



EXMOOR

NATIONAL PARK

EXMOOR NATIONAL PARK AUTHORITY
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1 November 2021

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 Committee Room, Exmoor House, Dulverton on **Tuesday, 9 November 2021 at 10.00am.**

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.

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 Facebook and Twitter or other 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).

Sarah Bryan
Chief Executive

AGENDA

1. **Apologies for Absence**
2. **Minutes:** (1) To approve as a correct record the Minutes of the meeting of the Standards Committee held on 6 July 2021 (Item 2).
(2) To consider any Matters Arising from those Minutes.
3. **Review of Member Code of Conduct:** To consider the joint report of the Head of Strategy and Performance and Monitoring Officer (Item 3)
4. **Dispensation to Authority Members:** To consider the report of the Monitoring Officer (Item 4)
5. **Standing Orders for the Regulation of Contracts:** To consider the report of the Chief Finance Officer (Item 5)
6. **Complaints Received – April to September 2021:** To consider the joint report of the Head of Strategy and Performance and Business Support Officer (Item 6)

7. **Identification of relevant member training requirements**
8. **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 Judy Coles, 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.

6 July 2021

ITEM 2

EXMOOR NATIONAL PARK AUTHORITY STANDARDS COMMITTEE

MINUTES of the meeting of the Standards Committee held at 2.15pm on Tuesday, 6 July 2021 at Dulverton Town Hall,.

PRESENT

Mr J Patrinos (Chairperson)
Mr M Ellicott
Mr S J Pugsley
Mr N Thwaites

An apology for absence was received from Mrs E Stacey.

1. **APPOINTMENT OF CHAIRPERSON:** Mr J Patrinos was appointed Chairperson of the Standards Committee for the ensuing year.
2. **APPOINTMENT OF DEPUTY CHAIRPERSON:** Mrs E Stacey was appointed Deputy Chairperson of the Standards Committee for the ensuing year.
3. **MINUTES:**
 - i. **Confirmation:** The Minutes of the Standards Committee's meeting held on 28 April 2021 were agreed and signed as a correct record.
 - ii. **Matters arising:** There were no matters arising from those Minutes.
5. **ANY OTHER BUSINESS OF URGENCY:** There was none.

(The meeting closed at 2.17pm)

Chairman

EXMOOR NATIONAL PARK AUTHORITY

STANDARDS COMMITTEE

9 November 2021

REVIEW OF MEMBER CODE OF CONDUCT

Joint Report of the Head of Strategy and Performance and Monitoring Officer

Purpose of Report: To consider proposed amendments to the Member Code of Conduct in line with the Local Government Association Model Councillor Code of Conduct.

RECOMMENDATIONS: The Standards Committee is recommended to agree that the proposed amendments to the Code of Conduct should be presented to the full Authority for adoption, subject to any changes agreed by the 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 Coronavirus Act 2020 make allowances for changes to the way Authorities conduct their business due to the pandemic, until 7 May 2021.

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 Members fail properly to comply with the provisions of the Localism Act 2011, particularly in relation to the declaration of relevant interests

1. Introduction

- 1.1 The Authority has a statutory duty to promote and maintain high standards of conduct by Members and co-opted Members of the Authority.
- 1.2 In December 2020, the Local Government Association (LGA) developed and published a Model Councillor Code of Conduct in association with key partners and following extensive consultation with the sector. This was in response to the recommendation of the Committee of Standards in Public Life Local Government Ethical Standards 2019.

2 Document Review

- 2.1 The Monitoring Officer conducted a review of the Authority's existing Member Code of Conduct (adopted 4 December 2018) against the LGA Model Code.
- 2.2 A tracked changed version of the Member Code of Conduct is attached at Appendix 1. It is proposed that these changes are recommended to the Authority for approval pursuant to Section 27(2) Localism Act 2011.

Clare Reid
Head of Strategy and Performance
October 2021

Andrew Yendole
Monitoring Officer



Member Code of Conduct

Adopted 04 December 2018 – [tracked change version Oct '21](#)

1. SCOPE

The Authority has a statutory duty to promote and maintain high standards of conduct by Members and co-opted Members of the Authority. As a Member and representative of this Authority it is your responsibility to comply with this Code when you undertake Authority business, or when your actions would give the impression to a reasonable member of the public that you are acting as a Member of the Authority. This includes meetings, in written or verbal communications and in electronic and social media communications.

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As a representative of this Authority, your actions impact on how the Authority as a whole is viewed by the public. It is not sufficient to avoid actual impropriety, you should at all times demonstrate the highest level of integrity in public office and strive to avoid any occasion for suspicion or the appearance of improper conduct, taking advice from the Authority's Monitoring Officer if guidance is needed.

2. SEVEN PRINCIPLES OF PUBLIC LIFE – NOLAN PRINCIPLES

2.1 This code is based upon the seven principles of public life, referred to as the Nolan principles. You must have regard to the following principles when acting in your official capacity:

Selflessness

You should act solely in terms of the public interest. You should not act in order to gain financial or other material benefits for yourselves, your family or your friends.

