



# EXMOOR

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## NATIONAL PARK

EXMOOR NATIONAL PARK AUTHORITY  
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This matter is being dealt with by the  
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24 October 2024

### EXMOOR NATIONAL PARK AUTHORITY STANDARDS COMMITTEE

**To: The Members of the STANDARDS COMMITTEE of the Exmoor National Park Authority**

A meeting of the Standards Committee will be held at Exmoor House, Dulverton on **Tuesday, 5 November 2024 at 3.00pm or on the rising of the Final Accounts Committee if later.**

The meeting will be open to the press and public subject to the passing of any resolution under s.100(A)(4) of the Local Government Act 1972.

There is a Public Speaking at this meeting, when the Chairperson will allow members of the public two minutes each in which to ask questions, make statements, or present a petition relating to any item on the Agenda. Anyone wishing to ask questions should notify the Corporate Support Officer by 4pm on the working day before the meeting of the agenda item on which they wish to speak, indicating a brief summary of the matter or matters to be raised (contact details are set out above).

Please be aware that this is a public Authority Meeting and will be **audio and video recorded**. We will make the recordings available via our website for members of the public to listen to and/or view, within 72 hours of the meeting taking place.

Members of the public may use forms of social media to report on proceedings at this meeting. Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairperson so that those present may be made aware.

(The agenda and papers for this meeting can be downloaded from the National Park Authority's website [www.exmoor-nationalpark.gov.uk](http://www.exmoor-nationalpark.gov.uk)).

Sarah Bryan  
Chief Executive

As set out above, the Authority welcomes public engagement with its work and believes that everyone attending a meeting of Exmoor National Park Authority or one of its Committees has the right to be treated with respect and to feel safe at all times, including before, during and after the meeting they attend.

The Authority understands that some situations can be difficult and lead to frustration; however, the Authority is committed to promoting an environment where everyone feels listened to and respected and is not subjected to unacceptable behaviour. Further guidance is provided in our Customer Notice, available on our [website](#).

## **A G E N D A**

1. **Election of Chairperson**
2. **Election of Deputy Chairperson**
3. **Apologies for Absence**
4. **Minutes:** (1) To approve as a correct record the Minutes of the meeting of the Standards Committee held on 14 November 2023 (Item 4).  
(2) To consider any Matters Arising from those Minutes.
5. **Public Speaking:** The Chairperson will allow members of the public to ask questions, make statements, or present a petition on any matter on the Agenda for this meeting or in relation to any item relevant to the business of the Standards Committee. 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.
6. **Annual Governance Review 2023-2024:** To consider the report of the Chief Finance Officer and Solicitor and Monitoring Officer (Item 6).
7. **Overview of Complaints and Compliments:** To consider the report of the Head of Enterprise & Operations (Item 7).
8. **Member Training and Development Programme:** To consider the report of the Head of Enterprise & Operations and Solicitor & Monitoring Officer (Item 8).
9. **Planning Committee Substitutes:** To consider the report of the Head of Enterprise & Operations and Solicitor & Monitoring Officer (Item 9)
10. **Arrangements for dealing with Standards Allegations under the Localism Act 2011:** To consider the report of the Head of Enterprise & Operations and Solicitor & Monitoring Officer (Item 10).
11. **Role of Independent Person:** To consider the report of the Head of Enterprise & Operations and Solicitor & Monitoring Officer (Item 11).
12. **Any Other Business of Urgency**

Details of the decisions taken at this meeting will be circulated in the formal Minutes which the Committee will be asked to approve as a correct record at its next meeting. In the meantime, details of the decisions can be obtained from Carol Carder, Corporate Support Officer, at Exmoor House. These documents can also be made available in alternative formats such as large print, on tape and on disc.

## ITEM 4

### EXMOOR NATIONAL PARK AUTHORITY STANDARDS COMMITTEE

**MINUTES** of the meeting of the Standards Committee held at 12.30pm on Tuesday, 14 November 2023 in the Garden Room at Exmoor House, Dulverton.

#### **PRESENT**

Mr J Patrinos (Chairperson)  
Mr M Ellicott  
Mr B Geen  
Mr S J Pugsley  
Mrs E Stacey

#### **In Attendance:**

Mr A Yendole (Solicitor and Monitoring Officer)  
Mrs C Reid (Head of Strategy and Performance)  
Mr M Riggulsford (Independent Person)  
Miss A V Davis (Chairperson of the Authority) - observing  
Ms J Coles (Corporate Support Officer) – *notetaker*

1. **APPOINTMENT OF CHAIRPERSON:** Mr J Patrinos was reappointed Chairperson of the Standards Committee for the ensuing year
2. **APPOINTMENT OF DEPUTY CHAIRPERSON:** Mr S J Pugsley was reappointed Deputy Chairperson of the Standards Committee for the ensuing year
3. **MINUTES:**
  - i. **Confirmation:** The **Minutes** of the Standards Committee's meeting held on 2 May 2023 were agreed and signed as a correct record.
  - ii. **Matters arising:** There were no matters arising from those Minutes.

#### 4. **REVIEW OF STANDING ORDERS**

The Standards Committee considered the **joint report** of the Head of Strategy and Performance and Solicitor and Monitoring Officer

##### **The Standards Committee's Consideration**

At the Authority Meeting on 7 November 2023, Members had agreed to trial changes to governance of Exmoor National Park Authority including the creation of a Planning Sub Committee and a reduction in the number of Authority meetings. To facilitate this trial, it was necessary for the Standards Committee to review proposals for necessary amendments to Standing Orders before recommending them to the full Authority for approval.

In addition to the tracked changes shown in Appendix 1 to the report, Members requested that the following additional amendments should be made to Standing Orders:-

- **Page 15 - Section 23 – Right to Attend Meetings** – Any Member not on the Planning Committee should have the right to attend a meeting to speak (but not vote) about a planning application or other matter which is on the agenda in which they have a particular interest.

- It was requested that the Scheme of Members' Allowances should be updated to show that such attendance by non-Planning Committee Members would be classed as an approved duty in relation to the payment of travel and subsistence allowances.
- **Page 26-27 - Scheme of Delegation - Section 4 – Planning Committee:** Planning Committee Members unable to attend a meeting should be able to nominate a substitute Member to attend in their place as long as they identified the substitute Member and provided notice to the Chief Executive at least 10 working days prior to the meeting, save for exceptional circumstances (due to an emergency or sudden illness) when 24 hour hours' notice would be acceptable.
- It was confirmed that the few instances of yellow highlighted text in the document related to questions Officers had asked the Monitoring Officer which had not been resolved prior to publication of the papers. Reference to "from 2012" in paragraphs 2.3 (Page 5) and 19.3 (Page 14) would be deleted and the changes highlighted on page 29 accepted.

The Monitoring Officer had produced some draft wording for the two amendments detailed above. Based on the Member debate it was agreed this would be further reviewed and incorporated into the final version of Standing Orders which would be taken to the full Authority for adoption.

The Chairperson then raised concerns that Members may not always be acting to the highest standard expected and referenced an example at the November Authority meeting when a Member, who also sat on the Town Council, had contributed to posts on social media concerning one of the agenda items. The Monitoring Officer and the Independent Person were asked for their views as to whether the Member should have withdrawn from the meeting, given the nature of the social media posts which seemed to imply that there were other motives behind the Officer recommendation for that item.

The Monitoring Officer advised that it was up to Members to declare an interest as they saw fit and the interest of most relevance in this instance was that the Member also sat on the Town Council. This personal interest had been declared and the Monitoring Officer had concluded that the Member had shown a predisposition, rather than a predetermination in the matter, and that so long as they had approached the decision with an open mind any potential challenge could be defended. However, the Member had been reminded about the Code of Conduct and the need to be mindful of it when making statements on social media.

The Independent Person took the view that the posts in question had been made in a personal capacity and not as a representative of either the Authority or Town Council which was an important distinction. Furthermore, he considered that the Member's specialist knowledge, by virtue of being on the Town Council, brought a helpful element to the Authority debate which would have been lost had he withdrawn from the room for that item.

Mrs Stacey however considered that it was important to consider how a Member's conduct could be perceived by the public and gave the example that she always leaves the meeting for any decisions related to South West Lakes Trust, despite not having worked for them for almost 10 years.

It was acknowledged that social media could be a minefield, and the Committee agreed that all Members should receive training in its use and that it would be helpful to include more specific reference to it within the Code of Conduct, to provide Members with more awareness of how they should comport themselves.

In addition, it was agreed to provide refresher training regarding declarations of interest so that Members could explain in more detail what their interest was and their reasons for deciding whether they would or would not be leaving the meeting when an item was discussed.

**RESOLVED:** The Standards Committee resolved to agree that the proposed amendments to Standing Orders and the Scheme of Delegation should be presented to the full Authority for adoption by April 2024, subject to the changes agreed by the Committee.

## 6. OVERVIEW OF COMPLAINTS AND COMPLIMENTS

The Standards Committee considered the **report** of the Head of Strategy and Performance

### The Standards Committee's Consideration

In relation to a query regarding the Stage 2 Complaint it was confirmed that no further contact had been made by the complainant, but they did have the right to go to the Local Government & Social Care Ombudsman. It was confirmed that only Compliments that are sent directly to the Authority are logged and not those made via social media, such as complimentary Trip Advisor reviews relating to our National Park Centres.

**RESOLVED:** The Standards Committee considered the overview report of general complaints and compliments received by the Authority.

## 7. ANY OTHER BUSINESS OF URGENCY: There was none

(The meeting closed at 1.14 pm)

Chairperson

## EXMOOR NATIONAL PARK AUTHORITY

### STANDARDS COMMITTEE

5 November 2024

### ANNUAL GOVERNANCE REVIEW 2023-2024

#### Joint Report of the Chief Finance Officer and Solicitor and Monitoring Officer

**Purpose of Report:** To report compliance with the Authority's Code of Corporate Governance and consider the Annual Governance Statement for 2023-24.

**RECOMMENDATIONS:** The Standards Committee is recommended to:

- (1) Approve the Annual Governance Review.
- (2) Note the results of the Governance self-assessment in Section 9.
- (3) Approve the Annual Governance Statement as set out in the attached Appendix for inclusion with the Annual Accounts for 2023/24.

**Authority priorities:** Manage corporate finances and diversify income streams; Develop and maintain effective and efficient services; Work with communities, businesses and partners to deliver the National Park Partnership Plan and statutory purposes; Manage the Authority's Estate and operations to support delivery of National Park purposes

**Legal and equality implications:** Local Government Act 2003, Parts 1-3 (Capital Finance, Financial Administration and Grants), and Sections 1-39

Accounts and Audit Regulations 2015, Sections 3 (Responsibility for Internal Control), 4 (Accounting Records and Control Systems) 5 (Internal Audit), and 6 (Review of Internal Control System).

High standards of corporate governance are essential in ensuring all business is transacted lawfully and with propriety.

The equality and human rights impact of the recommendations of this report have been assessed as having no adverse impact on any particular group or individual.

**Financial and risk implications:** The report has no financial implications but the risks to the Authority could be substantial for non-compliance with its Code of Corporate Governance.

**Climate change response:** A well governed Authority is more likely to take full account of the environmental impact of decision making.

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## 1. Introduction

- 1.1 Sound governance arrangements and accountability are critical to the Authority to fulfil National Park purposes, deliver the intended outcomes in the National Park Partnership Plan and the Corporate Plan and operate in an effective, efficient and

ethical manner. Good governance leads to good management, good performance, good stewardship of public money, good public engagement and ultimately good outcomes for the public and service users.

