



**EXMOOR NATIONAL PARK AUTHORITY**

# **STANDING ORDERS**

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## INTRODUCTION

The Standing Orders set out below are for the regulation of the meetings, proceedings and business of the Exmoor National Park Authority in accordance with all enabling powers.

**RECORDING OF MEETINGS:** The official record of any meeting is the Minutes, in accordance with Standing Order 7.

In the interests of openness and transparency, it is the Authority's policy to record (audio and/or video) all Authority meetings and meetings of its Committees and Sub Committees for that part of a meeting that is open to the public and the press. The Chairperson of the meeting has the discretion to terminate or suspend recording.

## STANDING ORDERS:

### PART A: ORDERS APPLICABLE TO AUTHORITY MEETINGS

#### 1 MEETINGS OF THE AUTHORITY

- 1.1 **Number of Meetings:** In every year, the Authority shall hold one Annual Meeting and at least three other meetings for the transaction of general business.
- 1.2 **Dates of Meetings:** The meetings of the Authority shall be held on dates determined by the Authority. The Chief Executive (National Park Officer) in consultation with the Chairperson 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.
- 1.3 **Calendar of Meetings:** Each year the Authority shall approve a calendar of meetings of the Authority and its Committees and Sub Committees.
- 1.4 **Date of Annual Meeting:** The Annual Meeting of the Authority shall be the first meeting held after 31 May in any year.
- 1.5 **Time of Meetings:** The meetings of the Authority shall start at 10.00am or at such other time as the Authority shall determine. The Chief Executive in consultation with the Chairperson 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.
- 1.6 **Venue of Meetings:** All meetings of the Authority shall be held at Exmoor House, Dulverton or at such other place as the Chairperson shall determine.
- 1.7 **Summons for a Meeting:** Not less than five clear working days before a meeting of the Authority, the Chief Executive shall issue a public notice of the time and place of the meeting and a summons to attend the meeting shall be sent to every Member of the Authority.

The summons for any extraordinary meeting shall set out the agenda for that meeting. Failure to serve a summons on any Member of the Authority shall not affect the validity of any meeting. No business shall be transacted at a meeting of the Authority other than that specified in the notice of that meeting. The proceedings of the Authority shall not be invalidated by any vacancy or defect in appointment of any Member.

- 1.8 **Extraordinary Meetings:** An extraordinary meeting of the Authority may be called at any time by the "Appropriate Person" meaning the Chairperson, or if that office is vacant, the Deputy Chairperson or if that office is also vacant, the Chief Executive.

In addition, the Appropriate Person 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 Appropriate Person not call an extraordinary meeting within seven days of receipt of the request, any five Members of the Authority may call an extraordinary meeting of the Authority.

## **2 APPOINTMENT OF CHAIRPERSON AND DEPUTY CHAIRPERSON**

- 2.1 At the Annual Meeting of the Authority, the Chief Executive shall preside over the first item of business to elect a Chairperson of the Authority. The second item of business shall be to elect a Deputy Chairperson.
- 2.2 Where more than one person is nominated for the position of Chairperson or Deputy Chairperson a vote will take place. If, following the vote, there is not a clear majority in favour of one person, the name of the person having the least number of votes shall be struck off the list. A fresh vote shall then be taken and so on, until a majority of votes is given in favour of one person. Nominees shall be entitled to vote for themselves. The voting may take place by ballot if the Authority so determines. In the event of an equality of votes between the final two remaining nominated persons, the matter shall be determined by lot.
- 2.3 The Chairperson and Deputy Chairperson shall be elected for a period not exceeding one year but on ceasing to hold office at the end of their elected term shall be eligible for re-election unless six successive terms have been served.
- 2.4 The Chairperson or Deputy Chairperson may at any time resign their office by notice in writing delivered to the Chief Executive.
- 2.5 A person shall cease to hold office as Chairperson or Deputy Chairperson upon ceasing to be a Member of the Authority.
- 2.6 If a vacancy in the office of Chairperson or Deputy Chairperson shall arise, the vacancy shall be filled by the Authority's election of one of its Members at the next Authority meeting.
- 2.7 Where a casual vacancy in the office of Chairperson or Deputy Chairperson is filled the person then elected shall hold office until the next Annual Meeting of the Authority.

## **3 CONDUCT OF MEETINGS**

- 3.1 At a meeting of the Authority the Chairperson shall preside.
- 3.2 If the Chairperson is absent from a meeting of the Authority, the Deputy Chairperson of the Authority shall preside.
- 3.3 If the Chairperson and Deputy Chairperson of the Authority are absent, the Members of the Authority present at that meeting shall choose a person from their number to preside as Chairperson for that meeting.
- 3.4 Any powers or duty in relation to the conduct of a meeting assigned to the Chairperson by these Standing Orders may be exercised by any person presiding at a meeting in accordance with Standing Order 3.3 above.

## **4 QUORUM**

- 4.1 Except where authorised by statute or otherwise specifically determined by the Authority, no business shall be transacted at a meeting of the Authority unless at least one-third of the whole number of Members of the Authority are present; and

of those present at least one is a Local Authority Member and at least one is a Member appointed to the Authority by the Secretary of State. *Note: the quorum for a meeting of the Authority of 22 Members is 8.*

- 4.2 If, during any meeting of the Authority, the Chairperson, after counting the number of Members present, declares there is not a quorum present, the meeting shall forthwith end and any business shall stand adjourned to a date fixed by the Chairperson or if a date is not fixed, to the next meeting of the Authority.

## **5 ATTENDANCE AT MEETING**

- 5.1 A record shall be kept of the names of each Member present at a meeting of the Authority.
- 5.2 A Member shall tender an apology to the office of the Chief Executive before the date of a meeting that they are unable to attend.
- 5.3 If a Member fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the Authority, they shall cease to be a Member of the Authority unless the failure was due to some reason approved by the Authority before the expiry of that period. Attendance as a Member at a meeting of any Committee or Sub Committee, Joint Committee, Joint Board, Advisory Committee or other body by which for the time being the functions of the Authority are being discharged shall be deemed to be attendance at a meeting of the Authority.
- 5.4 A Member shall disclose any disclosable pecuniary interest or personal interest they have in any matter coming before the Authority. This is notwithstanding the fact that such interests may already be entered in the Register of Interests. A Member shall not participate in any discussion of, vote on, or discharge any function related to a matter in which they have declared a disclosable pecuniary interest or a non-registerable interest and they shall withdraw from the meeting for the duration of the consideration of that matter.

## **6 ORDER OF BUSINESS**

- 6.1 Subject to any statutory requirements, the order of business at every meeting of the Authority shall normally be as follows:
- (a) at the Annual Meeting only in every year, to appoint the Chairperson of the Authority; and the Deputy Chairperson;
  - (b) to choose a person to preside if the Chairperson and Deputy Chairperson are absent;
  - (c) to deal with any business required by statute to be done before any other business;
  - (d) Chairperson's announcements;
  - (e) to approve and sign as a correct record the Minutes of the last meeting of the Authority;
  - (f) to consider any matters arising from the Minutes of the last meeting of the Authority
  - (g) to deal with any business expressly required by statute to be done;
  - (h) to introduce any business which by reason of special circumstances the Chairperson, after consultation with the Chief Executive, is of the opinion should be considered as a matter of urgency **AND** then to resolve when such business should be ordered on the Agenda;

- (i) to dispose of business (if any) remaining from the last meeting;
- (j) to receive any public speakers in accordance with Standing Order 30;
- (k) to consider recommendations of Committees;
- (l) to consider motions in the order in which notice has been received;
- (m) to consider questions from Members of which notice has been given in accordance with Standing Order 10;
- (n) to consider reports and other business specified in the summons;
- (o) to receive the Minutes of Committees;
- (p) to consider any business which is the subject of any resolution passed under Standing Order 14.1 to exclude the press and public for reasons of confidential or exempt information as defined by Section 100A of the Local Government Act 1972;

6.2 The order of business at any meeting of the Authority (other than business set out in Standing Order 6.1(a), (b) and (c)) may be varied either at the Chairperson's discretion or by a resolution passed on a motion duly moved, seconded and put without debate.

## **7 MINUTES**

7.1 The Minutes recording the decisions of each meeting of the Authority shall be signed at the next suitable meeting of the Authority. The Minutes shall be taken as read and the person presiding shall put the question *'May the Minutes of the meeting held on the X day of Y be approved as a correct record?'*

7.2 There shall be no discussion upon the 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 Chairperson shall sign the Minutes.

7.3 A signed copy of the approved Minutes of every meeting of the Authority shall be entered in a book and kept securely. Any minute purporting to be so signed shall be received in evidence without further proof.

7.4 Any question on the accuracy of the Minutes of a Committee or Sub Committee shall stand referred to the next meeting of the Committee or Sub Committee and shall not be discussed at the meeting of the Authority.