Integrity

You should not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits you should make choices on merit.

Accountability

You are accountable for your decisions and actions to the public, and must submit yourself to whatever scrutiny is appropriate to your office.

Openness

You should be as open as possible about all the decisions and actions you may take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands.

Honesty

You have a duty to declare any private interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

You should promote and support these principles by leadership and example.

3. GENERAL OBLIGATIONS

3.1 When undertaking Authority business you must:

- a) Deal with representations or enquiries from members of the community and visitors fairly, appropriately and impartially.
- b) Not allow other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing the interests of and the good governance of the Authority in a proper manner.
- c) Exercise independent judgment and not compromise your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties as a Member/co-opted Member of the Authority.
- d) Not improperly use knowledge gained solely as a result of your role as a Member of the Authority for the advancement of yourself, your friends, your family members, your employer or your business interests.
- e) Listen to the interests of all parties, including relevant advice of statutory offices, the Authority's Chief Financial Officer (S151) and the Authority's Monitoring Officer, taking all relevant information into consideration, remaining objective and making decisions on merit.
- f) Be accountable for your decisions, give reasons for decisions in accordance with statutory requirements, and cooperate when scrutinised internally and externally.
- g) Contribute to making the Authority's decision-making processes as open and transparent as possible to enable the public to understand the reasoning behind those decisions, but restricting access to information when the wider public interest or the law requires it.
- h) Not disclose any confidential or third party personal information, except:
 - i. with the consent of the person authorised to give it; or
 - ii. if you are required by law to do so;
 - iii. or where the disclosure is lawfully made to a third party for the purpose of obtaining professional advice (provided that the third party agrees not to disclose the information to any other person);
 - iv. or where the disclosure is made
 - in good faith; and
 - in the public interest; and
 - in compliance with the reasonable requirements of the Authority and data protection regulations, including the General Data Protection Regulations when these become law (May 2018);
 - v. in all instances seeking advice from the Monitoring Officer prior to confidential or third party information release.
- i) Not prevent anyone from getting information that they are entitled to by law.
- j) Behave in accordance with all legal obligations, alongside any requirements contained within the Authority's policies, protocols and procedures including the

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use of the Authority's resources which prohibit the use of such resources for personal purposes.

- k) Value your colleagues and staff and engage them in an appropriate manner and one that underpins the mutual respect that is essential to good governance and that maintains their impartiality and professional integrity.
- l) Treat people with respect, including the organisations and public you engage with and those you work alongside, even if you hold an opposing view to others, and act in accordance with the Equality Act 2010.
- m) Not bully or harass any person (bullying may be characterised as a single act or pattern of offensive, intimidating, malicious, insulting or humiliating behaviour, an abuse or misuse of power or authority which attempts to undermine or coerce or has the effect of undermining or coercing an individual or group of individuals by gradually eroding their confidence or capability which may cause them to suffer stress or fear; harassment may be characterised as causing alarm or distress on at least two occasions including repeated attempts to impose unwanted communications and contact in a manner that could be expected to cause distress or fear in any reasonable person).
- n) Not bring your role or the Authority into disrepute.

3.2 As a Member of the Authority you must:

- a) undertake Code of Conduct training provided by the Authority.
- b) cooperate with any Code of Conduct investigation and/or determination.
- c) not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- d) comply with any sanction imposed on you following a finding that you have breached the Code of Conduct

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4. REGISTRATION OF INTERESTS

4.1 You must, within 28 days of your taking office as a Member or co-opted Member of Exmoor National Park Authority, and annually thereafter, provide written notification to the Authority's Monitoring Officer of:

- (i) any disclosable pecuniary interest as defined by Regulations made by the Secretary of State (set out in paragraph 4.6 below), where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as if you are married or in a civil partnership; and
- (ii) any other personal interest laid down by the Authority, as set out at paragraph 4.7 below;

which will be recorded in the Authority's Register of Members' Interests and made available for public inspection including on the Authority's website.

4.2 Within 28 days of becoming aware of any new interest or change to any interest already registered, you must register details of that new interest or change by providing written notification to the Authority's Monitoring Officer.

- 4.3 Whether or not an interest within paragraphs 4.6 and 4.7 below has been entered on to the Authority's register, you must disclose any interest to any meeting at which you are present in any matter being considered, in line with paragraph 4.12 below, where the matter is not a 'sensitive interest' (see paragraph 4.9 below).
- 4.4 Following any disclosure of an interest not on the Authority's register or the subject of pending notification, you must notify the Authority's Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
- 4.5 In relation to disclosable pecuniary interests, the expressions in the left hand column below have the meanings attributed to them in the right hand column:

"body in which the relevant person has a beneficial interest"	means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director or in the securities of which the relevant person has a beneficial interest
"director"	includes a member of the committee of management of an industrial and provident society