- 1.2 The Authority has endorsed the “Delivering Good Governance in Local Government Framework (2016)” that has been produced by CIPFA (Chartered Institute of Public Finance and Accounting) and SOLACE (Society of Local Authority Chief Executives and Senior Managers) which has the support of the Department for Communities and Local Government.
- 1.3 The CIPFA/SOLACE framework is based on the following seven core principles of good governance:
  - A. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.
  - B. Ensuring openness and comprehensive stakeholder engagement.
  - C. Defining outcomes in terms of sustainable economic, social and environmental benefits.
  - D. Determining the interventions necessary to optimise the achievement of the intended outcomes.
  - E. Developing the entity’s capacity, including the capability of its leadership and the individuals within it.
  - F. Managing risks and performance through robust internal control and strong public financial management.
  - G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability.
- 1.4 These seven principles are reflected in the Authority’s Code of Corporate Governance. The CIPFA/SOLACE Framework sets out a number of supporting principles for each of the seven core principles and these are translated into a range of governance arrangements that the Authority has in place. The first section of this report summarises the Authority’s compliance with these principles during 2022/23.

## **2. A. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law**

- 2.1 The governance arrangements the Authority has in place to achieve these principles are:
  - codes of conduct which define the standards of conduct and personal behaviour to which members, staff and agents of the Authority are required to subscribe.
  - an effective Standards Committee.
  - arrangements and mechanisms to ensure all codes of conduct continue to operate in practice, to ensure that members and staff are not influenced by prejudices, bias or conflicts of interest in dealing with the public and stakeholders.
  - arrangements for reporting concerns at work (whistleblowing) which are accessible to all staff and contractors.
  - shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the Authority.
  - member training and induction.

- a register of gifts and hospitality and comply with anti- bribery and money laundering legislation.
- partnerships underpinned by a common vision that is understood and agreed by all partners.

## 2.2 In year Commentary

- (i) Following the abolition of the Standards Board through the Localism Act 2011, new arrangements were approved and implemented in June 2012. The Authority has also appointed an 'Independent Person' to provide an external perspective on any investigations undertaken by the Standards Committee. The Standards Committee considered proposed amendments to the Member Code of Conduct in line with the Local Government Association Model Councillor Code of Conduct in November 2021 and the Authority adopted the updated Code of Conduct in December 2021. The Standards Committee also granted dispensations to Members who are members of another authority in order to protect them from inadvertent breaches of the requirements related to Disclosable Pecuniary Interests, due to omissions and ambiguities in the legislation and to ensure that the National Park Authority can conduct its business effectively.
- (ii) An annual reminder is sent to all staff reminding them of their responsibilities and the requirement to comply with all policies, procedures, standing orders (including contract standing orders) and financial regulations.
- (iii) This is the third year that the Standards Committee have undertaken a self-assessment of the audit and governance process.

## 3. B. Ensuring openness and comprehensive stakeholder engagement

### 3.1 The governance arrangements the Authority has in place to achieve these principles are to:

- meet on a regular basis with meetings open to the public except where reasons of commercial or individual confidentiality require the meeting to be closed.
- undertake a number of consultative committees with parishes and other interested bodies throughout the year as a forum for discussing common issues.
- engage with local councils and the Local Enterprise Partnership to ensure that National Park priorities are heard.
- produce effective consultation and communication arrangements.
- undertake regular surveys of visitors and businesses to ensure that balanced and representative opinions are available to inform decision making.
- enable a complaint or request for information regarding any aspect of the Authority's activities to be easily lodged and to ensure it is properly addressed.

### 3.2 In year Commentary

- (i) Extensive consultation arrangements are in place. The Corporate Strategy continues to compare performance against the objectives set for the previous year and sets the targets for the forthcoming year.
- (ii) During 2023/24 the review of the Partnership Plan was undertaken and is well underway including a public opinion survey, workshop with partners, and a steering group established. Updated national guidance and targets on environmental outcomes for Protected Landscapes are awaited, which has



led to the timetable for completion of the Plan being pushed back from April to early 2025. Work is ongoing to prepare the draft Plan with partners in the meantime.

- (iii) The Authority continues to consult widely with interested parties and holds a number of meetings of the Exmoor Consultative and Parish Forum at which questions relating to the activities and services of the Authority can be raised.
- (iv) We continue to respond to Freedom of Information, Environmental Information Regulation requests, complaints and compliments.

#### **4. C. Defining outcomes in terms of sustainable economic, social, and environmental benefits**

4.1 The governance arrangements the Authority has in place to achieve these principles are to:

- produce a National Park Partnership Plan, reviewed every five years, which contains a vision for Exmoor, key challenges and ambitions.
- publish a Corporate Plan and performance report presenting an objective and understandable account of its activities and achievements, its financial position and performance and an assessment of plans to maintain and improve service quality.
- produce a Medium-Term Financial Plan which estimates income and expenditure over a five-year period to ensure that obligations can be met.
- engage with young people and a wide variety of community groups to ensure that the value of national parks is appreciated into the future.
- ensure that the forward year budget includes a risk assessment.
- assess the impact on community groups before recommendations are made.
- work positively with DEFRA to ensure the long-term role and funding of national parks is secured.

4.2 In year Commentary

- (i) A three-year Corporate Strategy was agreed by the Authority in May 2023. This set out the key priorities for the Authority and included actions for 2023/24. The Strategy reflected the emerging themes of the 2024/29 Exmoor National Park Partnership Plan, and the priorities identified in Government's response to the Landscape Review. A six-month progress report was presented to Members in December 2023.
- (ii) We have received an unqualified opinion for the 2022/23 Annual Statement of Accounts by the Auditor, Grant Thornton LLP. The audit occurred much later than normal due to the impact of conducting an audit remotely, finishing in April 2024. Complaints procedures are in place, are easily accessible and are easy to use. Requests for information under the Freedom of Information Act, 2000 are dealt with in accordance with the statutory requirements. Reports on both complaints and Freedom of Information Act requests were submitted to the National Park Authority.
- (iii) Partnership working continues to be a key feature of the Authority's working, the most significant during the past year being the engagement with the Local Nature Partnerships and the continuation of the Farming in Protected Landscapes scheme (FiPL). FiPL has provided new opportunities of working with farmers and land managers while investing in a range of schemes

primarily around nature, ecology and agricultural developments. Generation Green funding allowed the Authority to engage with young people that are passionate about the environment. Clear understandings are agreed with Partners and where the Authority takes the lead role, all matters are conducted in accordance with the Authority's Standing Orders and Financial Regulations.

- (iv) Since declaring a climate emergency in 2019/20 we have been implementing actions identified to achieve carbon neutral status for ENPA by 2030. 2023/24 was the year when the Public Sector Decarbonisation scheme was completed. This replaced the old oil boiler at Pinkery Outdoor Education Centre with a biomass boiler and installed additional renewable energy capacity. In Exmoor House we are on track to replace all lighting with LED lights during 2024/25 and we installed the second wave of secondary double glazing at Exmoor House. 2023/24 saw the purchase of a third electric vehicle (2024/25 will see the purchase of three further electric vehicles and one plug-in hybrid car). Following an internal climate change audit, we strengthened our procedures for monitoring and reporting on the climate action plan including the addition of a trajectory to deliver the 2030 carbon neutral target. We continue to feed into the Somerset and Devon climate change partnerships.
- (v) In 2022/23 we received the report from consultants on the carbon footprint of the National Park. This provided a consistent methodology and allows for comparison / benchmarking across National Parks. Work is ongoing with our partners to support delivery during 2023/24 and beyond throughout the National Park including securing funding from Somerset West and Taunton to support woodland creation on Exmoor. This complements the woodland planting that has already taken place on ENPA land at Bye Hill. The South West Peatland Partnership continues to work on peatland restoration on Exmoor.
- (vi) The task of developing a balanced medium-term financial plan is ongoing. The Authority successfully managed the financial impact of the pandemic and the inflationary challenges following the invasion of Ukraine and has produced a balance budget projection for 2024/25 and 2025/26. Flat-lined National Park Grant (no change over 5 years) and increasing cost of living pay awards continue to present a significant financial risk to the long-term financial sustainability of the Authority

## **5. D. Determining the interventions necessary to optimise the achievement of the intended outcomes**

5.1 The governance arrangements the Authority has in place to achieve these principles are:

- considering a full range of options before recommendations are presented to members of the Authority.
- undertaking regular surveys of visitors and businesses to ensure that balanced and representative opinions are available to inform decision making.
- producing a Corporate Plan setting out objectives and targets for the period ahead.
- monitoring the achievement of these targets in year, and publicly reporting performance at the year end.

- producing a Medium-Term Financial Plan (MTFP) which estimates income and expenditure over a five year period, agreeing annual budgets which implement the Corporate Plan and are informed by the MTFP.
- the Finance and Performance Advisory Panel which will provide scrutiny over the budget setting process.
- when assessing options for capital investment the Authority, considering the life-cycle costs of the asset and the cost of capital financing.

## 5.2 In year Commentary

- (i) The Authority's decision-making processes are based on a slim line structure embracing the principle that there should be no duplication of effort. The Authority is not required to provide executive arrangements which were introduced in the Local Government Act 2000 and apply only to local authorities.
- (ii) The present Authority structure meets all the requirements of the Local Government Act. Standing Orders, Powers, Duties and Functions of the Authority Meeting, the Scheme of Delegation and Financial Regulations were reviewed and updated during 2022/23. The Members' Code of Conduct was last revised by the Authority in December [2021](#).
- (iii) The scheme of delegation of functions to Authority Committee and to the Chief Executive works well and is kept under review. In any public authority, decisions are being made all the time and it is important to strike the right balance between those that require Member consideration and those that can be taken by Officers. The scheme of delegation is set out fully in the Authority's standing orders. All decisions by Officers must accord with all Authority policies and must where appropriate, involve consultation with Members. Whether a Member or Members should be consulted on any particular issue is a matter of judgement but it is the practice to consult committee chairmen and deputy chairmen on some issues and indeed local Members, that is to say those representing a division, ward or parish. An overriding safeguard in the delegation scheme is that the Chief Executive is required in all cases to consider whether, rather than proceed under the scheme, she should refer the matter to a committee for decision. Where any controversy is likely, it is always the policy to refer such matters to committee for decision.
- (iv) The Finance and Performance Advisory Panel establishes greater budgetary scrutiny and oversight of investment decisions. The panel reconvened in 2022/23 after Covid broke up the pattern of meetings.

## 6. **E. Developing the entity's capacity, including the capability of its leadership and the individuals within it**

6.1 The governance arrangements the Authority has in place to achieve these principles are:

- ensuring the Chief Executive is responsible and accountable to the Authority for all aspects of operational management.
- ensuring induction programmes are arranged for new members and new staff.
- ensuring Members are provided with the necessary training to perform their roles including member review and Member briefing arrangements.

- ensuring that staff are competent to perform their roles and that arrangements are in place for all staff to have a Personal Development Review.
- ensuring mechanisms are in place to maintain the health, safety and wellbeing of staff at work.
- ensuring that the roles and responsibilities of Members and staff are documented including those of the statutory officers namely Chief Executive, Chief Finance Officer and Monitoring Officer.
- providing arrangements that are designed to encourage individuals from all sections of the public to engage with, contribute to and participate in the work of the Authority.
- ensuring meetings are held on a regular basis, are open to the public except where reasons of commercial or individual confidentiality require the meeting to be closed.

