

DARTMOOR NATIONAL PARK AUTHORITY
STANDARDS SUB-COMMITTEE

Annual Report 2013/14

1 Introduction

- 1.1 This Annual Report concerns the work of the Authority's Standards sub-committee under the arrangements for Standards introduced by the Localism Act 2011. This report covers the period from the Annual Meeting of the Authority on 6 July 2013.
- 1.2 The purpose of the Annual Report is to record a summary of the activities of the Standards sub-committee over the preceding twelve months, including:
- (a) considering and determining complaints against Members under the Code of Conduct;
 - (b) promoting and maintaining high standards of conduct by Members of the Authority; and
 - (c) assisting Members of the Authority to observe the Code of Conduct.
- 1.3 The Annual Report also contains an indication of areas of work for the forthcoming year. Following ratification by the Authority, it will be made available to the public and uploaded to the Authority's website.

2 Terms of Reference

- 2.1 The terms of reference for the Standards sub-committee are as follows:

Aims

- *to promote and maintain high standards of conduct by Members and officers;*
- *to advise the Authority on the adoption of a Code of Conduct pursuant to s.27(2) Localism Act 2011*
- *to assist Members to observe the Code of Conduct*
- *to consider and determine complaints against Members under the Code of Conduct*

Without prejudice to its general functions, the Standards sub-committee shall have the following specific duties:

- (a) *to monitor the operation of the Code of Conduct;*
- (b) *to advise, train and arrange to train Members on matters relating to the Code of Conduct;*
- (c) *to promote high standards of conduct within the Authority, through observation, advice and training;*
- (d) *to monitor complaints alleging non-compliance with the Code of Conduct*
- (e) *to hear and determine allegations of non-compliance with the Code of Conduct, as requested by the Monitoring Officer*

(f) *to consider and advise on other matters relating to conduct, ethics and propriety as requested by the Monitoring Officer;*

2.2 Members of the sub-committee feel that the arrangements have worked well over the past 12 months and the remit is appropriate. Officers have not identified any concerns or need for change.

3 Membership

3.1 At the 2012 Annual Meeting, the Authority approved the following constitution for the Standards sub-committee:

Membership

Five members of the Audit & Governance Committee, of whom at least two shall be Members appointed by a local authority.

Up to three co-opted persons, as approved by the Authority, who shall have the right to receive the agenda and papers for meetings of the sub-committee, and to attend and participate at meetings of the sub-committee, but not to vote on any issue.

The sub-committee shall also send the agenda and papers for meetings of the sub-committee to the Independent Person(s) appointed for the Authority pursuant to s.27(7) Localism Act 2011 and invite them to attend meetings of the sub-committee, but they shall not be a member or co-opted member of the sub-committee, nor shall they be entitled to vote on any issue.

3.2 The Authority's **Independent Persons** are not permitted to be members or co-opted members of any committee or sub-committee of the Authority (including the Standards sub-committee).

4 Monitoring Officer

4.1 The Authority is required to appoint a Monitoring Officer (section 5 of the Local Government Act 2000) to report to the Authority on any proposal, decision, or omission by the Authority, or a committee or sub-committee or an officer of the Authority, which has given rise to, as is likely or would give rise to:

(1) *a contravention of law or any code of practice made or approved by or under an enactment; or*

(2) *maladministration or injustice... in connection with action taken by or on behalf of the Authority, in the exercise of the Authority's administrative functions.*

4.2 The Monitoring Officer also has an important role in ensuring probity, upholding standards in public life and in particular advising Members on issues arising in connection with interests and the Members Code of Conduct.

4.3 Mrs Lorna Brown, Director of Communications & Business Support, who served as Monitoring Officer since 2006, retired on 31 March 2014. On 4 April 2014, the Authority resolved to appoint Christopher Walledge, Head of Legal & Democratic Services and Deputy Monitoring Officer as the Authority's new Monitoring Officer.

5 Arrangements for Support

- 5.1 Following the recent resignation of the Assistant Solicitor, an interim arrangement has been established for an initial six month period from mid-March 2014, based upon in-house legal services provided by the Head of Legal & Democratic Services supplemented by a service level agreement with Devon County Council (DCC). This interim arrangement is designed to support the Head of Legal & Democratic Services in both the role of Monitoring Officer and in dealing with the day to day workload of legal services and ensure that officers and Members continue to enjoy access to legal advice and support services as appropriate. DCC have agreed to provide a qualified lawyer for two days each week at Parke as baseline support and have confirmed their willingness to provide additional capacity, support and cover for any periods of leave or other absence as required.
- 5.2 With the changes to the senior management structure and the need to balance workloads, the Chief Executive (National Park Officer) has determined that responsibility for the Authority's complaints procedure and acting as the link officer with the Local Government Ombudsman shall transfer to Neil White, Head of Human Resources.

6 Independent Persons

- 6.1 Mr Rod Blackshaw and Mr Bob Woodall are the Authority's appointed *Independent Persons*. They have served the Authority as *Independent Members (2008 - 2012)* and since 2012 as *Independent Persons*. The Authority is very fortunate indeed to have their experience, support and commitment to the role of the Standards sub-committee.

7 Investigations

- 7.1 There have been no written complaints under the Code of Conduct since the last Annual Meeting in July 2013. It is very reassuring that the conduct and probity of Members continues to remain free from complaint.

8 Advice & Training

- 8.1 Members are encouraged to seek advice whenever they are unsure about a possible pecuniary, personal or prejudicial interest, as well as any suggestion that they might be disqualified from participation in an item of business by pre-determination (having a closed mind).
- 8.2 Recent "guidance" to local authorities from Rt Hon Eric Pickles MP sets out in strong terms the government's view that the use of cameras, mobile phones, filming and tweeting in public meetings of a local authority should not be prevented.
- 8.3 At a workshop in January 2011, Members strongly endorsed advice about the acceptable use of mobile phones by Members at meetings of the Authority. The Standards sub-committee intends to revisit this issue over the next 12 months to ensure that there is clear and consistent advice.

9 Informal Observations

- 9.1 The two *Independent Persons* have continued a rolling programme of attending meetings of the Authority and its committees as observers. This has extended beyond the full Authority and Development Management Committee to include some meetings of the Audit & Governance Committee. The *Independent Person* is asked to complete a brief written report setting out any particular matters observed meriting comment (both good practice and any other behaviour) for discussion by the Standards sub-committee.
- 9.2 This continues to bring benefits, both in introducing the *Independent Persons* to Members and officers and providing some informed feedback on behaviour observed at meetings.

10 Future Work

- 10.1 The Standards sub-committee will continue to meet twice annually, normally on the same date as the Audit & Governance Committee meetings in May and August each year.
- 10.2 The sub-committee intends to review the current government advice on use of cameras, mobile phones, filming and tweeting in public meetings, together with the practice of neighbouring local authorities and produce draft guidance for consideration by the Authority.
- 10.3 The “new” Code of Conduct has been in place for two years and seems to be working well. It would be usual to review a core procedure within 12-18 months of its adoption to check whether it is delivering the anticipated benefits as effectively as possible. However, the absence of complaints means that new procedures for dealing with complaints have not been tested and it is not considered that it would be a good use of time or public money to undertake a review of the Code of Conduct and complaints procedures at this point in time.

John Nutley
Chairman