"land"	excludes an easement, servitude, interest or right over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income
"relevant authority"	means the authority of which you are a <u>Member</u>
"relevant person"	means you, your spouse or civil partner, a person with whom you are living with as if you are married or a person with whom you are living with as if you are civil partners
"securities"	means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society

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- 4.6 The interests you **must** register are:

Those disclosable pecuniary interests defined by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012/1464) as set out below, namely:

- (a) any employment, office, trade, profession or vocation carried on for profit or gain by you or a relevant person;
- (b) any payment or provision of any other financial benefit (other than from Exmoor National Park Authority) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a Member, or towards your expenses, including any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;
- (c) any contract which is made between you or, so far as you are aware, a relevant person (as defined at paragraph 4.5 above) (in which the relevant person has a beneficial interest) and the Authority:
 - (1) under which goods or services are to be provided or works are to be executed; and
 - (2) which has not been fully discharged
- (d) any beneficial interest in land held by you, or so far as you are aware, a relevant person which is within Exmoor National Park;
- (e) any licence (alone or jointly with others) to occupy land in Exmoor National Park for a month or longer;
- (f) any tenancy where (to your knowledge):
 - (1) the landlord is Exmoor National Park Authority; and
 - (2) the tenant is a body in which you or, so far as you are aware, a relevant person has a beneficial interest.
- (g) any beneficial interest that you or, so far as you are aware, a relevant person has in securities of a body where:
 - (1) that body (to your knowledge) has a place of business or land in the area of Exmoor National Park and
 - (2) either:
 - (A) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (B) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

4.7 You **must** also register those other personal interests laid down by Exmoor National Park Authority. You have a personal interest where:

(a) you hold an unpaid directorship in a body

(b) you are a member of, or hold any position of general control or management of:

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- (i) any body to which you have been appointed by the Authority;
- (ii) any other body exercising functions of a public nature (e.g. County, District or Parish Council; Health, Police or Fire Authority or Quasi Autonomous Non-Governmental Body);
- (iii) any body directed to charitable purposes;
- (iv) anybody whose principal purposes include influence of public opinion or policy or which, in your view, might create a conflict of interest in carrying out your duties as a Member of Exmoor National Park Authority (e.g. Political Party; Trade Union, Professional Association, Local Action Forum, Civic Society or Interest Group e.g. National Trust; RSPB; Greenpeace or membership of the Freemasons or similar body).

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4.8 A personal interest may arise where a decision might reasonably be regarded as affecting the well-being or financial position of a *significant person* to a greater extent than the majority of other council tax payers, rate payers and residents affected by the decision. A *significant person* means a close member of your family or any person with whom you have a close association. In this instance you must declare to the meeting the existence and nature of that interest and withdraw from the decision making process by stepping outside the meeting room.

4.9 You **must** also

- (a) not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour from persons seeking to acquire, develop or do business with the Authority or from persons who may apply to the Authority for any permission, licence or other significant advantage;
- (b) register the receipt of any gift or hospitality to the value of more than £50 and the identity of the donor of such gift or hospitality within 28 days of its receipt;
- (c) register any significant gift or hospitality that you are offered but have refused to accept.

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4.10 Where the Authority's Monitoring Officer agrees that any information relating to your interests is "*sensitive information*" namely information whose availability for inspection by the public is likely to create a serious risk that any person may be subjected to

violence or intimidation, you need not include that information when registering that interest, or, as the case may be, any change to that interest.

4.11 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded is no longer sensitive information, notify the Authority's Monitoring Officer asking that the information be included in the Authority's Register of Members' Interests.

4.12 Unless a dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest as defined by Regulations referred to at paragraph 4.6 above and you must also observe any restrictions the Authority may place on your involvement in matters where you have any interest as defined by the Authority and shown at paragraph 4.7 and 4.8 above.

4.13 Where you have any interest (as defined in paragraphs 4.6, 4.7 and 4.8 above) in any business of the Authority and you attend any meeting at which that business is to be considered, you must:

(a) disclose to that meeting the existence and nature of that interest, but where your interest is sensitive you are not required to disclose the interest but merely the fact that there is a disclosable interest in the matter concerned;

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(b) disclose any interest in accordance with the Authority's reasonable requirements, no later than the commencement of the consideration of the business in which you have that interest, or (if later) the time at which the interest becomes apparent to you;

(c) where you have a ny disclosable interest, withdraw from the room or chamber where a meeting considering the business is being held at the commencement of the consideration of that business in which you have that interest, or (if later) the time at which the interest becomes apparent to you;

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(d) not seek to influence improperly any decision about that business;

4.14 Dispensations will be able to be granted in the following circumstances:

(a) That so many Members of the Authority or of a Committee or Sub Committee have disclosable pecuniary interests in a matter that it would impede the transaction of the business. In practice, that the Authority, Committee or Sub Committee would be inquorate as a result. The responsibility for the consideration and grant of dispensation in such circumstances is delegated to the Monitoring Officer.

(b) That the Authority considers that the dispensation is in the interests of persons living in the Authority's area. The consideration and granting of such dispensations is delegated to the Standards Committee.