## 6.2 In year Commentary

- (i) Induction Programmes were carried out during 2023/24 for new Members. Members identify the subject areas for briefings/updates each year and this has been supplemented by a monthly informal Members' Forum where Members can request an updating or briefing on any topic or area of activity.
- (ii) Members have adopted a role description outlining the role and responsibility of members and an annual Member review is conducted by the Chairperson and Deputy Chairperson.
- (iii) All members of staff normally receive an annual performance and development review which included ensuring their job description was up to date, reviewed progress against current individual objectives and sets new objectives for the coming year. These objectives are directly linked to those contained in the Corporate Plan.
- (iv) Many organisations are committed to taking a lead role in the achievement of actions in the National Park Partnership Plan and these comprise local authorities, statutory agencies, voluntary organisations and partnerships. All contribute to the periodic updating of progress against the targets.
- (iv) Leadership Team and the Delivery Team meet regularly throughout the year. This provides the opportunity to discuss training needs and requirements.
- (v) The Authority received Employer Accreditation from CIPFA for its identification of professional development requirements for professionally qualified staff.

## 7. **F. Managing risks and performance through robust internal control and strong public financial management.**

7.1 The governance arrangements the Authority has in place to achieve these principles are:

- to produce and agree an annual risk register and risk management policy.
- to maintain an effective risk management system including systems of internal control and internal audit.
- a Health and Safety Committee and focus groups to ensure that accidents and incidents are reported and appropriate management action taken to reduce risk.
- information management, e-mail, internet and ICT policies that are communicated and understood.

- targets for performance in the delivery of services on a sustainable basis.
- ensuring the Chief Finance Officer advises on all financial matters, keeps proper financial records and accounts and maintains an effective system of internal financial control.
- to produce an annual governance statement for inclusion in the Annual Statement of Accounts.
- to operate a Final Accounts Committee and the Finance and Performance Advisory Panel to provide an additional level of oversight and challenge.
- an Internal Audit service to provide reassurance over the operation of internal control and processes.

## 7.2 In year Commentary

- (i) The Corporate Plan sets out the priorities and objectives for each financial year with periodic reports to those charged with governance on achievements/progress.
- (ii) Annual reports have been made to the National Park Authority on the Risk Management Strategy and the Internal Audit Service. The Auditor, Grant Thornton LLP presented their Annual Audit Findings Report to the Authority in April 2024 and an unqualified audit report was issued. The external auditors also undertook an enhanced Value For Money appraisal at this time also.
- (iii) The Health, Safety & Welfare policy has been reviewed to reflect the Authority's new flexible working arrangements and how reporting Health and Safety concerns is done in practice. Health and safety issues are now discussed at regular Team meetings and the Health and Safety Committee meets on a quarterly basis with the existing system of reporting continuing. The Senior Facilities Officer is the nominated officer for facilities management in relation to health and safety.
- (iv) Our personal safety and behaviour safeguarding policy and expenses policy were reviewed also.

## 8. **G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability**

8.1 The governance arrangements the Authority has in place to achieve these principles are:

- ensuring meetings are held on a regular basis, are open to the public except where reasons of commercial or individual confidentiality require the meeting to be closed.
- arrangements designed to encourage individuals and groups from all sections of the public to engage with, contribute to and participate in the work of the Authority.
- ensuring that all activities are legally correct, fully documented, appropriately authorised and carried out in a planned manner.
- ensuring the Chief Executive is responsible and accountable to the Authority for all aspects of operational management.
- ensuring that the roles and responsibilities of officers are documented including those of the statutory officers namely Chief Executive, Chief Finance Officer and Monitoring Officer.

- publishing an Annual Statement of Accounts each year in accordance with statutory requirements.
- arrangements to enable a complaint or request for information regarding any aspect of the Authority's activities to be easily lodged and to ensure it is properly addressed.
- ensuring the Chief Finance Officer maintains proper records to ensure the annual statement of accounts show a true and fair view and that expenditure has been properly authorised and allocated in an appropriate manner.
- commissioning an Internal Audit service to provide reassurance over the operation of internal control and processes.
- inclusion of an annual governance statement in the Statement of Accounts.
- a Corporate Strategy setting out the objectives and targets for the three-year period ahead and annual reports on performance against Corporate Actions and targets.
- an annual update on the progress of the Authority and its partners on the implementation of the National Park Partnership Plan.
- auditing of the Authority's financial position and performance every year via an External Audit of the final accounts.
- The completion of 28 Statutory returns and quarterly returns to Defra.

## 8.2 In year Commentary

- (i) Extensive consultation arrangements are in place. The three-year Corporate Strategy (2023-2026) continues to compare performance against the objectives set for the previous year and sets the Corporate Actions for the forthcoming year.
- (ii) Annual reports have been made to the National Park Authority on the Risk Management Strategy and the Internal Audit Service. The Auditor, Grant Thornton LLP presented their Annual Audit Findings Report to the Authority in March 2023 and a Value for Money report did not identify any weaknesses in arrangements.
- (iii) The Finance and Performance Advisory Panel has been established, terms and reference have been agreed and greater budgetary scrutiny and oversight has been made possible.
- (iv) The Authority has the capability for audio and video recording of its meetings, and they can be viewed over the internet.
- (v) This year there have been reviews of personal safety and behaviour safeguarding policy and expenses policy.

## 9. Audit Committee Self-Assessment

- 9.1 In May 2022 the External Auditors recommended that an annual self-assessment of the Audit Committee be undertaken to comply with recommended practice. This is the third year that this has been undertaken.
- 9.2 The purpose of an audit committee is to provide to those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes.
- 9.3 Exmoor National Park Authority does not have an Audit Committee, but it is the Authority that is the body charged with governance and it is the Standards

Committee that undertakes the annual review of governance. In discussion with the External Auditors, they did not raise any objection to the annual self-assessment falling to the Standards Committee.

9.4 Included within the Chartered Institute of Public Finance and Accountancy's practical guidance on Audit Committees is a self-assessment of good practice. This is shown in the table below. It is suggested that where an audit committee has a high degree of performance against the good practice principles, then it is an indicator that the committee is soundly based and has in place a knowledgeable membership.

9.5 In the absence of an Audit Committee, the Standards Committee will endeavour to complete the self-assessment with the governance structure in operation at ENPA.

<b>Good practice questions</b>	<b>Yes</b>	<b>Partly</b>	<b>No</b>
<b>Audit committee purpose and governance</b>			
1. Does the authority have a dedicated audit committee?			x
2. Does the audit committee report directly to full council? (applicable to local government only)		n/a	
3. Do the terms of reference clearly set out the purpose of the committee in accordance with CIPFA's Position Statement?		n/a	
4. Is the role and purpose of the audit committee understood and accepted across the authority?		n/a	
5. Does the audit committee provide support to the authority in meeting the requirements of good governance?		n/a	
6. Are the arrangements to hold the committee to account for its performance operating satisfactorily?		n/a	
<b>Self-Assessment Commentary:</b> <i>It is the full Authority that is the body charged with governance. The Authority fully understands its responsibility with regards to Governance.</i>			
<b>Functions of the committee</b>			
7. Do the committee's terms of reference explicitly address all the core areas identified in CIPFA's Position Statement?	x		
• good governance	x		
• assurance framework, including partnerships and collaboration arrangements			
• internal audit	x		
• external audit	x		
• financial reporting	x		
• risk management	x		
• value for money or best value	x		
• counter fraud and corruption	x		
• supporting the ethical framework	x		
8. Is an annual evaluation undertaken to assess whether the committee is fulfilling its terms of reference and that adequate consideration has been given to all core areas?	x		
9. Has the audit committee considered the wider areas identified in CIPFA's Position Statement and whether it would be appropriate for the committee to undertake them?		See below	
10. Where coverage of core areas has been found to be limited, are plans in place to address this?		n/a	

11. Has the committee maintained its advisory role by not taking on any decision-making powers that are not in line with its core purpose?		n/a	
<p><b>Self-Assessment Commentary:</b>  <i>The Authority is guided and governed by the Constitution, Scheme of Delegation and Standing Orders. These documents cover the areas identified above.</i></p> <p><i>Potential wider areas concern of concern identified by CIPFA include Treasury Management, providing oversight of annual reports or considering risk or governance at the request of other committees. These wider areas of concern also go to the Authority.</i></p>			
<b>Membership and support</b>			
12. Has an effective audit committee structure and composition of the committee been selected? This should include: <ul style="list-style-type: none"> <li>• separation from the executive</li> <li>• an appropriate mix of knowledge and skills among the membership</li> <li>• a size of committee that is not unwieldy</li> <li>• consideration has been given to the inclusion of at least one independent member (where it is not already a mandatory requirement)</li> </ul>	X		
	n/a		
	X		
	X		
	X		
13. Have independent members appointed to the committee recruited in an open and transparent way and approved by the full council or the PCC and chief constable as appropriate for the organisation?	x		
14. Does the chair of the committee have appropriate knowledge and skills?	x		
15. Are arrangements in place to support the committee with briefings and training?	x		
16. Has the membership of the committee been assessed against the core knowledge and skills framework and found to be satisfactory?			x
17. Does the committee have good working relations with key people and organisations, including external audit, internal audit and the CFO?	x		
18. Is adequate secretariat and administrative support to the committee provided?	x		
<p><b>Self-Assessment Commentary:</b>  <i>Members of the Authority and the Standards Committee are appointed from a range of elected public bodies or have been appointed from a DEFRA led competitive process. Members have a range of skills and professional backgrounds.</i></p>			
<b>Effectiveness of the committee</b>			
19. Has the committee obtained feedback on its performance from those interacting with the committee or relying on its work?	x		
20. Are meetings effective with a good level of discussion and engagement from all the members?	x		
21. Does the committee engage with a wide range of leaders and managers, including discussion of audit findings, risks and action plans with the responsible officers?	x		
22. Does the committee make recommendations for the improvement of governance, risk and control and are these acted on?	x		
23. Has the committee evaluated whether and how it is adding value to the organisation?	x		



24. Does the committee have an action plan to improve any areas of weakness?		n/a	
25. Does the committee publish an annual report to account for its performance and explain its work?	x		
<p><b>Self-Assessment Commentary:</b>  <i>The Authority and the Standards Committee receive reports from internal and external audit throughout the year, and from ENPA staff on Risk Management. There is a very healthy debate and engagement with these.</i></p> <p><i>The overall governance structure is regularly debated to ensure that it is operating most effectively.</i></p>			

**Ben Barrett**  
**Chief Finance Officer**  
**October 2024**

**Andrew Yendole**  
**Solicitor & Monitoring Officer**



## ANNUAL GOVERNANCE STATEMENT 2023/24

### 1. Scope of responsibility

- 1.1 Exmoor National Park Authority is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The Authority also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 1.2 In discharging this overall responsibility, the Authority is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions, and which includes arrangements for the management of risk.
- 1.3 Exmoor National Park Authority has approved and adopted a code of corporate governance, which is consistent with the principles of the CIPFA/SOLACE Framework *Delivering Good Governance in Local Government*. A copy of the code can be obtained from the Chief Executive, Exmoor House, Dulverton, TA22 9HL. This statement explains how the Authority has complied with the Local Code of Corporate Governance and also meets the requirements of regulation 4(2) of the Accounts and Audit (England) Regulations 2015 and the amended regulations for 2021 in relation to the publication of statement on internal control.

### 2. The purpose of the governance framework

- 2.1 The governance framework comprises the systems and processes, and the culture and values, by which the Authority is directed and controlled and its activities through which it accounts to, engages with and the leads the community. It enables the Authority to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost-effective services.
- 2.2 The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Authority's policies and aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically.
- 2.3 A governance framework has been in place at Exmoor National Park Authority for the year ended 31 March 2024 and up to the date of approval of the Corporate Plan and statement of accounts.

