



EXMOOR
NATIONAL PARK

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23 November 2023

EXMOOR NATIONAL PARK AUTHORITY

To: All Members of the Exmoor National Park Authority

A meeting of the Exmoor National Park Authority will be held in the **Committee Room, Exmoor House, Dulverton** on **Tuesday, 5 December 2023 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.

There is Public Speaking at this meeting, when the Chairperson will allow members of the public two minutes each to ask questions, make statements, or present a petition relating to any item relevant to the business of the Authority or relating to any item on the Agenda. Anyone wishing to ask questions should notify the Corporate Support Officer as soon as possible, or at the latest 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 Judy Coles on 01398 322250 or email jcoles@exmoor-nationalpark.gov.uk).

The meeting will be **recorded**. By entering the Authority's Committee Room and speaking during Public Speaking you are consenting to being recorded. We will make the recording 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

The meeting will be chaired by Miss A V Davis, Chairperson of the Authority.

1. Apologies for Absence

2. Declarations of Interest/Lobbying of Members/Unaccompanied Site Visits

Members are asked to declare:-

- (1) any interests they may have in relation to items on the agenda for this meeting;
- (2) any lobbying by anyone concerned with a planning application and any unaccompanied site visits where contact has been made with any person concerned with a planning application.

3. Chairperson's Announcements

4. Minutes

(1) To approve as a correct record the Minutes of the meetings of the Authority held on 7 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. Questions of a general nature relevant to the business of the Authority can be asked under this agenda item. Any questions specific to an agenda item can be posed when that item is considered subject to the discretion of the person presiding at the meeting.

6. Driver:

To consider the joint report of the Head of Conservation, Access and Estates and the Head of Finance and Operations (Item 6)

7. Progress Implementing the Corporate Plan 2023-24:

To consider the report of the Head of Strategy and Performance (Item 7)

8. Amendments to Standing Orders and Code of Conduct:

To consider the joint report of the Solicitor and Monitoring Officer and Head of Strategy and Performance (Item 8)

9. Proposed Withdrawal and Dissolution of the Heart of the South West Joint Committee:

To consider the report of the Chief Executive (Item 9)

10. Personnel Update

Leavers:

31/10/2023 - Hazel Malcolm, Business Support Officer – left by mutual agreement

15/12/2023 - Richard Ansell, Finance Officer - retirement

01/01/2024 - Dean Kinsella, Head of Planning & Sustainable Development - resignation (last working day 12/12/2023)

17/01/2024 - Andrew Spiers, Planning Officer - resignation

25/01/2024 - Katrina Munro, Sustainable Economy Officer - resignation

Starters:

22/01/2024 - Joe White, Development Manager

11. Any Other Business of Urgency

Further information on any of the reports can be obtained by contacting the National Park Authority at the address and telephone numbers at the top of the agenda. Details of the decisions taken at this meeting will be set out 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.

ITEM 4

EXMOOR NATIONAL PARK AUTHORITY

MINUTES of the Meeting of the Exmoor National Park Authority held on Tuesday, 7 November 2023 at 10.00am in the Committee Room, Exmoor House, Dulverton.

PRESENT

Miss A V Davis (Chairperson)
Mr R Milton (Deputy Chairperson)
Mr S J Pugsley (Deputy Chairperson Planning)

Mr A Bray	Mrs Nicholson
Mr M Ellicott	Mr J Patrinos
Mr D Elson	Mrs F Smith
Mr B Geen	Mrs E Stacey
Mr J Holtom	Mr N Thwaites
Dr M Kelly	Dr S Warren
Mr M Kravis	Mr J Yabsley

Apologies for absence were received from Mr L Baker, Mr T Butt Philip, Mrs M Chilcott, Mrs C Lawrence and Mrs L Williams.

51. DECLARATIONS OF INTEREST:

- In relation to Item 9 – Proposed Changes to the Authority’s National Park Centres the following interests were declared:
 - All Members declared having been sent two emails in relation to this item.
 - Mr Pugsley declared he was a Trustee of the Dulverton Heritage Centre but advised that he had not been consulted about the statement that had been issued and therefore did not feel in any respect bound by it.
 - Mr Thwaites declared a personal interest as a member of Dulverton Town Council and advised that he had copied and re-posted a Facebook thread but did not consider his interest changed his view on this item.

52. CHAIRPERSON’S ANNOUNCEMENTS: The Authority’s condolences were extended to Mrs Chilcott whose mother had sadly passed away, hence the reason for her absence from the meeting.

53. MINUTES

- Confirmation:** The Minutes of the Authority’s meeting held on 3 October 2023 were agreed and signed as a correct record.
- Matters arising:** There were no matters arising.

54. PUBLIC SPEAKING: See Minute 58, 62 and 63 for details of public speakers.

55. REVISED BUDGT FOR 2023/2024

The Authority considered the report of the Chief Finance Officer

The Authority's Consideration

Whilst Members were fully aware of the serious financial pressures facing the Authority, they were still struck by the stark reality of the Chief Finance Officers' report. However they were pleased that the report projected a balanced budget could be achieved for the 2024/25 and 2025/26 financial years.

In response to a Member question, the Chief Finance Officer confirmed that the Authority was a long way from needing to consider issuing a Section 114 notice. However it was acknowledged that may have been the likely trajectory for 2026/27 onwards, based on current assumptions regarding National Park Grant and increased staff costs, had the Authority not commenced the current Business Review process.

In relation to Members queries, it was confirmed that whilst National Park Centre income was projected to increase, this was based on current trends and would be offset by increased costs. The Chief Finance Officer confirmed he would be looking at a granular level at the income and expenditure of all services during the business review process to forecast, over the term of the Medium Term Financial Plan, what impact those changes would have on the Authority.

The Chief Executive confirmed that she would provide a brief update at Members' Forum about the cuts each business section has been targeted with. Whilst the situation was on track, difficult decisions would need to continue to be made. The Chairperson advised that she had requested the Business Review should be the first item on every Members' Forum agenda going forwards and she expected all Members to make every effort to attend those meetings.

In response to a further question, the Chief Executive confirmed that the Authority's core statutory requirements included providing a Planning Service and producing a Partnership Plan and State of the Park report. Most other activities were discretionary, although National Park Authorities were established to deliver governments agenda around landscape, nature, heritage, access and the local economy. Whilst it was clear what the Authority's agenda was, how we choose to deliver it is much more complicated as so many of the elements were interconnected.

RESOLVED:

- (1) To approve the revised Core Budget for 2023/24 as set out in Appendix 1 to the report.
- (2) To note the position regarding reserves as set out in Appendix 3 and the projected balance on the General Fund at 31 March 2024 of £350,000 and approve the changes to reserves set out in section 5 of the report.
- (3) To authorise the Chief Executive and Chief Finance Officer to make such adjustments as are necessary to keep within the overall budget and with the objective of transferring underspends that arise to reserves.
- (4) To note the revised Medium Term Financial Plan position 2023/24 to 2027/28 as set out in Appendix 4 to the report.

Mrs Nicholson and Mr Pugsley left the meeting during this item and were therefore not eligible to vote.

56. TREASURY MANAGEMENT MID-YEAR REPORT

The Authority considered the [report](#) of the Chief Finance Officer

The Authority's Consideration

Members were aware of the current financial pressures being experienced by Somerset Council and the question was asked as to whether the deposits held on behalf of the Authority by Somerset Council were financially secure. The Chief Finance Officer confirmed that things were secure in terms of counterparty levels but that he would maintain a close watch on the situation.

RESOLVED: To note the Treasury Management Outturn for the first six months of the 2023/24 financial year..

Mr Elson left the meeting during this item and therefore was not eligible to vote.

57. RISK MANAGEMENT

The Authority considered the [report](#) of the Head of Finance and Operations

The Authority's Consideration

Members were generally content with the report but suggested some amendments might be made in relation to the Strategic Risk Register attached at Appendix 2 to the report.

In relation to Section 4 - Service Delivery Risk, paragraph 4.2 currently referred to both the potential for an IT failure such as a Ransomwear attack and for buildings such as Exmoor House to be out of action. It was suggested that there was the potential for both risks to occur at the same time and that it would therefore be prudent to separate them on the Risk Register. The Chairperson noted that the Authority's Auditors had also highlighted the risk of a cyber attack in their recent report and whilst the Head of Finance and Operations confirmed that the ICT Team were working on mitigating both risks, it was agreed that he would circulate an amended Appendix 2 to Members after the meeting.

In relation to Section 7 – Reputational Risk it was noted that paragraph 7.4 detailed a number of specific risks in relation to the Authority's work. It was suggested that the biggest reputational risk currently related to the ongoing business review and the difficult decisions that Members may reluctantly have to make. The Committee considered it was imperative that communication of those decisions and any associated impact on services was carefully managed.