7.5 Until the contrary is proved, a meeting of the Authority the Minutes of which have been made and signed in accordance with these Standing Orders shall be deemed to have been duly convened and held, and all the Members present at the meeting shall be deemed to have been duly qualified.

## **8 VOTING**

8.1 Every motion shall be determined by a show of hands unless otherwise decided by a majority of the meeting.

8.2 All motions shall be decided by a majority of the Members of the Authority present and voting at that meeting.

8.3 On the requisition of any Member of the Authority supported by four other Members, the voting shall be recorded to show how each Member present and voting gave their vote for or against the motion or who abstained from voting.

8.4 On the Chairperson putting a motion to the vote, no further discussion on it shall take place.

- 8.5 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 or against the motion or abstained from voting.
- 8.6 In the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.
- 8.7 A Member shall be eligible to vote only if they have been present for the entirety of the agenda item concerned including any presentation by officers, any representations by members of the public and any subsequent Member debate.

## 9 MOTIONS

- 9.1 **Scope of Motion:** Every motion shall be relevant to some matter in relation to which the Authority has power or duties or which affects Exmoor National Park. Notice of every motion (other than those set out in 9.2 below) shall be given in writing and set out in the Summons in accordance with 9.3 and 9.4 below.
- 9.2 **Motions moved without notice:** The following motions and amendments may be moved without notice:
- (1) appointment of the Chairperson of the meeting at which the motion is made;
  - (2) motion relating to the accuracy of the Minutes;
  - (3) that an item of business specified in the summons has precedence;
  - (4) reference to a Committee;
  - (5) appointment of a Committee or Member thereof occasioned by an item mentioned in the summons to the meeting.
  - (6) to vary the order of business;
  - (7) for leave to be given to withdraw a motion.
  - (8) to amend a motion;
  - (9) to refer the motion to a Committee or Sub Committee;
  - (10) receipt of reports or adoption of recommendations of Committees or Officers and any consequent resolutions;
  - (11) "that the question be now put";
  - (12) "that the Authority (or Committee) proceeds to the next item of business";
  - (13) "that the debate be now adjourned";
  - (14) "that the Authority (or Committee) do now adjourn";
  - (15) authorising the sealing of documents;
  - (16) to exclude the public in accordance with Standing Order 14
  - (17) "that the Member be not further heard" (Standing Order 13);
  - (18) "that the Member leave the meeting" (Standing Order 13);
  - (19) the suspending of Standing Orders in accordance with Standing Order 17;
  - (20) to give the consent of the Authority where the consent of the Authority is required by these Standing Orders.
- 9.3 **Notices of Motion:** Notice of every motion (other than those set out in 9.2 above which may be moved without notice) shall be given in writing and signed by the Member or Members giving the notice and delivered to the Chief Executive at least ten working days before the date of the next Authority meeting. Upon receipt, it



shall be dated and numbered in the order received and entered into a book open to inspection.

9.4 **Motions to be set out in Summons:** The Chief Executive shall set out in the summons for every meeting of the Authority all motions of which notice has been received, unless the Member when giving such notice intimated in writing that they proposed to move it at some later meeting, or has since withdrawn it in writing.

9.5 **Motion Not Moved:** If a motion which is set out in the summons is not moved either by a Member who gave notice of it 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.

## 10 FORMAL QUESTIONS BY MEMBERS

10.1 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 at least ten working days before an Authority meeting;
- (b) with the permission of the Chairperson, put any question relating to urgent business, but a written copy of such question shall be delivered to the Chief Executive on the day of the meeting and prior to its commencement;
- (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;
- (e) every question put and the reply shall be recorded in the Minutes of the meeting.

## 11 DEBATE

11.1 All discussion and debate in a meeting of the Authority or any Committee or Sub Committee shall be conducted in accordance with the Rules of Debate set out in Standing Order 12.

11.2 For the purpose of conducting the business of meetings in an informal manner, it shall be open to the Chairperson to allow debate that does not comply with the formalities of Standing Order 12.

11.3 The Chairperson may determine to bring the meeting and its procedures into full and strict conformity with the Rules of Debate under Standing Order 12 and such determination shall be final.

## 12 RULES OF DEBATE

12.1 **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 9.3, the Chairperson may require the matter to be put in writing and handed to the Chairperson before it is discussed or put to the meeting.

12.2 **Seconders' Speech:** When seconding a motion or amendment, a Member may reserve the right to speak until later in the debate by declaring an intention to do so.

12.3 **Speaking in Debate:** A Member when speaking shall address the Chairperson. If two or more Members indicate a wish to speak, the Chairperson shall call one to speak and other Members 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.

12.4 **Content and Length of Speeches:** A Member shall direct their speech to the motion under discussion or to a personal explanation or to a point of order. No speech may exceed five Minutes except with the consent of the Chairperson.

12.5 **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;
- (f) by way of explanation of some material part of their speech which appears in the course of the debate to have been misunderstood.

12.6 **Amendments to Motions:** An amendment shall be relevant to the motion and shall be:

- (a) to refer a matter to a Committee for consideration or reconsideration; or
- (b) to leave out words; or
- (c) to insert or add words; or
- (d) to leave out words *and* insert or add others; or
- (e) to propose deferral to allow a site visit

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Authority, or of introducing a substantially new proposal.

12.7 **Discussion of Amendments:** Only one amendment may be moved at a time. No further amendment shall be moved until the amendment under discussion has been disposed of.

The Chairperson 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.

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.

12.8 **Alteration of Motion:** A Member may, with the consent of the Authority indicated without discussion, alter a motion of which they have given notice, or with the consent of their seconder, alter a motion that they have moved if in either case the alteration is one that could be made as an amendment.

12.9 **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. No Member may speak upon the amendment after the mover has asked permission for its withdrawal, unless such permission has been refused.

- 12.10 **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.
- 12.11 **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;
  - (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 14 to exclude the public;
  - (g) that the Member be not further heard (Standing Order 13);
  - (h) that the Member leave the meeting (Standing Order 13).
- 12.12 **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 Chairperson's opinion the matter before the meeting has been insufficiently discussed, the Chairperson 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 Chairperson's opinion the matter before the meeting has been insufficiently discussed, the Chairperson 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 Chairperson's opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, the Chairperson shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply on that occasion.
- 12.13 **Points of Order and personal explanation:** A Member may raise a point of order or a matter of personal explanation and shall 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 consider it has been broken.
- A personal explanation shall be confined to some material part of a former speech by them that appears to have been misunderstood in the present debate.
- The ruling of the Chairperson on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

- 12.14 **Respect for the Chairperson:** Whenever the Chairperson speaks during a debate, any Member then speaking shall immediately stop and the Authority shall be silent.

### **13 DISORDERLY CONDUCT DURING MEETINGS**

- 13.1 If in the opinion of the Chairperson, any Member engages in misconduct by persistently disregarding the ruling of the Chairperson, or by behaving irregularly, improperly or offensively, or by willfully interrupting or obstructing the business of the Authority, the Chairperson or any other Member may move “that the Member named be not further heard”. Such motion if seconded shall be put and determined without discussion.
- 13.2 If the Member named continues such misconduct after a motion under paragraph 13.1 has been carried, the Chairperson shall either move “that the Member named do leave the meeting” which shall be put and determined without seconding or discussion; or shall adjourn the meeting for a period as in their discretion is considered expedient.
- 13.3 In the event of a general disturbance which in the opinion of the Chairperson renders the due and orderly dispatch of business impossible, in addition to any other power vested in him, the Chairperson may, without the question being put, adjourn the meeting of the Authority for such period and to such place as their discretion considers expedient.
- 13.4 If a member of the public interrupts the proceedings at any meeting the Chairperson shall warn them. If they continue the interruption, the Chairperson shall order their removal from the Authority Room. In the case of general disturbance in any part of the Authority Room open to the public the Chairperson shall order that part to be cleared.

### **14 MEETINGS TO BE OPEN TO THE PRESS AND PUBLIC**

- 14.1 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 by resolution be excluded from a meeting during an item of business when in view of the nature of the proceedings or the business to be transacted, it is likely that if members of the public were present, 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 a meeting during an item of business when in view of the nature of the proceedings or the business to be transacted, it is likely that if members of the public were present there would be disclosure to them of exempt information, as defined in s100I of the 1972 Act.
  - (c) if any matter arises at a meeting of the Authority or any Committee or Sub Committee as to the appointment, promotion, dismissal, salary, pension, 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 Chairperson and put without debate.
- 14.2 Unless the Chairperson shall direct otherwise, upon the conclusion of any item of business taken following a resolution under Standing Order 14.1, Members shall immediately return to the Chief Executive or their nominee all reports, documents and papers relating to that item, for secure disposal as confidential waste.