### 3. The Governance Framework

- 3.1 The key elements of the governance framework include:

- A National Park Partnership Plan that contains a vision, priorities and a corporate strategy to meet National Park purposes;
- The production of a Medium Term Financial Plan taking account of the anticipated level of National Park Grant;
- The production of a Corporate Plan that includes data on performance and objectives both achieved and planned;
- Committee papers that are linked to National Park Partnership Plan or Corporate Plan objectives and in compliance with equality and human rights legislation;
- Standing orders and financial regulations to regulate the conduct of the Authority's affairs;
- A Scheme of Delegation which sets out the functions and workings of the Authority and the powers delegated to Committees and the Chief Executive;
- Formal codes of conduct which define the standards of personal behaviour of members and staff. The code for Members was initially adopted in 2012 along with the establishment of a Standards Committee comprising 5 Authority members and the appointment of an "Independent Person" under the provisions of the 2011 Localism Act. A further process was the provision of guidance on the registration of interests. This was reviewed and refined in August 2012 with recommendations to Authority for standards arrangements and for the provision of member training on the new standards regime;
- Responsibility for audit matters are retained by the Authority;
- A Solicitor and Monitoring Officer who has a statutory responsibility supported by the Chief Finance Officer and financial regulations to ensure the legality of transactions, activities and arrangements the Authority enters;
- Financial management arrangements of the Authority which conform with the governance requirements of the CIPFA Statement on the role of the Chief Financial Officer in Local Government (2010) ;
- A Complaints procedure and a whistle-blowing policy in place for members of the public, members, staff or contractors;
- An Anti Fraud, Corruption and Bribery Policy;
- An ICT Acceptable Use Policy;
- Risk Management Policy, Registers and Business Continuity and Disaster Recovery systems which are approved, in place and subject to annual regular review;
- Extensive arrangements for partnership working on a range of projects. Partnership working is crucial to the achievement of the priorities set out in the National Park Partnership Plan.
- A staff performance and development review process which identifies training and development needs;
- Training, briefing and induction programmes for members; and
- Wide consultation with interested parties and an Exmoor Consultative and Parish Forum meets to engage with the community and a Local Access Forum considers access and rights of way issues. Numerous diverse organisations are represented on these consultative mechanisms.

#### **4. Review of Effectiveness**

- 4.1 Exmoor National Park Authority has responsibility for conducting at least annually, a review of effectiveness of its governance framework including the system of internal control. The review of effectiveness is informed by the work of the Chief Executive and Heads of Section within the Authority who have responsibility for the development and maintenance of the governance environment, the annual report on internal audit, and by the Annual Governance Report of the external auditors. The annual review of the effectiveness of the governance framework is undertaken by the Standards Committee and the Authority approve this Annual Governance Statement. The Standards Committee now also undertake an annual self-assessment of effectiveness.
- 4.2 The process that has been applied in maintaining and reviewing the effectiveness of the governance framework is:
- The adoption of an updated Code of Corporate Governance in March 2017 with an annual review by the National Park Authority carried out by the Authority's Solicitor and Monitoring Officer to ensure compliance with the Code and audited by the Chief Finance Officer;
  - Adoption of Standing Orders, the scheme of delegation and financial regulations which are periodically reviewed, updated and approved;
  - Reports to the Authority on performance management including sustainability and the corporate planning and performance framework;
  - Annual reports presented to the Authority in respect of internal audit which is a contracted service, and from the external auditor appointed by the PSAA;
  - Annual reports presented to the Authority on risk management, performance indicators and treasury management; and
  - An internal audit service is contracted from the Devon Audit Partnership and an annual work programme is agreed with the Chief Finance Officer with the internal auditors producing an annual report covering their activities for presentation to the Authority.

#### **5. Significant governance issues**

- 5.1 In general the governance and internal control systems within the Authority are working effectively and have been reviewed by the Solicitor and Monitoring Officer and the Chief Finance Officer and are independently validated by the internal and external auditors. As a consequence of certain Internal Audit findings, the Authority has undertaken a review of Safeguarding policies and practices. These changes were confirmed with Internal Audit during 2023/24.
- 5.2 During 2024/25 the Authority will be:
- Develop a new National Park Partnership Plan;
  - Progressing work arising from the five year review of the Local Plan including on affordable housing delivery, climate change and a new Design Guide; also making preparations for the introduction of new statutory Biodiversity Net Gain requirements for planning;
  - Working with Defra to deliver the National policy agenda on climate, nature and engagement with communities;
  - Monitoring new legislation and changes in policy to ensure that account is taken of the impact on National Parks and National Park communities;



## EXMOOR NATIONAL PARK AUTHORITY

### STANDARDS COMMITTEE

5 November 2024

### OVERVIEW OF COMPLAINTS AND COMPLIMENTS

#### Report of the Head of Enterprise and Operations

**PURPOSE OF THE REPORT:** To provide details of complaints and compliments received during the period April to September 2024.

**RECOMMENDATION:** The Standards Committee is recommended to consider the overview report of general complaints and compliments received by the Authority

**Authority Priority:** To meet the requirements of legislation where applicable to National Parks and conduct Authority business in line with good practice and the 7 principles of public life.

**Legal and Equality Implications:** Section 65(4) Environment Act 1995 – provides powers to the National Park Authority to *“do anything which in the opinion of the Authority, is calculated to facilitate, or is conducive or incidental to-*

*(a) the accomplishment of the purposes mentioned in s. 65 (1) [National Park purposes]*

*(b) the carrying out of any functions conferred on it by virtue of any other enactment.”*

The Localism Act 2011 requires the Authority to promote and maintain high standards of conduct.

**The equality impact of the recommendations of this report has been assessed as follows:** There are no foreseen adverse impacts on any protected group(s).

**Consideration has been given to the provisions of the Human Rights Act 1998 and an assessment of the implications of the recommendations of this report is as follows:** There are no implications for Human Rights Act.

**Financial and Risk Implications:** Reputational and other risks including criminal liability could arise should the Authority fail to act on complaints received.

**Climate Change Implications:** None identified.

---

## 1. Introduction

1.1 Standards Committee Members will be aware that an updated complaints procedure was introduced in April 2021 to improve efficiency of the process:

- A first informal stage for complaints which are dealt with by the relevant Officers
- A simplified 2-stage formal process dealt with by the relevant Senior Manager; then escalated if needed to the Complaints Officer / Chief Executive

1.2 An overview of ENPA formal complaints for the first six months of 2024-25 is given in the table below. No Stage 2 complaints have been received during 2024-25.

Stage	Date	Outcome
<b>Stage 1</b> - Planning – Failure to determine planning application within statutory time frames	April 2024	<b>Complaint upheld</b> – A comprehensive summary of the timeline was provided outlining where delays had occurred (on both sides) and an apology was given for the ENPA delays. Confirmation was provided that officers would move to determine the application as soon as possible.
<b>Stage 1</b> - Planning - Concerns about apparent lack of action by the Authority in an enforcement case	April 2024	<b>Complaint not upheld.</b> An explanation was provided regarding the background to the case, the steps being taken to bring the issue to a resolution, and why the Authority had not yet considered it proportionate to serve a formal enforcement notice but would be keeping the matter under review.
<b>Stage 1</b> – Planning – Failure to determine planning application within statutory time frames	May 2024	<b>Complaint upheld</b> – A comprehensive summary of the timeline was provided outlining where delays had occurred (on both sides) and an apology was given for ENPA delays. Planning permission was due to be granted subject to the signing of a S106 Agreement which was with the applicant to approve.
<b>Stage 1</b> - Access & Recreation - Concerns raised about a newly installed gate closure which caused an injury to member of the public	May 2024	<b>Complaint partially upheld</b> – explained reason for latch design was due to historic character of the location, and to ensure livestock did not escape. Information provided regarding the legislative and safety standards applicable to RoW work. Confirmed signs now installed on gate advising it has a self-closing mechanism and should be held whilst in use. Careful monitoring took place until end of August and a decision was taken, in conjunction with Farm Manager, to remove one of the springs from gate to achieve a less forceful closure. Further monitoring will take place during Coast Path surveys.

1.3 One Stage 2 complaint from 2023-24 was referred to the Local Government & Social Care Ombudsman (LGSCO) in April 2024. The Ombudsman ruled they would not investigate the complaint about traffic noise and environmental concerns in Exmoor National Park because there was not enough evidence of fault in the Authority's response.

1.4 A total of 24 compliments have been received during the first half of 2024-25. These compliments relate to work carried out by staff throughout the Authority, although most are categorised under Access & Recreation and Planning.

**Ben Barrett**  
**Head of Enterprise and Operations**  
**October 2024**

## EXMOOR NATIONAL PARK AUTHORITY

### STANDARDS COMMITTEE

24 October 2024

### MEMBER TRAINING AND DEVELOPMENT PROGRAMME

#### Report of the Head of Enterprise & Operations and Solicitor & Monitoring Officer

**PURPOSE OF THE REPORT:** To consider a draft Member Role Profile and proposed revisions to the Member Training and Development programme and Member Development Review process.

**RECOMMENDATION:** The Standards Committee is recommended to consider the report and appendices and to propose any recommendations to the Authority Committee.

**Authority Priority:** To meet the requirements of legislation where applicable to National Parks and conduct Authority business in line with good practice and the 7 principles of public life.

**Legal and Equality Implications:** Section 65(4) Environment Act 1995 – provides powers to the National Park Authority to *“do anything which in the opinion of the Authority, is calculated to facilitate, or is conducive or incidental to-*

*(a) the accomplishment of the purposes mentioned in s. 65 (1) [National Park purposes]*

*(b) the carrying out of any functions conferred on it by virtue of any other enactment.”*

The Localism Act 2011 requires the Authority to promote and maintain high standards of conduct.

**The equality impact of the recommendations of this report has been assessed as follows:** There are no foreseen adverse impacts on any protected group(s).

**Consideration has been given to the provisions of the Human Rights Act 1998 and an assessment of the implications of the recommendations of this report is as follows:** There are no implications for Human Rights Act.

**Financial and Risk Implications:** Potential reputational risks if Members of the Authority do not receive adequate support and training.

**Climate Change Implications:** None identified.

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## 1. Introduction

1.1 Standards Committee Members will know that all new Authority Members undertake an induction session which includes training on:

- National Park purposes and the legislative background
- the Standards Regime and Member Code of Conduct
- the role of Members including their role on the Planning Committee.

1.2 The Authority then provides ongoing training and development opportunities including regular Member briefings, Members' Forms and ongoing obligatory planning training.



1.3. As Members will be aware, in 2019 Julian Glover carried out a comprehensive [review](#) of protected landscapes and made 27 wide-ranging proposals, including in relation to governance and board membership of National Park Authorities.

The government's response to the Glover review included the following:

**“Improved performance**

Setting clear performance standards and agreed expectations will get the best out of board members and deliver better outcomes.

This could include a standard role profile, a shared code of conduct, regular skills audits, and improved training.

To empower boards to address poor performance, these measures should be supplemented by performance reviews, fixed-term appointments, and a streamlined process for removing underperforming members.”

1.4 A draft Member role profile has been prepared for the Committee's consideration at Appendix 1.

1.5 At Appendix 2, Members will find a revised Member Training and Development Programme. This includes existing training processes such as the ENPA New Member induction, the National Parks UK New Member Induction and obligatory Planning Training, as well as Member briefings and Members' Forum.

1.6 In addition, the draft Programme proposes:

- Annual obligatory refresher training on the role of Members, the Standards Regime and the Code of Conduct; and
- Annual obligatory Member Development Review meetings.

1.7 A proposed process for the annual Member Development Reviews can be found at Appendix 3.

**Ben Barrett**  
**Head of Enterprise & Operations**

**Andrew Yendole**  
**Solicitor & Monitoring Officer**

**October 2024**

## Exmoor National Park Authority Member Role Profile

As a member of a National Park Authority, those appointed agree to represent the Authority and its wider interests.