In response to a query about the fact that 16 of the 26 impact scores had gone down on the Strategic Risk Register, the Head of Finance and Operations confirmed that he would review this over the next reporting period to see if any adjustments needed to be made.

Concerns were again raised about whether pressures being experienced by another Local Authority might impact upon the security of the Authority's own deposits – particularly in relation to accessibility of its own funds. The Head of Finance and Operations advised that he was meeting with Treasury Management Advisors later in the week and would raise this query with them and report back to Members in due course.

RESOLVED:

- (1) To note that the annual review of Risk Management had been carried out.
- (2) To approve the Health, Safety & Welfare Policy set out in Appendix 1 to the report.
- (3) To approve the Risk Register set out in Appendices 2 and 3 to the report.
- (4) To note that the Business Continuity / Disaster Recovery Plan has been reviewed.

58. PROPOSED CHANGES TO THE AUTHORITY'S NATIONAL PARK CENTRES

The Authority considered the [report](#) of the Head of Planning and Sustainable Development

Public Speaking

1. Trustees of the Dulverton Heritage Centre – *statement read out*
2. Mr S Hall, Exmoor Studios CIC – *statement read out*
3. Dulverton Partnership Group – *statement read out*
4. Mrs M Rawle, Guest House owner
5. Mr B Gash, Dulverton Town Council

The Authority's Consideration

The Committee thanked the Rural Enterprise Manager for his comprehensive report and presentation and were grateful to those members of the public who had taken the time to make representations at the meeting.

Members had sympathy with the views of the speakers who felt the relocation of Dulverton National Park Centre to Exmoor House would have an adverse impact on the town centre. The Rural Enterprise Manager confirmed that consideration had been given to the possibility of some other body operating the centre rent free, but this had been discounted as the Authority would still be liable for the costs of maintaining the building, without any income to offset these costs.

Some Members felt it would have been helpful to have included more detail in the report about the cost of relocating the centre to Exmoor House, however it was explained that Officers did not feel it made economic sense to incur costs to draw up plans without having a clear direction of travel from the Committee. In addition, the relocation costs would be a one-off capital cost and the proposed move would create long term revenue savings year on year. A number of options of differing scales are available and will be worked up in due course.

It was pointed out that the National Park Authority already had a significant presence in Dulverton due to the fact its Head Office was based there, and that moving the National Park Centre a short distance away from the town centre would be far preferable to the complete loss of a Centre. Doing so would ensure that all three National Park Centres could be retained and steps could be taken to ensure appropriate signposting encouraged people to visit the town centre when leaving Exmoor House.

The Committee expressed regret at the need to withdraw financial support from Combe Martin Museum and Porlock Visitor Centre but hoped the Authority would continue to retain and reinforce its moral and practical support for them.

The meeting was reminded that discussions had already taken place in relation to Item 6 – Revised Budget for 2023/2024 regarding the serious financial pressures the Authority was facing and the need for hard decisions to be taken to find the necessary savings to meet the large deficits identified. One Member suggested that the National Park Centre proposals before the Authority had identified a number of savings which could be made and that it was time for the Committee to stop prevaricating and to make one such difficult decision.

On that basis a motion was moved and seconded and the majority of Members voted to accept the recommendations in the report. The Committee did request that the Authority worked in partnership with Dulverton Town Council and Dulverton Partnership to achieve an outcome that coincided with its duty to consider the social and economic wellbeing of the community.

RESOLVED: To agree the changes identified below to realise required savings from Autumn 2024:

- (1) To relocate Dulverton National Park Centre into Exmoor House, operating c.5 days a week Easter to end of October only.
- (2) To reduce winter opening hours of Lynmouth National Park centre by 2 hours a day from November to Easter.
- (3) To restructure the NPC staff teams, as part of broader business review and subject to consultation.
- (4) To reduce and then withdraw current funding for Porlock Visitor Centre and Combe Martin Museum, while continuing to support these Centres with provision of Exmoor literature and information as appropriate.

Mr Geen left the meeting during this item and was therefore not eligible to vote

The meeting closed for recess at 11.58am and reconvened at 12.12pm

59. GOVERNANCE REVIEW

The Authority considered the [report](#) of the Chief Executive

The Authority's Consideration

Immediately following the Chief Executive's presentation, and on the basis that the recommendations contained within the report had been discussed by Members on a number of occasions, a motion was proposed and seconded that all recommendations should be adopted.

Before going to the vote, it was suggested that an additional recommendation should be added to request that the Chairperson, on behalf of the Authority, wrote to the Defra Secretary of State asking for guidance about how Exmoor National Park Authority might go about reducing the overall number of Members appointed to it. This suggestion was made on the basis that 22 Members was disproportionate to the staffing levels of the Authority, given it employed the equivalent of 45 Full Time staff and in light of the current financial environment.

Whilst the majority of the Committee agreed with the aspirations of the proposal, it was suggested that further discussions were needed to agree the exact detail of what they would be hoping to achieve by writing to the Secretary of State. It was therefore agreed that further internal discussions should be held in order to agree the specific detail of the proposal and that these discussions should be held within a limited timeframe.

Some Members struggled to see how the creation of a smaller Planning Committee would result in cost savings, given that it was intended for Planning Committee meetings to be held on the same day as Authority Meetings and there was therefore unlikely to be any reduction in the amount of travel expenses claimed. The meeting was reminded that the Independent Person would be forming a small working group to discuss potential options for savings to Member Allowances and therefore it was not yet possible to say that no savings could be made by introducing the new structure.

The Committee were aware that the Standards Committee would soon be meeting to consider changes to Standing Orders to enable the proposed new structure to function and requested that those changes encompassed the following points:-

- That if a Planning Committee Member was unable to attend a particular meeting, they could appoint a substitute Member to attend in their place.
- That Members not on the Planning Committee should be able to attend and speak at a Planning Committee meeting about an item in the area they represent or if it involves a matter in which they have a particular interest in.

In resolving to adopt the recommendations contained in the report, Members did so on the basis that the proposals were for a trial period of up to 12 months. In relation to the creation of a smaller Planning Committee, some Members advised that they would be keeping a close watch on the actuality of the outcome and would be expecting that the trial would be properly assessed to see that it achieved the outcomes that had been set for it and that further discussions would take place should that prove to not have been the case.

Although she was unfortunately absent from the meeting, the Chairperson formally recorded her thanks to Mrs Chilcott for all her work in gathering information to assist the informal Member discussions which had taken place over the past few months about the Governance review.

RESOLVED:

- (1) To approve the creation of a Planning Sub Committee of 12 Members to come into effect in April 2024 for a trial period of up to 12 months.
- (2) To approve the proposed reduced schedule of Authority and Planning meetings from April 2024 for a trial period of up to 12 months.
- (3) To agree to a small Member group working with the Independent Person to investigate where savings can be made to Member Allowances.
- (4) To note that further discussions will take place regarding the Exmoor Consultative and Parish Forum.

60. ANY OTHER BUSINESS OF URGENCY: Waiver of 6 Month Member Attendance Rule

RESOLVED: In accordance with Section 85 (1) of the Local Government Act 1972 the Authority approved a dispensation for Mrs Christine Lawrence to not attend meetings of the Authority throughout a period of six consecutive months due to continued health issues which have impacted on her attendance.

The meeting closed for recess at 12.55pm

Items relating to the Authority's role as sole local planning authority for the National Park area including determination of planning applications. This section of the meeting was chaired by Mr S J Pugsley, Deputy Chairperson (Planning)

The meeting reconvened at 1.30pm

Miss Davis, Mr Elson, Mr Holtom, Mr Milton and Dr Warren left the meeting

DEVELOPMENT MANAGEMENT

- 61. ORDER OF BUSINESS:** In relation to Agenda Item 12.1 - Application No. 62/50/22/012 – Proposed demolition of 2 no. existing cubicle sheds together with its replacement with 1 no. livestock building – West Middleton Farm, Parracombe, Barnstaple, EX31 4PG, the Head of Planning and Sustainable Development advised the meeting that since publication of the November Agenda, Officers had received an email from the Applicant's Agent requesting that the application be withdrawn.

The meeting was advised that as the Authority papers had been published and the original Officer recommendation was a matter of public record, it was right and proper for Members to confirm whether they accepted the revised Officer recommendation to withdraw the Application.

RESOLVED: Authority Members unanimously voted to withdraw Application 62/50/22/012.

- 62. Application No: 6/3/23/008**
Location: Bidgood's, Bury, Dulverton, TA22 9ND
Proposal: Proposed storage building – Part retrospective

The Authority considered the report of the Head of Planning and Sustainable Development.