(c) That the Authority considers that it is otherwise appropriate to grant a dispensation. The consideration and granting of such dispensations is delegated to the Standards Committee.

5. OFFENCES

5.1 It is a criminal offence to:

- (i) Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of taking office as a Member of the Authority
- (ii) Fail to notify the Monitoring Officer within 28 days of a new disclosable pecuniary interest arising during office
- (iii) Fail to notify a disclosable pecuniary interest at a meeting if it is not on the register of interests
- (iv) Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- (v) Knowingly or recklessly providing information that is false or misleading when notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such an interest to a meeting

5.2 The criminal penalties available to a court are to impose a fine (up to £5000) and disqualification from office for up to 5 years. If a complaint is received in respect of non-disclosure of a disclosable pecuniary interest the matter may be referred to the Police to investigate because of the criminal nature of the breach.

5.3 Other breaches of the Member Code of Conduct will be dealt with internally with reference to the Monitoring Officer, Standards Committee and the Authority's Independent Person (appointed in accordance with the Localism Act 2011) in line with Standing Orders.

5.4 Members should note that breach of this Code may not only lead to criminal sanctions but also reputational damage to the Authority and individual Members committing a breach. You will be asked annually to review and update your register of interests and undertake to comply with this Code.

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EXMOOR NATIONAL PARK AUTHORITY

STANDARDS COMMITTEE

9 November 2021

DISPENSATION TO AUTHORITY MEMBERS

Report of the Monitoring Officer

Purpose of Report: To consider the proposed exemptions set out in the report to protect Members 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.

RECOMMENDATIONS: The Standards Committee is recommended to grant the following dispensation for four years to all Authority Members:

- (1) Who are elected Members or co-opted members of another public authority, or whose spouse or partner are elected or co-opted members of another public authority, and who have a Disclosable Pecuniary Interest in a matter only by virtue of the fact that s/he or his/her spouse or partner is in receipt of an allowance from that other authority:
 - (i) where the issue is a matter of dispute between the National Park Authority and the other authority, and the matter would affect the financial position of that other authority, the Authority Member may speak on the matter provided s/he immediately withdraws from the meeting room; and
 - (ii) in relation to other matters affecting that other authority, the Authority Member may speak and vote.

Authority Priority: Achieve Best Value from our resources and improve our performance.

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

Accounts and Audit (England) Regulations 2011, Sections 4 (Responsibility for Financial Management), 5 (Accounting Records and Control Systems) and 6 (Internal Audit).

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.

1. Key Issues

- 1.1 The reasons for the proposed exemption set out in this report is to protect Members 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. As there are potential criminal sanctions, our view is that the position should be clear in the interests of both Members and the public.
- 1.2 Without the grant of dispensation, the ability of Members to make representation on local issues would be significantly impaired. Many issues require the co-operation of partners to enable delivery and this issue has the potential to exclude large numbers of Members from discussion and debates. The Standards Committee is therefore recommended to grant the dispensations.
- 1.3 If a dual-hatted Member or their spouse/partner is in receipt of a Members Allowance from another authority, this would be a Disclosable Pecuniary Interest for the purposes of the Code and would preclude a dual-hatted Member from participating in any discussion involving that other authority. Based on the County and District Council's Membership more than 50% would be precluded from taking part and voting on matters in the absence of a dispensation being granted, by virtue of the fact that they are a dual-hatted Member. This would have an adverse impact on democracy.

2. Powers to Grant Dispensations

- 2.1 Dispensations for up to four years can be granted allowing a Member to speak and/or vote where s/he has a Disclosable Pecuniary Interest. The Authority delegated the power to make dispensations to this Standards Committee.
- 2.2 The grounds for granting a dispensation are, having regard to all relevant circumstances, the Standards Committee considers:
 - (a) that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
 - (b) that granting the dispensation is in the interests of persons living in the authority's area; or
 - (c) that it is otherwise appropriate to grant a dispensation.
- 2.3 The legal powers to grant dispensations are therefore wide. Any decision made by the Standards Committee must only have regard to relevant factors and must be 'Wednesbury' reasonable. Wednesbury is an English court case from 1948. The Wednesbury principle is that no decision should be so outrageous in its defiance of logic or accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it.
- 2.4 All Authority Members are appointed to represent their constituents and act in the public interest. The nature of the role is a public one rather than a private interest. In the circumstances and to ensure that Authority Members can undertake fully the role to which they have been appointed, it is recommended that the dispensation set out in this report is granted.

Andrew Yendole
Monitoring Officer
October 2021

EXMOOR NATIONAL PARK AUTHORITY

STANDARDS COMMITTEE

9 November 2021

STANDING ORDERS FOR THE REGULATION OF CONTRACTS

Report of the Chief Finance Officer

Purpose of Report: To consider proposed amendments to Standing Orders for the Regulation of Contracts.

RECOMMENDATION: The Committee is recommended to agree that the proposed amendments to Standing Orders for the Regulation of Contracts should be presented to the full Authority for adoption.