Members are appointed to represent Exmoor National Park as a whole, irrespective of appointing or nominating body. Specifically, Members do not represent appointing or nominating bodies.

All Members, irrespective of appointing or nominating body, have equal value and responsibilities.

Each Member is responsible for following good governance in the public interest and must familiarise themselves and conduct themselves in line with the Nolan principles of public office appointments.

All Members are collectively and corporately responsible for the overall performance of the Authority through implementation of a Statutory Management (Partnership) Plan, a Local Plan and an Annual Corporate Plan. Members play an important role in contributing to, approving and implementing these plans. Day to day management lies with Executive Officers and staff.

To achieve National Park purposes, all Members have the following responsibilities:

1. Provide strategic direction for the Authority.
2. Scrutinise and monitor the Authority's performance including providing constructive challenge.
3. Agree appropriate policies to enable the Authority to fulfil its statutory duties and participate in collective decision making.
4. Represent the Authority with external stakeholders and, where appropriate, with the media, acting as an advocate.
5. Seek to balance the interests of local communities with visitors' and park users' aspirations, taking account of local and national agendas.
6. Take opportunities locally to act as a channel of communication, promoting and explaining the work of the Authority and providing feedback from local communities.



7. Agree strategy that ensures the National Park is available to everyone, is relevant and is valued as a national asset for its special qualities
8. Support the exploration of additional income generation whether through private or public funding opportunities.
9. Actively participate in training, share expertise and learn from the expertise of other Members/Officers.
10. Encourage a creative, experimental and innovative culture, where risks are appropriately managed.
11. Agree and adopt an Authority-wide set of values.
12. Ensure there is effective and efficient governance and management in place, and on occasion participate in the appointment of senior staff.

## Annual Member Learning and Development Programme

Learning or Development Activity	Who	Date	Authority Priorities and Objectives	Measures and outcomes
Exmoor National Park Authority New Member Induction	All new Members	As appropriate	Getting best value from our resources and improving our performance.	New Members of the Authority have a good understanding of: <ul style="list-style-type: none"> <li>the purposes of National Parks and the legislative background;</li> <li>the work of Exmoor National Park Authority;</li> <li>the role of Members and Member job description;</li> <li>the Member role on Planning Committee;</li> <li>the Standards Regime and the Member Code of Conduct, including declarations of interest.</li> </ul>
National Parks UK New Member Induction	All new Members	As advised.	Getting best value from our resources and improving our performance.	New Members gain an appreciation of wider issues relating to National Parks through attendance at a residential induction course in another National Park setting. The course provides a balance of structured sessions and informal opportunities through group work, field trips and discussion sessions.
Obligatory Planning/ Development Management training <sup>1</sup> (see footnote)	All Members of the Planning Committee and all other Members who wish to be eligible to sit on the Planning Committee as a substitute Member.	Exmoor Tuesdays	Getting best value from our resources and improving our performance.  A place with flourishing, vibrant, communities and businesses.	Members have a good understanding of: <ul style="list-style-type: none"> <li>the role of Members of the Planning Committee;</li> <li>planning legislation as it relates to National Parks;</li> <li>relevant planning considerations;</li> <li>the interaction between National Park purposes and the application of the policies of the Local Plan;</li> <li>the Authority's procedures in relation to Member involvement in planning applications; predetermination and predisposition; lobbying; pre-application discussions.</li> <li>changes to national planning policy/legislation and any implications for the work of the Planning Committee.</li> </ul>

<sup>1</sup> Under Standing Orders 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. This provision also applies to any Member who is nominated by a member of the Planning Committee to sit as a substitute in their place.

Learning or Development Activity	Who	Date	Authority Priorities and Objectives	Measures and outcomes
Obligatory review training on the role of Members, the Standards Regime and the Member Code of Conduct.	All members	Annually (September Exmoor Tuesday)	Getting best value from our resources and improving our performance.  A great organisation to work for.	With the Solicitor & Monitoring Officer and the Independent Persons, Members have an opportunity to review their understanding of the Member Job Description, the Standards Regime, the Member Code of Conduct and Declarations of Interest.
Obligatory Annual Member Development Review Process	All Members	Annually (February/ March)	Getting best value from our resources and improving our performance.  A great organisation to work for.	Members have an opportunity individually for discussion with the Chairperson and/or Deputy Chairperson (and Chief Executive) to: <ul style="list-style-type: none"> <li>• consider their personal experience as an Authority Member</li> <li>• evaluate their contribution to the work of the Authority</li> <li>• raise any issues or concerns</li> <li>• identify individual training or development requirements</li> <li>• suggest topics for future all-Member briefing sessions</li> </ul>
Members' Forum	All Members	Exmoor Tuesdays	Getting best value from our resources and improving our performance.  A great organisation to work for.	Members have opportunity for informal discussion with Leadership Team Officers and to share knowledge and information about current topics and projects.
Member Briefing sessions / site visit opportunities	All Members	Exmoor Tuesdays and additional opportunities if required.	Getting best value from our resource and improving our performance.  Members' knowledge and understanding of Exmoor's special qualities is increased to inform future decision making and the delivery of our Ambitions.	The Authority can schedule briefings in response to developments nationally or locally with implications for the National Park. Members have an in-depth understanding of current and ongoing work and an opportunity to hear about future projects. Members take a holistic view of the integrated strands of the Authority's work by learning about the links between identified projects and priorities. Members have opportunity to engage with Authority officers with different areas of interest and expertise. Members can contribute effectively to forward business planning.

Learning or Development Activity	Who	Date	Authority Priorities and Objectives	Measures and outcomes
Individual Member training requirements	As required	As required.	Getting best value from our resources and improving our performance.	As part of the annual Member development review system, Members can identify individual training or development requirements. Training opportunities will be provided as appropriate.
National Parks UK Conference and Workshop events	Open to all Members (small group to attend each event)	As advised.	To achieve best value from our resources and improve our performance.	Members can join with Members and Officers of other UK National Park Authorities and to share best practice, learning and experience, as well as to achieve a greater understanding of the conference/workshop theme.
Shared learning and development with other regional National Park Authorities	Open to all Members (small group to attend events)	As opportunities arise.	To achieve best value from our resources and improve our performance.	The proximity of Exmoor, Dartmoor and New Forest National Parks enables opportunities to share learning and development experiences and to gain understanding of differing or comparable challenges, procedures and activities.

### **Annual Member Training and Development Review**

1. Annually, Members will be required to complete a self-assessment questionnaire which will include objective data such as the Member's term to date and attendance at meetings and training opportunities.
2. The completed self-assessment data will be submitted to the Chairman, Deputy Chairman and Chief Executive.
3. All self-assessment data will remain confidential to the Member, Chairman, Deputy Chairman, and Chief Executive (and Corporate Support Officer for administration purposes).
4. A discussion between individual Members and the Chairman and/or Deputy Chairman and Chief Executive will be arranged.
5. If requested, opportunity to hold all or part of the meeting in the absence of the Chief Executive will be facilitated.
6. The meeting may be held at Exmoor House or an alternative venue if more convenient, or via Teams or telephone.
7. Identified individual training requirements will be implemented and extended to all Members as appropriate as part of the annual Member Training and Development Programme.
8. The training and development review process for all Members will be completed between February-March each year.

## EXMOOR NATIONAL PARK AUTHORITY

### STANDARDS COMMITTEE

24 October 2024

### PLANNING COMMITTEE SUBSTITUTES

Report of the Head of Enterprise & Operations and Solicitor & Monitoring Officer

**PURPOSE OF THE REPORT:** To invite the Standards Committee to consider Standing Orders in relation to Planning Committee Substitutes.

**RECOMMENDATION:** The Standards Committee is recommended to consider the report and to propose any recommendations to the Authority Committee with regard to Planning Committee Substitutes.

**Authority Priority:** To meet the requirements of legislation where applicable to National Parks and conduct Authority business in line with good practice and the 7 principles of public life.

**Legal and Equality Implications:** Section 65(4) Environment Act 1995 – provides powers to the National Park Authority to *“do anything which in the opinion of the Authority, is calculated to facilitate, or is conducive or incidental to-*

*(a) the accomplishment of the purposes mentioned in s. 65 (1) [National Park purposes]*

*(b) the carrying out of any functions conferred on it by virtue of any other enactment.”*

The Localism Act 2011 requires the Authority to promote and maintain high standards of conduct.

**The equality impact of the recommendations of this report has been assessed as follows:** There are no foreseen adverse impacts on any protected group(s).

**Consideration has been given to the provisions of the Human Rights Act 1998 and an assessment of the implications of the recommendations of this report is as follows:** There are no implications for Human Rights Act.

**Financial and Risk Implications:** Reputational and other risks associated with the Authority’s role as sole local planning authority for the National Park area.

**Climate Change Implications:** None identified.

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## 1. Introduction

1.1 At its meeting on 7 November 2023, the Authority Committee resolved to create a Planning Sub Committee of 12 Members to come into effect in April 2024 for a trial period of up to 12 months.

1.2 Standing Orders were revised accordingly and now include the following provisions in relation to Planning Committee substitutes:

“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.”
- 1.4 The Standards Committee is invited to consider generally the efficacy and practical implications of Standing Orders regarding Planning Committee substitutes and particularly the required notice periods.
- 1.5 As the trial period of the operation of the Planning Committee comes to an end, Officers will discuss the outcomes with Members through a report to the Authority Committee early next year, when future governance arrangements in relation to the Authority's role as sole local planning authority for the National Park area will be decided.
- 1.6 If the Authority Committee resolves to continue with the operation of a 12-Member Planning Committee, the Standards Committee's recommendations in relation to Planning Committee Substitutes and any proposed amendments to Standing Orders can be included in the Authority Committee's considerations.

**Ben Barrett**  
**Head of Enterprise & Operations**

**Andrew Yendole**  
**Solicitor & Monitoring Officer**

**October 2024**



## EXMOOR NATIONAL PARK AUTHORITY

### STANDARDS COMMITTEE

24 October 2024

### ARRANGEMENTS FOR DEALING WITH STANDARDS ALLEGATIONS UNDER THE LOCALISM ACT 2011

Report of the Head of Enterprise & Operations and Solicitor & Monitoring Officer

**PURPOSE OF THE REPORT:** To consider the Authority's existing arrangements for dealing with Standards Allegations under the Localism Act 2011.

**RECOMMENDATION:** The Standards Committee is recommended to decide whether any revisions to the Authority's Standards Arrangements are required and if so, to establish a Standards Committee working group to prepare revised Standards Arrangements for consideration at a future meeting of the Authority Committee.

**Authority Priority:** To meet the requirements of legislation where applicable to National Parks and conduct Authority business in line with good practice and the 7 principles of public life.

**Legal and Equality Implications:** Section 65(4) Environment Act 1995 – provides powers to the National Park Authority to *“do anything which in the opinion of the Authority, is calculated to facilitate, or is conducive or incidental to-*

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**The equality impact of the recommendations of this report has been assessed as follows:** There are no foreseen adverse impacts on any protected group(s).

**Consideration has been given to the provisions of the Human Rights Act 1998 and an assessment of the implications of the recommendations of this report is as follows:** There are no implications for Human Rights Act.

**Financial and Risk Implications:** Reputational and other risks including criminal liability could arise should the Authority fail to act on complaints received.

**Climate Change Implications:** None identified.

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## 1. Introduction

1.1 Members of the Standards Committee will be familiar with the Authority's Member Code of Conduct, the latest version of which was adopted on 1 April 2024.

1.2 Under Section 28(6) and (7) of the Localism Act 2011, the Authority must have in place arrangements under which allegations that a Member of the Authority has failed to comply with the Authority's Member Code of Conduct can be investigated, as well as arrangements under which decisions on allegations can be made.

