



NPA/24/024

Dartmoor National Park Authority

28 June 2024

Members Code of Conduct

Report of the Head of Organisational Development (Monitoring Officer)

Recommendation: That Members approve and adopt the proposed Member Code of Conduct attached at Appendix 1 to this report, with effect from 28 June 2024 and note the proposal regarding reporting of Member attendance.

1 Background

- 1.1 In July 2012, the Authority adopted a Members Code of Conduct (“the Code”) [NPA/12/033] to reflect the framework for ethical Standards in local authorities in accordance with the Localism Act 2011.
- 1.2 The Code is an important part of the Authority’s governance framework to ensure that the Authority’s business is conducted in accordance with the law and proper standards.
- 1.3 As part of its review of corporate documents, the Authority committed to update the Code in its 2022/23 Annual Governance Statement and work undertaken to date was reported to the Audit & Governance Committee on 31 May 2024 [NPA/AG/24/002].
- 1.4 The purpose of this report is to set out the recommended Member Code of Conduct for the Authority and summarise the process by which the recommended Code has been formulated.

2 Proposed new Code of Conduct

- 2.1 The proposed new Code of Conduct is attached at Appendix 1.
- 2.2 Section 1 of the draft Code sets out a summary of the basic principles of conduct in office and the personal responsibility of Members to comply with the code. This reflects the legal duty set out in section 28(1) of the Localism Act for a code of conduct to be consistent with the principles of selflessness; integrity; objectivity; accountability; openness; honesty; and leadership.

- 2.3 The section also states that Members must comply with the Code when:
- a. *you are engaged on the business or function of the Authority; or*
 - b. *you behave so as to give ta reasonable person the impression that you are acting as a representative of the Authority*
- 2.4 Section 2 sets out general obligations which are consistent with the requirements under the current adopted code of conduct.
- 2.5 Section 3 deals with the registration and declaration of interests. There are no significant changes, however Members are asked to note that for the purposes of disclosable pecuniary interests, the wording of the Regulations has been updated to require a declaration to be made in respect any disclosable pecuniary interests 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”*
- 2.6 Section 4 relates to the procedure when in receipt of gifts or hospitality.
- 2.7 There are three appendices to the Code:
- Appendix A sets out the seven principles of public life (The Nolan Principles);
 - Appendix B provides the currently defined list of disclosable pecuniary interests which must be registered by Members;
 - Appendix C is the existing complaints procedure for handling complaints against Members, which has not previously been included within the Code itself.
- 2.8 In revising the Code the Monitoring Officer has reviewed similar Codes in other National Park Authorities and local authorities.
- 2.9 The Monitoring Officer has also taken into account the current Local Government Association ‘model code’. This is a lengthy document and is certainly too complex for the Authority’s needs to be adopted in its entirety. The Nolan principles still very much hold primacy in terms of being the succinct articulation of the principles that underpin Member conduct.
- 2.10 Legal advice has been provided by Devon County Council and the Monitoring Officer has worked with the two Independent Persons in developing the Code.
- 2.11 The revised Code, if approved by Members, will provide an opportunity for Members to be reminded of their obligations.

3 Member Attendance

- 3.1 The Audit & Governance Committee held on 31 May 2024 resolved to provide a table of Member Attendance at this meeting which is provided at Appendix 2.
- 3.2 It was further resolved that this data be shared with the relevant appointing bodies, which will be actioned following the meeting.

3.3 Members are reminded that the target for Member attendance at Authority meetings is 85%. Where Members were absent, apologies were received in all instances (100%).

3.4 In future, it is proposed that Member attendance will be reported at the end of each business year (April – March) and sent to appointing bodies ahead of their respective annual meetings and appointments to the Authority.

4 Register of Key Policies

4.1 In the Interim Auditor's Annual Report, Value for Money arrangements review (dated 20 October 2022) and presented to the Audit and Governance Committee on 4 November 2022, external audit made the following improvement recommendation:

The Authority should maintain a register of all its key policy documents with dates of last review, to ensure that all key documents are regularly updated. This register should also document all named officers and job titles included in the policy to ensure that these are kept up to date.

4.2 Members are advised that such a register is in place and is regularly reviewed by the Leadership Team. The register will be updated should Members approve the new Code of Conduct as recommended.

5 Equality and Sustainability Impact

5.1 The proposed Code aims to ensure that people are treated with courtesy, respect and fairness at all times. The maintenance of high standards of conduct is conducive to promoting equality and achieving respect for diversity.

5.2 Officers believe that the new Code of Conduct will ensure that the Authority is complying with all its legal obligations to ensure that a workable framework for conduct is in place.

6 Financial Implications

6.1 There has already been officer time involved in developing the proposed Code. There will be a need to publicise the adopted code, make copies available and offer an introductory familiarisation session for Members. It is not anticipated that the introduction of the draft code will require additional funding.

7 Conclusion and Recommendations

7.1 The Member Code of Conduct is an important document; it sets out the basic principles of conduct in office and the personal responsibility of Members to comply with the code. The revised Code of Conduct complies with the requirements of the Localism Act and is consistent with the principles of public life: selflessness; integrity; objectivity; accountability; openness; honesty; and leadership. It is recommended that Members approve the revised Code of Conduct.

7.2 The Audit & Governance Committee resolved that details of member attendance at public meetings should be presented to the Authority (see appendix 2). Members are asked to note that the intention to share this information with appointing bodies.

NEIL WHITE

Attachments: Appendix 1 – Members Code of Conduct
Appendix 2 – Member Attendance Table 2023-24

20240628 NW Members Code of Conduct



Dartmoor National Park Authority

MEMBERS CODE OF CONDUCT

("the Code")

Document Status	
Date adopted	(TBC) 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.

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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.



Member Attendance 1 April 2023 - 31 March 2024

Member (alphabetical by surname)	Total expected attendances	Present as expected	
	Count	Count	%
Andrew Cooper	20	16	80%
Will Dracup	20	20	100%
George Gribble	18	15	83%
Peter Harper	20	18	90%
Gay Hill	20	20	100%
Mike Jeffery	15	14	93%
James McInnes	20	15	75%
Sally Morgan	20	18	90%
Caroline Mott	15	14	93%
John Nutley	20	13	65%
Mark Owen	13	11	85%
Guy Pannell	15	13	87%
Mark Renders	20	14	70%
Lois Samuel	18	14	78%
Philip Sanders	20	20	100%
Peter Smerdon	19	18	95%
Dan Thomas	18	10	56%
Mark Williams	14	10	71%
Pamela Woods	20	18	90%
Richard Glanville	4	2	50%
Diana Moyse	2	2	100%
Naomi Oakley	3	2	67%
Cathie Pannell	3	1	33%
Philip Vogel	3	2	67%

Total expected attendances:

The number of meetings that the Member was expected to attend in their capacity as member of that committee.

Present as expected:

The number of meetings that the Member attended in their capacity as member of that committee.



NPA/24/025

Dartmoor National Park Authority

28 June 2024

Revisions to Standing Orders & Appendices

Report of the Head of Organisational Development (Monitoring Officer)

Recommendation: **That Members approve the proposed revisions to the Authority's Standing Orders & Appendices, as set out at Appendix 1 & 2, to take effect from the conclusion of the meeting.**

1 Background

- 1.1 The Authority's Standing Orders and the related Standing Orders Appendices are a key part of the governance framework under which the Authority controls its proceedings and decision making.
- 1.2 The current Standing Orders were last considered by Members and adopted in January 2021 (Authority report NPA/21/004 refers).
- 1.3 The amendments to Standing Orders in this report arise for a number of reasons, including (a) the introduction of a new Member Code of Conduct; (b) replacing gender pronouns (such as him/her) with gender expansive pronouns (such as they/them); and (c) other general updates.
- 1.4 The proposed changes are considered necessary and timely to ensure effective governance of the Authority's proceedings. These documents have been reviewed by the Authority's legal advisers (Devon County Council) and updated in accordance with their advice.

2 Proposed Changes

- 2.1 The revised Standing Orders and Standing Orders Appendices are provided at Appendix 1 and Appendix 2, respectively. Changes to the current versions are highlighted for ease of reference.

2.2 Standing Orders – summary of changes:

- Standing Order 8: Members Interests – updated in line with new Members Code of Conduct (being presented to Members at this meeting).

2.3 Standing Orders Appendices – summary of changes:

- Appendix 3; Terms of Reference for Committees – updated responsibilities of the Development Management Committee to make tree preservation orders.
- Appendix 6; Members Code of Conduct – to be replaced by new Members Code of Conduct (being presented to Members at this meeting).
- Appendix 7; Confidential Reporting Policy – links and contact details updated.

2.4 The change to gender expansive pronouns throughout the documents ensures that the Authority does not infer a person’s gender identity.

3 **Equality and Impact Assessment**

3.1 The Authority seeks to treat all people equally, honestly and fairly in any of its business activities, including partners, visitors, suppliers, contractors, service users. There are no specific impacts arising from this report.

4 **Financial Implications**

4.1 No direct financial implications.

5 **Conclusion**

5.1 The Authority’s governance arrangements need to set out the fundamental principles for decision-making within the Authority; establish clear and robust procedures that are effective and fit-for-purpose; and incorporate appropriate safeguards and accountability.

5.2 The proposed amendments to the adopted Standing Orders and related Appendices are considered necessary and appropriate to ensure effective governance.

NEIL WHITE

Background Papers: NPA/21/004

Attachments: **Appendix 1 - Standing Orders**
Appendix 2 - Standing Orders Appendices

20240628 NW – Revisions to Standing Orders & Appendices



Dartmoor National Park Authority

Standing Orders

**for Regulation of Authority Proceedings
and Business**

Adopted: 4 May 2007

Revised:

3 August 2007

27 June 2008

5 September 2008

7 November 2008

6 November 2009

13 April 2012

6 July 2012

6 June 2014

6 March 2015

1 July 2016

8 January 2021

28 June 2024

Deleted: 8 January 2021

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(a) Introduction

These Standing Orders are made for the regulation of the meetings, proceedings and business of the Dartmoor National Park Authority pursuant to the Environment Act 1995 (*"the 1995 Act"*); Schedule 2 of the National Park Authorities (England) Order 2015 (*"the 2015 Order"*); Schedule 12 to the Local Government Act 1972 and all other enabling powers.

(b) Definitions

In these Standing Orders, unless inconsistent with the subject or context:

'The Authority' shall mean the Dartmoor National Park Authority.

'Member' shall mean a person elected as a Councillor and appointed to the Authority by a Local Authority or a person appointed to the Authority by the Secretary of State in accordance with Schedule 7 to the 1995 Act.

'Chair' and **'Deputy Chair'** shall mean the Members so appointed for the time being in accordance with Standing Order 6.

'Chief Executive (National Park Officer)' shall mean the person appointed by the Authority in accordance with the 1995 Act and the 2015 Order.

'Officer' shall mean a person employed by or on behalf of the Authority.

the headings to the clauses and schedules shall not affect the interpretation.

words importing any gender shall include every gender.

any reference to any statute (whether or not specifically named) shall include any statutory modification or re-enactment of it for the time being in force and any order, instrument, plan, regulation, permission and direction made or issued under it, or under any statute replaced by it or deriving validity from it.