Authority Ambition: Develop and maintain effective and efficient services.

Legal and Equality Implications: Relevant legislation is referred to throughout the report.

The equality and human rights implications of this report have been assessed as having no impact on any particular individual or body.

Financial and Risk Implications: Procurement Risk is often described as covering fraud, cost, quality and delivery risks. Updating and maintaining legally compliant procurement procedures is an important element in managing these risks.

1. INTRODUCTION

- 1.1 It is now 2 years since the Authority began its professional relationship with Devon Procurement Services at Devon County Council. The relationship is working well and the Authority is benefitting from being able to access professional advice, pro forma tender documents and framework contracts.
- 1.2 In support of this relationship, it has been considered prudent to closely mirror the relevant Standing Orders that are operated by Devon County Council.

2. EXMOOR NATIONAL PARK AUTHORITY STANDING ORDERS

- 2.1 The Authority's Standing orders are a key document for the regulation of meetings, proceedings and business. This report only seeks to amend the conduct of business as regards the purchase of goods and services.
- 2.2 Attached at Annex 1 is a tracked changes version of the Standing Orders for the Regulation of Contracts.

- 2.3 There is no change to the approach or underlying principles but there is a change to a particular key threshold. The point where staff members require a formal quotation is suggested to be raised from £10,000 to £20,000. This is also the point where bidders are obliged to use an electronic portal to submit tender documents.
- 2.4 There is a perception that the lower threshold was putting off local suppliers who may be less inclined to bid via online web portals and was a disproportionate bureaucratic hurdle for the size of the contracts.
- 2.5 Other changes to Standing Orders will be necessary as the legislative environment evolves.

Gordon Bryant
Chief Finance Officer
October 2021

APPENDIX 3



STANDING ORDERS FOR THE REGULATION OF CONTRACTS

Adopted: 03 November 2020



PROCUREMENT PROCEDURES

1 General

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

2 Quotation and Tendering Procedures

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

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

From 1 January 2018 the sterling equivalents of EU thresholds (net of VAT) are £181,302 for supplies and services and £4,551,413 for works. The EU thresholds are changed on 1 January of each even-dated year. The CFO will advise Heads of Service of these changes.

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

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

Procurement Notification Process

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

Appropriate Advertising

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

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

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

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

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

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

- 2.13 The Authority's e-tendering system must be used for a formal quotation (i.e. over £20k & up to £100k), save for any exceptions approved by the CFO/CEO.
- For quotations below £20,000 the e-tendering system may be used but in either case the invitation must state the place, date and time by which the quotation must be returned. Adequate time must be allowed for their preparation and return.

Certification notice by Tenderers

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

Receipt, Custody and Opening of Tenders and Formal Quotations

- 2.15 The Authority's e-tendering system will record the date and time of receipt of all tenders and formal quotations.
- Quotations below the £20k threshold may be received and opened by the Project Officer/Team.
- Formal quotations between £10-£100k (received via the e-tendering system) may be received and opened by the Project Officer/Team, once the closing date has passed.
- Tenders over £100k (received via the e-tendering system) will require the opening and verification an officer who must be independent to the procurement taking place. All the submissions will then be released to the Project Officer/Team to continue with the process. The verifier will enter information about the submissions received into the tender register.
- 2.16 Tenders (over £100k) and any formal quotation (over £20k up to £100k) not received via the Authority's e-tendering system (as a result of an exception approved under paragraphs 2.12 or 2.13 or 2.21) shall be opened at one time and in the presence of at least two officers who shall be independent from the procurement. A record will be made of all tenders or formal quotations received, showing the date and time of opening and the bidder's name and the value in the tenders register. Any tender or formal quotation received after the specified time shall be recorded as such but must not be considered.

Contractor Vetting

- 2.17 Officers who procure the service of a contractor are responsible for checking the competency of that contractor to undertake the work. This may include evidence of relevant qualifications, financial stability, their Health & Safety policy, risk assessments and method statements, data protection and security arrangements, for example.
- All such assessments must be made before any commitment is made or contract awarded and shall be in conformity with the Authority's Contractor Vetting Policy.

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

- 2.18 This section deals with situations where either a single quotation or tender is received. For contracts up to £20,000, the appropriate Head of Service will determine whether or not to accept the quotation.
- For contracts over £20,000, the CFO and the Head of Service shall jointly consider whether or not, in their professional judgement, best value would be obtained. The following provisions shall then apply: -
- (a) where the estimated value of the contract is between £20,000 and £100,000 if in their view best value would be obtained then the Head of Service will consult with the CFO and the CEO (the latter being able to accept the formal quotation). If in the view of the CFO and CEO value for money would not be obtained, or if there is any doubt, the procurement exercise should either be repeated or the matter referred to the Authority for consideration and decision.