## **15 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
- (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.

## **16 RESCISSION 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 notice thereof in pursuance of Standing Order 9.3 bears the names of at least six Members of the Authority. When the Authority has disposed of any such motion or amendment, it shall not be open to any Member to propose a similar motion within a further period of six months.

## **17 WHEN STANDING ORDERS MAY BE SUSPENDED, REVOKED OR ALTERED**

- 17.1 These Standing Orders shall only be capable of variation, amendment, revocation, replacement or other alteration at a meeting of the Authority and upon notice of motion specifying the alteration proposed to be made.
- 17.2 Except for those Standing Orders derived from statutory authority, any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved. A motion to suspend Standing Orders shall not be moved without notice unless at least one half of the Members of the Authority are present.

## **18 INTERPRETATION OF STANDING ORDERS**

The decision of the Chairperson on all points of procedure, order and interpretation of these Standing Orders shall be final and shall not be challenged at any meeting of the Authority.

## **PART B: ORDERS APPLYING TO COMMITTEES OF THE AUTHORITY**

### **19 APPOINTMENT OF COMMITTEES**

- 19.1 At the Annual Meeting of the Authority, the Authority shall appoint such Standing Committees and may at any time appoint such other Committees, Sub Committees, working panels or other groups necessary to discharge the functions of the Authority.
- 19.2 As soon as reasonably practicable after the Annual Meeting, the Authority shall convene a meeting of each Standing Committee to elect a Chairperson and Deputy Chairperson from amongst the Committee's Members where such appointments are not prescribed under the Scheme of Delegation.
- 19.3 The Chairperson and Deputy Chairperson of each Standing Committee shall be elected for a period not exceeding one year but on ceasing to hold office at the end of their elected term shall be eligible for re-election unless six successive terms have been served.

19.4 All meetings of Committees or Sub Committees shall be summoned by the Chief Executive.

## **20 QUORUM OF COMMITTEES AND SUB COMMITTEES**

20.1 Except where authorised by statute or otherwise specifically directed by the Authority, no business shall be transacted at a meeting of any Committee or Sub Committee unless at least one third of the whole number of the Committee or Sub Committee is present. In no case shall the quorum of a Committee or Sub Committee be fewer than three Members to include at least one Local Authority Member of the Authority and at least one Member appointed to the Authority by the Secretary of State.

20.2 For the purposes of calculating the quorum, if the number of the Committee or Sub Committee is not divisible by three, the quorum shall be one-third of the lowest number above the number of the Committee or Sub Committee that is divisible by three.

Note: The quorum of a meeting of the Standards Committee of 5 Members is 3.  
The quorum of a meeting of the Final Accounts Committee of 5 Members is 3.  
The quorum of a meeting of the Planning Committee of 12 Members is 4

## **21 SPECIAL MEETINGS OF COMMITTEES AND SUB COMMITTEES**

21.1 The Chairperson of a Committee or Sub Committee, or the Chairperson of the Authority may call a special meeting of a Committee or Sub Committee at any time.

21.2 A special meeting may also be called on the request of the majority of the whole number of the Committee or Sub Committee, delivered in writing to the Chief Executive but in no case shall fewer than three Members request a special meeting. The summons to the special meeting shall set out the business to be considered.

## **22 MEMBERSHIP OF COMMITTEES AND SUB COMMITTEES ON WHICH THE AUTHORITY IS REPRESENTED**

22.1 In relation to all Committees, Sub Committees, Joint Committees on which the Authority is represented, and Sub Committees of such Joint Committees:

Membership shall consist both of Local Authority Members of the Authority and of at least one Member appointed to the Authority by the Secretary of State.

22.2 The division of the membership between Local Authority Members and Members appointed by the Secretary of State shall as nearly as possible be in the same proportions as the composition of the Authority itself.

22.3 The quorum shall include at least one Local Authority Member of the Authority and at least one Member appointed to the Authority by the Secretary of State.

22.4 Standing Orders 22.1-22.3 above shall not apply to Advisory Committees appointed under s.102(4) or 4(A) of the Local Government Act 1972 to advise on any matter relating to the discharge of their functions. Any such Committee may consist of such persons appointed for such term as may be determined by the appointing authority(ies).

## **23 RIGHT TO ATTEND MEETINGS**

23.1 (a) Any Member shall have the right to attend any meeting of a Committee or Sub Committee of which they are not a Member and may receive the relevant papers.

- (b) In relation to the Planning Committee, any Member may attend a meeting of the Planning Committee to speak (but not vote) about a planning application or other matter which is on the agenda and will have the right to speak at the beginning of the debate. If a Member who is not a Member of the Planning Committee is unable to attend a meeting of the Planning Committee they may put their views in writing and such views will be brought to the attention of Members at the meeting.
- (c) In relation to any other Committee or Sub Committee, Members who are not members of the Committee or Sub Committee shall not be entitled to speak at that meeting except with the consent of the Chairperson; neither shall they have any right to vote.

23.2 The right to attend shall also apply in relation to meetings not open to the press and public but shall not apply to a meeting of the Authority Appeals Committee.

## **PART C: ORDERS APPLYING TO PREPARATION AND PUBLICATION OF AGENDAS AND REPORTS**

### **24 ITEMS OF BUSINESS**

- (1) An item of business may not be considered at a meeting of the Authority or a Committee or Sub Committee unless either:
  - (a) a copy of the agenda including the item is open to inspection by members of the public at least five clear working days before the meeting or, where the meeting has been convened at shorter notice, from the time the meeting is convened; or
  - (b) by reason of special circumstances that shall be minuted, the Chairperson of the meeting after consultation with the Chief Executive, is of the opinion that it should be considered as a matter of urgency.
- (2) Reports that relate to items of business from which the public will be excluded for reasons of confidential or exempt information as defined by Section 100A of the Local Government Act 1972 shall be identified accordingly and marked 'not for publication'.
- (3) The Agenda and reports for every meeting of a Committee or Sub Committee shall be available to every Authority Member.

## **PART D: GENERAL ORDERS APPLICABLE AT ALL TIMES**

### **25 CONDUCT OF MEMBERS**

25.1 All Members shall observe the Authority's Code of Conduct.

25.2 All Members of the Authority must give the Authority a written undertaking that in performing their functions they will observe the Authority's Code of Conduct for the time being. Any Member who fails to give the undertaking shall be precluded from taking part in Authority business.

### **26 THE AUTHORITY'S SEAL**

(The Authority's seal is an adhesive and stamped disc attached to deeds and documents).

#### **26.1 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 has delegated its powers in this behalf.

## **26.2 Attestation of Sealing**

The Seal shall be attested by the Chief Executive or the Solicitor & Monitoring Officer or an officer duly authorised by the Chief Executive, and an entry of every sealing of a document shall be made and consecutively numbered in a sealing register kept by the Corporate Support Officer.

## **27 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 or in their absence by a person duly authorised by the Chief Executive.

## **28 STANDING ORDERS TO BE GIVEN TO MEMBERS**

A printed copy of these Standing Orders shall be given to each Member of the Authority by the Chief Executive upon their appointment to the Authority.

## **29 INSPECTION OF DOCUMENTS**

29.1 Every Member has the right to inspect all documents and any other information in the possession or under the control of the Authority necessary to discharge their function as a Member. Requests for information that go beyond that scope shall be addressed to the Chief Executive who will decide in consultation with the Solicitor & Monitoring Officer whether it is appropriate to provide that information.

## **30 PUBLIC SPEAKING**

At Meetings of the Authority or its Committees or Sub Committees other than any Committee or Sub Committee dealing solely with issues relating to exempt information (Standing Order 14.1): -

- (a) An item for public speaking shall be included on the agenda of Authority, Committee and Sub Committee meetings. Questions of a general nature relevant to the business of the Authority can be made under this agenda item. Any questions specific to an agenda item can be posed when that item is considered, subject to the discretion of the person presiding at the meeting.
- (b) For the purposes of this Standing Order “public speaking” shall mean the asking of any question, the making of any statement or the presentation of any petition in relation to any item relevant to the business of the Authority.
- (c) Persons wishing participate in the public speaking item of the meeting must inform the Chief Executive or their representative by 4pm on the working day before the meeting, and provide a brief summary (of no more than 300 words) of the matter or matters to be raised. This may be done by email, in writing or by dictating over the telephone.
- (d) The Chairperson of the Authority, Committee or Sub Committee will invite those who have given prior notice to speak at an appropriate time. The public speaker may speak for up to 2 Minutes or longer at the Chairperson’s discretion.



- (e) There will be no debate on any matters raised at public speaking. A question may be answered at the time or deferred for consideration when the relevant agenda item is reached. If an answer cannot be provided on the day, a written reply will be offered. The Chairperson may allow a supplementary question wherever they think this is reasonable and appropriate.
- (f) Unless the Chairperson directs otherwise, the total time allowed for public speaking will not exceed 10 Minutes per agenda item.
- (g) Where there are a large number of speakers concerned with the same subject matter, at the Chairperson's discretion those concerned may be asked to nominate one of their number to speak on their behalf. In such cases the Chairperson will allow the speaker up to 5 Minutes to speak.