(c) Principal Legislation

The Local Government Act 1972 (*"the 1972 Act"*)

The Local Authorities (Standing Orders) Regulations 1993 (*"the 1993 Regulations"*)

The Environment Act 1995 (*"the 1995 Act"*)

The Localism Act 2011 (*"the 2011 Act"*)

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Deleted: 8 January 2021

Issued 28 June 2024

1 MEMBERSHIP OF THE AUTHORITY

- 1.1 The Authority shall consist of such persons as shall be elected or appointed by the relevant local authorities and the Secretary of State pursuant to Regulation 4 and Schedule 1 to the 2015 Order.
- 1.2 Membership of the Authority shall at all times be regulated in accordance with Appendix 1 to these Standing Orders.
- 1.3 Nothing in these Standing Orders shall in any way derogate from Schedule 7 to the 1995 Act as regards disqualification of Members.

2 MEETINGS OF THE AUTHORITY

2.1 Number of Meetings

The Authority shall in every year hold one Annual Meeting and at least three other meetings for the transaction of general business.

2.2 Dates of Meetings

The meetings of the Authority shall be held as near as may be at regular intervals on such dates as the Authority shall determine. The Chief Executive (National Park Officer) in consultation with the Chair shall have authority to change the date of any meeting of the Authority if, in their opinion, such change is necessary for the convenient and/or efficient dispatch of Authority business.

2.3 Date of Annual Meeting

The Authority shall in every year hold an annual meeting. The first meeting of the Authority held after 31 May in any year shall be the annual meeting.

2.4 Extraordinary Meetings

An extraordinary meeting of the Authority may be called at any time by the Chair or, if the office of Chair is vacant, the Deputy Chair.

- * In addition, the Chair shall call an extraordinary meeting of the Authority upon receipt of a written request for that purpose specifying the nature of the important or urgent business, signed by five Members of the Authority. Should the Chair not call an extraordinary meeting within seven days of receipt of the request, any five Members of the Authority may forthwith call an extraordinary meeting of the Authority.

2.5 Time of Meetings

The meetings of the Authority shall commence at such times as the Authority shall determine. The Chief Executive (National Park Officer) in consultation with the Chair shall have authority to change the time of any meeting of the Authority if, in their opinion, such change is necessary for the convenient and/or efficient dispatch of Authority business.

2.6 Summons for a Meeting

The Chief Executive (National Park Officer) shall issue a public notice ([normally on the Authority's website](#)) of the time and place of any meeting of the Authority

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together with a summons to every Member of the Authority (normally by email) to attend the meeting, to be posted not less than five clear days before the meeting to which it relates.

The summons for any extraordinary meeting shall set out the business proposed to be transacted at that meeting.

Want of service of a summons on any Member of the Authority shall not affect the validity of any meeting.

3 COMMITTEES

3.1 At the Annual Meeting of the Authority, the Authority shall resolve and appoint:

- (a) the committees, sub-committees, working panels or other groups necessary to discharge the functions of the Authority;
- (b) the membership or method of appointment for each committee, sub-committee, working panel or other group;
- (c) a person to preside at the meetings of each committee & sub-committee (the Chair);
- (d) a person to preside at a meeting of a committee or sub-committee in the absence of the Chair (the Deputy Chair);
- (e) the terms of reference of each committee, sub-committee, working panel or other group;
- (f) whether non-voting members, assessors and advisers may also be appointed to any such committee, sub-committee, working panel or other group;
- (g) the limitations, if any, to be placed on the powers of any committee to arrange for the discharge of its functions by a subcommittee.

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3.2 The number, date, time and place of meetings of every committee, sub-committee, working panel or other group shall be as determined by the Authority, or if no such determination is made, as may be decided by the committee, sub-committee, working panel or other group or its Chair for the convenient and/or efficient dispatch of its business.

3.3 Every committee, sub-committee, working panel or other group established under this Standing Order shall at all times be constituted and act in conformity with these Standing Orders and, in particular, the provisions set out in Appendices 2 & 3 hereto.

3.4 The number, date, time and place of meetings of every committee, sub-committee, working panel or other group shall be as determined by the Authority, or if no such determination is made, as may be decided by the committee, sub-committee, working panel or other group or its Chair for the convenient and/or efficient dispatch of its business.

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4 QUORUM

Local Government Act 1972 Sch 12 para 6

- 4.1 Except where authorised by statute or otherwise specifically ordered by the Authority, no business shall be transacted at a meeting of the Authority or its committees or sub-committees unless:
- (a) at least one-third of the whole number of Members of the Authority, committee or sub-committee are present, provided that in no case shall the quorum of any committee be less than three Members; and
 - (b) of those present at least one is a local authority Member and at least one a Member appointed to the Authority by the Secretary of State.

Note: the quorum for a meeting of the full Authority of 19 Members is 7

- 4.2 The quorum for a meeting of the Standards sub-committee shall be three Members of the Authority of whom at least one is a local authority Member.
- 4.3 If, during any meeting of the Authority, the Chair, after counting the number of Members present, declares that there is not a quorum present, the meeting shall stand adjourned for 15 minutes, or until a quorum shall be present whichever shall, be the sooner time.
- 4.4 If at the end of the period of adjournment in accordance with Standing Order 4.3 above, after counting the number of Members present, the Chair declares that there is not a quorum present, the meeting shall forthwith end, and any business shall stand adjourned to the next meeting of the Authority.
- 4.5 In the application of this Standing Order to any committee or sub-committee, a meeting may continue at the discretion of the Chair of that committee or sub-committee, provided that the absence of a quorum shall be noted in the minutes and no decision shall be taken or resolution made without submission of the proposal to the Authority.
- 4.6 Where more than one-third of the Members of the Authority become disqualified at the same time, the quorum of the Authority shall be determined by reference to the number of Members of the Authority at that time remaining qualified.

5 ATTENDANCE AT MEETING

- 5.1 Every Member attending a meeting of the Authority or any of its committees and sub-committees of which **they are** a member, shall certify **their** attendance by signing against **their** name in the attendance book or record sheet provided for that purpose.
- 5.2 It shall be a requirement that every Member of the Authority attends each meeting of the full Authority together with every meeting of any committee, sub-committee, working panel or other group to which **they** consents to be elected or appointed.

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5.3 Save in the event of emergency or sudden illness, a Member shall tender ~~their~~ apology to Parke not less than 3 days before the date of a meeting which ~~they~~ ~~are~~ unable to attend.

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5.4 In exceptional circumstances, the Chief Executive (NPO) in consultation with the Chair shall be authorised to consider and determine a request from a Member for leave of absence, for a period not exceeding 3 months (such period shall be capable of extension or renewal to a maximum aggregate period of 9 months).

5.5 Unless leave of absence shall previously have been agreed, a Member who fails on 3 occasions in any 12-month period to attend a meeting of the Authority, or a committee, sub-committee, working panel or other group to which ~~they have~~, consented to be elected or appointed (a separate record and account to be kept for every such body) shall be invited by the Chief Executive (NPO) and Chair of the Authority to a meeting to discuss the non-attendance.

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6 CHAIR AND DEPUTY CHAIR

Local Government Act 1972 Sch 12 para 5

6.1 At the Annual Meeting of the Authority the first item of business shall be to elect a Chair of the Authority and the second item of business shall be to elect a Deputy Chair of the Authority.

6.2 Elections at the Annual Meeting of the Authority and any meeting of the Authority and its Committees shall be held in accordance with the Rules on Elections set out in Appendix 10.

6.3 RESERVED

6.4 The Chair and Deputy Chair shall be elected for a period not exceeding one year but both such persons shall, on ceasing to hold office at the end of their elected term, be eligible for re-election.

6.5 The Chair or Deputy Chair may at any time resign ~~their~~ office by notice in writing delivered to the Chief Executive (National Park Officer).

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6.6 A person shall cease to hold office as Chair or Deputy Chair of the Authority upon ceasing to be a Member of the Authority.

6.7 If any vacancy in the office of Chair or Deputy Chair shall arise it shall be the duty of the Members of the Authority to secure that the vacancy is filled as soon as possible.

6.8 Where a casual vacancy in the office of Chair or Deputy Chair of the Authority is filled the person then elected shall hold office until the next Annual Meeting of the Authority.

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7 CONDUCT OF MEETINGS

- 7.1 At a meeting of the full Authority the Chair, if present, shall preside.
- 7.2 If the Chair is absent from a meeting of the full Authority the Deputy Chair, if present, shall preside.
- 7.3 If both the Chair and Deputy Chair of the Authority are absent, the Members of the Authority present at that meeting shall choose a person from their number to preside as Chair for that meeting.
- 7.4 For the avoidance of any doubt, any powers or duty in relation to the conduct of a meeting assigned to the Chair by these Standing Orders may be exercised by any person presiding at a meeting in accordance with Standing Order 7.3.

8 MEMBERS INTERESTS

- 8.1 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 in these Standing Orders relating to Members Interests
- 8.2 A Member who has a **personal interest** in a matter and who attends any meeting at which that matter is considered or discussed, shall disclose to that meeting the existence and nature of that interest at the start of the meeting, or at the commencement of that item of business, and in any event no later than at the time during that item of business when **they** first become aware of the interest.
- 8.3 For the purposes of this Standing Order 8, **personal interest** has the meaning set out in paragraph 3.1 of the Member Code of Conduct.
- 8.4 A Member who has a **disclosable pecuniary interest** in any matter shall:
- (a) not participate in any discussion of that matter, or participate in any vote taken on that matter, or discharge any function in relation to that matter without first obtaining a dispensation from the Authority's Monitoring Officer
 - (b) withdraw from the room or chamber where the meeting considering the matter is being held, at the commencement of the consideration of that matter, unless a dispensation has been granted

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8.5 A Member must register those matters specified in the Member Code of Conduct, namely:

- a) 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) membership of any body to which you are appointed by the Authority;
- c) membership of any public body;
- d) membership of any charitable body;
- e) membership of any political party or trade union;
- f) 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) of the Member Code of Conduct, are the tenant or licensee.

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(i) exercising functions of a public nature; or¶
(ii) directed to charitable purposes; or ¶
(iii) whose principal purposes include influence of public opinion or policy¶
membership of any other local Authority¶
membership of any political party or trade union ¶
membership of the United Grand Lodge of England (freemasons)¶
receipt in the past 12 months in their capacity as a Member of any gift or hospitality with an estimated value exceeding £50¶

9 ORDER OF BUSINESS

Local Government Act 1972 s.100B(4) & Sch 12 para 4(2)

- 9.1 Subject to paragraphs 9.2, 9.3 and 9.4 of this Standing Order and any statutory requirements, the order of business at every meeting of the Authority shall be:
- (a) at the Annual Meeting only in every year, the appointment of the Chair and Deputy Chair in accordance with the procedure set out in Standing Order 6;
 - (b) in the absence of both the Chair and the Deputy Chair, to choose a Member of the Authority to preside;
 - (c) to deal with any business required by statute to be done before any other business;
 - (d) to approve and sign as a correct record the Minutes of the last meeting of the Authority. This sub-clause shall not apply to any extraordinary meeting of the Authority unless at such extraordinary meeting the business transacted alters or affects in any way any resolution passed at a previous meeting of the Authority for which the minutes have not received approval and signature;
 - (e) to deal with any business expressly required by statute to be done;
 - (f) the Chair's announcements and correspondence;
 - (g) to introduce any business which by reason of special circumstances such that the Chair, after consultation with the Chief Executive (National Park Officer), is of the opinion that the matter should be considered as a matter of urgency **AND** then to resolve when such business should be ordered on the Agenda;

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- (h) to dispose of business remaining from the last meeting;
- (i) to consider motions in the order in which notice has been received;
- (j) other business specified in the summons;
- (k) to consider questions from Members of which notice has been given in accordance with Standing Orders;
- (l) to receive public participation in accordance with Appendix 8.