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

Financial Provision for Contracts

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

Maintaining the Contracts Register

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

Exemption from the Tendering and Formal Quotation Process

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

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

3 Particular Types of Contract

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

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

Framework and Joint Procurement Arrangements

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

Disposal of Assets

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

4 Contracts

Contents of Contract

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

Cancellation of Contracts

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

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

4.5 Every contract that has been tendered via the Official Journal of the European Union must also contain the right for the Authority to terminate the contract where:

- (a) there has been a modification of the contract which falls outside one of the permitted categories specified in Regulation 72 of the Public Contracts Regulations 2015 and which are summarised at paragraph 4.5 below;
- (b) the contractor should have been excluded on mandatory grounds under Regulations 57(1) and /or 57(2) of the Public Contracts Regulations 2015;
- (c) the contract should not have been awarded in view of a serious infringement under European Law which has been declared as such by the Court of Justice.

Variation of Contracts

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

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

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

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

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

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

Payment for Contracts for Building or Civil Engineering Work

4.7 Each certificate for payment must show:

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

Monitoring of Contracts

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

Relationships with Contractors

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



SUSTAINABLE PROCUREMENT CHECKLIST

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

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



SUSTAINABLE BUILDING CHECKLIST

- ✓ Sustainable
- * Less desirable
- Neutral

General

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

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

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

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

2. **Roofing**
 - Slate
 - ✓ - Recycled and local
 - ✓ - Delabole
 - ✓ - Welsh
 - * - Chinese / Brazilian / other non UK sources
 - ✓ Thatch (also turf / bracken / heather)
 - ✓ Timber shingles (FSC)
 - ✓ Clay tiles
 - * Artificial tiles / concrete
3. **Walls / Structure**
 - ✓ Local stone, cob, brick (preferably recycled / local)
 - ✓ Lime mortar and plaster
 - ✓ Timber cladding (FSC)
 - ✓ Green oak framing
 - ✓ Straw (bales)
 - Concrete blocks
4. **Windows**
 - ✓ FSC Timber
 - * UPVC
5. **Paint / Finishes**
 - ✓ Lime wash

Item 5 - Annex

- ✓ Lime plaster
 - ✓ Lime mortar
 - ✓ Natural/environmentally friendly paints (eg some of Farrow and Ball range)
 - ✓ Distemper (internal)
 - ✓ Natural oils / waxes such as linseed
 - * Varnishes / chemical stains
6. **Gutters / downpipes**
Direct rainwater into ground rather than drains if possible. Salvage and repair cast iron, copper or lead
7. **Flooring**
- ✓ Local / recycled / FSC timber
 - ✓ Wool carpet
 - Concrete
8. **Insulation**
- ✓ Wool
 - ✓ Recycled paper
 - ✓ Double / triple glazing
 - ✓ Shutters
 - ✓ Thick curtains
9. **Energy Efficiency / Renewables**
- ✓ Lights – low energy bulbs
 - Heating systems
 - ✓ Solar
 - ✓ Wood fuel
 - ✓ Hydropower
 - Energy Efficiency / Renewables *continued***
 - ✓ Windpower
 - ✓ Combined heat and power
 - ✓ Photo-voltaics
 - ✓ Condensing boilers
 - * Electric (unless supplied by renewables)
 - * Oil
 - * Gas
10. **Electrical / Plumbing**
- * PVC
 - Non PVC wire, copper or PE piping
 - ✓ Water saving taps / flush systems
11. **Landscape Works**
- Paving
- ✓ FSC Timber
 - ✓ Local stone
 - ✓ Woodchip bark
 - ✓ Local river aggregate/cobbles (if approved source)
-
- ✓ Hoggin
 - ✓ Grass
 - Concrete, tarmac, block paving

External Structures (as above)

Soft landscape

- ✓ Locally sourced
- ✓ Natives
- ✓ Edible fruits

Weed Control

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

Soil Ameliorants

- * Peat
- ✓ Farmyard manure
- ✓ Compost

Fencing

- ✓ FSC hardwood timber

EXMOOR NATIONAL PARK AUTHORITY

STANDARDS COMMITTEE

9 November 2021

COMPLAINTS RECEIVED - APRIL TO SEPTEMBER 2021

Joint Report of the Head of Strategy and Performance and Business Support Officer

PURPOSE OF THE REPORT: To provide details of complaints received during the period April to September 2021.

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

Authority Priority: To seek to continually improve services provided by the Authority where complaints received are upheld.

Legal and Equality Implications: Potential for complaints to be relevant to current legislation and/or equalities legislation

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.

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 Details of complaints received by the Authority between April and September 2021 are set out in the Appendix.