- 1.3 An “allegation” means a written allegation that a Member or co-opted Member of the Authority has failed to comply with the Authority’s Code of Conduct.
- 1.4 The legislation does not prescribe what the arrangements for dealing with standards allegations against Members should be, save that they must include the appointment of at least one Independent Person, whose views must be sought by the Authority before it takes a decision on an allegation which it has decided to investigate, and whose views can be sought by the Authority at any other stage, or by a Member against whom an allegation has been made.
- 1.5 If the Authority finds that a Member or co-opted Member of the Authority has failed to comply with its Code of Conduct (whether or not the finding is made following an investigation under the arrangements it has put in place, it may have regard to the failure in deciding
  - (a) whether to take action in relation to the Member or co-opted Member, and
  - (b) what action to take.
- 1.6 Appended to this report are:
  - (a) The Authority’s Arrangements for dealing with Standards Allegations under the Localism Act 2011.
  - (b) A Summary Guide for Members setting out the process on receipt of a complaint that a Member has failed to comply with the Authority’s Code of Conduct.
- 1.7 The Standards Committee is invited to examine both documents and to consider whether:
  - (a) the existing arrangements remain fit for purpose; or
  - (b) there are any minor amendments the Committee would wish to propose; or
  - (c) the Committee would like to meet as a working group to undertake a full review of the arrangements before submitting a revised version to a future meeting of the Authority Committee for adoption.

**Ben Barrett**  
**Head of Enterprise & Operations**

**Andrew Yendole**  
**Solicitor & Monitoring Officer**

**October 2024**

## **ARRANGEMENTS FOR DEALING WITH STANDARDS ALLEGATIONS UNDER THE LOCALISM ACT 2011**

### **1. Context**

Under Section 28(6) and (7) of the Localism Act 2011, the Authority must have in place arrangements under which allegations that a Member of the Authority has failed to comply with the Authority's Member Code of Conduct can be investigated and decisions made on such allegations.

The following arrangements set out how you can make a complaint that a Member of this Authority has failed to comply with the Authority's Code of Conduct and how the Authority will deal with such allegations.

The arrangements include that the Authority must appoint at least one Independent Person, whose views must be sought by the Authority before it takes a decision on an allegation which it has decided to investigate, and whose views can be sought by the Authority at any other stage, or by a Member against whom an allegation has been made.

### **2. The Code of Conduct**

The Authority has adopted a Code of Conduct for Members is available for inspection on the Authority's website and on request from the Corporate Support Officer, or from reception at Exmoor House.

### **3. Making a Complaint**

If you wish to make a complaint, please write to:

The Solicitor & Monitoring Officer  
Exmoor House  
Dulverton  
Somerset  
TA22 9HL

Or email:

The Solicitor & Monitoring Officer is a senior officer of the Authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the complaint form, which can be downloaded from the Authority's website and is available on request from the Corporate Support Officer, or from reception at the Authority's office.

Please do provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the member against whom you make the complaint, without your prior consent. The Authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Solicitor & Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint.

#### **4. Will your Complaint be investigated?**

The Solicitor & Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within 14 days of receipt of your complaint. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision.

Where he/she requires additional information in order to come to a decision he may come back to you for such information and may request information from the member against whom your complaint is directed.

In appropriate cases, the Solicitor & Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the Authority. Where the member or the Authority make a reasonable offer of local resolution, but you are not willing to accept that offer, the Solicitor & Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Solicitor & Monitoring Officer has the power to call in the Police and other regulatory agencies.

#### **5. How is the Investigation conducted?**

The Authority has adopted a procedure for the investigation of misconduct complaints, which is attached to these "arrangements".

If the Solicitor & Monitoring Officer decides that a complaint merits formal investigation, he will appoint an Investigating Officer, who may be another senior officer of the Authority, an officer of another authority or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The Investigating Officer would normally write to the member against whom you have complained and provide him/her with a copy of your complaint and ask the member to provide his/her explanation of events, and to identify what documents he needs to

see and who he/she needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Solicitor & Monitoring Officer can delete your name and address from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report with which you disagree or which you consider requires more consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send his/her final report to the Solicitor & Monitoring Officer.

**6. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?**

The Solicitor & Monitoring Officer will review the Investigating Officer's report and, if he/she is satisfied that the Investigating Officer's report is sufficient, the Solicitor & Monitoring Officer will write to you and to the member concerned, notifying you that he/she is satisfied that no further action is required, and give you both a copy of the Investigating Officer's final report. If the Solicitor & Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider his/her report.

**7. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?**

The Solicitor & Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Standards Committee or, after consulting with the Independent Person, seek local resolution.

**7.1 Local Resolution**

The Solicitor & Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Authority. If the member complies with the suggested resolution, the Solicitor & Monitoring Officer will report the matter to the Standards Committee for information but will take no further action. However, if you tell the Solicitor & Monitoring Officer that any suggested resolution would not be adequate; he/she will refer the matter for a local hearing.

## 7.2 Hearings

If the Solicitor & Monitoring Officer considers that local resolution is not appropriate, or you are not satisfied by the proposed resolution, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Solicitor & Monitoring Officer will present the Investigating Officer's report to the Standards Committee, which will conduct a hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

The Authority has agreed a protocol for hearings which is attached to these "arrangements".

Essentially, the Solicitor & Monitoring Officer will conduct a "pre-hearing process", requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing. The Chairman of the Standards Committee may issue directions as to the manner in which the hearing will be conducted.

At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Standards Committee. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Standards Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Standards Committee, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the Standards Committee concludes that the member did fail to comply with the Code of Conduct, the Chairman will inform the member of this finding and the Standards Committee will then consider what action, if any, should be taken. In doing this, the Standards Committee will give the member an opportunity to make representations and may consult the Independent Person, and will then decide what action, if any, to take in respect of the matter.

## 8. **What action can the Standards Committee take where a member has failed to comply with the Code of Conduct?**

The Authority has delegated to the Standards Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly, the Standards Committee may take one or a combination of the following actions –

- 8.1 End the appointment of the member to any committees or sub committees of the Authority. It would follow from such action that the member concerned would cease to be eligible to receive any special responsibility allowance allocated to such appointment; or
- 8.2 Remove the member from all outside appointments to which he/she has been appointed or nominated by the Authority; or

- 8.3 Exclude the member from the Authority's offices or other business premises, with the exception of meeting rooms as necessary for attending Authority, Committee and Sub-Committee meetings; or
- 8.4 Withdraw facilities provided to the member by the Authority, such as a computer, website and/or email and internet access; or
- 8.5 Instruct the Solicitor & Monitoring Officer to arrange training for the member.

The Standards Committee will report its findings to the Authority.

The Standards Committee has no power to suspend or disqualify a member from being a member of the Authority or to withdraw a member's basic allowance or to withdraw a member's special responsibility allowance; however in circumstances where the Committee ends the appointment of the member to any committee or sub committee, it would follow that the member concerned would cease to be eligible to receive any special responsibility allowance allocated to such appointment.

## **9. What happens at the end of the hearing?**

At the end of the hearing, the Chairman will state the decision of the Standards Committee as to whether the member failed to comply with the Code of Conduct and as to any actions which the Standards Committee resolves to take.

As soon as reasonably practicable thereafter, the Solicitor & Monitoring Officer shall prepare a formal decision notice in consultation with the Chairman of the Standards Committee and send a copy to you and to the member and report the decision to the next convenient meeting of the Authority.

## **10. Who is the Independent Person?**

The Independent Person is a person who has applied for the post following advertisement and is appointed by the Authority.

## **11. Revision of these Arrangements**

The Authority may by resolution agree to amend these "arrangements" and has delegated to the Chairman of the Standards Committee the right to depart from these arrangements where he/she considers it is expedient to do so in order to secure the effective and fair consideration of any matter.

## **12. Appeals**

There is no right of appeal for you as complainant or for the member against a decision of the Solicitor & Monitoring Officer or of the Standards Committee.

If you feel that the Authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

## COMPLAINTS ABOUT MEMBER PROBITY OR BEHAVIOUR

### Investigative Protocol

#### Introduction and Summary

Exmoor National Park Authority (“the Authority”) has adopted a Code of Conduct setting out the behaviour which is expected of members and co-opted members of the Authority. This Code of Conduct applies to all members of the Authority. It does not apply to employees of the Authority, who are subject to separate arrangements. A copy of the Code of Conduct can be found on the Authority’s website: [www.exmoor-nationalpark.gov.uk](http://www.exmoor-nationalpark.gov.uk).

Any person who believes that a member of the Authority has failed to comply with the Code of Conduct should report this matter to the Authority’s Solicitor & Monitoring Officer. The Solicitor & Monitoring Officer has a duty to ensure that the Authority acts lawfully and to help promote and maintain high standards of conduct by members of the Authority.

This protocol is concerned with the actions following an assessment by the Solicitor & Monitoring Officer that the complaint should be subject to investigation.

The function of the Investigating Officer is to ensure, as far as possible, that all the information which is relevant to the complaint is identified and presented to the Standards Committee, with a reasoned analysis of whether the evidence supports or does not support the complaint.

#### 1. Investigation of the Complaint

1.1 Where the Solicitor & Monitoring Officer determines to refer a complaint for investigation, he/she will:

- a) appoint an Investigating officer;
- b) notify the member in respect of whom the complaint has been made;
- c) notify the Chairman of the Standards Committee;
- d) notify the person who made the complaint.

#### 2. Appointment of Investigating Officer

2.1 The Solicitor & Monitoring Officer will appoint an Investigating Officer and instruct him/her to conduct an investigation and to prepare a written report to the Authority’s Standards Committee.

2.2 The Investigating Officer may be an officer of the Authority, an officer of another Authority, or an external Investigating Officer. The Investigating Officer may ask the Solicitor & Monitoring Officer to appoint persons to assist him/her in the conduct of his/her functions and may seek permission to obtain such professional advice as may be reasonably necessary for the conduct of the investigation.



### **3. Notification to the Member**

3.1 The Solicitor & Monitoring Officer will inform the member in respect of whom the complaint has been made:

- a) that the allegation has been referred for investigation;
- b) the identity of the person making the allegation (unless identification of the complainant might prejudice the investigation or put the complainant at risk or the complainant has indicated that he/she wishes his/her name and address to remain confidential);
- c) the conduct which is the subject of the allegation;
- d) the section(s) of the Code of Conduct which appear to be relevant to the complaint;
- e) the procedure which will be followed in respect of the investigation, and
- f) the identity of the Investigating Officer.

### **4. Notification to the Standards Committee**

4.1 The Solicitor & Monitoring Officer will notify the Chairman of the Standards Committee of the matters set out in paragraph 3(a) – (d) and (f) above.

### **5. Notification to the Person who made the Allegation**

5.1 The Solicitor & Monitoring Officer will notify the person who made the allegation of the matters set out in paragraph 3(a) – (d) and (f) above.

### **6. Initial Response of the Member**

6.1 In notifying the member of receipt of the allegation, the Solicitor & Monitoring Officer will request the member to respond to the Investigating Officer in writing within 14 days of notification as follows:

- advising the Investigating Officer whether the member admits or denies the breach of the Code of Conduct which is the subject of the complaint;
- listing any documents which the member would wish the Investigating Officer to take into account in any investigation of the allegation, where possible providing copies of these documents, and informing the Investigating Officer of where the original documents may be inspected;
- providing the Investigating Officer with the name, address and telephone number (or other appropriate contact details) of a person or organisation whom the member would wish the Investigating Officer to interview in the course of any investigation of the allegation, and
- providing the Investigating Officer with any information which the member would wish the Investigating Officer to seek from any person or organisation.