Public Speaking

1. Mr M Arnold, Neighbour
2. Mr S Blakeman, Applicant's Agent

The Authority's Consideration

Members sought clarification as to whether there were two grounds on which the recommendation for refusal was being based. Officers confirmed that a single reason had been drafted and issues relating to the principle of development and design were to be considered together.

A motion to accept the Officers recommendation to refuse planning permission was proposed and seconded and unanimously agreed by the Committee.

RESOLVED: To refuse planning permission for the reasons set out in the report.

- 63. Application No: 6/24/23/004**
Location: 2 Woodford Cottages, Woodford, Williton, TA4 4HR
Proposal: Proposed erection of replacement shed and dog run - Retrospective

The Authority considered the report of the Head of Planning and Sustainable Development.

Public Speaking

1. Mr D Mansfield, Applicant's Father

The Authority's Consideration

During the debate Officers responded to a question regarding the impact of dogs being allowed to bark in the building. It was clarified that while dogs could be allowed out into the garden at any time without any planning consent, it was important that Members considered the potential impact on the amenity of neighbouring properties due to the dogs being housed in the building during the day and night.

A motion to accept the Officers recommendation was proposed and seconded and unanimously agreed by the Committee.

RESOLVED: To grant planning permission for the reasons set out in the report.
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64. **APPLICATION DECISIONS DELEGATED TO THE CHIEF EXECUTIVE:** The Authority noted the decisions of the Chief Executive determined under delegated powers.
65. **SITE VISITS:** There were no Site Visits to arrange.

The meeting closed at 2.17pm

(Chairperson)

EXMOOR NATIONAL PARK AUTHORITY

5 December 2023

DRIVER

Report of the Head of Conservation, Access & Estates and the Head of Finance and Operations

Purpose of the report: To set out options for Driver.

RECOMMENDATIONS: The Authority is recommended to:

- (1) APPROVE the retention of Driver in line with ENPA's Retention and Disposal Policy (2019).
- (2) APPROVE the allocation of up to £550,000 from land sales (not yet secured) and the allocation of up to £50,000 from ENPA reserves for the renovation of the house at Driver, repairs to the modern farm building and other capital works as set out below.
- (3) NOTE that the operating model for Driver will be agreed during 2024.

Authority Priority: Support delivery of the Exmoor National Park Partnership Plan – and the Corporate Strategy 2023-26:

Manage the land we hold for the nation as a place where nature can thrive, naturally beautiful, wilder in character.

Find opportunities across the National Park to create more and diverse habitat including woodland, scrub and trees in the landscape.

Continue our ambitious programme of restoring peatlands, bogs, wetland and valley mires.

Provide a warm welcome, information, and opportunities to inspire everyone to understand, enjoy and care for Exmoor and better connect with nature.

Continue to work closely with land managers to explore merging new sources of finance to support the delivery of National Park purposes.

Explore how future landscapes can be equally beautiful, better for nature and help mitigate and adapt to climate change.

Ensure historic landscapes, sites and buildings are resilient, better understood, cared for and valued.

Help people to understand, enjoy and care for these landscape features and heritage assets by telling their stories, providing information, events and volunteering opportunities.

Legal and Equality Implications: It is considered there will be no adverse impacts on any protected groups.

Consideration has been given to the provisions of the Human Rights Act 1998 and an assessment of the implications of the recommendation(s) of this report is as follows: There are considered to be no human rights issues in relation to this report.

Financial and Risk Implications: The financial and risk implications of the recommendations of this report have been assessed as follows: The financial model proposed for Driver is cost neutral but depends on capital investment (which will be repaid) derived from estate land sales, as well as external income from the Countryside Stewardship scheme (until 2028). Other external investment is secured from the National Lottery Heritage Fund over the next 5 years – up to £1.1 million (match funded by £300,000 from the Cynthia Hadley legacy) to affect land management changes across the 800 acres of the holding and beyond across the former royal forest landscape. Other funding bids currently in progress – such as the Landscape Recovery scheme - will enable further investment if successful, potentially delivering a revenue stream until 2044.

A prediction of annual revenue has been made in conjunction with professional accountants who work in the agricultural sector: firstly, indicative figures have been received from Wilder Carbon around long term carbon credits; these, if pursued, would yield a minimum return of £10,000pa for 50 years. Secondly, a realistic appraisal of the rental return on the property from a Farm Business Tenancy is c. £35,000pa. Taken together it is considered that this represents a sustainable financial model for Driver in the medium term with the capital investments also securing an enhanced value of the asset. It is clear that the innovation at Driver, once underway, will attract interest from other (public and private) funders, but these have not been explored yet.

Climate Change Response: There are considered to be significant positive impacts of these proposals in terms of climate change mitigation. These are mainly around land management changes which will involve better grassland management, tree planting, peatland restoration and natural flood management measures. There are significant gains in moving away from the current energy arrangements for the buildings: a diesel generator for electricity and an oil-fired boiler. Over the next two years work will commence to replace, or mothball these, in favour of renewable energy systems. Progress here will be dependent on external grant funding streams and available land sales receipts.

1. Introduction / Background

- 1.1 Driver was acquired by Somerset County Council (SCC) in 1969; subsequently an Agricultural Holdings Act or 'Three Life' tenancy was put in place. When Exmoor National Park Authority (ENPA) became a freestanding body in 1997, Driver Farm and most other SCC owned assets on Exmoor were transferred to ENPA.
- 1.2 In 2022 the current tenant indicated that he was intending to surrender his tenancy. Subsequently the Authority approved bringing Driver (the farmland and farmstead back 'in hand'). Surrender documents were therefore agreed between the tenant and ENPA Officers and the tenancy ended on the last day of April 2023.
- 1.3 The property came back in hand on 2nd May 2023 and a substantial body of work was done at the time by ENPA staff to secure and take back the asset.
- 1.4 Since then a number of workstreams have been completed by a team of ENPA Officers and consultants to evaluate the options for a sustainable future for Driver. A fundamental principle was that Driver must strongly deliver National Park purposes. Regular briefings have been given to Members as the work streams progressed. The results of those work streams are summarised below and include:
 - The Farm Environment Survey
 - Options and rationale for the refurbishment of the house
 - The results of work to establish the capital costs of repairs to the house

- The results of a sustainability audit and recommendations for sustainable energy arrangements
- The results of farm business modelling (completed by the Assistant Rural Surveyor)
- The carbon and nature assessment completed by Wilder Carbon as a basis for potential payments for carbon sequestration.

2. DRIVER – Summary Description and Factual Information

- 2.1 Driver comprises around 800 acres (320 hectares) of enclosed farmland high on the southern side of the Chains. The farmstead sits at 365 metres (1200 feet) above sea level. The farmland comprises grassland around the farmstead running up to enclosed moorland at the top. It is high on Exmoor and is both in, and forms part of, an iconic Exmoor landscape, as well as providing a striking example of a traditional Exmoor hill farm.
- 2.2 In 1969 SCC acquired Driver and the neighbouring Pinkery farm and took the decision to combine the land in order to create an outdoor education centre at Pinkery. This has resulted in Driver becoming a very extensive block of contiguous land in an iconic and highly sensitive location. It also lies at the western end of the enormous tract of moorland owned by ENPA, which stretches from Larkbarrow Gate in the east to Pinkery Pond in the west. Its place in Exmoor National Park, as well as in the ENPA estate, is therefore highly significant and inevitably links to wider corporate objectives that ENPA has (see below).

3. DRIVER – Description and History (see also 5. below)

- 3.1 The history of the farm has been set out in previous Authority papers, but in summary it is as follows: Driver was created from uninhabited moorland by Frederic Knight in the late 1840s as part of a sustained effort to bring in rent-paying tenants on the Exmoor royal forest estate. Before that the land lay within the royal forest of Exmoor and was open moorland grazed by livestock in the summer months as far back as the Anglo-Saxon period. Regular traffic across this bleak upland used packhorse ways – unmade and muddy – one of which passes close to Driver and gives the farm its name – ‘dry ford’ (although this will probably seem surprising to those familiar with the annual rainfall here which is 79 inches – 2 metres – per year!). The name ‘Driver’ is used without the ‘farm’ suffix – in common with some of the other Knight farms – but unusual elsewhere. Various prehistoric monuments, dating from 3000-4000 years ago, survive across the holding as is the case with other parts of the royal forest landscape.
- 3.2 The farmstead at Driver comprises a six-bedroom, plain farmhouse at the top of a yard of traditional stone farm buildings. It is fairly typical of the Frederic Knight farmhouses, but of them all, Driver is probably the best preserved retaining its overall plan and many of its original features. The yard buildings comprise two ranges of single storey stone buildings, with a third range incorporating a stone threshing barn. They are in various states of preservation but form a complete and important group.
- 3.3 Today the pattern of nineteenth century field boundaries, laid out as a whole when the farm was created, has naturally fallen into disuse on the higher land. Around the lower fields, however, most of the boundaries are present and, in some cases, the stone-faced banks are up to 2.4 metres (8 feet) high and in excellent states of preservation, testimony to the ambition and aspiration of their times.