9.2 The order of business falling under items 9.1(a) (b) and (c) shall not be displaced.

9.3 At an extraordinary meeting the order of business falling under items 9.1 (b) (c) and (d) shall not be displaced and any other business shall be exactly that set out in the Summons and no other business shall be considered.

9.4 Subject to paragraphs 9.2 and 9.3 of this Standing Order the order of any other business may be varied either at the Chair's discretion or by a resolution passed on a motion duly moved, seconded and put without debate.

9.5 Except in the case of business required by or under the 2015 Order or any other statutory provision to be transacted and other business brought before the meeting as a matter of urgency in accordance with the Authority's Standing Orders, no business shall be transacted at a meeting of the Authority other than that specified in the summons relating thereto.

10 MINUTES

Local Government Act 1972 Sch 12 paras 41(1) (3) (4) & 44(2)

10.1 Not less than three days prior to every meeting of the Authority a copy of the draft minutes of the previous meeting shall be sent to every Member.

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10.2 Provided that Standing Order 10.1 has been complied with, the draft minutes shall be taken as read and the Chair shall immediately put the question '*May the minutes of the meeting held on the X day of Y be approved as a correct record?*'

10.3 There shall be no discussion upon the draft minutes, except upon their accuracy. Any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been resolved, the Chair shall sign the minutes.

10.4 The Chief Executive (National Park Officer) shall make arrangements for a signed copy of the approved minutes of every meeting of the Authority and every committee and sub-committee of the Authority to be kept securely and any minute purporting to be so signed shall be received in evidence without further proof.

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- 10.5 The provisions contained in this Standing Order shall also apply in relation to meetings of all committees and sub-committees.
- 10.6 A copy of the minutes of the proceedings at each meeting of the Authority shall be published upon the Authority's website and made available for public inspection within 10 working days of the date of the meeting at which those minutes are approved.

11 URGENT MATTERS

- 11.1 The decision-making powers, discretions and duties vested in the Authority are deemed to rest with the Authority acting as a statutory body corporate, except where they have been expressly delegated under the scheme of delegation to a properly constituted committee or sub-committee of the Authority or a Joint Committee or an Officer of the Authority.
- 11.2 The Authority recognises that exceptional circumstances may occasionally arise under which it is essential and in the best interests of the Authority for urgent action to be authorised and taken on its behalf, when such action does not fall within the scope of the scheme of delegation.
- 11.3 In such circumstances, the Chief Executive (National Park Officer) shall be empowered to act on the Authority's behalf, provided always that all such action shall be in accordance with policy and in the best interests of the Authority and shall only be taken after (a) having consulted with the Chair; and (b) having received and considered such legal and specialist advice as may be required to make a reasonable decision.
- 11.4 In the event that urgent action pursuant to Standing Order 11.3 appears to be necessary, but the Chair cannot be contacted despite diligent efforts or is unable to act, the Chair's responsibilities under Standing Order 11.3 shall be discharged by the Deputy Chair. If both shall be unavailable or unable to act, the matter shall not be dealt with except by a properly constituted extraordinary meeting of the full Authority.
- 11.5 In the event that urgent action pursuant to Standing Order 11.3 appears to be necessary, but the Chief Executive is unavailable or unable to act, the Chief Executive's responsibilities under Standing Order 11.3 may be discharged by any member of the Authority's Leadership Team.
- 11.6 Any "urgent action" taken in accordance with Standing Order 11.3 shall be reported in writing to every Member of the Authority as soon as possible and in any event within 3 working days and shall also be reported to the next meeting of the Authority.

12 MEETINGS TO BE OPEN TO THE PRESS AND PUBLIC

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- 12.1 Every meeting of the Authority or any Committee or Sub-committee shall be open to the press and public except in the following circumstances:
- (a) the press and public **SHALL** be excluded from the meeting during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that, if members of the public were present during that item, confidential information as defined in s100A(3) of the 1972 Act would be disclosed to them in breach of the obligation of confidence;
 - (b) the press and public **MAY** by resolution under s100A(4) of the 1972 Act be excluded from the meeting during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information, as defined in s100 I of the 1972 Act.
 - (c) If any question arises at a meeting of the Authority or any Committee as to the appointment, promotion, dismissal, salary, superannuation, conditions of service or conduct of any Officer, or where persons are being considered for an appointment with the Authority, a motion under Section 100A (4) of the 1972 Act to exclude the public shall be moved forthwith by the Chair and put without debate.
- 12.2 A resolution under Standing Order 12.1(b) shall identify the proceedings, or the part of the proceedings, to which it applies, and state the description, in terms of Schedule 12A to the 1972 Act, of the exempt information giving use to the exclusion of the press and public.
- 12.3 Unless the Chair shall direct otherwise, the business the subject of any resolution under Standing Order 12.1 shall, upon the passing of that resolution, forthwith stand adjourned until the conclusion of all other business at the meeting, whereupon the Chair shall invite the press and public to leave the meeting so that the adjourned business shall be considered.
- 12.4 Unless the Chair shall direct otherwise, upon the conclusion of any item of business taken following a resolution under Standing Order 12.1, Members shall forthwith return to the Chief Executive or his/her nominee all reports, documents and papers relating to that item, for secure disposal as confidential waste.

13 CONFIDENTIALITY

A Member or Officer of the Authority shall not:

- (a) disclose any information or matter which has been reported to or debated by the Authority or any Committee or Sub-committee and which is confidential information within the meaning of s100A of the 1972 Act; or

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- (b) without the express permission of the Authority, disclose any information or matter which is identified as exempt information following a resolution pursuant to s100A of the 1972 Act to exclude the public from the meeting.

14 VOTING

Local Government Act 1972 Sch 12 para 44

- 14.1 Subject to Standing Order 6.2 every question shall be determined by a show of hands, unless otherwise decided by a majority of the meeting.
- 14.2 Pursuant to Schedule 12 of the 1972 Act, all questions coming or arising before a meeting of the Authority shall be decided by a majority of the Members of the Authority present and voting at that meeting.
- 14.3 On the Chair putting a motion to the vote, no further discussion on it shall take place. The question having been put by the Chair and voting having commenced no Member shall speak, nor any questions be asked.
- 14.4 Where an equality of votes on any matter arising throughout the course of any meeting occurs, the person presiding at that meeting in accordance with these Standing Orders shall have a second or casting vote.
- 14.5 If immediately after a vote is taken any Member so requests, a record shall be kept in the Minutes of that meeting whether that Member cast **their** vote for the question, against the question or abstained from voting.

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15 MOTIONS

15.1 Notice of Motion

Notice of every motion (other than those which under Standing Order 16.1 may be moved without notice) shall be given in writing and signed by the Member or Members giving the notice and delivered so as to be received at least seven working days before the date of the next meeting of the Authority to the Chief Executive (National Park Officer). Upon receipt it shall be dated and numbered in the order in which it is received.

15.2 Motions to be Set out in Summons

The Chief Executive (National Park Officer) shall set out in the summons for every meeting of the Authority all motions of which notice has been duly given in the order in which they have been received, unless the Member when giving such notice intimated in writing that they propose to move it at some later meeting, or has since withdrawn it in writing.

15.3 Motion Not Moved

If a motion which is set out in the summons is not moved either by a Member who gave notice thereof or by some other Member on **their** behalf it shall, unless postponed by consent of the Authority, be treated as withdrawn and shall not be moved without fresh notice.

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15.4 Scope of Motion

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Every motion shall be relevant to some matter in relation to which the Authority has power or duties or which affects the Dartmoor National Park.

15.5 **Form of Motion**

If it shall appear to the Chief Executive (National Park Officer) that a motion of which notice has been received pursuant to Standing Order 15.1 is not in order or is framed in improper or unbecoming language or otherwise fails to comply with the provisions of these Standing Orders, the direction of the Chair shall be sought as to whether and in what form the motion shall be placed upon the Summons and Agenda, and the decision of the Chair, after consultation with the Member giving the notice if possible, shall be final.

16 **MOTIONS WHICH MAY BE MOVED WITHOUT NOTICE**

16.1 The following motions and amendments need not be in writing and may be moved without notice:

- (a) Appointment of the Chair of the meeting at which the motion is made;
- (b) Motions relating to the accuracy of the minutes;
- (c) To vary the order of business;
- (d) For leave to be given to withdraw a motion;
- (e) To amend a motion;
- (f) To refer the motion to a committee or sub-committee;
- (g) Receipt of reports or adoption of recommendations of committees or Officers and any consequent resolutions;
- (h) "that the question be now put";
- (i) "that the Authority (or committee) proceeds to the next item of business";
- (j) "that the debate be now adjourned";
- (k) "that the Authority (or committee) do now adjourn";
- (l) To exclude the public in accordance with Standing Order 19;
- (m) "that the Member be not further heard" (Standing Order 19);
- (n) "that the Member leave the meeting" (Standing Order 19);
- (o) To give the consent of the Authority where the consent of the Authority is required by these Standing Orders;
- (p) Appointment of a committee or Member thereof occasioned by an item mentioned in the summons to the meeting.

17 **DEBATE**

17.1 All discussion and debate in a meeting of the Authority or any committee and sub-committee shall be conducted in accordance with the Rules of Debate set out in these Standing Orders.

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17.2 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.

17.3 The Chair may at any time determine to call upon the meeting to bring its procedures into full and strict conformity with these Standing Orders and the decision as to the necessity for and/or timing of any such determination shall be final and not subject to debate or challenge, and for the avoidance of doubt the provisions of Standing Order 18.14 and 29 shall not apply to this Standing Order.

18 RULES OF DEBATE

18.1 Discussion of a Motion or Amendment

A motion or amendment shall not be discussed unless it has been proposed and seconded. Unless notice has already been given in accordance with Standing Order 15, the Chair may require the matter to be put into writing and handed to the Chair before it is further discussed or put to the meeting.

18.2 Secunder's Speech

When seconding a motion or amendment, a Member may reserve **their**, right to speak until later in the debate by declaring **their**, intention to do so.

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18.3 Speaking in Debate

A Member when speaking shall address the Chair. If two or more Members indicate a wish to speak, the Chair shall call one to speak; the other or others shall then await their opportunity to speak. While a Member is speaking the other Members shall refrain from speaking unless raising a point of order.

18.4 Content and Length of Speeches

A Member shall direct **their**, speech to the question under discussion or to a personal explanation or to a point of order. A Member shall not be entitled to read a prepared speech, but may refresh **their**, memory by reference to notes. No speech may exceed five minutes except with the consent of the Chair.

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18.5 Speaking More Than Once

A Member who has spoken on any motion shall not speak again while it is the subject of debate, except:

- (a) once on an amendment moved by another Member;
- (b) if the motion has been amended since **they**, last spoke, to move a further amendment;
- (c) if **their**, first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which **they**, spoke was carried;
- (d) in exercise of a right of reply;
- (e) on a point of order or by way of personal explanation.

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18.6 **Amendments to Motions**

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 before the Authority, or introducing a substantially new proposal.

18.7 **Discussion of Amendments**

Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of, but notice of further amendments may be given.

The Chair may permit two or more amendments to be discussed together (but not voted on together) if they are, of the opinion that this course would facilitate the proper conduct of Authority business.

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18.8 **Further Amendments**

If an amendment is not carried, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

The mover and seconder of a motion or an amendment not carried by the Authority shall not be entitled to move any further amendment to the same or similar effect at that meeting on the question under discussion.

18.9 **Withdrawal of Motion or Amendment**

A motion or amendment may be withdrawn by the mover with the consent of the seconder and of the Authority, which shall be signified without discussion, and no Member may speak upon the amendment after the mover has asked permission for its withdrawal, unless such permission has been refused.