## **PART E: STANDING ORDERS APPLYING TO THE CHIEF EXECUTIVE**

### **31 APPOINTMENT OF CHIEF EXECUTIVE**

- (1) In this Standing Order the post of Chief Executive is also a reference to the holder of the post of Head of the Paid Service designated under s.4 (1) of the Local Government & Housing Act, 1989 and to the post of National Park Officer as designated under the Environment Act 1995.
- (2) Where the Authority proposes to appoint its Chief Executive, and it is not proposed that the appointment be made exclusively from among its existing officers, they shall
  - (a) draw up a statement specifying:-
    - (i) the duties of the officer concerned, 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;
  - (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request; and
  - (d) consult Natural England.
- (3) (1) Where a post has been advertised as provided in Standing Order 31(2)(b) the Authority shall:
  - (a) interview all qualified applicants for the post, or
  - (b) select a short list of such qualified applicants and interview those included on the short list.
 (2) Where no qualified person has applied, the Authority shall make further arrangements for advertisement in accordance with Standing Order 31(2)(b).
- (4) Every appointment of a Chief Executive shall be made by the Authority after consultation with Natural England and in accordance with paragraph 3(14) of the Authority's Scheme of Delegation (Personnel).

## 32 DISCIPLINARY ACTION

- (1) Any decision to take disciplinary action against or to dismiss any employee of the Authority shall be in line with the Authority's Disciplinary Policy. In addition, the provisions of paragraphs (2) to (6) below apply to the Chief Executive (Head of Paid Service), the Monitoring Officer, and the Head of Finance (Chief Finance Officer), collectively referred to hereafter as the "**Relevant Officers**".
- (2) Any allegation which may lead to the dismissal of any of the Relevant Officers shall be considered by a Committee appointed in accordance with Standing Order 19 (Appointment of Committees), hereafter referred to as the "**Panel**". The Panel shall include two independent persons as defined by *The Local Authorities (Standing Order) (England) Regulations 2001 (No 3384)*.
- (3) No action may be taken by the Panel - except for suspension - relating to the dismissal of any of the Relevant Officers other than in accordance with *The Local Authorities (Standing Order) (England) Regulations 2001 (No 3384)* and as set out below. Any such suspension shall be on full pay and terminate no later than the expiry of two months from the day on which the suspension takes effect unless the Panel has directed that it may continue beyond that period.
- (4) In respect of the proposed dismissal of any of the Relevant Officers, the Panel may appoint an Independent Investigating Officer to examine the circumstances of the case and to advise the Panel on any action to be taken. That Panel will thereafter make a recommendation to the Authority for consideration, including any terms for cessation of employment; thereby enabling the Authority to have regard at the same time to the advice or views of the Panel established in accordance with *The Local Authorities (Standing Order) (England) Regulations 2001 (No 3384)* and the outcome of the aforementioned investigation and any views from the Relevant Officer in question.
- (5) The Panel shall meet at least 20 working days before any meeting of the Authority at which any proposed dismissal is to be considered.
- (6) Where a Relevant Officer is being dismissed, such dismissal must be approved by the Authority following consideration of those matters and any views or advice from the Panel required under *The Local Authorities (Standing Order) (England) Regulations 2001 (No 3384)*, as set out in paragraph (4) above.

## PART F: STANDING ORDERS TO APPLY TO COMMITTEES AND SUB COMMITTEES

- 33** The Standing Orders **PART A** numbered 1.3, 1.5, 1.7, 3, 4.2, 5, 6.2, 7.1, 7.2, 7.3, 8, 9.2, 13, 14, 16, 17 and 18 and **PART D** numbered 25-30, with any necessary modification, apply to all Committee and Sub Committee meetings and Standing Orders 11 and 12 may be applied by the Chairperson or Deputy Chairperson or other person presiding at any time during a meeting at their discretion.



**POWERS, DUTIES AND FUNCTIONS OF  
THE AUTHORITY MEETING**

## **POWERS, DUTIES AND FUNCTIONS OF THE AUTHORITY MEETING**

1. The Authority meeting shall exercise all the powers, duties and functions of the Authority, that are not specifically delegated to a Committee or Sub Committee.
2. Any arrangements made by the Authority for the discharge of any of its functions by a Committee or Sub Committee or an officer shall not prevent the Authority meeting from exercising those functions.
3. For the avoidance of doubt the following powers, duties and functions are specifically reserved to be exercised by the Authority meeting:
  - (1) The approval of the Standing Orders for the conduct of the business of the Authority.
  - (2) Election of the Authority Chairperson and Deputy Chairperson.
  - (3) The appointment of Members to Committees, Sub Committees and Advisory Groups.
  - (4) The appointment of Members or officers to outside bodies.
  - (5) The approval of the Members' Code of Conduct and relevant Protocols.
  - (6) The approval of the strategies, policies, plans and programmes that guide the Authority in the discharge of its powers and duties.
  - (7) The adoption of the National Park Management Plan under the Environment Act 1995.
  - (8) The determination of any matters which have been referred for decision by any Committee or Sub Committee of the Authority.

### Personnel

- (9) In accordance with Standing Order 31, to appoint a suitable person to be National Park Officer who is referred to as the Chief Executive.
- (10) Subject to (16) and (17) below, to exercise all personnel functions including administration, recruitment, training, discipline (including dismissal), determination of wage and salary scales, conditions of service and welfare of all full and part-time staff, health & safety at work and the legislation relating to industrial relations and pensions.
- (11) For the purposes of the hearing and determining of disciplinary grading and other appeals arising under the relevant conditions of service in respect of all the Authority's staff, an Appeals Committee shall be constituted as specified in paragraph 1 of the Scheme of Delegation to Committees.
- (12) The Chief Executive is responsible for the appointment of all Authority staff save that in relation to the appointment of officers for the posts of Heads of Service and the Solicitor and Monitoring Officer, a panel of Members shall be established who will, with the Chief Executive, interview appropriate candidates and tender advice to the Chief Executive. A panel established for this purpose will normally comprise the Chairperson and Deputy Chairperson.
- (13) Without prejudice to the functions of the Chief Executive under s.4 of the Local Government & Housing Act, 1989 to consider matters of an organisational and administrative nature.

### Finance

- (14) To regulate and control the Authority's finances including balances and any capital or reserve funds, to prepare the annual budget, to consider and approve

the annual forecast, estimates and budget, and to be responsible for borrowing transactions and the investment of funds.

- (15) To oversee the application of the Local Government Pension Scheme and the regulations made thereunder.
- (16) To ensure adequate insurance arrangements are made and to oversee risk management arrangements.
- (17) To administer the Members' Allowances Regulations and related matters.
- (18) To arrange for the audit both internal and external of the Authority's accounts.
- (19) To make arrangements for the proper administration of the Authority's financial affairs as required by Section 151 of the Local Government Act 1972.

#### Performance Management

- (20) To ensure proper arrangements are in place for securing economy, efficiency and effectiveness
- (21) To monitor and improve performance against the criteria for sustainability
- (22) To ensure the business planning and performance framework is clearly set out together with the arrangements for monitoring, review and revision.
- (23) To ensure compliance with the Code of Corporate Governance and to consider the Annual Governance Statement.

#### Land and Property

- (24) To consider all matters relating to the Authority's land and property including any matter relating to the Authority's land and property referred to it by the Chief Executive and to make appropriate decisions.
- (25) To carry out an annual review of the Authority's land and property including in appropriate cases detailed reviews of particular sites or individual sites and to make appropriate decisions.

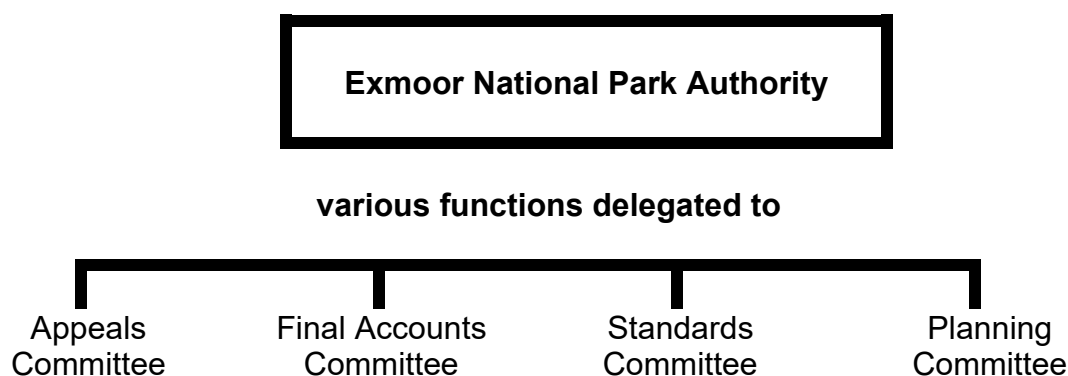
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## SCHEME OF DELEGATION

## SCHEME OF DELEGATION TO COMMITTEES

The Authority's Committee structure is illustrated below:



### 1. **Appeals Committee**

#### Membership

- 1.1 The Committee shall comprise 3 Members of the Authority, of whom at least one shall be a Local Authority Member and at least one shall be a Member appointed to the Authority by the Secretary of State. The Members shall be chosen by the Chief Executive in consultation with the Chairperson and Deputy Chairperson of the Authority. All Members of the Committee must be present in order to provide a quorum.