4. DRIVER – Ecology (see also 5. below)

- 4.1 Driver has soils which are in generally good condition, some species rich grassland, and is crossed by tributaries of the river Barle. These streams are flashy and offer scope for natural flood management to 'slow the flow'. The lower farmland supports internationally rare waxcap fungi communities and for this was recently notified for SSSI designations. The upper part of the farm is part of the wider moorland SSSI.
- 4.2 Across the farmland are various areas of peatbog and valley mire offering scope for restoration.

5. DRIVER – Results of Farm Environment Survey

- 5.1 In 2022 a comprehensive environment assessment of the whole of Pinkery and Driver farm was carried out by ENPA staff to help gain a better understanding of its natural and historical fabric, how it functions ecologically and its role in the wider landscape. This was carried out through both desk research and surveys on site and included wildlife habitat, historic buildings, archaeology, rights of way, landscape setting, topography, geology and soils.
- 5.2 Parts of the site were already well known as they are designated as a moorland Site of Special Scientific Interest (SSSI) on the higher ground and as a separate SSSI for rare fungi in the valley grasslands. This amounts to around half of the holding. Less well known were the condition of the enclosed fields which were found to be semi-improved acid and neutral grassland, relatively rich in plant species and promising to restore to a more wildlife rich state. The historic beech hedgerows vary in condition, some having been managed, some grown out into mature trees and other parts, mainly on the higher more exposed ground, are bare of hedge plants and only the banks remain. Altogether the site is rich in a variety of grass, heath and bog habitats though in common with much of upland Exmoor it is relatively bare of trees. Several priority species have been recorded here including cuckoo, lesser redpoll, whinchat, grasshopper warbler, otter and brown hare as well as over 20 invertebrates making this an important area for wildlife.
- 5.3 A representative sample of 12 field parcels were tested and examined across the holding and the soil health across both moorland and in bye land were found to be good. The high organic matter content showed that roots are able to grow well and that it supports a healthy balance of microbial and invertebrate species. Low phosphate levels make the land suitable for nature conservation and species diversity. Peat depth was measured across the blanket bog habitat and showed an average depth of around 70cm which qualifies it as deep peat.
- 5.4 There are three main phases of archaeological evidence:
 - 5.4.1 A prehistoric landscape used for hunting herds of wild animals and later as extensive grazing for stock with a ritual landscape of burial sites and stone settings and flint remains indicating a possible settlement.
 - 5.4.2 Part of the medieval royal forest created in the Saxon period and continued through the Norman and later medieval period. It was extensively used for stock grazing and is marked by pack horse routeways which we used until the 19th century.
 - 5.4.3 Nineteenth century enclosure of the forest, which then led to, firstly, early management by John Knight 1819-1837 particularly of water where historic contour leats remain. Secondly, development of farms by Frederic Knight from the 1840s; Driver and its associated buildings and fields were established in 1847 and Pinkery in 1849.

5.5 Two footpaths cross the holding, leading from the valley floor road to the high boundary of the Chains. One of these is a public right of way and promoted as part of the Macmillan Way and is also a permitted bridleway. The other which leads past Pinkery, is a permitted path. In addition all of the moorland area is open access land.

6. DRIVER – Options Appraisal for the Farmhouse

6.1 The house at Driver is large, having six bedrooms and six rooms downstairs. Although the farmhouse needs refurbishment, the main structure is in good condition. No structural intervention is thought to be required. Many of the defects such as dampness and failing plaster are due to lack of maintenance.

6.2 To better enable the diversification of the farm, an architect has been commissioned to work with ENPA to sympathetically adapt the building through minor modifications to enable it to function as a family house with separate accommodation to be let to guests.

7. DRIVER – Financial Viability Assessment

7.1 A farm viability assessment has been prepared by ENPA's Estates team. It investigated the potential financial agricultural viability of Driver. This work informed both the business case and Countryside Stewardship application.

7.2 The work included the preparation of gross margins and fixed costs and presented evidence of the relevant and feasible enterprises that should be considered at Driver. This exercise highlights the impacts of land designations, grant aid, and the holding's poor infrastructure. The resultant figures indicated the financial return that might be achieved if the holding is run both efficiently and ambitiously; it demonstrated that for Driver to be viable it is reliant on a number of factors. These include low input and efficient systems, diversified enterprises, environmental subsidies, and an entrepreneurial spirit. The viability assessment also included advice on rent and the ability of the holding to produce a surplus income.

7.3 Traditional (intensive) farming in the upland areas of the UK is becoming increasingly financially unviable and not a model that can be recommended at Driver. Due to land designations, changes in political priority and the sheer cost of agricultural practices, any occupant of Driver must look to innovative, new practices that will enable the holding to work in collaboration with the Authority and secure a positive return.

7.4 Countryside stewardship is therefore crucial for financial viability over the initial 5 year term. As well as supporting a conservation approach to farming it is the only option available to the holding. A Countryside Stewardship application has been submitted with options based on ecological surveys, future ambitions, SSSI management prescriptions, a desire to increase tree cover, pursue National Park purposes and optimise grant aid. The options include haymaking, educational access, restoring species rich grassland, management of historical and archaeological features, native breeds, moorland management, creation of wood pasture, permanent pasture with very low inputs. The total value of this agreement is £75,561.48 pa for five years.

7.5 The agreement also includes a range of capital work items such as repairing of stone and earth faced boundary banks, planting hedges, fencing, field gates and cattle grids. The value of these items is £177,197.21. These items may not all be required.

8. DRIVER – Renewable Energy Appraisal and Recommendations

- 8.1 The property is off-grid and does not have mains water, electricity or drainage. Electricity is provided by a diesel-powered generator and PVs located on the farmhouse roof which are backed-up with batteries. Water is taken from a spring and borehole. The property has an oil-fired central heating system and AGA/Rayburn range cooker.
- 8.2 National Grid has provided an estimate for electricity connection to the nearest available supply (Cornham Farm). The baseline cost is £94,074 plus VAT, for the most direct connection which does not include landscape mitigation such as undergrounding or alternative routes. We are further advised that an additional budget of circa £73,800.00 will be required for undergrounding. Landowner costs, including easements, would be a further addition.
- 8.3 To assist with our ambition of delivering a sustainable solution to the off-grid opportunity, environmental consultants were commissioned to design a costed solution. This work has produced a high-level budget for a scheme that could deliver over 90% carbon savings within the refurbishment of the house. The scheme would include heating systems, heat distribution and cooking, electricity, water supply, waste water and surface water. The energy system would be predicated on wood fuel and photovoltaic arrays. The total costs of this scheme are £86,600.

9. DRIVER – Carbon Assessment

- 9.1 Wilder Carbon offered to carry out an initial assessment of the land at Driver during 2023 in terms of possible carbon payments. The assessment is based on a risk averse approach and looks at the current use of the land and its potential.
- 9.2 The potential of Driver to attract payments is chiefly around the areas of peat on the holding which would be restored. Further potential is seen in the establishment of areas of wood pasture. Taken as a whole Wilder Carbon assess the holding as yielding £10,000 pa for the next 50 years. This figure is a minimum and is likely to increase (potentially significantly) after appropriate land interventions are made. Of course, the return is also subject to the credits being purchased on the open market.
- 9.3 Wilder Carbon recommend that more field evidence is gathered on the baseline condition of the environment, because the assessment was a desk-based exercise. This has not been pursued yet but will be progressed pending the outcome of a decision on Driver's future. Once a final figure is established, a decision will be made about whether ENPA should enter into the 50 year contractual arrangement which underpins this scheme.

10. DRIVER – Business Case

- 10.1 Members have had the benefit of a site visit to Driver and two workshops. At the last of these we discussed four options for Driver, but Officers were directed to focus on two of these for the purposes of the current paper.

Option A - The house and traditional farm buildings are operated by ENPA staff and host the Exmoor Pioneers programme. The land is let out on a grazing licence.

Option B - The house, buildings and all of the land are let to a tenant on a 10 year agreement.

There are also variants of these two models, including share farming, which we will consider.