18.10 **Right of Reply**

The mover of a motion has a right of reply at the close of the debate on the motion, immediately before it is put to the vote. The reply shall be strictly confined to answering previous speakers and shall not introduce any new matters into the debate. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment but shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on that amendment.

18.11 **Motions Which May be Moved During Debate**

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;

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- (c) to adjourn the debate;
- (d) to proceed to the next item of business;
- (e) to adjourn the meeting;
- (f) a motion under Standing Order 19 to exclude the public;
- (g) that the Member be not further heard (Standing Order 19);
- (h) that the Member leave the meeting (Standing Order 19).

18.12 Closure Motions

A Member may move without comment at the conclusion of a speech of another Member: "That the Authority proceed to the next item of business", "That the question be now put", "That the debate be now adjourned" or "That the Authority do now adjourn", on the seconding of which the procedure shall be as follows:

- (a) on a motion to proceed to the next item of business, unless in the Chair's opinion the matter before the meeting has been insufficiently discussed, the Chair shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to next business;
- (b) on a motion that the question be now put, unless in the Chair's opinion the matter before the meeting has been insufficiently discussed, the Chair shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion their right of reply before putting the motion to the vote;
- (c) on a motion to adjourn the debate or the meeting, if in the Chair's opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion the Chair shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply on that occasion.

18.13 Points of Order

A Member may raise a point of order or a matter of personal explanation and shall be entitled to be heard forthwith.

A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the Member shall specify the Standing Order or statutory provision and the way in which ~~they~~ considers it has been broken.

A personal explanation shall be confined to some material part of a former speech by ~~them~~ which appears to have been misunderstood in the present debate.

The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

18.14 Respect for the Chair

Whenever the Chair speaks during a debate, any Member then speaking shall immediately stop and the Authority shall be silent. The decision of the Chair on all points of procedure, order and interpretation of the Rules of Debate shall be

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final and no debate shall be permitted thereon **Provided Always** that the Chair's ruling on a particular issue or matter may be challenged by motion, which motion shall upon being duly seconded, be put without debate.

19 PREVENTION OF DISORDER

19.1 If during any meeting of the Authority the Chair forms the opinion that a Member has engaged or is engaging in misconduct by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by willfully interrupting or obstructing the business of the Authority, the Chair shall inform the meeting of that opinion and may take any of the following actions, either in sequence or separately:

- (a) formally warn the Member regarding **their** conduct;
- (b) direct that the Member refrain from speaking during all or part of the debate or meeting;
- (c) direct that the Member withdraw from all or part of the remainder of the debate or meeting;
- (d) move "That the Member named be not further heard" (the motion being put and determined without seconding or debate);
- (e) move "That the Member named do leave the meeting" (the motion being put and determined without seconding or debate);
- (f) adjourn the meeting of the Authority for such period as in the opinion of the Chair is expedient.

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19.2 In the event that an officer or member of the public wilfully interrupts the proceedings at any meeting or behaves irregularly, improperly or offensively, the Chair shall warn him/her. If the misconduct continues or is repeated the Chair shall order that person to leave the room for the remainder of the meeting. If the person refuses or fails to leave the room, or having left the room returns, the Chair may order his/her removal from the room.

19.3 In case of a general disturbance in any part of the room open to the public, the Chair may order that part to be cleared for all or part of the remainder of the meeting. In the event of a general disturbance which, in the opinion of the Chair renders the due and orderly dispatch of business impossible, in addition to any other power vested in **them**, the Chair may, without the question being put, adjourn the meeting of the Authority for such period and to such place as the Chair shall consider expedient.

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20 REVERSAL OF PREVIOUS RESOLUTION

No motion to rescind or reverse any substantive resolution passed by the Authority within the preceding six months and no motion or amendment to the same effect as one which has been rejected within the preceding six months shall be proposed unless the notice thereof given in pursuance of Standing

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Order 15 bears the names of at least six Members. When any such motion or amendment has been disposed of by the Authority, it shall not be open to any Member to propose a similar motion within a further period of six months. This Standing Order shall not apply to motions moved in pursuance of a recommendation of a committee.

21 QUESTIONS BY MEMBERS

21.1 Authority Business

A Member may ask any question upon the business before the Authority, if the question is put before the Authority's consideration of such business is concluded.

21.2 Notice of Questions and Replies Thereto

A Member may:

- (a) ask any question relating to the business of the Authority provided written notice is received at the office of the Chief Executive (National Park Officer) at least seven working days before the meeting;
- (b) with the permission of the Chair, put any question relating to urgent business, but a written copy of such question shall be delivered to the Chief Executive (National Park Officer) not later than 3.00pm on the day before the meeting.

Provided that:

- (a) where the desired information is contained in any publication of the Authority it shall be deemed a sufficient reply if the publication containing the information is indicated;
- (b) if a reply to any question cannot conveniently be given orally it will be deemed a sufficient reply if the answer is circulated to Members with the minutes of the meeting at which the question has been asked;
- (c) every question shall be put and answered without discussion and no provision shall be made for asking supplementary questions;
- (d) any person to whom a question is put may decline to answer.

22 PUBLIC PARTICIPATION

22.1 The Agenda for every meeting of the Authority and its committees and sub-committees shall include an item making provision for participation by the public, through questions and/or statements, in accordance with Appendix 8. This item shall usually appear on the Agenda pursuant to Standing Order 9.1(l).

22.2 At meetings of the Authority's Development Management Committee, public participation in relation to an application or matter before the committee shall usually be taken at the time that item is called for debate.

22.3 Appendix 8 to these Standing Orders shall further regulate public participation at meetings of the Authority and its committees and sub-committees.

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23 WHEN STANDING ORDERS MAY BE SUSPENDED, REVOKED OR ALTERED

Local Government Act 1972 ss16(1) 106 & Sch 12 para 43

- 23.1 These Standing Orders shall only be capable of variation, amendment, revocation, replacement or other alteration by the Authority at a meeting of the full Authority and upon notice of motion specifying the alteration proposed to be made.
- 23.2 Excepting always those matters specified in Standing Order 23.3 below, Standing Orders or any part of them may, upon motion and without notice, be suspended at any meeting of the Authority as regards any agenda item or items at such meeting specified in that motion, provided that at least one half of the Members of the Authority are present.
- 23.3 For the avoidance of doubt, it is hereby declared that the following Standing Orders are not capable of suspension and further that no motion to suspend Standing Orders shall be moved in relation to them or their provisions:
- | | |
|--|----------------------------|
| (a) Membership of the Authority | <i>(Standing Order 1)</i> |
| (b) Quorum | <i>(Standing Order 4)</i> |
| (c) Attendance at meeting | <i>(Standing Order 5)</i> |
| (d) Conduct of meetings | <i>(Standing Order 7)</i> |
| (e) Members Interests | <i>(Standing Order 8)</i> |
| (f) Urgent matters | <i>(Standing Order 11)</i> |
| (g) Meetings to be open to the public | <i>(Standing Order 12)</i> |
| (h) Confidentiality | <i>(Standing Order 13)</i> |
| (i) Voting | <i>(Standing Order 14)</i> |
| (j) Prevention of disorder | <i>(Standing Order 19)</i> |
| (k) Suspension & alteration of Standing Orders | <i>(Standing Order 23)</i> |

24 INSPECTION OF DOCUMENTS

- 24.1 All reports made or minutes kept by the Authority shall be open for inspection by any Member at any reasonable time. Further, a Member may for the purposes of **their** duties as a Member, but not otherwise, inspect any document, report, file or background information which is in the possession of or under the control of the Authority (including documents and information held in electronic formats) that contains material relating to any business to be transacted at a meeting of the Authority or of any committee or sub-committee of the Authority, and shall be provided with a copy of such document, report or information on request.

PROVIDED ALWAYS that a Member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which **they, or their** spouse is professionally interested or in which **they have** a 'personal interest' or a 'disclosable pecuniary interest' (as set out in Standing Order 8 above) and that this Standing Order shall not require the Legal Adviser to the Authority to allow

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inspection of any document which is, or in the event of legal proceedings would be, protected by legal professional privilege.

- 24.2 A Member who wishes to inspect any other document or information, not falling within paragraph 24.1, should make a written request to the Chief Executive (National Park Officer) specifying the documents or information.
- 24.3 Unless the Chief Executive (National Park Officer), after consultation with the Chair, believes that the request to inspect the document or information is unreasonable or improper or that the Member appears to have a personal or prejudicial interest in respect of any matter contained or referred to in the document or information, the document and information requested shall be produced for the Member's inspection.
- 24.4 If the Member's request under paragraph 24.2 appears to raise any legal issues affecting the Authority, the Monitoring Officer and the Authority's Legal Adviser shall be consulted before any decision is made.
- 24.5 If the matter is not resolved to the satisfaction of the Member making the request, it shall be referred to the next full meeting of the Authority.

25 AUTHENTICATION OF DOCUMENTS

Where any document will be a necessary step in legal proceedings or shall be a legal agreement, contract, notice, or order under hand on behalf of the Authority it shall (unless any other enactment requires or authorises or the necessary delegated authority shall have been given to some other person) be signed by the Chief Executive (National Park Officer) or in his/her absence by an Authorised Officer of the Authority.

26 THE AUTHORITY'S SEAL

- 26.1 **Custody of Seal**
The Common Seal of the Authority shall be kept in the custody of the Monitoring Officer who will arrange its safe keeping.
- 26.2 **Sealing of Documents**
The Common Seal of the Authority shall not be affixed to any document unless the matter has been authorised by a resolution of the Authority, committee or sub-committee or by an Officer to whom the Authority have delegated their powers in this behalf.
- 26.3 **Attestation of Sealing**
The Seal shall be attested by the Chief Executive (National Park Officer) or an Authorised Officer of the Authority and an entry of every sealing of a document shall be made and consecutively numbered in a sealing register.

27 FINANCIAL REGULATIONS

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The Authority and its committees, sub-committees, working panels & other groups and every Member and Officer shall at all times act in accordance with and behave in conformity with all financial regulations as may be made by the Authority.

28 APPOINTMENT OF CHIEF OFFICER

Environment Act 1995 Schedule 7 para 14; Local Authorities (Standing Orders) Regulations 1993 Schedule 1

- 28.1 Pursuant to Schedule 7 of the 1995 Act, the Authority shall ensure that there is at all times a person appointed as Chief Executive (National Park Officer) with responsibility for the execution, maintenance and co-ordination of the Authority's duties, functions and responsibilities.
- 28.2 Appendix 4 to these Standing Orders shall govern the appointment of the Chief Executive (National Park Officer) and any matter concerning the investigation and/or discipline of the Chief Executive (National Park Officer).

29 INTERPRETATION OF STANDING ORDERS

The decision of the Chair on all points of procedure, order and interpretation of these Standing Orders shall be final and no debate shall be permitted thereon **PROVIDED ALWAYS** that the Chair's ruling on a particular point of procedure, order or interpretation of these Standing Orders may be reversed by motion without notice, which motion being duly seconded shall be put without debate.

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Dartmoor National Park Authority

Standing Orders

for Regulation of Authority Proceedings and Business

APPENDICES

- 1** Membership of the Authority
- 2** Provisions Relating to Committees of the Authority
- 3** Terms of Reference for Committees
- 4** Provisions relating to the Chief Officer
- 5** Members Interests
- 6** Code of Conduct for Members
- 7** Confidential Reporting Policy 'Whistleblowing'
- 8** Public Participation
- 9** Guidance on Voting Procedures (Development Management)
- 10** Rules on Elections

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*Adopted 6 July 2012
Revised 6 June 2014, 6 April 2015, 6 April 2018, 8 January 2021, 28 June 2024*

Appendix 1

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.