### **7. Supporting Information from the Person who made the Allegation**

7.1 In notifying the person who made the allegation as above, the Solicitor & Monitoring Officer will normally request him/her to respond to the Investigating Officer within 14 days:

- listing any documents which he/she would wish the Investigating Officer to take into account in any investigation of the allegation, where possible providing copies of these documents, and informing the Investigating Officer of where the original documents may be inspected;
- providing the Investigating Officer with the name, address and telephone number (or other appropriate contact details) of any person or organisation whom he/she would wish the Investigating Officer to interview in the course of any investigation of the allegation, and
- providing the Investigating Officer with any information which he/she would wish the Investigating Officer to seek from any person or organisation.

## **8. Purpose of the Investigation**

- 8.1 The purpose of the investigation is to enable the Investigating Officer to prepare and present to the Standards Committee a report which provides the Standards Committee with sufficient information to determine whether the member has failed to comply with the Code of Conduct.

## **9. Termination of the Investigation**

- 9.1 The Investigating Officer may terminate his/her investigation at any point, where he/she is satisfied that he/she has sufficient information to enable him/her to report to the Standards Committee and to enable the Standards Committee to come to a considered decision on the complaint.

## **10. Additional Matters**

- 10.1 If in the course of his/her investigation, the Investigating Officer becomes aware of any other matter which appears to him/her to indicate a breach of the Code of Conduct by the member other than the breach which he/she is currently investigating, the Investigating Officer shall report the matter to the Solicitor & Monitoring Officer.
- 10.2 The Solicitor & Monitoring Officer will provide the member with details of the matter in the form set out in paragraphs 3(c) and (d) above and invite the member to provide a statement about the matter.

## **11. The Process of Investigation**

- 11.1 The Investigating Officer will identify an initial list of persons to be interviewed, organisations from whom information is to be sought and documents to be inspected as part of the investigation.
- 11.2 Where the member has provided the Investigating Officer with the information requested in accordance with paragraph 6 above, the Investigating Officer shall include in this list each document, person and organisation referred to in that response, unless he/she is of the opinion that the inclusion of that document, person or organisation would unreasonably delay the completion of the investigation.
- 11.3 The Investigating Officer may supplement or amend this list at any stage of the investigation.

## **12. Production of documents, information and explanations**

- 12.1 In the course of the investigation, the Investigating Officer may make such enquiries of any person or organisation and request any person or organisation to provide any

document or information which is in his/her/its possession or control, or provide any explanation as he/she thinks necessary for the purposes of carrying out the investigation.

### **13. Interviews**

- 13.1 In the course of the investigation the Investigating Officer may request any person to attend and appear before him/her or otherwise provide any information, document or explanation as he/she thinks necessary for the purposes of carrying out the investigation.
- 13.2 Any person who appears before the Investigating Officer may arrange to be accompanied at their own expense by a solicitor or friend.
- 13.3 Where practicable, following an interview the Investigating Officer shall produce a written note of the material points of the interview, provide two copies of that note to the person interviewed and ask them to return one copy signed as a correct record of the interview, with such corrections or amendments as they may feel necessary for that purpose.

### **14. Costs**

- 14.1 The Solicitor & Monitoring Officer may authorise the Investigating Officer to reimburse any person who provides any document, information, advice or explanation, such sums as he/she considers to be appropriate for costs or expenses actually and reasonably incurred.

### **15. The Draft Report**

- 15.1 When the Investigating Officer is satisfied that he/she has sufficient information, or has obtained as much information as is likely to be reasonably capable of being obtained, he/she shall prepare a draft report setting out:
- (a) the details of the complaint;
  - (b) the relevant provisions of statute, the Code of Conduct and any relevant local protocols;
  - (c) the member's initial response to notification of the complaint (if any);
  - (d) the relevant information, advice and explanations which he/she has obtained in the course of the investigation;
  - (e) a list of any documents relevant to the matter;
  - (f) a list of those persons whom he/she has interviewed and those organisations from whom he/she has sought information;
  - (g) a note of any person or organisation who has failed to cooperate with the investigation and the manner in which they have failed to cooperate;
  - (h) a statement of his/her draft findings of fact;
  - (i) his/her conclusion as to whether the member has or has not failed to comply with the Code of Conduct or a local protocol; and
  - (j) any recommendations which the Investigating Officer is minded to make:

- for reviewing or reconsidering any decision which was the subject of the breach of the Code of Conduct,
- for rectifying any deficiency in the Authority's decision-making procedures;
- for preventing or deterring any breach of the Code of Conduct or local protocol; or
- to remedy the position of any person who may have suffered detriment or injustice as a result of the breach.

- 15.2 The draft report shall also state that it does not necessarily represent the Investigating Officer's final finding, and that the Investigating Officer will present a final report to the Standards Committee once he/she has considered any comments received on the draft report.
- 15.3 The Investigating Officer shall then send a copy of his/her draft report in confidence to the member and the person making the allegation, and request that they send any comments to him/her within 14 days.
- 15.4 The Investigating Officer may send a copy of, or relevant extracts from his/her draft report in confidence to any person on whose evidence he/she has relied in compiling the draft report, and request that they send any comments to him/her within 14 days.
- 15.5 In exceptional circumstances, the Investigating officer, in consultation with the Solicitor & Monitoring Officer, may determine that it is not appropriate by reason of the nature of the allegation or any other matter relevant to the investigation or the persons involved to produce a draft report, and shall instead produce and send to the Solicitor & Monitoring Officer his/her final report.

## **16. The Final Report**

- 16.1 After the expiry of the period of 14 days referred to in paragraphs 15.3 and 15.4 above (or such extended period as the Investigating Officer in consultation with the Solicitor & Monitoring Officer may allow), the Investigating Officer shall reconsider and amend his/her draft report in the light of any comments received and produce and send to the Solicitor & Monitoring Officer his/her final report.
- 16.2 The report shall state that it represents the Investigating Officer's final findings and may be presented to the Standards Committee and should have appended to it copies of any documents which the Investigating Officer has relied on in reaching his/her conclusions, such as background documents or telephone conversations, letters and notes of interviews with witnesses.
- 16.3 The Solicitor & Monitoring Officer shall then send a copy of the final report to the member, advising that:
- where the final report concludes that there has **not** been a failure to comply with the Code of Conduct for members or a local protocol, the report will be referred to the Standards Committee to ratify that finding; and
  - where the final report concludes that there **has** been a failure by the member to comply with the Code of Conduct for members or a local protocol, the report will be referred to the Standards Committee for a formal hearing.

## COMPLAINTS ABOUT MEMBER PROBITY OR BEHAVIOUR

### Protocol for Hearings

#### Introduction and Summary

This protocol is concerned with the actions following submission of a final report by an Investigating Officer instructed by the Solicitor & Monitoring Officer. It sets out the procedure which will be followed by the Standards Committee of the Authority.

The function of the Investigating Officer is to ensure, as far as possible, that all the information which is relevant to the allegation is identified and presented to the Standards Committee.

The duty of members of a Standards Committee is to act in an inquisitorial manner, seeking the truth in relation to the conduct of the Member on the balance of the information available. This includes a power for the Standards Committee to commission further investigation or information if it needs to do so in order to come to a decision.

The Standards Committee shall usually hold hearings and receive evidence and representations in public session. However, this shall not prevent the Standards Committee determining to receive evidence, hear representations or conduct proceedings in closed session under Part II of Schedule 12A to the Local Government Act 1972 (as amended) when it deems it necessary or expedient to do so.

The person who made the complaint shall have the right to attend and observe proceedings to the same extent as any member of the general public, but shall not have the right to speak, give evidence (unless called as a witness) or make representations at the hearing.

#### 1. Pre-hearing Procedure

Upon receipt of the final report of the Investigating Officer including a finding that the Member has failed to comply with the Code of Conduct, the Solicitor & Monitoring Officer shall:

- I. Arrange a date for the Standards Committee to hold a hearing.
- II. Send a copy of the Investigating Officer's final report to the Member and advise him/her of the date, time and place for the hearing.
- III. Send a copy of the Investigating Officer's final report to the person who made the complaint and advise him/her of the date, time and place for the hearing.
- IV. Request the Member to complete and return a pre-hearing form within 14 days of receipt.
- V. Determine whether the Standards Committee will require the attendance of any witnesses at the hearing to enable it to come to a properly considered conclusion, and arrange for their attendance.
- VI. Prepare a pre-hearing summary highlighting the issues which the Standards Committee will need to address.

VII. Arrange that the agenda for the hearing, together with the Member's pre-hearing form, the pre-hearing summary and copies of any relevant documents are sent to:

- a. The members of the Standards Committee;
- b. The Member; and
- c. The Investigating Officer; and
- d. The Independent Person.

## **2. Setting the Scene**

At the start of the hearing, the Chairman shall introduce each of the members of the Standards Committee, the Member (if present), the Investigating Officer (if present) and any other officers present, and the Independent Person who will attend in an advisory capacity, and shall then explain the procedure which the Standards Committee will follow in the conduct of the hearing.

## **3. Proceeding in the absence of the Member**

If the Member is not present at the start of the hearing:

- I. the Chairman shall ask the Solicitor & Monitoring Officer whether the Member has indicated an intention not to attend the hearing;
- II. the Standards Committee shall then consider any reasons which the Member has provided for not attending the hearing;
- III. the Standards Committee shall decide whether it would be appropriate to continue the hearing in the absence of the Member or to adjourn the hearing to another date.

## **4. Legal Advice**

The Standards Committee may take legal advice from the Solicitor & Monitoring Officer, or other legal advisor of the Authority at any time during the hearing or while they are considering their decision. A summary of any legal advice given to the Standards Committee during the decision making shall be repeated to all persons present at the hearing.

## **5. The Hearing**

The Standards Committee will then address the issue of whether the Member has failed to comply with the Code of Conduct in the manner set out in the Investigating Officer's report.

### **(a) The pre-hearing summary**

The Chairman shall ask the Member to confirm whether he/she maintains the position as set out in the pre-hearing summary.

If the Member admits that he/she has failed to comply with the Code of Conduct in the manner described in the Investigating Officer's report, the Standards Committee may then make a finding that the Member has failed to comply with the Code of Conduct in the manner described in the Investigating Officer's report and proceed directly to consider whether any action should be taken.

**(b) The Investigating Officer's report**

In the event that the Member denies any failure to comply with the Code of Conduct, the Chairman will then ask the Investigating Officer to present his/her report, having particular regard to any points of difference identified by the Member and why the Investigating Officer has concluded on the basis of his/her findings of fact, that the Member had failed to comply with the Code of Conduct. The Investigating Officer may call witnesses as necessary to address any points of difference.

No cross-examination shall be permitted but, at the conclusion of the Investigating Officer's report and/or of the evidence of each witness, the Chairman shall ask the Member if there are any matters upon which the Standards Committee should seek the advice of the Investigating Officer or the witnesses.

If the Investigating Officer is not present, the Standards Committee shall only conduct a hearing if they are satisfied that there are no substantial points of difference or that any points of difference can be satisfactorily resolved.

In the absence of the Investigating Officer, the Standards Committee shall determine on the advice of the Solicitor & Monitoring Officer which witnesses, if any, to call. Where such witnesses are called, the Chairman shall draw the witnesses' attention to any relevant section of the Investigating Officer's report and ask the witnesses to confirm or correct the report and to provide any relevant evidence.

**(c) The Member's Response**

The Chairman shall then invite the Member to respond to the Investigating Officer's report and to call any witnesses as necessary to address any points of difference.

No cross-examination shall be permitted but, at the conclusion of the Member's evidence and/or of the evidence of each witness, the Chairman shall ask the Investigating Officer if there are any matters upon which the Standards Committee should seek the advice of the Member or the witness.