- 10.2 Under **Option A**, the land together with the modern agricultural building will be let under the terms of a Farm Business Tenancy (FBT). ENPA secure a Countryside Stewardship (CS) Agreement which will be transferred to the tenant to deliver. The tenant will draw down the annual CS grant. ENPA and the tenant will work in partnership to deliver an agreed programme of CS capital works including hedges and boundaries. Educational visits can be delivered by either the tenant or ENPA staff. The FBT opportunity will be marketed during the summer of 2024 with commencement on 25th March 2025. The initial length of the FBT will be four years to coincide with the expiry of the CS agreement. It is anticipated that the successful tenant will be local as there will be no residence on offer. The modern agricultural building will be refurbished prior to the commencement of the FBT with the addition of a fodder store.
- 10.3 The farmhouse will be refurbished and occupied by ENPA staff where the National Lottery Heritage Funded (Exmoor Pioneers programme) project will be based. The staff at Driver will host an educational, nature recovery and rural skills programme throughout the life of Exmoor Pioneers. The East Barn will be refurbished using an 80% Farming in Protected Landscapes (FiPL) grant and used as a field classroom. The West Barn will also be used for events and support the project. The NLHF will also fund nature recovery projects at Driver which will be supervised by ENPA staff. The farmhouse will provide self-catering accommodation for paying guests attending working holidays at Driver and staff accommodation will be made available to support this enterprise.
- 10.4 This option will be reviewed towards the end of the Exmoor Pioneers programme. At that point a similar model will be continued, or Driver could revert to the Tenancy model below.
- 10.5 Under **Option B** the farmhouse, land and buildings will be let under the terms of a Farm Business Tenancy (FBT). The farmhouse, East Barn and modern agricultural building will be refurbished (exactly as in the hybrid model above) and a new fodder store constructed prior to the commencement of the tenancy which will be marketed during the summer of 2024. ENPA will secure the Countryside Stewardship (CS) Agreement which will be transferred to the tenant to deliver. The tenant will draw down the annual CS grant. ENPA and the tenant will work in partnership to deliver an agreed program of CS capital works including hedges and boundaries. The CS educational visits can be delivered by either the tenant or ENPA staff. The marketing of the tenancy will be supported by a media campaign with the ambition of securing an ambassador tenant. An initial term of 10 years will be offered with an obligation on the tenant to enter into a Memorandum of Agreement, which will contract the tenant to agreed nature recovery and engagement milestones.
- 10.6 ENPA staff, in partnership with our tenant, will host an educational, nature recovery and rural skills programme throughout the life of the Pioneers project. The East Barn will be used as a field classroom. The West Barn will also be used to accommodate events and support the project. The NLHF will also fund nature recovery projects at Driver which will be supervised by ENPA staff. Both the East and West barns will be included in the FBT and available to the tenant for diversification enterprises and such enterprises to have been presented in the tenant's business plan as a part of the application process. The farmhouse will have been refurbished with guest accommodation as a diversification option if the tenant requires.
- 10.7 Both options require a programme of capital works to the farmhouse, East Barn and Modern farm Building. The capital programme is summarised in the table below.

Capital Expenditure

Capital Expenditure		
Farmhouse	Refurbishment	-£232,000
Farmhouse	Contingency and professional costs	-£45,000
East barn	Renovation	-£175,000
Project management	CDM	-£15,000
Modern farm building	Demolition and rebuild	-£175,000
Landscaping	Yard area etc	-£10,000
Sustainability Power and Services	Power and water services	-£87,000
Total Capital Requirement		-£739,000

Funding Source		
Land Sales	Capital Receipt	£550,000
FiPL	Grant Fund	£140,000
ENPA	Reserve	£50,000
Deficit/Surplus		£1,000

- 10.8 To assist with the provision of cash flows a firm of accountants were instructed to provide financial advice.
- 10.9 Driver will need to accumulate funds over a period of time to cover any future maintenance costs etc. It is a requirement of the project that no unnecessary financial burden is placed on the Authority's annual National Park Grant (NPG) or capital reserves in future years. Both the Hybrid and Tenancy Models are projected to produce an annual financial surplus with the Tenancy model generating a slightly better return. However, further work on contingency planning is required before finalising the financial projections.
- 10.10 A National Lottery Heritage Fund grant has been obtained by ENPA to run a programme called 'Exmoor Pioneers' from 2024-28. Matched with £300,000 from our own Cynthia Hadley legacy, this grant will be fully expensed against the associated costs of running the Nature Recovery and Traditional Skills projects. Further, the NLHF grant will pay for engagement and volunteering at Driver with additional funding for officer time.

- 10.11 Farm Business Tenancy rents are based upon open market values but also, factoring in the quality of the land, nature recovery projects and SSSI status. Enterprise gross margins have also been calculated to determine the viability of holding.
- 10.12 Monthly timings of cashflows and working capital requirements (notably during the renovation period) will be considered in due course. It should be noted that typically Countryside Stewardship and FiPL grants are paid following the completion of eligible works, therefore ENPA may need to consider working capital requirements during this period.

11. Discussion and Recommendations

- 11.1 The context of decision making about Driver is important. First and foremost is its place in delivering National Park purposes. These can be summarised as threefold, being firstly on landscape grounds, secondly in terms of biodiversity and thirdly in terms of the cultural heritage of Exmoor. Firstly, in terms of landscape, the land at Driver and Pinkery comprises some of the highest farmland on Exmoor and is in a highly sensitive location bordering the Chains. This can be considered as one of the last truly remote upland landscapes in southern Britain and lies within the core of the Dark Skies Reserve. Without doubt, continued ENPA ownership here safeguards against adverse and intrusive development in the broadest sense. In terms of biodiversity the 800 acres of land at Driver/Pinkery has intrinsic ecological value as indicated in the various SSSI notifications. However, we have identified significant opportunities for better grassland management across the holding to promote biodiversity, introducing wood pasture as part of the regenerative farming approach, and natural flood management measures to enhance the valley bottoms and alleviate downstream flooding. This latter will promote key riverside wetland habitats which are not currently thriving. In terms of Exmoor's cultural heritage, the landscape and story of the royal forest is Exmoor's most notable contribution to our national narrative and has been well set out previously. Driver is the most unaltered farmstead from the 1840s and, set within its largely complete original field system forms a culturally significant asset.
- 11.2 It is also appropriate to think about Driver in the context of our own policies and corporate priorities. One way of looking at it is that it both has the potential to deliver our policies and may also itself become a 'driver' for developing initiatives around our priorities. The Nature Recovery Vision which was adopted by the Authority in 2021 identifies the landscape of the royal forest as a key nature recovery hub and the farmland at Driver/Pinkery forms a significant part of that hub. In order to progress the Vision, land like this is required urgently to play its part and to lead the way.
- 11.3 The ENPA Estate Strategy 2023-2043 which was adopted by the Authority in March 2023 has a Mission Statement which says:

ENPA's estate will continue to provide public benefits for all. We will be both ambitious and aspirational in what our estate can achieve in the future. It will be an exemplar and a leader in the countryside. It will continue to be well managed, but in the years to come will be economically sustainable and more innovative. It will always be a place of inspiration, with a warm welcome for everyone.

Through ENPA's ownership we will work harder to protect and nurture the environment, making it much more resilient in the future. We will care for the social, cultural, historical and economic attributes of the land and properties we own.

Through the estate we will continually provide inspiration, re-creation, wellbeing and understanding for generations now and into the future.

- 11.4 The land and buildings at Driver along with Pinkery are able to provide public benefits for all. It clearly has the potential to be an exemplar and leader in the countryside. It is already a place of inspiration, and in following our purposes we would strive to ensure that this remains the case.
- 11.5 The estate strategy places emphasis on future sustainability and innovation. It is therefore essential that Driver plays its part in progressing the strategy and the foregoing paragraphs summarise how this can be achieved. It is important to stress that this paper sets a direction for Driver, but sustainability and innovation (in terms of nature recovery, climate change mitigation and engagement) will be its long term vision.
- 11.6 Finally, the Disposals Policy for the ENPA estate lays out a series of tests for an asset to be retained:
- ‘When considering what to do with an existing property asset, the Authority’s starting point will be a presumption in favour of disposal unless there is a compelling case for retention. The following questions will be considered when the assessment is made:
- Does it have a core value in delivering National Park purposes?
 - Is there potential for enhancement or unlocking latent value in the future?’
- 11.7 The list continues, but these two are most relevant here. It is clear to Officers that Driver passes these two first criteria and that it is entirely in line with the policy to retain the asset.
- 11.8 A key test for ENPA must also be the financial one, and the overall viability of the business case for Driver is crucial in underpinning the options. This model is based on a high degree of certainty. What is also clear is that the innovation intended for Driver will attract external interest and investment. A long term part of the strategy for Driver will be to bid to external grant funds and also to encourage private investment.

12 Next Steps

- 12.1 If the Authority is minded to approve the recommendations at the top of this paper, this will provide certainty to take Driver forward. During 2024 we would:
- 12.1.1 Refurbish the house and other infrastructure
 - 12.1.2 Let the grazing
 - 12.1.3 Agree an operating model
- 12.2 The operating model will be developed over the next six months. The final decision on the model does not alter the works or costs that would be incurred on site during 2024.