Clare Reid
Head of Strategy and Performance

Hazel Malcolm
Business Support Officer



COMPLAINTS RECEIVED AT ENPA APRIL – SEPTEMBER 2021

1. Introduction

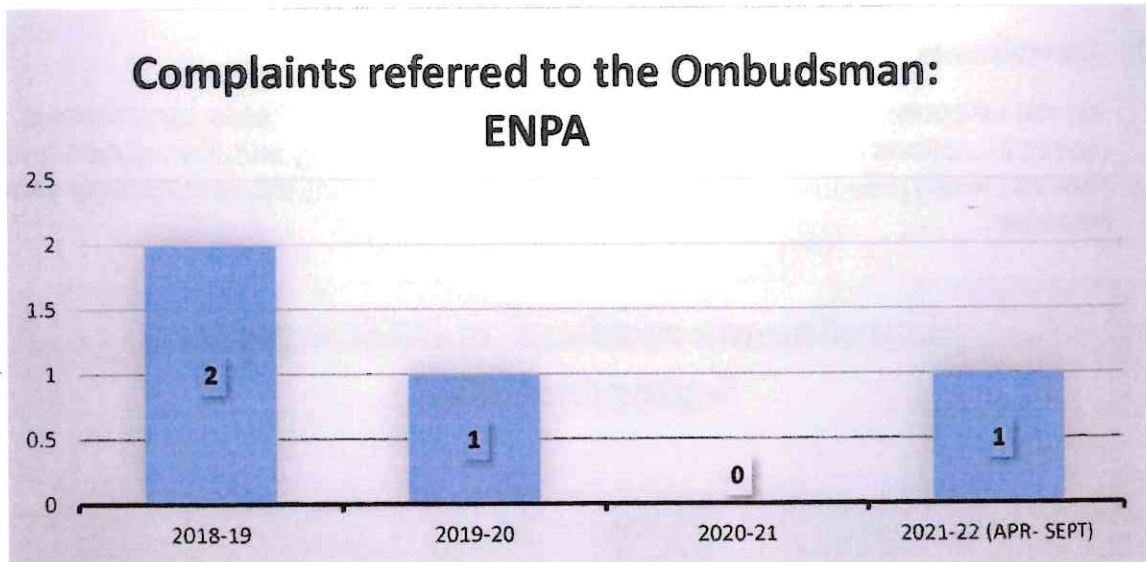
The Authority values the feedback on our services that we receive through the complaints process and we are committed to dealing with all complaints fairly and impartially, and to making our service as accessible as possible. The complaints process is used to find the root causes of problems and help us to make improvements to systems and processes where they haven't worked properly.

2. Complaints received by ENPA

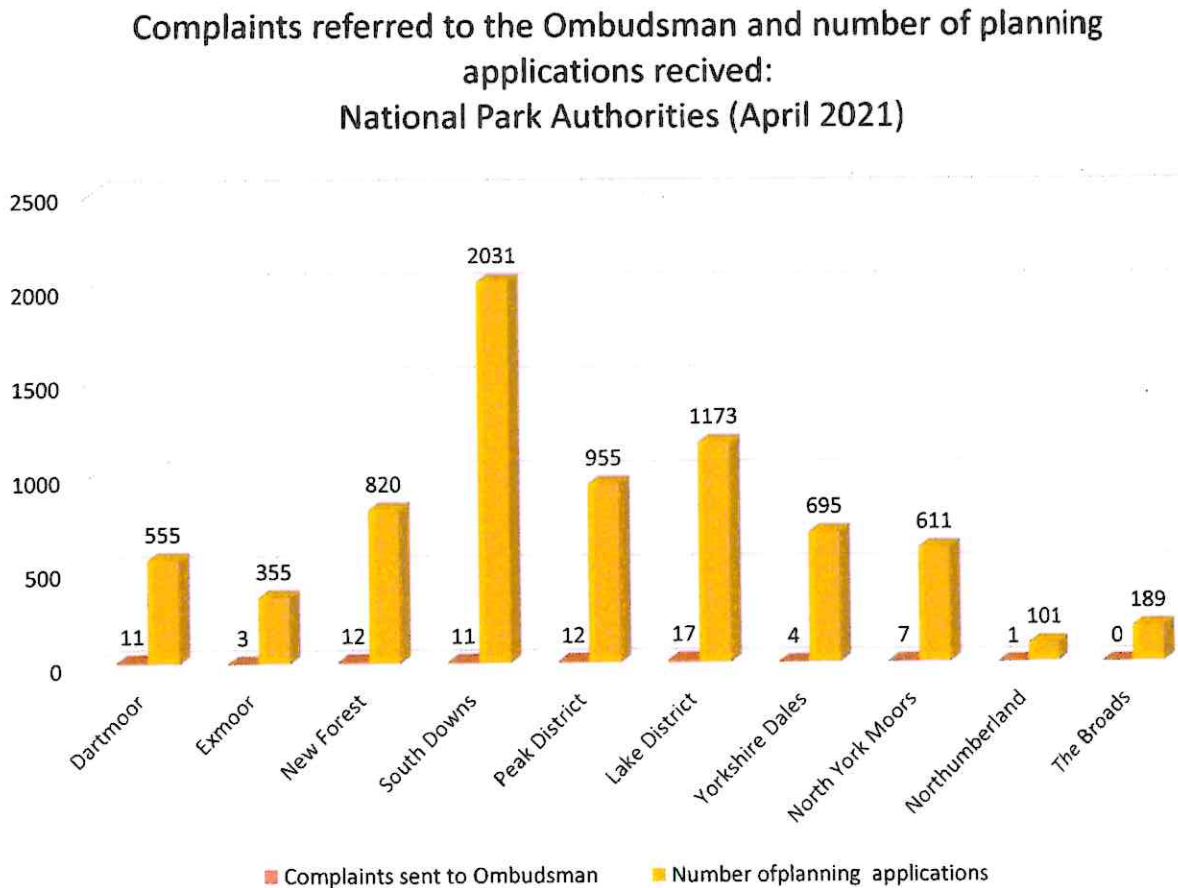
Since 2018 the number of overall complaints received has increased (from 11 in 2018/19 to 18 in 2020-21). This increase may be due to several factors including better documenting and reporting of complaints. In April 2021 ENPA updated its complaints procedure to improve efficiency. The complaints procedure now consists of 3 stages, informal complaints dealt with by the relevant member of staff, Stage 1 complaints dealt with by the relevant Head of Section and Stage 2 complaints dealt with by either the Complaints Officer or Chief Executive.