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Appendix 2

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.

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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.

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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.

Appendix 3

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;

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- 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.

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;

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- (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

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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

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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

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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

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- 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.

Appendix 4

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

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*Adopted 6 July 2012
Revised 6 June 2014, 6 April 2015, 6 April 2018, 8 January 2021, [28 June 2024](#)*

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.

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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;

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(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

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(ii) recommending any disciplinary action which appears to **them**, to be appropriate for the Authority to take against the Chief Officer; and

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(e) shall no later than the time at which ~~they~~ makes ~~their~~ report under sub-paragraph (d), send a copy of the report to the Chief Officer.

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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.

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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.

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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.

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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.

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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 believes to be a candidate for employment with the Authority or appointment by Authority.

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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.

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



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MEMBERS CODE OF CONDUCT

PART 1 GENERAL PROVISIONS

Introduction: Public Duty and Private Interests

- 1.1 This Members Code of Conduct ("this Code") applies to you as a Member or a co-opted Member of Dartmoor National Park Authority ("the Authority").
- 1.2 When acting in your capacity as a Member or co-opted Member of the Authority you should have regard to the Seven Principles of Public Life (also known as the Nolan Principles) namely, Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.
- 1.3 When acting in your capacity as a Member or co-opted Member of the Authority –
 - (a) you must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, a member of your family, a close associate or relevant person;
 - (b) you must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties;
 - (c) you must make all choices when carrying out your public duties, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit;
 - (d) you are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office;
 - (e) you must be as open as possible about your decisions and actions and the decisions and actions of the Authority and should be prepared to give reasons for those decisions and actions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Authority or contained in its Standing Orders;
 - (f) you must declare any disclosable pecuniary interest or personal interest that relates to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out at Part 2 of this Code;
 - (g) you must, when using or authorising the use by others of the resources of the Authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and that any use is in accordance with the Authority's reasonable requirements;
 - (h) you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or any similar Communications Protocol or Code adopted by the Authority;

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.

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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;

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- 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, 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.

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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

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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

Deleted: Donna Healy

The Chief Executive (National Park Officer) - Kevin Bishop

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

Deleted: Alison Kohler

Deleted: Samantha Hill,

Deleted: , Donna Healy, Kevin¶
Bishop

The Head of Devon Audit Partnership - ~~Tony Rose~~

Deleted: Rob Hutchins

Your trade union representative

Appendix 8

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.

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- 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.

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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

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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

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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.

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- 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.

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- 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.

Appendix 9

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).*

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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



NPA/24/026

Dartmoor National Park Authority

28 June 2024

Proposed Amendments to the Scheme of Delegation

Report of the Head of Organisational Development (Monitoring Officer)

Recommendation: **That Members approve the proposed amendments to the Scheme of Delegation as set out at Appendix 1, to take effect from the conclusion of the meeting.**

1 Background

- 1.1 The Scheme of Delegation is a key part of the governance framework under which the Authority controls its proceedings and by which the Chief Executive (NPO) and other officers are authorised to act in the name of the Authority.
- 1.2 The current Scheme of Delegation was last considered by Members and adopted in April 2022 (Authority report NPA/22/018 refers).
- 1.3 The amendments to the Scheme of Delegation proposed in this report arise from a number of sources, including (a) to enable the proper handling of requests for specific dispensations relating to the proposed new Member Code of Conduct; (b) replacing gender pronouns (such as him/her) with gender expansive pronouns (such as they/them); and (c) identification of one or two “gaps”.
- 1.4 The proposed changes are considered necessary and timely to ensure effective governance and keep in place an up to date mandate for officers to exercise delegated functions and responsibility on behalf of the Authority.

2 Proposed Changes

- 2.1 The proposed new Scheme of Delegation is provided at Appendix 1. Changes to the current version are highlighted for ease of reference.
- 2.2 The proposed changes on page 7 (D) Standards and at 9.3 on page 11, provide appropriate delegations to the Standards Committee and Monitoring Officer to enable the proper handling of dispensations relating to disclosable pecuniary interests as set out at paragraph 3.10 and 3.11 of the proposed Members Code of Conduct, and are therefore subject to Members adopting the Code (being presented to Members at this meeting).

- 2.3 The addition of paragraph 2.7 (page 2) relating to contracts, leases, etc. and paragraphs 3.7, 3.8 and 3.9 (page 5) relating to planning enforcement address matters that were not explicitly included in the current Scheme of Delegation.
- 2.4 The change to gender expansive pronouns throughout the document ensures that the Authority does not infer a person's gender identity.

3 Equality and Impact Assessment

- 3.1 The Authority seeks to treat all people equally, honestly and fairly in any of its business activities, including partners, visitors, suppliers, contractors, service users. There are no specific impacts arising from this report.

4 Financial Implications

- 4.1 No direct financial implications.

5 Conclusion

- 5.1 The Authority's governance arrangements need to set out the fundamental principles for decision-making within the Authority; establish clear and robust procedures that are effective and fit-for-purpose; and incorporate appropriate safeguards and accountability.
- 5.2 The proposed amendments to the adopted Scheme of Delegation are considered necessary and appropriate to ensure effective governance, reflect developing organisational practice and keep in place a clear mandate for officers to exercise delegated functions and responsibility on behalf of the Authority

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Background Papers: NPA/19/023, NPA/21/004, NPA/22/018

Attachments: Appendix 1 – Scheme of Delegation

20240628 NW – Scheme of Delegation



Scheme of Delegation

Adopted 6 July 2012; amended 5 July 2013, 6 June 2014, 6 March 2015, 26 July 2019, 1 April 2022
and 28 June 2024

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1 General Conditions of Delegation to Officers

The Delegations set out in this Scheme of Delegation are subject to the following:

- 1.1 The powers delegated to a committee, sub-committee or Officer shall at all times be exercised in accordance with:
 - (a) the Standing Orders of the Authority, including those regulating contracts;
 - (b) the Financial Regulations and Procedures of the Authority;
 - (c) the adopted policies of the Authority and its committees and sub-committees;
 - (d) the views of the Authority as evidenced by resolutions passed in meetings of the Authority and its committees and sub-committees.
- 1.2 Where any matter involves considerations not within the sphere of competence of the relevant Officer or committee, that Officer or committee shall seek appropriate professional or technical advice before authorising action or determining to take no action.
- 1.3 In cases of unusual complexity, difficulty, sensitivity, or public interest an Officer holding delegated authority shall:
 - (a) ensure the proper discharge of all necessary notifications and consultations with any interested party, agency or authority having a legal or statutory interest which may be affected;
 - (b) satisfy ~~them~~self that the decision is not of such a nature that it should be referred to the Chief Executive (National Park Officer) a meeting of the Authority or the appropriate committee or sub-committee for decision;
 - (c) in the case of matters being considered by the Chief Executive (NPO), consult fully with the Chair of the Authority and/or the Chair of any relevant committee or sub-committee of the Authority.
- 1.4 An Officer shall not use delegated powers to determine any particular matter if a Member or Officer of the Authority is known or believed to have a legal, financial or other relevant interest in that matter.
- 1.5 An Officer shall not use delegated powers to determine any particular matter if it appears to the Officer to raise issues of policy not yet determined by the Authority or its committees or may involve a significant change from established practice.

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1.6 Every determination taken by an Officer under delegated powers (including a determination to take no action) shall be evidenced in writing and accompanied by a statement of the reasons for the determination, signed by that Officer and for the purposes of this clause 'determination' shall have the meaning set out in Annex 1 hereto.

2 General Delegation to Chief Executive (National Park Officer)

The Chief Executive (NPO) is hereby authorised to:

- 2.1 undertake the day-to-day management and control of the Authority, its Officers and staff, premises and services to give effect to the strategies and policies as set out in the Dartmoor Partnership Plan (National Park Management Plan) and any adopted Corporate or Business Plan;
- 2.2 determine and implement any action necessary to give effect to the implementation of the Dartmoor Partnership Plan and any adopted Corporate or Business Plan and for this purpose to incur expenditure in accordance with the approved budget and the limits provided for in Standing Orders and Financial Regulations;
- 2.3 take any action necessary to give effect to any decision of the Authority or its committees and sub-committees;
- 2.4 make the necessary arrangements to ensure that all expenditure is regularly monitored against approved budgets and that any significant outturn variations are reported to the Authority or any appropriate committee or sub-committee;
- 2.5 in cases of urgency or emergency, take any necessary action, including the institution of legal proceedings, or decide that no action is necessary on behalf of the Authority and any committee or sub-committee of the Authority in relation to any matters within the Authority's powers, duties and responsibilities. In each such case a full report of the action taken shall be made to the next meeting of the Authority or the appropriate committee or sub-committee;
- 2.6 act in relation to the appointment, dismissal, discipline and determination of all matters relating to the employment of Officers and staff of the Authority and the conditions upon which they are employed as specified in such national and local conditions of service as may from time to time be in force; save that any such matters relating to the Monitoring Officer or the Section 151 Officer shall, unless the Authority determines otherwise, be reserved to the Authority or such committee or sub-committee as may be established for the purpose;
- 2.7 in accordance with the Authority's Financial Regulations and adopted Procurement Procedures, to negotiate and enter into contracts, leases, licences, agreements, partnerships, funding arrangements and other commitments and/or determine to renew, not renew, extend, amend, suspend, cancel, revoke or terminate and such commitment or arrangement;

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2.8 authorise Officers of the Authority to exercise statutory powers of entry, for the purpose of inspection and survey of land, buildings or premises, and may issue any necessary evidence or warrant of authority;

2.9 unless expressly provided otherwise, determine that any of the delegated powers afforded to them, under this Scheme of Delegation may be exercised by any Officer of the Authority authorised in writing by them.

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3 Delegation of Matters Relating to Development Management

3.1 The Development Management Committee

The development management business of the Authority shall be conducted by a Development Management Committee of the Authority.

The Development Management Committee shall comprise those Members appointed by the Authority, save that no Member appointed to the committee shall be entitled to exercise their, vote in committee unless they, shall have undertaken (a) introductory training in planning matters; and (b) such additional or refresher training as may from time to time be prescribed as required for membership of the committee.

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3.2 Functions of the Development Management Committee

The Development Management Committee shall exercise the Authority's 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.

3.3 Powers & Duties

Without prejudice to its general functions, the Development Management Committee shall have the responsibility to exercise the following powers and duties of the Authority:

- (a) to determine planning applications;

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- (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;
- (e) to regulate advertisements;
- (f) to make site inspection visits;
- (g) to respond to consultations from neighbouring local authorities.

3.4 Limits on the Delegation to the Development Management Committee

For the avoidance of any doubt, the Development Management Committee and every Officer exercising delegated responsibility in development management matters shall at all times have primary regard to the Development Plan, Government guidance in planning matters, and relevant legislation and case law.

Furthermore, except insofar as it may be in conflict with the primary duty described above, the Development Management Committee and every Officer exercising delegated authority in development management matters shall have full and proper regard to:

- the Authority's statutory purposes;
- the Authority's duties and responsibilities;
- the adopted policies and procedures of the Authority;
- the Authority's best interests.