		2023	2024			
			Spring	Summer	Autumn	Winter
LAND			Let tenancy for grazing			
HOUSE	Procure		Refurbish house	Completed		
FARM BUILDINGS				Procure	Works to farm buildings	Completed
			Procure		Repairs to traditional barn (FiPL)	Completed
OPERATING MODEL				Agree operating model	Let Farm Business Tenancy Or ... Exmoor Pioneers begins (2024-28)	Let grazing (2025)
COMMS PLAN	Agree Plan					

Rob Wilson North
Head of Conservation, Access & Estates

Ben Barrett
Head of Finance and Operations

November 2023

EXMOOR NATIONAL PARK AUTHORITY

5 December 2023

PROGRESS IMPLEMENTING THE CORPORATE PLAN 2023-24

Report of the Head of Strategy and Performance

PURPOSE OF THE REPORT: To inform Members about the progress made in implementing actions within the Corporate Plan 2023-24 for the period April 2023 to end of September 2023.

RECOMMENDATION: The Authority is recommended to:

- (1) NOTE the progress in implementing the Authority's key commitments set out in the Corporate Plan 2023-2024 as detailed in Appendix 1.
- (2) DELEGATE to the Finance and Performance Advisory Panel and Leadership Team further scrutiny of Authority performance across all the Corporate Plan actions for the next reporting period to 31 March 2024.

Authority Corporate Plan: The Corporate Strategy outlines the priorities for the Authority for 2023-2026 and includes actions for the period April 2023 to March 2024. It also identifies how we will help to achieve the priorities in the *Exmoor National Park Partnership Plan*.

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 equality impact of the recommendations of this report has been assessed as follows: There are no foreseen adverse impacts on any protected group(s). Engagement through the outreach work within the plan is designed to have a positive impact on protected groups.

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 the Human Rights Act.

Financial and Risk Implications: No financial or risk implications have been identified. Performance management exerts a positive influence on financial and risk management.

Climate Change Response: Tackling the climate crisis is a Corporate Plan priority, and progress against actions identified are given below.

1. Introduction

- 1.1 A three-year Corporate Strategy was agreed by the Authority in May 2023. This sets out the key priorities for the Authority and includes actions for 2023-24. It reflects the emerging themes of the 2024-29 Exmoor National Park Partnership Plan and the priorities identified in Government's response to the Landscapes Review
- 1.2 Performance is monitored quarterly by Leadership Team to ensure that the actions within the Corporate Plan are being achieved and, if necessary, to provide an opportunity for resources to be re-allocated or to review the proposed action.
- 1.3 This progress report provides an overview of key achievements between April and September 2023. There have been some significant achievements, and good progress against delivery of the majority of the actions. Further details are given in Appendix 1.
- 1.4 The areas where there has been lack of delivery, either due to slippage in timescales or actions not progressed, are primarily due to budget restrictions which have placed pressure on staff capacity. We continue to implement plans that will increase income and bring in external funding to support our work, in addition to the core grant funding we receive from Defra. Work is ongoing to identify and make budget savings to address the significant funding gaps in our Medium-Term Financial Plan.

Clare Reid

Head of Strategy and Performance

November 2023

Background papers on which this report, or an important part of it are based, constitute the list of background papers required by Section 100 D (1) of the Local Government Act 1972 to be open to members of the public comprise:

Exmoor National Park Authority Corporate Plan 2022/23

Landscapes Review (National Parks and AONBs): Government response, January 2022

Landscapes Review, Julian Glover, September 2019

DELIVERY OF CORPORATE PLAN ACTIONS 1ST APRIL 2023 TO 31ST MARCH 2024

Cross Cutting Actions:

- ✓ The review of the Partnership Plan is well under way including a public opinion survey, workshops 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 July 2024. Work is ongoing to prepare the draft Plan with partners in the meantime.
- ✓ Exmoor Pioneers: Good progress is being made on the Development Phase of the National Heritage Lottery funding with all workstreams progressing on schedule in respect of nature recovery, heritage conservation, skills, interpretation and engagement, and new audiences.
- ✓ Various funding bids have been submitted including Landscape Recovery and Rural England Prosperity Fund. Further bids including for the new Lottery fund for protected areas are being considered.

Corporate Priority 1: A clear response to the nature and climate crises:

- ✓ Officers continue to engage with work with the Local Nature Partnerships to input to the Somerset and Devon Local Nature Recovery Strategies, including local habitat mapping, identifying priorities and opportunities for enhancing biodiversity.
- ✓ Additional funding has been secured for the Somerset Treescapes Project to support woodland expansion. There has been good engagement with landowners on Exmoor though progress on private schemes is slow due to uncertainty over direction of national land-use policy.
- ✓ Plans for delivery of 'Exmoor's Temperate Rainforest' are going well, with funding and consents being secured for a number of projects including Kings Wood, and design and applications being progressed on other sites including Driver Farm and Long Holcombe.
- ✓ The Sowing the Seeds Project has been supporting landowners to restore existing grasslands, as well as to create new meadow areas, providing support and advice for over 325 ha of land (exceeding the 300ha target). To date the Project is working with a total of 58 landowners, alongside providing continued and enhanced support to existing landowners/managers by providing detailed botanical and soil surveys and management plans. The project is continuing to work with community groups and centres of learning to develop our knowledge of meadows. The Project harvested 160 kg of meadow seed from three species rich meadows on Exmoor, and vacuum harvested seeds of specific meadow species to build a supply for propagation at the wildflower nursery.
- ✓ Plans for further peatland restoration are being progressed by the South West Peatland Partnership, including archaeological surveys and further paleo-environmental analysis. Preparing for works to start in autumn.
- ✓ A series of engagement workshops took place to discuss the potential reintroduction on pine marten. A number of concerns were raised which will be explored further by the partnership. A funding bid is being developed for the National Lottery Heritage Fund,

led by Devon Wildlife Trust, with ENPA as a partner. If successful, this will provide funding for further engagement and assessments on Dartmoor and Exmoor.

- ENPA is working with Natural England (NE) to set up a monitoring programme for Sites of Special Scientific Interest starting in 2024. An initial staff training day successfully enabled staff to undertake the new assessment process and we are in liaison with NE over a delivery plan for the next 2-3 years. However, there is uncertainty over NE's capacity to enable assessments to start in 2023.
- ✓ The Exmoor Non-Native Invasive Species project has successfully delivered both herbicide and Rootwave (on organic sites) treatment achieving good overall control of invasive species
- ✓ ENPA is working with the other UK National Parks to join 'Race to Zero', a global initiative which is aimed at encouraging institutions to deliver a healthier, fairer zero-carbon world. A net zero target will be included in the Partnership Plan, and work is ongoing with partners on actions to deliver emissions reductions.
- ✓ Further action has been taken to reduce ENPA carbon emissions through replacing one Ranger Land Rover with an electric vehicle. A sustainability strategy for Driver farm has been produced including proposals for a biomass boiler to replace the current oil heating, and additional solar PV to provide electricity.
- ✗ Work on a climate adaptation strategy is not currently being progressed due to capacity constraints, and also to await further guidance being produced nationally. Climate adaptation actions will be considered as part of the development of the Partnership Plan.

Corporate Priority 2: A welcoming place for all, improving people's health & well-being

- ✓ Visitor numbers at National Park Centres are up 30% on last year (to end Q2) and also now up on pre covid levels. NPC income is also up 35%, and the online shop sales are up 55%. Dulverton NPC has reached the finals of the Bath, Bristol and Somerset Tourism Awards.
- ✓ Initial approaches have been made to 2 schools to diversify the formal education offer, reaching out to people from a wider range of backgrounds and providing opportunities for increased connection to Exmoor's special qualities.
- ✓ A new progressive charging policy is in place for residential stays at the Pinkery Centre for Outdoor Learning to provide discounts for children eligible for Free School Meals.
- ✓ A varied programme of volunteer activities has been delivered for the Communities for Nature activity days on North Hill, including a beach clean, 24hr bioblitz, 100-mile Sealife Survey and rockpool events, skills and wildlife identification training.
- ✓ A programme of women's introductory walks has been delivered to promote health and well-being benefits, and further "Welcome to Exmoor" days are planned.
- The impacts of reductions in budgets and capacity in the Access and Recreation Team are starting to be seen. The new reduced parking programme was implemented, and we have received a lot of complaints as a result. A revised network fault management policy is being implemented. It is not clear yet what impact this will have on the rights of way Open and Easy to use score. Reduced Ranger capacity (due to long term sickness absence) and loss of a post (Rights of Way Support Officer) also means there

is less capacity to assist with visitor management including popular locations and large events.