Stage 1 and 2 complaints are reported to Standards Committee and Leadership Team twice a year. The number of more serious complaints received at Stage 1 and Stage 2 for the period of April to September 2021 was five. Three at Stage 1, one at Stage 2, and one at Stage 3 under the old process (due to timescale between complainant responses). Details are set out in the following sections.

Stage 1 and 2 Complaints received April – September 2021		
Stage, Section and Reason for the Complaint	Date	Authority Response
Stage 2. Affordable Housing. Complaint of wording in the Sec 106 on local need devaluing and being restrictive to future sale of the property	April 2021	Complaint not upheld. Complainant asked for complaint to be reviewed by the Local Government and Social Care Ombudsman who did not investigate the complaint as the complainant had agreed to the original wording in the Section 106 and could apply to have this wording reviewed through the normal channels.
Stage 1. Planning and Planning Enforcement. Complaint of harassment by Planning Enforcement Officer.	May 2021	Complaint partially upheld. ENPA apologised for being unaware of discharge conditions.
Stage 1 and Stage 2. Access and Recreation. Access complaint and RoW staff being unhelpful	June 2021	Complaint not upheld. Complainant referred to LGSCO for any onward complaint relating to this complaint.
Stage 3 (from the old complaints process.) Economy. Continuation of complaint (11 months between Stages) of complaint of unfair competition by ENPA running Ranger Experience Days.	June 2021	Complaint not upheld. Complainant referred to LGSCO for any onward complaint relating to this complaint.
Stage 1. Planning Enforcement. Data Breach in Planning Enforcement.	Sept 2021	Complaint upheld. ENPA apologised and training was provided to the relevant staff member.

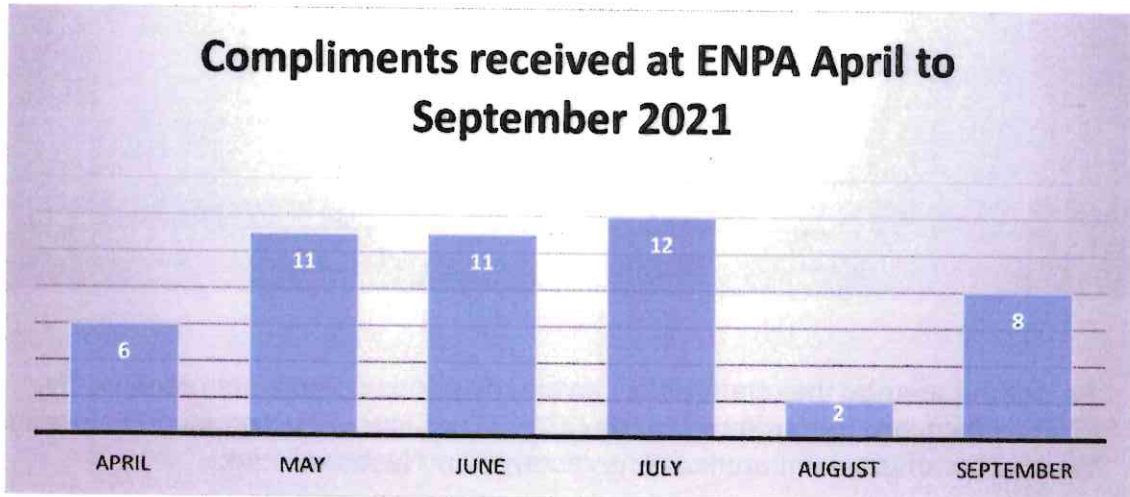


As can be seen by the chart below, levels of serious complaints received by ENPA which are then referred to the LGSCO are low. A comparison is given to the number of planning applications received by National Parks.



3. Compliments

As well as complaints ENPA receives many compliments. These compliments cover all sections of ENPA, though most relate to Planning and Recreation and Access (RoW). For the period of April to September 2021, 50 compliments were received.



Hazel Malcolm
Business Support Officer
October 2021