3.5 Delegation to Chief Executive (National Park Officer)

The Chief Executive (NPO) is hereby authorised to act on behalf of the Development Management Committee and exercise delegated authority to determine any matter arising under:

- (a) Parts III, VII, VIII, X, XI and XV of the Town and Country Planning Act 1990;
- (b) Parts I, II and III of the Planning (Listed Buildings and Conservation Areas) Act 1990; and
- (c) any Statutory Instrument or Regulation made thereunder;

including but not limited to those matters set out in Annex 2 hereto, except as follows:

- a Member of the Development Management Committee indicates in accordance with the agreed procedure a wish for the matter (not being a Lawful Development Certificate) to be considered by the Committee;
- the application or other matter (not being a Lawful Development Certificate) directly concerns the Authority, a Member or Officer of the Authority or any person living in the same household as a Member or Officer of the Authority;

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- legal action is considered expedient which would prevent a person residing in or on premises or significantly affect their ability to do so, or would prevent or significantly affect the operation of a business, employment site or community use;
- the Chief Executive (NPO) believes that the matter should more properly be considered by the Development Management Committee by reason of significant public interest, a conflict between the Authority's adopted planning policies and other material planning considerations, or otherwise.

3.6 The Chief Executive (NPO) is hereby authorised to determine any question concerning the interpretation of a s106/s52 planning obligation and in particular the eligibility of any individual to occupy an affordable dwelling in accordance with the provisions of that planning obligation and the conformity of any disposal of an intermediate dwelling.

~~3.7 The Chief Executive (NPO) is hereby authorised to serve any statutory notice or requisition for information requiring the owner, occupier or a person with an interest in land or premises to give information to the Authority and a planning contravention notice under section 171C of the Town & Country Planning Act 1990.~~

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~~3.8 The Chief Executive (NPO) is hereby authorised to serve, vary and withdraw any listed building enforcement notice, enforcement notice, stop notice, temporary stop notice, breach of condition notice or other statutory notice.~~

~~3.9 The Chief Executive (NPO) is hereby authorised to institute proceedings in the name of the Authority under any Statute, Statutory Instrument, Regulation, Order, Byelaw, or other provision conferring functions upon the Authority as a Local Planning Authority or in respect of development management functions undertaken by the Authority.~~

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3.10 The Chief Executive (NPO) is further authorised to determine that the delegated powers in paragraphs 3.4 ~~to 3.9~~ may be exercised by any Officer of the Authority authorised in writing by ~~them~~.

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4 Delegation to the Audit and Governance Committee

4.1 There shall be an Audit and Governance Committee of the Authority to perform the following functions:

- to exercise such powers and decision-making duties as may be delegated to the committee by the Authority;
- 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);
- to maintain a sub-committee to deal with Standards issues;
- to provide assurance to and make recommendations to the Authority, its committees and sub-committees as appropriate;

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- (e) to report its findings and confirm the level of assurance that has been received [in-year] to the 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.

4.2 Without prejudice to its general functions, the Audit and Governance Committee shall have the responsibility to exercise the following powers and duties of the Authority:

(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 operations 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

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- 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 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 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.

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5 Public Rights of Way and Access

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The Chief Executive (NPO) is hereby authorised to discharge the functions of the Authority in relation to public rights of way and public access to land, including those functions in relation to public rights of way that are to be discharged by the Authority on behalf of Devon County Council pursuant to the Agreement dated 1 April 2006 and any subsequent Agreement between the parties modifying or revoking and re-enacting its provisions.

This delegated authority shall include, but not be limited to the power to:

- 5.1 make and confirm unopposed public path creation, extinguishment, diversion and modification orders made by the Authority under the Highways Act 1980, Wildlife and Countryside Act 1981 and the Town and Country Planning Act 1990;
- 5.2 take action under the Highways Act 1980 to deal with nuisances, dangers and obstructions to public rights of way;
- 5.3 undertake maintenance and improvement of public rights of way;
- 5.4 respond to and serve notices under Section 56 Highways Act 1980;
- 5.5 determine applications under Section 147 Highways Act 1980 for the erection of gates, stiles, or other works on footpaths and bridleways for the purpose of preventing ingress and egress by animals;
- 5.6 make temporary traffic regulation orders under Sections 14 and 15 Road Traffic Regulation Act 1984;
- 5.7 enter into public path creation agreements, agreements for permissive paths and access agreements under S39 of the Wildlife and Countryside Act 1981 and other relevant powers, involving one-off lump sum compensation or acknowledgement payments of up to £5,000, or annual or other payments which will average less than £750pa over the life of the agreement;
- 5.8 determine applications and make directions to exclude or restrict access to land under Sections 24 and 25 Countryside and Rights of Way Act 2000 for non-recurring periods where the aggregate of the period or exclusion sought and any other periods in the same year during which access to the land has been excluded or restricted pursuant to applications under the Sections 24 and 25 is less than 6 months;
- 5.9 make directions under Section 26 of the Countryside and Rights of Way Act 2000 for periods of up to six months in any one year;
- 5.10 The Chief Executive (NPO) is further authorised to determine that the delegated powers in paragraphs 5.1 to 5.9 may be exercised by any Officer of the Authority authorised in writing by ~~them~~.

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6 Land and Property

The Chief Executive (NPO) is hereby authorised to:

- 6.1 make management agreements (including agreements with an access element) under S39 of the Wildlife and Countryside Act 1981 and other relevant powers, including national agri-environment schemes provided by Defra or Natural England, involving one-off lump sum compensation or acknowledgement

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payments of up to £5,000, or annual or other payments which will average less than £750pa over the life of the agreement;

- 6.2 agree variations to annual payments required under the terms of any such agreement;
- 6.3 make grants and agreements up to £5,000 in relation to the Farming in Protected Landscapes programme; and issue grants and agreements above £5,000 and up to £250,000 where formally recommended to award a grant and/or enter into an agreement by the Dartmoor Local Assessment Panel;

The Chief Executive (NPO) is further authorised to:

- 6.4 approve the acquisition by the Authority of:
 - (a) the leasehold interest in any land for a term not exceeding 21 years at an annual rent not exceeding £2,500;
 - (b) the freehold interest in any land at a price not exceeding £10,000;
- 6.5 decide in relation to the Hedgerow Regulations 1997 whether or not a hedgerow is 'important' and whether to issue a Hedgerow Retention Notice;
- 6.6 agree minor easements, wayleaves and licences over land owned by the Authority;
- 6.7 authorise consents on common land and access land under National Park Byelaws and to make decisions concerning the licensing of commercial activities;
- 6.8 negotiate and enter into leases and licences on behalf of the Authority, subject to the limitations in clause 6.4 above, and deal with minor amendments and rent reviews;
- 6.9 act as Steward of the Manor of Holne;
- 6.10 determine that the delegated powers in paragraphs 6.1 to 6.8 may be exercised by any Officer of the Authority authorised in writing by them,

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7 Grants and Loans

- 7.1 The Chief Executive (NPO) is authorised to offer, make, refuse, withdraw or reclaim grants, contributions and loans in all circumstances where the Authority has power so to act, provided that they shall act in accordance with Financial Regulations, this Scheme of Delegation and the overall policies for grants or loans adopted by the Authority or any of its committees and sub-committees.
- 7.2 Applications for grants or contributions exceeding £5,000 shall normally be referred to the Authority for consideration.
- 7.3 No grant or loan shall be awarded to any person or project so as to exceed £5,000 in aggregate in any calendar year.
- 7.4 A written record shall be kept of all decisions made, such information to be open to inspection by any Member of the Authority and any member of the public upon reasonable request.

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7.5 The Chief Executive (NPO) is further authorised to determine that the delegated powers in paragraphs 7.1 to 7.4 may be exercised by any Officer of the Authority authorised in writing by ~~them~~.

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8 Legal Action

The Chief Executive (NPO) is hereby authorised to:

- 8.1 serve any statutory notice or requisition for information requiring the owner, occupier or a person with an interest in land or premises to give information to the Authority;
- 8.2 obtain Counsel's opinion or other professional legal advice and brief Counsel or any other competent and qualified person to appear for the Authority;
- 8.3 institute, defend or settle proceedings in the name of the Authority at Common Law or under any Statute, Statutory Instrument, Regulation, Order, Byelaw or other provision conferring functions upon the Authority or in respect of functions undertaken by the Authority. For the avoidance of doubt this authority shall extend to the issue of process and the taking of all necessary procedural steps and doing any other act or thing necessary to represent the Authority in the civil and criminal courts, any tribunal, Inquiry or hearing, including the service of notices whether statutory or otherwise, counter-notices and Notices to Quit;
- 8.4 bring prosecution proceedings in any criminal court, where it is considered clearly expedient for the promotion or protection of National Park purposes and duties or the interests of the Authority, including the contravention of National Park Byelaws, or offences contrary to any enactment;
- 8.5 authorise any Officer of the Authority to prosecute or defend or appear on behalf of the Authority in any legal proceedings pursuant to Section 223 of the Local Government Act 1972, and to appear on behalf of the Authority before any Inquiry, Tribunal or other body;
- 8.6 authorise any qualified lawyer employed by or appointed by the Authority to exercise any of the powers set out in 8.1 to 8.5 inclusive.

9 Standards

- 9.1 The Monitoring Officer and any duly appointed Deputy Monitoring Officer are hereby authorised to:
- (i) receive and acknowledge receipt of a complaint under the Member Code of Conduct;
 - (ii) inform the Member(s) concerned that a complaint has been received and the matter complained of;
 - (iii) inform the Authority's appointed Independent Person that a complaint has been received, the identity of the Member(s) concerned and the nature of the complaint;
 - (iv) seek clarification from the person making the complaint and any further background information as necessary, without engaging in any substantive investigation;

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- (v) invite the Member(s) concerned to make a statement about the complaint;
- (vi) consult with the Independent Person prior to the initial assessment decision;
- (vii) close the complaint on the grounds that the matter complained of does not merit formal investigation;
- (viii) entirely without prejudice to whether there has or has not been any breach of the Code of Conduct, ask the Member(s) concerned to:
 - (i) attend a training course or receive other training;
 - (ii) engage in a process of conciliation with the person who made the complaint;
 - (iii) undertake some other appropriate action, as specified;
 - (iv) refer the complaint for formal investigation and appoint an investigating officer;
 - (v) take all decisions and steps necessary for the proper conduct of any investigation and the proper determination of any complaint, question or other matter arising under the Code of Conduct in accordance with the Authority's adopted protocols and procedures.

9.2 For the avoidance of doubt, this delegation shall include the power to incur necessary expenditure not exceeding £5,000 in commissioning external legal advice or assistance with any investigation.

9.3 To act as proper officer for the receipt of written requests by Members for dispensation under Section 33 of the Localism Act 2011 to speak, or to speak and vote, notwithstanding that the Member has a disclosable pecuniary interest.

10 Miscellaneous

The Chief Executive (NPO) is hereby authorised to:

10.1 Approve the appointment or engagement of consultancy support on any project, review or task involving expenditure not exceeding £10,000 PROVIDED THAT:

- (i) for the purposes of this Scheme of Delegation, consultancy support shall include but not be limited to work by external contractors, chargeable work by other local authorities or public sector bodies, and the work of agencies, firms and companies;
- (ii) any such appointment or engagement is made in accordance with the Authority's adopted instructions relating to procurement.

10.2 Make arrangements for disposal of surplus items (excluding land, buildings and leased items) with an estimated market value of up to £2,500 PROVIDED THAT:

- (i) all disposals relating to land, buildings and leases shall be approved by the Authority, will be in accordance with the Authority's Asset Management Plan and will be via public auction or by tender after public advertisement;

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- (ii) all disposals of assets and surplus items must be undertaken in accordance with the Section 123(2) of the LGA 1972 so as to obtain the best consideration for the Authority and no favour should be shown to staff or other third parties.