- Pressures on the recreation and access team are also limiting the development of projects to make use of Defra special funding to improve disability access infrastructure, although suitable projects are being identified using in house knowledge and contacts.
- ✓ The new approach in our Public Access and Field Services Team work, adapting to reduced funding and realignment of staff priorities, is progressing well. A large number of potential works have been identified and agreed. 16 pieces of work have been completed and paid for and more are in progress including timber product production, ground works, gates, invasive species treatment and woodland work.
- ✓ Bids were submitted and awarded to complete implementation works for the England Coast Path. The first works on the ground are scheduled for early November.
- ✓ Consultation responses on changes to ENPA's car parks were analysed and plans have been altered and communicated.
- ✓ Fundraising for Great Bradley bridge is going well, and detailed designs are being prepared.
- ✓ Exmoor Strolls (more accessible routes) booklet and web information launched with good press coverage.
- ✓ The new website is nearing completion, and all technical issues appear to be resolved.

Corporate Priority 3: A cared for landscape and heritage

- ✓ Surveys have been completed for the restoration of the Ashley Combe designed landscape, with works being detailed to restore sections of path.
- ✓ The Dark Skies Festival programme was published with over 60 events. Construction of the Wimbleball dark skies hub is now underway. A new lighting design advice leaflet has been drafted and new Dark Skies Pocket Guide printed.
- ✓ Officers continue to work with Historic Signpost volunteers and the Early Dunster Group to build understanding of Exmoor's heritage assets.
- Drafting of the Design Guide is ongoing. Progress continues to be affected by staff resources and the timetable has been pushed back again.
- ✗ The loss of the Conservation Advisor (Historic Environment) post has meant that there is an increasing backlog of Local Heritage List sites waiting to be added to the Historic Environment Record.

Corporate Priority 4: A place with flourishing, vibrant, communities and businesses

- ✓ Officers continue to work with Somerset Council and North Devon Council, as housing authorities, to take forward work to support the delivery of local need affordable housing.
- ✓ Preparations for the introduction of Biodiversity Net Gain continue, with some significant sites across Exmoor implementing BNG and using the Exmoor guidance.
- ✓ Strong progress has been made with donations to CareMoor significantly increased. Donating via 'Give Tap' has been set up and trialled.
- ✓ Improved performance continues in the development management service, with national targets being achieved and exceeded.

- ✓ Efforts continue to increase the digitalising of planning services, with increased numbers of applications being submitted electronically. The new website will improve digital access and work is about to commence to investigate changing the planning back-office system, which again should improve digital accessibility.

Corporate Priority 5: A highly performing Estate, delivering National Park purposes

- ✓ Plans for Driver Farm are progressing, and options are under development for discussion with Members. Significant work has been undertaken on the Countryside Stewardship application, to deliver National Park purposes and bring in income.
- ✓ Management of ENPA's woodland estate is progressing well, including management of woodland open space, clearance of ash-die back, maintenance of planted trees, and site surveys. A shortage of skilled forestry contractors is delaying some works and timber production.
- ✓ The tree nursery developments are on-track with new building works commissioned.

Corporate Priority 6: A great organisation to work for

- ✓ A new Organisational Development Strategy: Our People, Our Culture, has been adopted by the Authority. Work to take the actions forward has been intermittent due to priorities relating to the Business Review. More focus will be given to this from Q4 onwards.
- ✓ An Equality, Diversity and Inclusion Strategy has been drafted, for formal adoption in Q4.

EXMOOR NATIONAL PARK AUTHORITY

5 December 2023

AMENDMENTS TO STANDING ORDERS AND CODE OF CONDUCT

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

PURPOSE OF THE REPORT: To agree proposed amendments to Standing Orders and Member Code of Conduct to reflect the changes to governance agreed at the Authority meeting on 7 November 2023 for a trial period of up to 12 months.

RECOMMENDATIONS: The Authority is recommended to:

- (1) AGREE the amendments to Standing Orders set out in Appendix 1.
- (2) AGREE the amendments to the Member Code of Conduct in Appendix 2.
- (3) DELEGATE to the Chief Executive and Chairperson authority to agree minor amendments in relation to terminology or legislative references which may arise from time to time.

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 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 the Human Rights Act.

Financial and Risk implications: The proposed revisions are intended to make best use of Member time and resources whilst still ensuring that there is opportunity for public scrutiny of Authority business. Based on the current Member budget, the revised meeting arrangements and reduction in Member Allowances could reduce costs, mainly in staff time, by up to £15,000 per annum.

Climate response: Reducing the frequency of face-to-face meetings will have a positive impact on the need to reduce travel with a potential carbon saving

1. Background

- 1.1 As part of addressing the current financial pressures facing the Authority, it was agreed in November 2023 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.
- 1.2 Any changes to ENPA's governance must be reflected within the key principles and documents that guide Authority standards and conduct to ensure they remain up to date and fit for purpose. Standing Orders provide the framework for the proper management of Authority business. The Member Code of Conduct sets out the high standards of conduct expected of Members and includes the Code of Conduct in Practice – Planning, and procedural guidance for planning site visits.

2. Proposal

- 2.1 The Solicitor and Monitoring Officer and Officers have conducted a thorough review of the current Standing Orders to identify where the necessary amendments are required. These were considered by the Standards Committee on 14 November 2023 and recommended to be brought to the Authority for approval. In addition, minor amendments to the Member Code of Conduct are required to reflect these changes, and so are being brought to Members for approval.
- 2.2 A marked up version of the Standing Orders showing changes is given in Appendix 1 and Member Code of Conduct at Appendix 2.
- 2.3 The changes to governance were approved to run from April 2024 for a trial period of up to 12 months, and the proposed changes to Standing Orders and Member Code of Conduct will apply during the trial period.
- 2.4 Member appointments to the Planning Committee will take place prior to April 2024, and it is proposed that these appointments run until the Member appointments process at the AGM in July 2025.

Clare Reid

Head of Strategy and Performance

Andrew Yendole

Solicitor and Monitoring Officer

November 2023

Background papers on which this report, or an important part of it are based, constitute the list of background papers required by Section 100 D (1) of the Local Government Act 1972 to be open to members of the public comprise:

- Localism Act 2011
- Environment Act 1995
- The National Park Authorities (England) Order 2015



EXMOOR NATIONAL PARK AUTHORITY

STANDING ORDERS

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INTRODUCTION

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

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

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

STANDING ORDERS:

PART A: ORDERS APPLICABLE TO AUTHORITY MEETINGS

1 MEETINGS OF THE AUTHORITY

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

The summons for any extraordinary meeting shall set out the agenda for that meeting. Failure to serve a summons on any Member of the Authority shall not affect the validity of any meeting. No business shall be transacted at a meeting of the Authority other than that specified in the notice of that meeting. The proceedings of the Authority shall not be invalidated by any vacancy or defect in appointment of any Member.
- 1.8 **Extraordinary Meetings:** An extraordinary meeting of the Authority may be called at any time by the "Appropriate Person" meaning the Chairperson, or if that office is vacant, the Deputy Chairperson or if that office is also vacant, the Chief Executive.

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

2 APPOINTMENT OF CHAIRPERSON, ~~DEPUTY CHAIRPERSON AND DEPUTY CHAIRPERSON (PLANNING)~~

- 2.1 At the Annual Meeting of the Authority, the Chief Executive shall preside over the first item of business to elect a Chairperson of the Authority. The second item of business shall be to elect a Deputy Chairperson. ~~The third item of business shall be to elect a Deputy Chairperson (Planning).~~
- 2.2 Where more than one person is nominated for the position of Chairperson or Deputy Chairperson ~~or Deputy Chairperson (Planning)~~ a vote will take place. If, following the vote, there is not a clear majority in favour of one person, the name of the person having the least number of votes shall be struck off the list. A fresh vote shall then be taken and so on, until a majority of votes is given in favour of one person. Nominees shall be entitled to vote for themselves. The voting may take place by ballot if the Authority so determines. In the event of an equality of votes between the final two remaining nominated persons, the matter shall be determined by lot.
- 2.3 The Chairperson, ~~Deputy Chairperson~~ and Deputy Chairperson ~~(Planning)~~ shall be elected for a period not exceeding one year but on ceasing to hold office at the end of their elected term shall be eligible for re-election unless six successive terms have been served ~~from 2012~~.
- 2.4 The Chairperson, ~~Deputy Chairperson~~ or Deputy Chairperson ~~(Planning)~~ may at any time resign their office by notice in writing delivered to the Chief Executive.
- 2.5 A person shall cease to hold office as Chairperson ~~or Deputy Chairperson~~ or Deputy Chairperson ~~(Planning)~~ upon ceasing to be a Member of the Authority.
- 2.6 If a vacancy in the office of Chairperson or Deputy Chairperson ~~or Deputy Chairperson (Planning)~~ shall arise, the vacancy shall be filled by the Authority's election of one of its Members at the next Authority meeting.
- 2.7 Where a casual vacancy in the office of Chairperson or Deputy ~~Chairperson or Deputy Chairperson (Planning)~~ is filled the person then elected shall hold office until the next Annual Meeting of the Authority.

