave out words and insert or add others;*

*But such omission, insertion or addition of words shall not have the effect of negating the Motion, or introducing a substantially new proposal.*

**Only one amendment should be considered at a time.**

**An amendment must be proposed, seconded and separately voted on:**

- **if carried, motion stands amended and committee must proceed to vote on motion as amended** (or consider any further proposed amendments);
- **if not carried, amendment lost and committee must proceed to vote on original motion** (or consider any further proposed amendments).

**Standing Order 18.11** provides that when a Motion is under debate no other Motion shall be moved except the following:

- (a) to amend the motion;*
- (b) that the question be now put;*
- (c) to adjourn the debate;*
- (d) to proceed to the next item of business;*
- (e) to adjourn the meeting;*
- (f) a motion to exclude the public (Standing Order 12);*
- (g) that the Member named be not further heard (Standing Order 19);*
- (h) that the Member named leave the meeting (Standing Order 19).*

### Rules On Elections

#### 1 Election of Chair of the Authority

The election of the Chair of the Authority shall be the first item of business at the Annual Meeting and shall be conducted as follows:

- (a) not less than 14 days before the date of the Annual Meeting, the Chief Executive shall email or write to all Members calling for nominations in writing
- (b) to be valid, a nomination shall be in writing (including email) and contain a declaration by the candidate that they are willing to stand for election.
- (c) candidates shall be able to submit an election statement, in the prescribed form, for circulation.
- (d) Members are requested to return nominations 2 days prior to the Annual Meeting, but the time for nominations shall remain open until the start of the Annual Meeting
- (e) at the start of the Annual Meeting the Chief Executive (National Park Officer) or his/her nominee shall preside for this first item of business
- (f) the Authority's Monitoring Officer, Deputy Monitoring Officer or Legal Adviser shall act as Returning Officer and shall be responsible for the election process
- (g) the person presiding shall declare nominations closed and the Returning Officer shall announce the valid nominations which have been received.
- (h) if only one nomination has been received, the person presiding shall declare that person duly elected and shall install them as Chair of the Authority
- (i) if more than one valid nomination has been received, the election shall proceed by secret ballot as set out below
- (j) the person presiding shall invite each candidate, or - if the candidate prefers - the person nominating the candidate, to address the meeting for not more than 2 minutes, in alphabetical order by surname.
- (k) once the candidates have addressed the meeting, the secret ballot shall be held without comment, question or debate
- (l) a secret ballot shall be held using the elimination ballot system as follows:
  - (1) The Returning Officer shall invite Members to vote clearly for one candidate only. Candidates shall be entitled to vote for themselves.
  - (2) The Returning Officer shall distribute the voting papers to Members and then collect them once votes have been cast
  - (3) The Returning Officer shall examine the voting papers and shall sort them into parcels according to the votes recorded for each candidate, rejecting any that are invalid.
  - (4) If once the votes have been counted the candidate with the highest number of votes has secured more than 50% or more of the number of votes cast, the

Returning Officer shall inform the person presiding who shall declare that candidate duly elected

- (5) If the candidate with the highest number of votes does not secure more than 50% or more of the number of votes cast, the Returning Officer shall inform the person presiding that a further ballot is required and the name of the candidate with the lowest number of votes, who shall be eliminated from the ballot
- (6) The person presiding shall declare to the Annual Meeting the name of the candidate who is eliminated from the ballot and shall call for a further ballot between the remaining candidates
- (7) This process of elimination shall continue until such time as a candidate secures the highest number of votes **AND** more than 50% or more of the number of votes cast, at which time the Returning Officer shall inform the person presiding who shall declare that candidate duly elected
- (8) In the event of a tie or equality of votes in any ballot, for whatever cause, the person presiding shall without comment, question or debate call for a further ballot. In the event of a further tie or equality of votes in that ballot, the matter shall be settled by the person presiding on the toss of a coin.

## **2 Election of Deputy Chair of the Authority**

The election of the Deputy Chair of the Authority shall be the second item of business at the Annual Meeting and shall be conducted as follows:

- (a) the Chair shall preside and the Authority's Monitoring Officer, Deputy Monitoring Officer or Legal Adviser shall act as Returning Officer and shall be responsible for the election process
- (b) the Chair shall call for nominations and shall ask each candidate nominated whether they are willing to stand for election
- (c) for the avoidance of doubt, a Member shall be entitled to nominate him/herself
- (d) if only one nomination is received, the Chair shall declare that person duly elected and shall install them as Deputy Chair of the Authority
- (e) if more than one valid nomination has been received, the election shall proceed by secret ballot as set out below
- (f) the person presiding shall invite each candidate, or - if the candidate prefers - the person nominating the candidate, to address the meeting for not more than 2 minutes, in alphabetical order by surname.
- (g) once the candidates have addressed the meeting, the secret ballot shall be held without comment, question or debate
- (h) a secret ballot shall be held using the elimination ballot system as follows:
  - (1) The Returning Officer shall invite Members to vote clearly for one candidate only. Candidates shall be entitled to vote for themselves.