10.3 Make an ex-gratia payment in a sum not exceeding £1,500 to any person who is proved to have suffered a direct identifiable loss as a result of the Authority's actions or failure to act.

10.4 Reimburse the costs of damage or loss of an Officer's personal property up to a maximum of £500 in any one case, provided it is shown that the damage or loss arose in the course of the Officer's duties without negligence or carelessness on the Officer's part.

10.5 Write off any overpayment not exceeding £1,000 made to an Officer if satisfied that:

- all steps have been taken to recover the sums due; or
- the cost of recovering any sums due would exceed the sum involved; or
- recovery would cause undue hardship to the Officer concerned.

10.6 Determine that the delegated powers in paragraphs 10.1 to 10.5 may be exercised by any Officer of the Authority authorised in writing by ~~them~~,

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Annex 1

Exercise of Delegated Powers

For the purposes of this Scheme of Delegation and in particular clause 1.6, the determination of a particular matter shall include but not be limited to the following (and 'determine' and 'determination' shall be construed accordingly):

- the discharge of any function in relation to the appointment, dismissal, discipline and all matters relating to the employment of Officers and staff of the Authority and the conditions upon which they are employed;
- the exercise of any decision-making function in relation to the management and control of the Authority, its Officers and staff, premises, resources and services, as is likely to have a significant effect on the Authority, its physical, financial or human resources, its partnerships and reputation, or otherwise;
- the exercise of any decision-making function in relation to Development Management, in particular those functions listed in Annex 2 to this Scheme of Delegation;
- the discharge of functions in relation to public rights of way and public access to land;
- the discharge of functions in relation to land and property;
- the exercise of any decision-making function in relation to grants and loans;
- the institution, defence and conduct of any legal proceedings;
- the authorisation of any payment made pursuant to clauses 10.3 or 10.4 of this Scheme of Delegation.

Annex 2

Town and Country Planning Act 1990 (as amended)

Part III Development

S 58	Grant Planning Permission
S 59/60	Make Development Order
S 72	Impose conditions on grant of planning permission
S 73	Authorise Development without complying with conditions previously attached
S 94	Serve Completion Notice
S 97	Revoke/modify planning permission
S 102	Discontinue use/remove buildings
S 106	Planning Obligation Agreement
S 106A	Discharge/Modify S 106 Agreement

Part VII Enforcement

S 171C	Serve Planning Contravention Notice (PCN)
S171D	Prosecute for non-compliance with PCN
S171E	Issue Temporary Stop Notice (TSN)
S171G	Prosecute for non-compliance with TSN
S 172	Issue Enforcement Notice (EN)
S173A	Withdraw/relax EN
S178	Authorise direct action to secure compliance with requirements of EN
S 179	Prosecute for non-compliance with EN
S 183	Issue Stop Notice
S 186	Compensation for Stop Notice not upheld
S 187	Prosecute for non-compliance with Stop Notice
S 187A	Issue Breach of Condition Notice (BCN)
S187A (9)	Prosecute for non-compliance with requirements of BCN
S187B	Seek injunction to restrain breach of planning control
S 188	Keep statutory register
S 191	Certificate of Lawful Use or Development (CLU or D)
S 192	CLU or D proposed
S 193 (7)	Revoke CLU or D if fraud
S 194	Prosecute for false statement to obtain CLU or D
S 196 (A) (B)	Seek warrant of entry to premises

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Part VIII Trees

S 198	Make Tree Preservation Order (TPO)
S 199	Confirm TPO
S 201	Direction for immediate effect of provisional TPO
S 204	Pay compensation for replanting trees
S 206 (2)	Dispense with duty to replace tree (TPO)
S 207	Tree enforcement notice
S 209	Authorise direct action by Authority
S 210	Prosecute for non-compliance with TPO
S 211 (1)	Prosecute for harm to tree in Conservation Area
S 211 (3)	Consent to carry out works to tree(s)
S 213 (2)	Dispense with duty to replace tree (Conservation Area)
S 214	Keep Statutory register
S 214 (A)	Seek injunction
S 214 (B)(C)	Exercise right of entry with/without warrant
S 215	Notice to maintain land
S 216	Prosecute for non-compliance with S 215 Notice
S 219	Authorise direct action by Authority
S 224(3)	Power to authorise prosecution for breach of control as to advertisements
S 225	Power to remove or obliterate placards/posters

Part X Highways & Telecommunications Equipment

Part XI Statutory Undertakers

Part XV Misc

S 330	Power to require information as to interests in land
S 330	Prosecute for non-compliance with S 330 Notice

Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 2017 (as amended)

- to determine whether development appears to fall within Schedule 1 or Schedule 2
- to make and issue a Screening Opinion
- to make and issue a Scoping Decision
- to evaluate an Environmental Statement
- to determine whether further information should be requested pursuant to Regulation 22

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Miscellaneous

1. Power to determine non-material amendments to an approved scheme
2. Power to respond to consultations from neighbouring local authorities
3. Power to certify compliance with condition(s)
4. Power to determine to close and enforcement case / take no further action (including where enforcement notice served but not fully complied with).

Planning (Listed Building & Conservation Areas) Act 1990 (as amended)

Part I Listed Buildings

- S 3 Serve building preservation notice
- S 8 Authorise works to listed building/demolition
- S 9 Prosecute for contravention of S 7
- S 16 Grant consent for works (with conditions)
- S 19 (4) Vary or discharge conditions attached to consent
- S 23 Revoke/modify consent
- S 28 - 31 Compensation for notices under S 8
- S 38 Issue Listed Building Enforcement Notice
- S 42 Authorise direct action to remedy unauthorised works
- S 43 Prosecute for contravention of S 38 notice
- S 44 (A) Seek injunction
- S 54 Urgent works to preserve unoccupied listed building
- S 57 Power to make grants towards repair of listed buildings

Part II Conservation Areas

- S 69 Designate Conservation Areas
- S 71 Proposal to enhance and preserve conservation areas
- S 74 Consent for demolition
- S 76 Urgent works to preserve unoccupied building
- S 77 Power to make grants and loans for preservation/enhancement

Part III General

- S 88/A Exercise right of entry/warrant of entry

Environment Act 1995 (1)

- S 97 The Hedgerows Regulations 1997
Power to issue Hedge Retention Notices

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NPA/24/027

Dartmoor National Park Authority

28 June 2024

Amendments to Fees and Charges 2024/25

Report of the Head of Business Support

Recommendation: **That Members approve the amended 2024/25 schedule of fees and charges as set out in Appendix 1**

1 Background

- 1.1 The Authority is responsible for a number of services for which fees are permitted to be charged in order to offset the costs involved. The Government requires that Local Authorities should raise revenue wherever possible to cover costs, which means that fees and charges (which include suggested donations) are reviewed and approved on an annual basis.

2 Current Situation

- 2.1 The schedule of fees and charges for 2024/25, were approved by the Authority in March 2024 and can be found on Appendix 1.
- 2.2 Members are aware that we recently re-introduced the pre-application advice service for planning. Officers are recommending that Members approve an amendment to the schedule of fees and charges, specifically the introduction of a £100 fee for the householder pre-application advice. This proposed amendment is highlighted in Appendix 1.

3 Financial Implications

- 3.1 The schedule of fees and charges will be amended and published on the Authority's website to reflect the change. Additional revenue will be incorporated into the 2024/25 Revenue outturn.

4 Equality and Impact Assessment

- 4.1 The implications for access to services and the economy of the area are fully considered and addressed in all of the Authority's policies, especially when considering charging for services. The pre-application service is non-statutory and engagement in pre-application advice is up to potential applicants. The charge is considered necessary in order to contribute to the costs of providing this service.

5 Conclusion and Recommendation

- 5.1 Members are recommended to approve the introduction of a £100 fee for householder pre-application advice. Without this charge there will be no income to support the provision of the service and we would need to reconsider whether we could sustain the advice given the number of requests.

Angela Stirland

Background Papers: NPA/24/12

Attachments: Appendix 1 - Proposed fees and charges 2024/25

20240628 AS Fees and Charges 2024/25

**DARTMOOR NATIONAL PARK AUTHORITY
FEES AND CHARGES 2023/24**

Appendix 1 to Report NPA/24/12

Description of Charges Levied (or Donations suggested)	Unit	2023/24 Rates			2024/25 Rates		
		NET (£)	VAT (£)	GROSS (£)	NET (£)	VAT (£)	GROSS (£)
Administration							
Photocopying - Black and White (charges for sizes over A3 as for plans below)	A4 per side	0.33	0.07	0.40	0.33	0.07	0.40
	A3 per side	0.33	0.07	0.40	0.33	0.07	0.40
Photocopying - Colour (charges for sizes over A3 as for plans below)	A4 per side	0.42	0.08	0.50	0.42	0.08	0.50
	A3 per side	0.42	0.08	0.50	0.42	0.08	0.50
Plan Copying – Colour (subject to copyright)	A4 per side	0.42	0.08	0.50	0.42	0.08	0.50
	A3 per side	0.83	0.17	1.00	0.83	0.17	1.00
	A2 per side	2.50	0.50	3.00	2.50	0.50	3.00
	A1 per side	4.17	0.83	5.00	4.17	0.83	5.00
	A0 per side	5.83	1.17	7.00	5.83	1.17	7.00
<i>NB: Copying charges that total less than £1 will be waived</i>							
Microfilm Copying		As photocopying			As photocopying		
Private Telephone Calls		Actual time			Actual time		
Development Management							
		NET (£)	VAT (£)	GROSS (£)	NET (£)	VAT (£)	GROSS (£)
Planning Application Fees		See "Government Scale Charges"			See "Government Scale Charges"		
Pre Application Fees:							
Class A: Residential between 31-149 dwellings / Non-residential floor space 5,000-9,999 sq.m - 1 meeting		600.00	120.00	720.00	600.00	120.00	720.00
Class A: Additional meeting fee		300.00	60.00	360.00	300.00	60.00	360.00
Class B: Residential between 10-30 dwellings / Non-residential floor space 1,000-4,999 sq.m - 1 meeting		400.00	80.00	480.00	400.00	80.00	480.00
Class B: Additional meeting fee		200.00	40.00	240.00	200.00	40.00	240.00
Class C: Residential (including holiday lets) between 3-9 dwellings / Non-residential floor space 500-999 sq.m - 1 meeting		300.00	60.00	360.00	300.00	60.00	360.00
Class C: Additional meeting fee		150.00	30.00	180.00	150.00	30.00	180.00
Class D: Residential 1-2 dwellings (including replacement dwellings) including change of use to, conversion & holiday lets / Non-residential floor space up to 499 sq.m - 1 meeting		150.00	30.00	180.00	150.00	30.00	180.00
Class D: Additional meeting fee		50.00	10.00	60.00	50.00	10.00	60.00
Class E: Advertisements / telecommunications proposals/ Change of use where no operational development (except residential / holiday let) - 1 meeting		150.00	30.00	180.00	150.00	30.00	180.00
Class F: Listed Building where site visit involved		150.00	30.00	180.00	150.00	30.00	180.00
Class F: Additional meeting fee		75.00	15.00	90.00	75.00	15.00	90.00
Class G: Other minor development including agricultural based development - 1 meeting		83.33	16.67	100.00	83.33	16.67	100.00
Class G: Additional meeting fee		41.67	8.33	50.00	41.67	8.33	50.00
Class H: Domestic Scale Renewable energy - solar, wind, hydro Free unless site visit required		150.00	30.00	180.00	150.00	30.00	180.00
Class H: Non Domestic Scale Renewable energy - solar, wind, hydro		166.67	33.33	200.00	166.67	33.33	200.00
Class H: Additional meeting fee		50.00	10.00	60.00	50.00	10.00	60.00
Pre Application Fees - Household					100.00	20.00	120.00
Copy of Section 52/106 Agreement		Charge per page in scale of photocopying charges above subject to maximum charge of £15.00 (inc VAT)			Charge per page in scale of photocopying charges above subject to maximum charge of £15.00 (inc VAT)		
Copy of Decision Notice							
Copy of Enforcement Notice							
Copy of Appeal Decisions							
Copy of Appeal Statement							
Copy of Tree Preservation Order							
Planning Search		10.00	2.00	12.00	10.00	2.00	12.00
All postal requests carry a minimum £2 postage/administration charge. Actual postage will be charged if in excess of £2		1.67	0.33	2.00	1.67	0.33	2.00
Agenda – Copies of Minutes/Reports/One off requests		Charge per page (inc VAT)			Charge per page (inc VAT)		