#### Functions

- 1.2 The Committee shall hear and determine all disciplinary and other appeals arising under the relevant conditions of service for all the Authority's staff.

### 2. **Final Accounts Committee**

#### Membership

- 2.1 The Committee shall comprise at least 5 Members of the Authority, of whom at least one shall be a Local Authority Member and at least one shall be a Member appointed to the Authority by the Secretary of State. The Members shall be the Chairperson of the Authority (who shall preside at meetings) and the Deputy Chairperson of the Authority and at least 3 Members chosen by the Authority. At least 3 Members of the Committee must be present in order to provide a quorum, of whom at least one shall be a Local Authority Member and at least one shall be a Member appointed to the Authority by the Secretary of State.

#### Functions

- 2.2 Annually to receive and approve the annual Statement of Accounts in accordance with statutory deadlines.

### 3. **Standards Committee**

#### Membership

- 3.1 The Committee shall comprise 5 Members of the Authority, of whom at least one shall be a Local Authority Member and at least one shall be a Member appointed to the Authority by the Secretary of State. At least 3 Members of the Committee must be present in order to provide a quorum, of whom at least one shall be a Local Authority Member and at least one shall be a Member appointed to the Authority by the Secretary of State.



## Functions

3.2 The general functions of the Standards Committee are:

- (1) To promote and maintain high standards of conduct by Members and officers.
- (2) To advise the Authority on the adoption and revision of a Code of Conduct pursuant to Section 27(2) Localism Act 2011.
- (3) To assist Members to observe the Code of Conduct.
- (4) To consider and determine complaints against Members under the Code of Conduct.
- (5) To determine the action(s), if any, to be taken where the Committee has determined that a Member has failed to comply with the Code of Conduct.
- (6) To review Standing Orders and consider amendments before they go to the Authority.
- (7) To keep an overview of general complaints the Authority receives (not just in relation to Member Code of Conduct) and matters referred to the Ombudsman.
- (8) To review the Annual Governance Statement in advance of signature by the Chief Executive and Chairperson of Authority

3.3 Without prejudice to the general functions above the Standards Committee shall have the following specific duties:

- (1) To monitor the operation of the Code of Conduct and Standing Orders.
- (2) To advise and arrange to train Members on matters relating to the Code of Conduct and Standing Orders.
- (3) To promote high standards of conduct within the Authority, through observation, advice and training.
- (4) To monitor complaints alleging non compliance with the Code of Conduct and general complaints.
- (5) To hear and determine allegations of non compliance with the Code of Conduct, as requested by the Solicitor & Monitoring Officer.
- (6) To consider and advise on other matters relating to conduct, ethics and propriety as requested by the Solicitor & Monitoring Officer.
- (7) To consider dispensations other than where so many Members have disclosable pecuniary interests in a matter that it would impede the transaction of business.

## **4. Planning Committee**

### **Membership**

4.1 The Committee shall comprise 12 Members of the Authority, made up as follows:

Somerset Council	4
Devon County Council	1
North Devon District Council	1
Parish Council	3
Secretary of State	3

- 4.2 No member appointed to the Authority for the first time shall take up their seat until they have undergone a programme of training in the planning system approved by the Authority. All Members are required to attend a minimum of two obligatory Planning/ Development Management Training sessions in a 24-month period. Failure to do so will mean that a Member is ineligible to sit on the Planning Committee until such time as they have attended such a training session.
- 4.3 A Member of the Planning Committee who is unable to attend a Planning Committee meeting is entitled to nominate a substitute Member who will be permitted to attend in their place, provided the substitute Member has undergone a programme of training in the planning system approved by the Authority.
- 4.4 The appointed Member will be required to identify the substitute Member and provide notice to the Chief Executive at least 10 working days before the Committee meeting save for exceptional circumstances (due to an emergency or sudden illness). In such exceptional circumstances at least 24 hours' notice would need to be provided to the Chief Executive of the identity of the substitute Member.

#### Functions

- 4.5 The Committee shall exercise the Authority's functions as follows:
- (1) as sole local planning authority and minerals and waste authority for the area of Exmoor National Park including but not limited to: development management, enforcement, planning policy and preparation of local plans, neighbourhood planning, responding to planning consultations from neighbouring authorities or on national policy and changes to the legislative framework of the planning system.
  - (2) the Authority's delegated and other functions in relation to footpaths and bridleways under the Town and Country Planning Acts, the Highways Acts, the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act, 2000 and other legislation conferring order-making functions on the Authority.
  - (3) as hazardous substances authority under the Planning (Hazardous Substances) Act 1990.
  - (4) to delegate to the Chief Executive such of the Committee's functions as it considers desirable and expedient and to keep such delegation under review
  - (5) to consider and report to the Authority on any other matter delegated to it by the Authority

### **ADVISORY PANELS AND WORKING GROUPS**

The Authority also operates a number of deliberative and advisory panels and working groups in relation to its various functions. None of these panels and working groups has a decision making function. All matters arising from the work of these bodies that requires a decision will be brought to the Authority or an appropriate Committee or Sub Committee by the Chief Executive.

### **SCHEME OF DELEGATION TO THE CHIEF EXECUTIVE**

1. The Chief Executive is authorised to act on behalf of the Authority in relation to any matters subject to the following over-riding provisions:
  - (1) The overall policies approved by the Authority or any of its Committees or Sub Committees.

(2) Standing Orders including those regulating contracts.

(3) Financial regulations.

2. Without prejudice to the above delegation, the Chief Executive is expected in appropriate cases to:

(1) Maintain a close liaison with the Authority's Chairperson and/or the appropriate Committee Chairperson or Sub Committee Chairperson (or in their absence the Deputy Chairperson).

(2) Consult as necessary with any Member who is known to have a specific, local or specialist interest in matter.

(3) Consult with the Authority's Monitoring Officer and/or Section 151 Officer.

(4) Consult with the relevant officer of any Local Authority whose service area is likely to be affected by the exercise of delegation.

NB: *Before exercising any delegated power the Chief Executive must consider whether the decision to be made is of such a nature that it ought to be referred for decision to the Authority or to the appropriate Committee or Sub Committee.*

3. Any power conferred upon the Chief Executive may be exercised by an authorised officer in accordance with any specific directions of the Chief Executive. In the absence of the Chief Executive, any authorised member of the Leadership Team or the Solicitor and Monitoring Officer may exercise those functions delegated to the Chief Executive.

4. Personnel

(1) The Chief Executive is authorised to act in relation to the appointment, dismissal, discipline and determination of all other matters relating to the employment of staff and the conditions upon which they are employed as are specified in the Personnel Policies and Procedures.

(2) The Chief Executive may authorise staff to exercise such powers of entry, inspection and survey of land, buildings or premises and may issue any necessary evidence of this authority as may be appropriate for the execution of their duties and in respect of which the Authority has power.

5. Land and Property

The Chief Executive is authorised to:

- Acquire or renew any interest in or over land including buildings where the purchase price does not exceed £20,000 or the annual rental does not exceed £10,000.
- Dispose of or grant an interest in or over land including buildings provided that the consideration is the best that can reasonably be obtained in all the circumstances.
- In exceptional circumstances and in furtherance of National Park purposes, the Chief Executive is authorised to:
  - Dispose of an interest in or over land including buildings for a consideration less than the best that can reasonably be obtained in all the circumstances where the estimated best obtainable value is less than £5,000.

- Grant an interest in land including buildings for a consideration less than the best that can reasonably be obtained in all the circumstances where the estimated best obtainable value is less than £2,500.

This delegation includes transfers, leases, licences, easements and wayleaves.”

## 6. Legal and Procedural

The Chief Executive is authorised to:

- (1) Serve statutory notices to ascertain the legal interest of any person in land.
- (2) Institute, defend or settle legal proceedings in the name of the Authority or an individual Officer of the Authority at Common Law or under any enactment, statutory instrument, order or byelaw conferring functions upon the Authority or in respect of functions undertaken by them and to lodge an appeal against any such decision. For the avoidance of doubt this authority shall extend to the taking of all procedural steps, including the service of notices, statutory or otherwise, counter-notices and Notices to Quit.
- (3) Authorise Officers of the Authority to prosecute or defend or appear in any legal proceedings by virtue of the provisions of Section 223 of the Local Government Act 1972 and to appear on behalf of the Authority at any inquiries, tribunal or other body responsible for matters affecting the Authority.