**(d) Witnesses**

The Standards Committee shall be entitled to refuse to hear evidence or further evidence from any person if they are not satisfied that the evidence is necessary in order to be able to determine whether there has been a failure to comply with the Code of Conduct.

Any member of the Standards Committee may address questions to the Solicitor & Monitoring Officer, the Investigating Officer, to the Member or to any witness.

**(e) Additional Evidence**

At the conclusion of the evidence, the Chairman shall check with the members of the Standards Committee that they are satisfied they have sufficient evidence to come to a considered conclusion on the matter.

If the Standards Committee are of the opinion that they require additional evidence on any point in order to be able to come to a considered conclusion on

the matter, the Standards Committee may (on not more than one occasion) adjourn the hearing and make a request to the Investigating Officer to seek and provide such additional evidence and to undertake further investigation on any point specified by the Standards Committee.

**(f) Decision making**

The Standards Committee shall then retire to another room to consider in private whether the Member has failed to comply with the Code of Conduct as set out in the Investigating Officer's report.

The Solicitor & Monitoring Officer and/or Legal Advisor of the Authority and/or the Independent Person shall not retire with the Standards Committee as a matter of course, but it shall be open to the Standards Committee to request advice at any time or times during its deliberations, including during the formulation of any reasons for its decision(s).

The Standards Committee shall make its decision on the balance of probability, based on the evidence which it has received at the hearing.

The Standards Committee's function is to make a finding on the complaint. It may, at any time, return to the main hearing room in order to seek additional evidence from the Investigating Officer, the Member or a witness, or to seek legal advice or advice from or on behalf of the Solicitor & Monitoring Officer in public. If the Committee requires any further information, it may adjourn and instruct the Investigating Officer or request the Member to produce such further evidence.

On making its decision, the Standards Committee shall then return to the hearing room and the Chairman will state the Standards Committee's principal findings of fact and their finding as to whether the Member has failed to comply with the Code of Conduct as set out in the Investigating Officer's report.

The Chairman shall then ask the Member if there is anything further he/she wishes to be taken into account. The Standards Committee shall then adjourn to consider in private whether to censure the Member and whether to make any general or specific recommendations to the Authority with a view to promoting high standards of conduct among Members. In coming to a decision the Standards Committee may consult the Independent Person as appropriate.

**6. Modification of Procedure**

The Chairman may vary the procedure set out in this Protocol if it appears to him/her that such a variation is necessary in the interests of fairness.

**7. Representation**

The Member may be represented or accompanied during the hearing by a solicitor, counsel or another person. The cost of such representation shall be met by the Member, unless the Authority has expressly agreed in advance to meet all or any part of that cost.



## **8. Decision**

### **(a) If the complaint is not upheld**

If the Standards Committee determines that the Member has not failed to follow the Code of Conduct in the manner set out in the Investigating Officer's report:

- i. The Chairman will set out a brief oral summary of the findings of the Standards Committee, in particular the reasons why the complaint is not upheld and that the Member has not failed to comply with the Code of Conduct.
- ii. The Chairman shall indicate any general or specific recommendations which the Standards Committee is minded to make to the Authority with a view to promoting high standards of conduct among Members and seek the views of the Solicitor & Monitoring Officer before the Standards Committee finalises any such recommendations.
- iii. The Chairman shall set out any general or specific recommendation(s) which the Standards Committee determines to make to the Authority.
- iv. The Chairman will thank all those present who have contributed to the hearing and will formally close the hearing.

### **(b) If the complaint is upheld**

- i. The Chairman will set out a brief oral summary of the findings of the Standards Committee, in particular the way(s) in which the Member has failed to comply with the Code of Conduct.
- ii. The Chairman shall ask the Solicitor & Monitoring Officer if there is any further information which should be taken into account.
- iii. The Chairman will then ask the Member if there is anything further he/she wishes to be taken into account.
- iv. The Standards Committee shall then adjourn to consider in private whether to censure the Member for the failure to comply with the Code of Conduct and whether to make any general or specific recommendations to the Authority.
- v. At the completion of their consideration, the Standards Committee shall return to the hearing room and the Chairman shall state the Standards Committee's decision as to whether the Member should be censured for the failure to comply with the Code of Conduct.
- vi. The Chairman shall indicate any general or specific recommendations which the Standards Committee is minded to make to the Authority with a view to promoting high standards of conduct among Members and seek the views of the Solicitor & Monitoring Officer before the Standards Committee finalises any such recommendations.
- vii. The Chairman will thank all those present who have contributed to the hearing and will formally close the hearing.

**9. After the Hearing**

Following the close of the hearing, the Solicitor & Monitoring Officer will produce a formal written record of the Standards Committee's findings for reporting to the next meeting of the Authority.

There shall be no right of appeal or challenge to any finding or decision of the Standards Committee, which shall be final.

## **SUMMARY GUIDE FOR MEMBERS OF EXMOOR NATIONAL PARK AUTHORITY**

### **WHAT HAPPENS ON RECEIPT OF A COMPLAINT THAT A MEMBER HAS FAILED TO COMPLY WITH THE AUTHORITY'S CODE OF CONDUCT**

On receipt of a complaint:

1. The Solicitor & Monitoring Officer will review the complaint and, after consultation with the Independent Person and receipt of any additional information requested, take a decision as to whether it merits formal investigation. This decision will normally be taken within 14 days of receipt of the complaint.
2. In appropriate cases, the Solicitor & Monitoring Officer may seek to resolve the complaint informally, without the need for formal investigation (eg by the member accepting that his/her conduct was unacceptable and offering an apology or any other remedial action by the Authority). Where the complainant is not willing to accept a reasonable offer of local resolution, the Solicitor & Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.
3. Where the Solicitor & Monitoring Officer decides that a complaint requires formal investigation, he will appoint an Investigating Officer (who may be another senior officer of the Authority, an officer of another Authority or an external investigator).
4. In line with the provisions of the Investigative Protocol, the Investigating Officer will prepare a draft report to be provided, in confidence, to the complainant and to the member for comment, and having taken account of any such comments, will send a final report to the Solicitor & Monitoring Officer.
5. Where the Investigating Officer's report concludes there is no evidence of a failure to comply with the Code of Conduct, the Solicitor & Monitoring Officer will review the report and if he/she is satisfied with the findings of the report and that the investigation has been conducted properly, he/she will write to the complainant and to the member concerned, notifying each that no further action is required and providing a copy of the Investigating Officer's report.
6. Where the Investigating Officer's report concludes there is evidence of a failure to comply with the Code of Conduct, the Solicitor & Monitoring Officer will review the report and either:
  - send the matter for local hearing before the Standards Committee; or
  - after consulting with the Independent Person, seek local resolution (seek to agree with the complainant a fair resolution which also helps to ensure higher standards of conduct for the future and any other remedial action by the Authority). Where the complainant is not satisfied by the proposed local resolution, or the member concerned is not prepared to undertake any proposed remedial action, then the Solicitor & Monitoring Officer will present the Investigating Officer's report to the Standards Committee, which will conduct a hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action.
7. Any hearing conducted by the Standards Committee will be carried out in line with the Protocol for Hearings which sets out details of pre-hearing actions, the procedure at the hearing itself and in relation to decision making.
8. At the end of the hearing, the Standards Committee, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct and so dismiss the complaint.
9. If the Standards Committee concludes that the member did fail to comply with the Code of Conduct, it will then consider what action, if any, should be taken. Details of the actions the Committee may take are set out at paragraph 8 of the Arrangements for dealing with Standards Allegations.
10. There shall be no right of appeal or challenge to any finding or decision of the Standards Committee, which shall be final.

## EXMOOR NATIONAL PARK AUTHORITY

### STANDARDS COMMITTEE

24 October 2024

### ROLE OF INDEPENDENT PERSON

Report of the Head of Enterprise & Operations and Solicitor & Monitoring Officer

**PURPOSE OF THE REPORT:** To consider the role of the Independent Person under the Localism Act 2011.

**RECOMMENDATION:** The Standards Committee is recommended to consider whether it wishes to request any additional contributions from the Independent Persons beyond those set out in legislation and the Authority's existing processes.

**Authority Priority:** To meet the requirements of legislation where applicable to National Parks and conduct Authority business in line with good practice and the 7 principles of public life.

**Legal and Equality Implications:** Section 65(4) Environment Act 1995 – provides powers to the National Park Authority to *“do anything which in the opinion of the Authority, is calculated to facilitate, or is conducive or incidental to-*

*(a) the accomplishment of the purposes mentioned in s. 65 (1) [National Park purposes]*

*(b) the carrying out of any functions conferred on it by virtue of any other enactment.”*

The Localism Act 2011 requires the Authority to promote and maintain high standards of conduct.

**The equality impact of the recommendations of this report has been assessed as follows:** There are no foreseen adverse impacts on any protected group(s).

**Consideration has been given to the provisions of the Human Rights Act 1998 and an assessment of the implications of the recommendations of this report is as follows:** There are no implications for Human Rights Act.

**Financial and Risk Implications:** Reputational and other risks associated with the performance of Members of the Authority.

**Climate Change Implications:** None identified.

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## 1. Introduction

1.1 The provisions of the Localism Act 2011 include that the Standards Arrangements adopted by the Authority must include the appointment of at least one Independent Person.

1.2 The Independent Person

- must be consulted by the Authority before it makes a finding as to whether a Member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that Member; and
- may be consulted by the Authority in respect of a Standards complaint at any other stage; and
- may be consulted by the Member of the Authority against whom a complaint has been made.

- 1.3 A person may not be appointed as an Independent Person unless:
- (i) the vacancy for an independent person has been advertised in such manner as the Authority considers is likely to bring it to the attention of the public,
  - (ii) the person has submitted an application to fill the vacancy to the Authority, and
  - (iii) the person's appointment has been approved by a majority of the members of the Authority.
- 1.4 Following the post of Independent Person becoming vacant, the role was advertised, and interviews were conducted by a panel comprising the Chief Executive, the Deputy Chairman of the Authority and the Chairman of the Standards Committee.
- 1.5 At its annual meeting in July 2024, the Authority Committee appointed Diana Mortimer and Adam Stanyer as Independent Persons under the Localism Act 2011.

## **2. Role of the Independent Person**

- 2.1 As noted above, the role of an Independent Person in relation to any complaint that a Member has failed to comply with the Code of Conduct is broadly set out in legislation.
- 2.2 The practical application of this role is detailed in the Authority's arrangements for dealing with Standards allegations, which are the subject of a separate report to this Committee.
- 2.3 The Standards Committee is invited to consider what other contributions, if any, it would like to request from the Independent Persons to assist in maintaining high standards of Member conduct, and the mechanism(s) by which such contributions could be achieved.
- 2.4 For example, the Committee may consider it would be helpful to hear a brief annual statement from the Independent Persons setting out:
- their observations/comments on attendance at meetings (whether positive or negative);
  - any suggested improvements to current processes;
  - details of any Member training requirements identified.
- 2.5 The above could take place in an informal setting and could include Members of the Standards Committee only or all Members of the Authority.
- 2.6 In the interests of transparency, the outcomes could then be summarised and included in Corporate Plan/governance reporting for formal submission to an Authority Committee meeting.
- 2.7 The Standards Committee may also wish to request that the Independent Persons assist from time to time in the delivery of Member training on the Code of Conduct, and in particular with the proposed obligatory annual review training on the role of Members, the Standards Regime and the Member Code of Conduct as part of the Member Development and Training Programme, if this proposal is adopted by the Authority Committee.

**Ben Barrett**  
**Head of Enterprise & Operations**

**Andrew Yendole**  
**Solicitor & Monitoring Officer**

**October 2024**