**DARTMOOR NATIONAL PARK AUTHORITY
FEES AND CHARGES 2023/24**

Description of Charges Levied (or Donations suggested)	Unit	2023/24 Rates @ 20%			(VAT £	2024/25 Rates 20%)			(VAT @ £
		NET (£)	VAT (£)	GROSS (£)		NET (£)	VAT (£)	GROSS (£)	
Meeting Room Hire									
		NET (£)	VAT (£)	GROSS (£)		NET (£)	VAT (£)	GROSS (£)	
Parke									
Meeting Room	Half Day (up to 4 hrs)	80.00	EXE	80.00		80.00	EXE	80.00	
	All Day (over 4 hrs)	160.00	EXE	160.00		160.00	EXE	160.00	
	Refreshments per delegate:								
	1st serving	1.92	0.38	2.30		1.92	0.38	2.30	
	2nd serving	1.33	0.27	1.60		1.33	0.27	1.60	
Cancellation charges	Notice of cancellation of 48 hours or more	No Charge				No Charge			
	Notice of cancellation 24 to 48 hours	50% Charge				50% Charge			
	Notice of cancellation less than 24 hours	Full Charge				Full Charge			
Car Parking at Princetown, Haytor Upper and Lower, Postbridge, Meldon, Lydford									
		NET (£)	VAT (£)	GROSS (£)		NET (£)	VAT (£)	GROSS (£)	
Cars - Per Day (24 hours)		4.17	0.83	5.00		4.42	0.88	5.30	
Cars - Per half Day (up to 3 hours)		2.50	0.50	3.00		2.67	0.53	3.20	
Blue Badge Holders		2.50	0.50	3.00		2.67	0.53	3.20	
Coaches and minibuses - Per Day		8.33	1.67	10.00		8.88	1.78	10.65	
Guided Walks and Education Walks									
		NET (£)	VAT (£)	GROSS (£)		NET (£)	VAT (£)	GROSS (£)	
Walks, Talks and Activities	Guided Walks (Adult)	Various charges, which will be informed by the organiser prior to the event				Various charges, which will be informed by the organiser prior to the event			
	Guided Walks (14 years & under)								
	Children Activities - (accompanying adult free)								
	Private talks - Higher Uppacott - per group (max 20)								
Education Walks	Walks up to 3 hours (per guide = 25 children)	60.00	EXE	60.00		60.00	EXE	60.00	
	Walks up to 6 hours (per guide = 25 children)	75.00	EXE	75.00		75.00	EXE	75.00	
Ranger Ralph	Annual subscription (per child)	12.00	ZERO	12.00		12.00	ZERO	12.00	
	Events	FREE OF CHARGE				FREE OF CHARGE			
Junior Ranger Programme	Annual subscription (per child)	25.00	ZERO	25.00		25.00	ZERO	25.00	
Youth Ranger Programme	Annual subscription	50.00	ZERO	50.00		50.00	ZERO	50.00	
Higher Uppacott	Bespoke Events	Delegated to Director of Conservation and Communities				Delegated to Director of Conservation and Communities			
Legal Services									
		NET (£)	VAT (£)	GROSS (£)		NET (£)	VAT (£)	GROSS (£)	
Public Path Orders:									
Public path orders: Advertisements x 2 Preparing order, all officer time, administration, postage, legal costs, site visits, notices, negotiations with users etc.	Per advert	See Below				See Below			
	Unopposed orders	£1,000.00 plus advertising costs (plus VAT)				£1,000.00 plus advertising costs (plus VAT)			
	Additional orders linked to above	£400.00 plus advertising costs (plus VAT)				£400.00 plus advertising costs (plus VAT)			
	Opposed orders	£2,000 - £3,000 plus advertising costs (plus VAT)				£2,000 - £3,000 plus advertising costs (plus VAT)			
	Temporary closures	£600.00 plus advertising costs (plus VAT)				£600.00 plus advertising costs (plus VAT)			
	Extending a Temporary closure & submission to Secretary of State	£60 per hour + Advertising costs + VAT (minimum charge £500)				£60 per hour + Advertising costs + VAT (minimum charge £500)			
	Informal Consultations (includes consulting with interested parties, summarising responses and Authority Report)	400	80	480		400	80	480	
	Legal charges	Per hour	80-140	OOS	80-140		80-140	OOS	80-140
Copy / Inspection of Deeds or Documents (held in secure storage)	Per document	37.50	7.50	45.00		37.50	7.50	45.00	
Section 106 agreements	Per hour	Not applicable - service provided by DCC				Not applicable - service provided by DCC			
Certification of a document	Per document	4.17	0.83	5.00		4.17	0.83	5.00	

**DARTMOOR NATIONAL PARK AUTHORITY
FEES AND CHARGES 2023/24**

Description of Charges Levied (or Donations suggested)	Unit	2023/24 Rates @ 20%			(VAT £	2024/25 Rates 20%)			(VAT @ £
Supply data to:	Non Public Body	40.00	8.00	48.00		40.00	8.00	48.00	
Environmental Information Regulations		NET (£)	VAT (£)	GROSS (£)		NET (£)	VAT (£)	GROSS (£)	
Disbursement Costs:									
Photocopying - Black and White (charges for sizes over A3 as for plans below)	A4 per side	0.33	0.07	0.40		0.33	0.07	0.40	
	A3 per side	0.33	0.07	0.40		0.33	0.07	0.40	
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	A1 per side	4.17	0.83	5.00		4.17	0.83	5.00	
	A0 per side	5.83	1.17	7.00		5.83	1.17	7.00	
Microfilm Copying		As photocopying				As photocopying			
Staff Time:	Search for Information. Identification & location of information. Retrieval of information. Copying of information. Collating & despatching of information.	£25 per hour (pro rata)				£25 per hour (pro rata)			
For every members of staff or agency staff involved in considering or dealing with a request for information		VAT will only be charged if the information could Be obtained elsewhere				VAT will only be charged if the information could Be obtained elsewhere			
Filming on DNP Land (owned or managed) per day		NET (£)	VAT (£)	GROSS (£)		NET (£)	VAT (£)	GROSS (£)	
Feature films		From £2,500 plus VAT				From £2,500 plus VAT			
TV Feature / Mini series / Drama		From £500 plus VAT				From £500 plus VAT			
TV Documentary / Children's		From £250 plus VAT				From £250 plus VAT			
Advertising / Promotional		From £1,200 plus VAT				From £1,200 plus VAT			
Commercial Photo Shoot		From £1,000 plus VAT				From £1,000 plus VAT			
National Park staff time		£60 per hour / £360 per day plus VAT				£60 per hour / £360 per day plus VAT			
Aerial Footage (including stock footage)		Price on application				Price on application			
News, current affairs or educational / schools		Free of charge				Free of charge			
Officer support for Filming and / or Event Management		NET (£)	VAT (£)	GROSS (£)		NET (£)	VAT (£)	GROSS (£)	
National Park staff time		£60 per hour / £360 per day plus VAT				£60 per hour / £360 per day plus VAT			
Miscellaneous		NET (£)	VAT (£)	GROSS (£)		NET (£)	VAT (£)	GROSS (£)	
Closure of car parks for filming, large scale or other events (minimum charge)	Low season (1 Oct - 31 March)	150.00	30.00	180.00		150.00	30.00	180.00	
	High season (1 April - 30 Sept)	300.00	60.00	360.00		300.00	60.00	360.00	
Creation of maps for external bodies (GIS)	Fixed cost based on half day	41.67	8.33	50.00		41.67	8.33	50.00	
	Hourly rate above half day	16.67	3.33	20.00		16.67	3.33	20.00	
Gateway Repair	Per Gateway (per hour - minimum 2hrs)	45.00	9.00	54.00		45.00	9.00	54.00	
	Drilling/Gluing per fixing	20.00	4.00	24.00		20.00	4.00	24.00	
	Fittings	6.00	1.20	7.20		6.00	1.20	7.20	
Gateposts	Repair per post - or individually priced	75.00	15.00	90.00		75.00	15.00	90.00	
	Replacement - plus cost of commercially sourced post	75.00	15.00	90.00		75.00	15.00	90.00	
Dartmoor Hill Farm Project Membership Scheme		50.00	10.00	60.00		50.00	10.00	60.00	
Conservation Works Team - staff time		£60 per hour				£60 per hour			



NPA/24/028

Dartmoor National Park Authority

28 June 2024

Appointment to the Dartmoor Commoners' Council

Report of the Chief Executive (National Park Officer)

Recommendation: That Members confirm the appointment of Mrs Penny Warren as one of two landowner representatives as required by the Dartmoor Commons Act 1985 section 3(2d) for a period of four years commencing 1 July 2024.

1 Introduction

- 1.1 The Dartmoor Commons Act 1985 established the Dartmoor Commoners' Council and laid down the arrangements for its governance and working arrangements. The primary purposes of the Council are to maintain the commons of Dartmoor and to promote standards of livestock husbandry on the commons.
- 1.2 The Commoners' Council comprises a minimum of 26 members and a maximum of 28 members at any one time. The appointment of members – in terms of who may appoint, how many and to represent which interests – is prescribed by the Dartmoor Commons Act 1985.
- 1.3 The Act provides for the Authority to appoint four persons to the Commoners' Council:
 - two to represent the National Park Authority, one of whom shall be a person appointed by the Secretary of State;
 - two people “appearing to represent the interests of owners (other than the Duchy of Cornwall and the Park Authority) of lands forming part of the commons.”
- 1.4 The term of office for one of the landowner representatives (Mrs Penny Warren) expires at the end of June 2024. We have consulted with the Dartmoor Commons Owners' Association and their Chair has recommended the re-appointment of Mrs Warren. Mrs Warren has indicated that she would be willing to accept this appointment if confirmed.
- 1.5 The second common landowner representative on the Commoners' Council appointed by the Authority is Mr Russell Ashford. Mr Ashford is no longer an owner

of common land but the Dartmoor Commons Owners' Association have confirmed that they wish him to continue as a common landowner representative on the Council until the end of his current term of appointment (2026) and have co-opted him onto the Association for this purpose.

2 Sustainability and Impact Assessment

2.1 The Authority will treat all nominations equally.

3 Financial Implications

3.1 There are no financial implications for the Authority. The landowner representatives are not paid any allowance or mileage by the Authority for attending meetings.

4 Conclusion and Recommendations

4.1 It is recommended that Members confirm the re-appointment of Mrs Warren as a landowner representative on the Dartmoor Commoners' Council. The term of office would be from 1 July 2024 until 30 June 2028. It is also recommended that the Authority record its thanks to Mrs Warren for her work on the Commoners' Council to-date.

KEVIN BISHOP