## 7. Planning

- (1) The Chief Executive is authorised to act for the Authority on all matters which relate to its role as Local Planning Authority.
- (2) These delegations are subject to the following provisions:
- (3) The Chief Executive shall not act under these delegated powers to determine an application submitted to the Authority if:
  - (i) A statutory consultee (e.g. parish/district council, highway authority, Environment Agency) has a view contrary to the recommendation of planning officers, accompanied by planning reasons and which is received within the consultation period, excepting in relation to applications for the following (which shall be delegated decisions):
    - Certificates of proposed or Existing Lawful Use and Development
    - Hedgerow Removal Notices
    - Tree Applications – TPOs and Conservation Area Proposals
    - Advertisements
    - Prior Notification and Prior Approval applications
    - Non-material and Minor Material Amendment applications
    - Householder applications (unless a parish/town council expresses a view contrary to the recommendation of planning officers)
    - Discharge of planning conditions
  - (ii) A Member of the Authority makes a request in writing that the application be considered by the Planning Committee. Such requests must be accompanied by a planning reason and if such reasons are not present the Chairperson and the Deputy Chairperson of the Planning Committee acting together, or if either of them is absent together with the Chairperson of the Authority may decline a Member’s request. For the avoidance of doubt, applications for certificates of proposed or

existing lawful use and development are always delegated to the Chief Executive as they involve legal rather than planning issues.

- (iii) A Member of the Authority is personally involved in the application.
  - (iv) The application relates to land or property of a Member of the Planning or Leadership Team or a member of that team is personally involved in the application.
  - (v) The application is submitted by the National Park Authority.
  - (vi) The Chief Executive or a member of the Leadership Team, in consultation with the Chief Executive, considers that the application ought more properly to be referred to the Authority for decision (e.g. where there are a significant number of local objections or where matters raise particularly controversial or complex policy considerations).
- (4) In relation to paragraph 7 (3) (i) above, where a statutory consultee has a view contrary to the recommendation of planning officers, the Development Manager, in consultation with the Chairperson of the Planning Committee, shall determine whether the view is accompanied by a planning reason, and therefore whether or not the provisions for the delegation of planning decisions applies.
- (5) For the avoidance of doubt, the Chief Executive shall be able to act under delegated powers in respect of responding to consultations and or requests from other planning authorities, bodies, groups and Government Departments, unless the issues raised are of such significance that in the view of the Chief Executive they should be considered by the Authority. The Chief Executive may delegate responses to consultations or requests to the appropriate member of the Leadership Team or the Solicitor and Monitoring Officer.

## 8. Grants and Loans

The Chief Executive is authorised to make or refuse grants and loans in all circumstances where the Authority has power so to act. In the exercise of this delegated power, the Chief Executive will:

- (1) Act in accordance with the overall policies and any scheme approved by the Authority or any of its Committees and Sub Committees.
- (2) Consult appropriately with any Member of the Authority.
- (3) Maintain a register of all decisions made.

## 9. Footpaths and Bridleways

The Authority's functions in relation to footpaths and bridleways (including arrangements for the creation of permissive paths) under the Town & Country Planning Acts, the Highways Acts, the Wildlife & Countryside Act 2000 and other legislation conferring order making functions on the Authority (including those delegated from Devon County Council and Somerset Council), are delegated to the Chief Executive. The Chief Executive shall in appropriate cases:

- (1) Circulate information to all Members at the time of consultation prior to making any Order.
- (2) Consult with the Head of Access, Engagement and Estates.
- (3) Consult with the appropriate officer of any other Local Authority who has an interest in the matter.

The Chief Executive shall ensure that any action in relation to order-making procedures and those relating to the creation of permissive paths shall be reported to the Authority at the earliest opportunity.

10. Notwithstanding the provisions of the above delegations, the Chief Executive may, in consultation with the Authority's Chairperson or the Chairperson of the appropriate Committee or Sub Committee (or in their absence the appropriate Deputy Chairperson of the Authority or Deputy Chairperson of the appropriate Committee or Sub Committee), make a decision in respect of any functions within the Authority's powers, duties and responsibilities which for reasons of urgency cannot be delayed until the next ordinary meeting of the Authority or relevant Committee or Sub Committee.

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.



## STANDING ORDERS FOR THE REGULATION OF CONTRACTS

## **PROCUREMENT PROCEDURES**

### **1 General**

- 1.1 These procedures apply to all orders and contracts issued by the Authority for the carrying out of works, the supply of goods and services and the acquisition and disposal of assets. These procedures must be read in conjunction with the Sustainable Procurement Policy, Financial Regulations, Standing Orders, the Scheme of Delegation, the Minimum Standards for Tenders and Contracts and any other procurement guidance notes issued by the Chief Financial Officer (CFO).
- 1.2 “Officer” means any person holding office under the Authority, employed or seconded by the Authority, working under a Service Level Agreement or contract, or working for the Authority in any paid or unpaid capacity.

### **2 Quotation and Tendering Procedures**

- 2.1 The minimum required numbers of tenders or quotations to be invited from appropriate contractors for a given estimated value of contract (net of VAT) are:
- Up to £2,500 (£5,000 for works) officers are not obliged to seek more than one quotation but staff may still choose to, to seek the most competitive price and demonstrate best value;
  - Above £2,500 (£5,000 for works) and up to £20,000, Invite three organisations to submit written quotations;
  - Above £20,000 and up to £100,000, Invite three organisations to submit written formal quotations submitted by a specified date and time and based on a written specification and evaluation criteria (referred hereafter as “formal quotation”);
  - Above £100,000, and up to Public Procurement thresholds, invite four organisations to submit tenders;
  - Over Public Procurement thresholds, invite organisations to submit tenders in accordance with the requirements of the Public Contract Regulations.

The values are for single items or groups of items, which must not be disaggregated artificially.

From 1 January 2022 the sterling equivalents of Public Procurement thresholds (inclusive of VAT) are £213,477 for supplies and services and £5,336,937 for works. The Public Procurement thresholds are changed on 1 January of each even-dated year. The CFO will advise Heads of Service of these changes.

- 2.2 Where quotations apply, they should be sought from suitable contractors through open competition or can be selected from a standing list if one exists.



- 2.3 Where formal quotations are required, and if there is no standing list, formal quotations may be sent directly to a minimum of three organisations who have been selectively invited to bid, without recourse to open advertisement of the opportunity, or they may be selected through open competition.
- 2.4 Where tenders are required, Officers have a choice of tendering procedures. For contracts up to Public Procurement thresholds, organisations may be selected from a standing list. Where there is no standing list, and for contracts over Public Procurement thresholds, appropriate advertisement must be undertaken inviting suitable organisations to express an interest in tendering. Alternatively, a suitable Framework Agreement can be used (see para 3.2 below). Tenders may be received from either all who respond to an advertisement (open competitive tendering) and, for contracts over Public Procurement thresholds, from a selection of suitable contractors who have expressed an interest and who are invited by the Authority to tender (selective tendering). The number of tenderers to be invited to tender will depend on the particular market and the individual project procurement strategy.
- 2.5 If selection is to be from standing lists, arrangements for standing list compilation, maintenance, review and use must be approved in advance by the CFO.

#### **Procurement Notification Process**

- 2.6 Officers planning to carry out any procurement exercise with a value of £20,000 or more must submit an electronic procurement notification form to the Devon Procurement Service (DPS). This will be used to create an initial entry on the PNF Register held on the Sharepoint site.

#### **Appropriate Advertising**

- 2.7 Tenders up to the Public Procurement thresholds where there have been no selective invitations to quote or tender, and all tenders above the Public Procurement thresholds, will be advertised on the Authority's e-tendering system. Any opportunities that are advertised on the Authority's e-tendering system must also be advertised on the government's Contract Finder website (if they are over a value of £25k).
- 2.8 For services, supplies and works where the total contract value, including any options to extend the initial term of the contract are expected to exceed Public Procurement thresholds, a Find a Tender Service (FTS) notice must also be placed and must follow Public Procurement requirements with particular regard to be given to the timescale for such tenders.
- 2.9 Any formal quotation (i.e. over £20k up to £100k) following the open competition procedure will be advertised on the Authority's e-tendering system. Any opportunities that are advertised on the Authority's e-tendering system must also be advertised on the government's Contract Finder website (if over £25k). Officers will consult with the CFO and or DPS to determine if further advertising in relevant local newspapers and trade publications is also required.
- 2.10 Officers will ensure that the e-tendering system website address is publicised appropriately within the quotation/tender documentation.  
[\[www.supplyingthesouthwest.org.uk\]](http://www.supplyingthesouthwest.org.uk)

### **Selective Tendering (i.e, above £100k)**

- 2.11 Following advertisement of tenders above the Public Procurement thresholds for goods and services (whether in relation to goods, services or works), invitations shall be sent to the prospective tenderers who are best qualified to bid.