- (2) The Returning Officer shall distribute the voting papers to Members and then collect them once the vote has been cast
- (3) The Returning Officer shall examine the voting papers and shall sort them into parcels according to the votes recorded for each candidate, rejecting any that are invalid.
- (4) If once the votes have been counted the candidate with the highest number of votes has secured more than 50% or more of the number of votes cast, the Returning Officer shall inform the Chair who shall declare that candidate duly elected
- (5) If the candidate with the highest number of votes does not secure more than 50% or more of the number of votes cast, the Returning Officer shall inform the Chair that a further ballot is required and the name of the candidate with the lowest number of votes, who shall be eliminated from the ballot
- (6) The Chair shall declare to the Annual Meeting the name of the candidate who is eliminated from the ballot and shall call for a further ballot between the remaining candidates
- (7) This process of elimination shall continue until such time as a candidate secures the highest number of votes **AND** more than 50% or more of the number of votes cast, at which time the Returning Officer shall inform the Chair who shall declare that candidate duly elected
- (8) In the event of a tie or equality of votes in any ballot, for whatever cause, the Chair shall without comment, question or debate call for a further ballot. In the event of a further tie or equality of votes in that ballot, the matter shall be settled by the Chair on the toss of a coin.

### **3 Election of Chair and Deputy Chair of a Committee**

At the Annual Meeting of the Authority, the election of the Chair and Deputy Chair of each committee shall be conducted as follows:

- (a) the Chair shall preside and the Authority's Monitoring Officer, Deputy Monitoring Officer or Legal Adviser shall act as Returning Officer and shall be responsible for the election process
- (b) the Chair shall call for nominations and shall ask each candidate nominated whether they are willing to stand for election
- (c) for the avoidance of doubt, a Member shall be entitled to nominate him/herself
- (d) if only one nomination is received, the Chair shall declare that person duly elected
- (e) if more than one valid nomination is received, the election shall proceed by secret ballot as set out below
- (f) there shall be no election statements or addresses and the election shall proceed by secret ballot without comment, question or debate
- (g) a secret ballot shall be held using the elimination ballot system as follows:

- (1) The Returning Officer shall invite Members to vote clearly for one candidate only. Candidates shall be entitled to vote for themselves.
- (2) The Returning Officer shall distribute the voting papers to Members and then collect them once the vote has been cast
- (3) The Returning Officer shall examine the voting papers and shall sort them into parcels according to the votes recorded for each candidate, rejecting any that are invalid
- (4) If once the votes have been counted the candidate with the highest number of votes has secured more than 50% or more of the number of votes cast, the Returning Officer shall inform the Chair who shall declare that candidate duly elected
- (5) If the candidate with the highest number of votes does not secure more than 50% or more of the number of votes cast, the Returning Officer shall inform the Chair that a further ballot is required and the name of the candidate with the lowest number of votes, who shall be eliminated from the ballot
- (6) The Chair shall declare to the Annual Meeting the name of the candidate who is eliminated from the ballot and shall call for a further ballot between the remaining candidates
- (7) This process of elimination shall continue until such time as a candidate secures the highest number of votes **AND** more than 50% or more of the number of votes cast, at which time the Returning Officer shall inform the Chair who shall declare that candidate duly elected
- (8) In the event of a tie or equality of votes in any ballot, for whatever cause, the Chair shall without comment, question or debate call for a further ballot. In the event of a further tie or equality of votes in that ballot, the matter shall be settled by the Chair on the toss of a coin.

#### **4 Election of Chair of each sub-committee or Working Panel**

At the Annual Meeting of the Authority, the election of the Chair of each sub-committee or Working Panel, shall be conducted as follows:

- (a) the Chair shall preside and the Authority's Monitoring Officer, Deputy Monitoring Officer or Legal Adviser shall act as Returning Officer and shall be responsible for the election process
- (b) the Chair shall call for nominations and shall ask each candidate nominated whether they are willing to stand for election
- (c) for the avoidance of doubt, a Member shall be entitled to nominate him/herself
- (d) if only one nomination is received, the Chair shall declare that person duly elected
- (e) if more than one valid nomination is received, the meeting shall determine whether to proceed by show of hands or secret ballot.

- (f) there shall be no election statements or addresses and the election shall proceed by show of hands or secret ballot without comment, question or debate
- (g) if it is determined to hold a secret ballot, the elimination ballot system shall be used as follows:
  - (1) The Returning Officer shall invite Members to vote clearly for one candidate only. Candidates shall be entitled to vote for themselves.
  - (2) The Returning Officer shall distribute the voting papers to Members and then collect them once the vote has been cast
  - (3) The Returning Officer shall examine the voting papers and shall sort them into parcels according to the votes recorded for each candidate, rejecting any that are invalid
  - (4) If once the votes have been counted the candidate with the highest number of votes has secured more than 50% or more of the number of votes cast, the Returning Officer shall inform the Chair who shall declare that candidate duly elected
  - (5) If the candidate with the highest number of votes does not secure more than 50% or more of the number of votes cast, the Returning Officer shall inform the Chair that a further ballot is required and the name of the candidate with the lowest number of votes, who shall be eliminated from the ballot
  - (6) The Chair shall declare to the Annual Meeting the name of the candidate who is eliminated from the ballot and shall call for a further ballot between the remaining candidates
  - (7) This process of elimination shall continue until such time as a candidate secures the highest number of votes **AND** more than 50% or more of the number of votes cast, at which time the Returning Officer shall inform the Chair who shall declare that candidate duly elected
  - (8) In the event of a tie or equality of votes in any ballot, for whatever cause, the Chair shall without comment, question or debate call for a further