### **Invitation to Tender (i.e, above £100k)**

- 2.12 Every invitation to tender must specify that the Authority's e-tendering system will be used to issue and receive tender documentation. The invitation must state the date and time by which the tender must be received by the e-tendering system and that the tender will be held in the secure area of the e-tendering system and cannot be accessed until after the deadline. Adequate time must be allowed for the preparation and return of tenders ensuring compliance where appropriate with Public Procurement requirements. Any exceptions to using the Authority's e-tendering system must be approved by the CFO and/or CEO.

### **Invitation to Quote (i.e. up to £100k)**

- 2.13 The Authority's e-tendering system must be used for a formal quotation (i.e. over £20k & up to £100k), save for any exceptions approved by the CFO/CEO.

For quotations below £20,000 the e-tendering system may be used but in either case the invitation must state the place, date and time by which the quotation must be returned. Adequate time must be allowed for their preparation and return.

### **Certification notice by Tenderers**

- 2.14 Tenderers shall certify and give undertakings that:

- the tender is genuine and intended to be competitive;
- they have not fixed or adjusted the amount of the tender by or under or in accordance with any agreement or arrangement with any other person\*;
- they have not done and will not do, at any time before the time and date specified for the return of the tender, any of the following:
  - inform any person\* the amount or approximate amount of the proposed tender, except where the confidential disclosure of the approximate amount of the tender was necessary to obtain insurance premium or other quotations necessary for tender preparation;
  - enter into any agreement or arrangement with any other person\* with the aim of preventing tenders being made or as to the amount of another tender or the conditions on which the tender is made;
  - offer to pay or give or agree to pay or give any sum of money or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other tender or proposed tender for the Authority any of the actions specified and described in this section;
  - cause or induce any person to do any of these things.

\* outside the consortium if a consortium tender

## **Receipt, Custody and Opening of Tenders and Formal Quotations**

- 2.15 The Authority's e-tendering system will record the date and time of receipt of all tenders and formal quotations.

Quotations below the £20k threshold may be received and opened by the Project Officer/Team.

Formal quotations between £10-£100k (received via the e-tendering system) may be received and opened by the Project Officer/Team, once the closing date has passed.

Tenders over £100k (received via the e-tendering system) will require the opening and verification an officer who must be independent to the procurement taking place. All the submissions will then be released to the Project Officer/Team to continue with the process. The verifier will enter information about the submissions received into the tender register.

- 2.16 Tenders (over £100k) and any formal quotation (over £20k up to £100k) not received via the Authority's e-tendering system (as a result of an exception approved under paragraphs 2.12 or 2.13 or 2.21) shall be opened at one time and in the presence of at least two officers who shall be independent from the procurement. A record will be made of all tenders or formal quotations received, showing the date and time of opening and the bidder's name and the value in the tenders register. Any tender or formal quotation received after the specified time shall be recorded as such but must not be considered.

### **Contractor Vetting**

- 2.17 Officers who procure the service of a contractor are responsible for checking the competency of that contractor to undertake the work. This may include evidence of relevant qualifications, financial stability, their Health & Safety policy, risk assessments and method statements, data protection and security arrangements, for example.

All such assessments must be made before any commitment is made or contract awarded and shall be in conformity with the Authority's Contractor Vetting Policy.

### **Acceptance of Single Quotation or Tender Received** (See also paragraph 2.21)

- 2.18 This section deals with situations where either a single quotation or tender is received. For contracts up to £20,000, the appropriate Head of Service will determine whether or not to accept the quotation.

For contracts over £20,000, the CFO and the Head of Service shall jointly consider whether or not, in their professional judgement, best value would be obtained. The following provisions shall then apply: -

- (a) where the estimated value of the contract is between £20,000 and £100,000 if in their view best value would be obtained then the Head of Service will consult with the CFO and the CEO (the latter being able to accept the formal quotation). If in the view of the CFO and CEO value for money would not be obtained, or if there is any doubt, the procurement exercise should either be repeated or the matter referred to the Authority for consideration and decision.

- (b) where the estimated value of the contract is over £100,000 the matter must be referred to the Authority for consideration and decision, taking into account the views of the CEO, CFO and Head of Service as to whether to accept the tender or repeat the procurement exercise.

### **Financial Provision for Contracts**

- 2.19 Where tenders or quotations received vary from the approved estimate, the procuring officer must identify the funding for any increase. Where the increase is up to £30,000, the funding must be approved by the CEO in consultation with the CFO before awarding the contract. Approval of the Authority must be obtained, before awarding the contract, where the variation exceeds £30,000.

### **Maintaining the Contracts Register**

- 2.20 Upon the award of a contract with a value of £20,000 or more, the Officer will update and complete the entry in the Contracts Register in the e-tendering system. If the e-tendering system not used for the procurement, a record of the award will still be made in the contracts register on the e-tendering system. For contracts awarded over £25k, a record will also be entered on Contracts Finder (via the e-tendering system).

### **Exemption from the Tendering and Formal Quotation Process**

- 2.21 Where the subject matter of a contract is of a specialised nature with only one or a limited number of possible contractors or where exceptional circumstances have arisen, the Officer shall submit a written report requesting an exemption from normal tendering or formal quotation rules to the CEO/CFO/Leadership Team for authorisation for the exemption.

Tenders subject to Public Procurement Regulations shall be subject to exemptions contained within those Regulations.

## **3 Particular Types of Contract**

### **Acquisition (and Leasing) of Land, Buildings, Vehicles, Plant and Equipment**

- 3.1 In order to ensure compliance with Financial Regulations and capital rules, all acquisitions made shall be in accordance with the Authority's Financial Regulations and Scheme of Delegation. Officers must consult with the CFO in the first instance; Authority approval may be required before embarking on this type of procurement.

### **Framework and Joint Procurement Arrangements**

- 3.2 Framework Agreements set up by government offices or other public bodies may be used after consultation with the CFO/DPS. Call off contracts under a Framework Agreement will be governed by the terms of the Framework Agreement. Framework Agreements may also be established by Officers, in accordance with these Procedures (however prior advice must be sought from DPS).
- 3.3 Joint procurement arrangements with other local authorities or public bodies may take place where they represent best value. The CFO and DPS must be consulted before the start of the procurement of all such proposed arrangements especially if the Authority intends to act as the lead authority.

## **Disposal of Assets**

- 3.4 All vehicles, plant, furniture, equipment or other goods shall be disposed of in accordance with the Authority's Financial Regulations, Scheme of Delegation and Disposals Policy. Officers should consult with the CFO in the first instance.

## **4 Contracts**

### **Contents of Contract**

- 4.1 Officers shall obtain the advice of the Authority's Legal Service on the contract terms to be agreed, including the Authority's terms and conditions of contract.
- 4.2 Every contract shall be in writing or confirmed in writing and shall specify:
- (a) the work, materials, supplies or services to be provided;
  - (b) the quality standards and or service specification to be adhered to;
  - (c) the price to be paid, with a statement of discounts or other deductions;
  - (d) the time or times within which the contract is to be performed;
  - (e) the procedures for variations, termination, or penalties for non-compliance, or security for the due performance of any contract including liquidated damages where works are not completed in the time specified;
  - (f) invoicing and payment arrangements as specified by the CFO;
  - (g) that the Authority shall pay valid and undisputed invoices within a 30 day period, consider and verify invoices in a timely fashion and impose a contractual obligation on the contractor to ensure that they abide by these conditions in relation to their own sub-contractors; and
  - (h) such other terms and conditions as are deemed necessary after having taken advice from the Authority's legal service provider.
- 4.3 Contracts (with Terms and Conditions) shall be signed (except where the seal of the Authority is to be applied) in accordance with the Authority's Financial Regulations and Scheme of Delegation.

### **Cancellation of Contracts**

- 4.4 All written contracts shall contain a clause enabling the Authority to cancel the contract and recover from the contractor the amount of any resulting loss if:
- (a) the contractor has offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for:
    - (i) doing or not doing, or for having done or not done, any action in relation to the obtaining or execution of the contract or any other contract with the Authority;
    - (ii) showing or not showing favour or disfavour to any person in relation to the contract or any other contract with the Authority.
  - (b) the same things have been done by any person employed by the contractor or acting on his behalf (whether with or without the knowledge of the contractor);
  - (c) in relation to any contract with the Authority the contractor or any person employed by him or acting on his behalf has:

- (i) given any fee or reward the receipt of which is an offence under Section 117(2) of the Local Government Act 1972;
- (ii) committed an offence under the Bribery Act 2010.

4.5 Every contract that has been tendered via the Find a Tender Service must also contain the right for the Authority to terminate the contract where:

- (a) there has been a modification of the contract which falls outside one of the permitted categories specified in Regulation 72 of the Public Contracts Regulations 2015 and which are summarised at paragraph 4.6 below;
- (b) the contractor should have been excluded on mandatory grounds under Regulations 57(1) and /or 57(2) of the Public Contracts Regulations 2015;
- (c) the contract should not have been awarded in view of a serious infringement under public procurement law which has been declared as such by a court of competent jurisdiction.

### **Variation of Contracts**

4.6 All orders given to a contractor directing them to vary, in any respect, the subject of the contract must be in writing, signed by the authorised officer (in accordance with the Scheme of Delegation).

For variations of contracts Officers must first seek advice from the Authority's Legal Service. Written agreement must be obtained, before variation orders are issued, from the CEO (in consultation with the CFO) if the total value of the (originally) accepted tender will be exceeded by more than £1,000 and up to £30,000 and by the Authority for any amounts exceeding £30,000.

In addition to the above requirements, where a contract has been tendered via the Find a Tender Service (i.e. a contract above the relevant value threshold), a variation to the original contract terms will trigger a new procurement process unless it falls within one of the following permitted changes:-

- Modifications that are clearly provided for in the original procurement and contract documents; or
- Necessary modifications where a change of contractor cannot be made due to economic or technical reasons and would cause significant inconvenience or substantial duplication of cost and does not result in an increase in price of more than 50% of the original contract value; or
- Modifications to deal with unforeseen circumstances where the modification does not alter the overall nature of the contract and does not result in an increase in price of more than 50% of the original contract value; or
- Modifications to deal with a new contractor replacing the original contractor where the replacement is due to corporate restructuring and the new contractor meets the pre-qualification criteria and there are no other substantial amendments to the contract; or
- Modifications that are not substantial. The following will be considered substantial modifications:
  - modifications that render the contract materially different in character;
  - modifications that could have resulted in a different outcome in the procurement;

- modifications which shift the economic balance in favour of the contractor;
- modifications which extend the scope of the contract considerably; and
- where a new contractor replaces the old contractor other than in the circumstances permitted above.
- Low value modifications where the value attributable to the modification falls below the relevant Public Procurement threshold **and** is less than 10% of the initial contract value for supplies and services or 15% for a works contract.

Heads of Service must seek the approval of the Authority's Legal Service in relation to any proposed variation of a contract which has been tendered via the Find a Tender Service.

### **Payment for Contracts for Building or Civil Engineering Work**

4.7 Each certificate for payment must show:

- (a) contract sum (usually tender total);
- (b) value of work to date;
- (c) total amount of certificates previously paid;
- (d) amount of the certificate;
- (e) retention amount (if any);
- (f) value of price fluctuations;
- (g) Value Added Tax (if any).

### **Monitoring of Contracts**

4.8 Officers must monitor all contracts and report any significant exceptions to normal progress and cost variations to the CFO and Leadership Team. Significant exceptions include delay or advance in expenditure by more than £1,000 compared with expectations within a financial year and any critical delay in meeting target completion dates.

### **Relationships with Contractors**

4.9 Officers who undertake procurement, engage, supervise or have an official relationship with contractors and have had, or currently have, a private or domestic relationship should declare it to their Line Manager, the CFO and the Monitoring Officer. An assessment will be made to ascertain the nature of the relationship and whether that Officer can continue to have any further involvement in the procurement or contract. Orders and contracts must be awarded on merit by fair completion and no favour will be shown to any person or businesses, especially those run by or employing relatives, partners or friends.

## SUSTAINABLE PROCUREMENT CHECKLIST

1. Procurement is to be carried out in an environmentally responsible manner by working to:
  - Reduce the number of goods and services procured by cutting down on waste and repairing or reusing existing goods;
  - Purchasing products and services that use fewer natural resources in production and distribution and promote Fairtrade products;
  - Take account of whole-life costs, quality, environmental impacts and other benefits and not just the initial price;
  - Purchasing products that can be recycled or disposed of with minimal environmental damage;
  - Buy the most energy-efficient products where they give value for money, taking account of whole-life costs, using the UK's mandatory energy-labelling scheme;
  - Purchasing locally where possible, to reduce the impact of transport, as long as the criteria above are met; and
  - Promote equality and do not discriminate on the grounds of gender, disability and race.

while complying with the law, including presiding procurement rules/international agreements on trade.
2. Before procuring any goods or services, consideration will be given as to whether consumption can be reduced by reusing or repairing existing materials and goods or whether alternative procedures can be put in place to remove the need to buy goods and services.
3. Procurement decisions are to be based on environmental criteria along with other major factors such as value for money, quality and whole life costs. The Authority will assess whether goods and services:
  - Are durable, reusable, refillable or recyclable;
  - Contain reused, recycled or renewable raw materials;
  - Are energy and resource efficient;
  - Use minimum packaging and encourage waste reduction;
  - Are non (or minimum) polluting;
  - Are locally produced;
  - Are free from ozone depleting substances, solvents, volatile organic compounds and other substances damaging to health and the environment;
  - Are from certified sustainable sources;
  - Cause minimal damage to the environment in their production, distribution, use and disposal; and
  - Are on the most competitive terms having regard for Best Value.
4. The criteria by which environmental impact can be taken into account during tender evaluation to be included in tender documentation.



## SUSTAINABLE BUILDING CHECKLIST

- ✓ **Sustainable**
- ✘ **Less desirable**
- **Neutral**

### General

Repair or recycle if possible rather than buying new, but if you do have to buy something please check the list.

Other guides, such as the ENPA Design Guide give specific detailed advice for design aspects of building works.

#### 1. **Timber**

- ✓ Forest Stewardship Council Certified Timber or equivalent
- ✓ Recycled
- ✓ Known local source (check with Woodland Team)
- ✘ Tropical hardwoods
- ✘ Unknown source/non FSC

If possible use UK hardwoods rather than softwoods – this encourages planting and management of broadleaved woodland. Many hardwoods (notably oak and chestnut) do not need paints and stains to preserve them when used externally. *Most* softwoods do.

#### 2. **Roofing**

##### Slate

- ✓ - Recycled and local
- ✓ - Delabole
- ✓ - Welsh
- ✘ - Chinese / Brazilian / other non UK sources
- ✓ Thatch (also turf / bracken / heather)
- ✓ Timber shingles (FSC)
- ✓ Clay tiles
- ✘ Artificial tiles / concrete

#### 3. **Walls / Structure**

- ✓ Local stone, cob, brick (preferably recycled / local)
- ✓ Lime mortar and plaster
- ✓ Timber cladding (FSC)
- ✓ Green oak framing
- ✓ Straw (bales)
- Concrete blocks

#### 4. **Windows**

- ✓ FSC Timber
- ✘ UPVC

5. **Paint / Finishes**
  - ✓ Lime wash
  - ✓ Lime plaster
  - ✓ Lime mortar
  - ✓ Natural/environmentally friendly paints (eg some of Farrow and Ball range)
  - ✓ Distemper (internal)
  - ✓ Natural oils / waxes such as linseed
  - ✗ Varnishes / chemical stains
  
6. **Gutters / downpipes**

Direct rainwater into ground rather than drains if possible. Salvage and repair cast iron, copper or lead
  
7. **Flooring**
  - ✓ Local / recycled / FSC timber
  - ✓ Wool carpet
  - Concrete
  
8. **Insulation**
  - ✓ Wool
  - ✓ Recycled paper
  - ✓ Double / triple glazing
  - ✓ Shutters
  - ✓ Thick curtains
  
9. **Energy Efficiency / Renewables**
  - ✓ Lights – low energy bulbs
  - Heating systems
  - ✓ Solar
  - ✓ Wood fuel
  - ✓ Hydropower
  - Energy Efficiency / Renewables *continued***
  - ✓ Windpower
  - ✓ Combined heat and power
  - ✓ Photo-voltaics
  - ✓ Condensing boilers
  - ✗ Electric (unless supplied by renewables)
  - ✗ Oil
  - ✗ Gas
  
10. **Electrical / Plumbing**
  - ✗ PVC
  - Non PVC wire, copper or PE piping
  - ✓ Water saving taps / flush systems
  
11. **Landscape Works**
  - Paving
  - ✓ FSC Timber
  - ✓ Local stone
  - ✓ Woodchip bark
  - ✓ Local river aggregate/cobbles (if approved source)
  
  - ✓ Hoggin
  - ✓ Grass

- Concrete, tarmac, block paving

External Structures (as above)

Soft landscape

- ✓ Locally sourced
- ✓ Natives
- ✓ Edible fruits

Weed Control

- ✗ Herbicides
- ✓ Biodegradable mulch mats
- ✓ Organic mulches

Soil Ameliorants

- ✗ Peat
- ✓ Farmyard manure
- ✓ Compost

Fencing

- ✓ FSC hardwood timber