3 CONDUCT OF MEETINGS

- 3.1 At a meeting of the Authority the Chairperson shall preside.
- 3.2 If the Chairperson is absent from a meeting of the Authority, the Deputy Chairperson of the Authority shall preside. ~~If both the Chairperson and Deputy Chairperson of the Authority are absent, the Deputy Chairperson (Planning) shall preside.~~
- 3.3 If the Chairperson and ~~both~~ Deputy Chairpersons of the Authority are absent, the Members of the Authority present at that meeting shall choose a person from their number to preside as Chairperson for that meeting.
- 3.4 ~~At a meeting of the Authority, the Deputy Chairperson (Planning) shall preside over agenda items that relate to the Authority's role as sole local planning authority for the area of Exmoor National Park. If the Deputy Chairperson (Planning) is~~

~~absent the Deputy Chairperson of the Authority shall preside. If both the Deputy Chairperson (Planning) and Deputy Chairperson are absent, the Chairperson of the Authority shall preside.~~

~~3.5 If the Chairperson and both Deputy Chairpersons of the Authority are absent, the Members of the Authority present at that meeting shall choose a person from their number to preside as Chairperson for that meeting.~~

3.5 Any powers or duty in relation to the conduct of a meeting assigned to the Chairperson by these Standing Orders may be exercised by any person presiding at a meeting in accordance with Standing Order 3.3, 3.4 and 3.5 above.

4 QUORUM

4.1 Except where authorised by statute or otherwise specifically determined by the Authority, no business shall be transacted at a meeting of the Authority unless at least one-third of the whole number of Members of the Authority are present; and of those present at least one is a Local Authority Member and at least one is a Member appointed to the Authority by the Secretary of State. *Note: the quorum for a meeting of the Authority of 22 Members is 8.*

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

5 ATTENDANCE AT MEETING

5.1 A record shall be kept of the names of each Member present at a meeting of the Authority.

5.2 A Member shall tender an apology to the office of the Chief Executive before the date of a meeting that they are unable to attend.

5.3 If a Member fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the Authority, they shall cease to be a Member of the Authority unless the failure was due to some reason approved by the Authority before the expiry of that period. Attendance as a Member at a meeting of any Committee or Sub Committee, Joint Committee, Joint Board, Advisory Committee or other body by which for the time being the functions of the Authority are being discharged shall be deemed to be attendance at a meeting of the Authority.

5.4 A Member shall disclose any disclosable pecuniary interest or personal interest they have in any matter coming before the Authority. This is notwithstanding the fact that such interests may already be entered in the Register of Interests. A Member shall not participate in any discussion of, vote on, or discharge any function related to a matter in which they have declared a disclosable pecuniary interest or a non-registerable interest and they shall withdraw from the meeting for the duration of the consideration of that matter.

6 ORDER OF BUSINESS

6.1 Subject to any statutory requirements, the order of business at every meeting of the Authority shall normally be as follows:

- (a) at the Annual Meeting only in every year, to appoint the Chairperson of the Authority; ~~the Deputy Chairperson~~ and the Deputy Chairperson (Planning);

- (b) to choose a person to preside if the Chairperson and ~~both~~ Deputy Chairpersons are absent;
- (c) to deal with any business required by statute to be done before any other business;
- (d) Chairperson's announcements;
- (e) to approve and sign as a correct record the Minutes of the last meeting of the Authority;
- (f) to consider any matters arising from the Minutes of the last meeting of the Authority
- (g) to deal with any business expressly required by statute to be done;
- (h) to introduce any business which by reason of special circumstances the Chairperson, after consultation with the Chief Executive, is of the opinion should be considered as a matter of urgency **AND** then to resolve when such business should be ordered on the Agenda;
- (i) to dispose of business (if any) remaining from the last meeting;
- (j) to receive any public speakers in accordance with Standing Order 30;
- (k) to consider recommendations of Committees;
- (l) to consider motions in the order in which notice has been received;
- (m) to consider questions from Members of which notice has been given in accordance with Standing Order 10;
- (n) to consider reports and other business specified in the summons;
- (o) to receive the Minutes of Committees;
- (p) to consider any business which is the subject of any resolution passed under Standing Order 14.1 to exclude the press and public for reasons of confidential or exempt information as defined by Section 100A of the Local Government Act 1972;
- ~~(q) to consider applications, enforcement issues and other reports in relation to the Authority's functions as sole local planning authority for the area of Exmoor National Park.~~

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

7 MINUTES

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

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

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

- 7.4 Any question on the accuracy of the Minutes of a Committee or Sub Committee shall stand referred to the next meeting of the Committee or Sub Committee and shall not be discussed at the meeting of the Authority.
- 7.5 Until the contrary is proved, a meeting of the Authority the Minutes of which have been made and signed in accordance with these Standing Orders shall be deemed to have been duly convened and held, and all the Members present at the meeting shall be deemed to have been duly qualified.

8 VOTING

- 8.1 Every motion shall be determined by a show of hands unless otherwise decided by a majority of the meeting.
- 8.2 All motions shall be decided by a majority of the Members of the Authority present and voting at that meeting.
- 8.3 On the requisition of any Member of the Authority supported by four other Members, the voting shall be recorded to show how each Member present and voting gave their vote for or against the motion or who abstained from voting.
- 8.4 On the Chairperson putting a motion to the vote, no further discussion on it shall take place.
- 8.5 If immediately after a vote is taken any Member so requests, a record shall be kept in the Minutes of that meeting whether that Member cast their vote for or against the motion or abstained from voting.
- 8.6 In the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.
- 8.7 A Member shall be eligible to vote only if they have been present for the entirety of the agenda item concerned including any presentation by officers, any representations by members of the public and any subsequent Member debate.

9 MOTIONS

- 9.1 **Scope of Motion:** Every motion shall be relevant to some matter in relation to which the Authority has power or duties or which affects Exmoor National Park. Notice of every motion (other than those set out in 9.2 below) shall be given in writing and set out in the Summons in accordance with 9.3 and 9.4 below.
- 9.2 **Motions moved without notice:** The following motions and amendments may be moved without notice:
- (1) appointment of the Chairperson of the meeting at which the motion is made;
 - (2) motion relating to the accuracy of the Minutes;
 - (3) that an item of business specified in the summons has precedence;
 - (4) reference to a Committee;
 - (5) appointment of a Committee or Member thereof occasioned by an item mentioned in the summons to the meeting.
 - (6) to vary the order of business;
 - (7) for leave to be given to withdraw a motion.
 - (8) to amend a motion;
 - (9) to refer the motion to a Committee or Sub Committee;
 - (10) receipt of reports or adoption of recommendations of Committees or Officers and any consequent resolutions;

- (11) "that the question be now put";
- (12) "that the Authority (or Committee) proceeds to the next item of business";
- (13) "that the debate be now adjourned";
- (14) "that the Authority (or Committee) do now adjourn";
- (15) authorising the sealing of documents;
- (16) to exclude the public in accordance with Standing Order 14
- (17) "that the Member be not further heard" (Standing Order 13);
- (18) "that the Member leave the meeting" (Standing Order 13);
- (19) the suspending of Standing Orders in accordance with Standing Order 17;
- (20) to give the consent of the Authority where the consent of the Authority is required by these Standing Orders.

9.3 **Notices of Motion:** Notice of every motion (other than those set out in 9.2 above which may be moved without notice) shall be given in writing and signed by the Member or Members giving the notice and delivered to the Chief Executive at least ten working days before the date of the next Authority meeting. Upon receipt, it shall be dated and numbered in the order received and entered into a book open to inspection.

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

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

10 FORMAL QUESTIONS BY MEMBERS

10.1 A Member may:

- (a) ask any question relating to the business of the Authority provided written notice is received at the office of the Chief Executive at least ten working days before an Authority meeting;
- (b) with the permission of the Chairperson, put any question relating to urgent business, but a written copy of such question shall be delivered to the Chief Executive on the day of the meeting and prior to its commencement;
- (c) every question shall be put and answered without discussion and no provision shall be made for asking supplementary questions;
- (d) any person to whom a question is put may decline to answer;
- (e) every question put and the reply shall be recorded in the Minutes of the meeting.

11 DEBATE

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

- 11.2 For the purpose of conducting the business of meetings in an informal manner, it shall be open to the Chairperson to allow debate that does not comply with the formalities of Standing Order 12.
- 11.3 The Chairperson may determine to bring the meeting and its procedures into full and strict conformity with the Rules of Debate under Standing Order 12 and such determination shall be final.

12 RULES OF DEBATE

- 12.1 **Discussion of a Motion or Amendment:** A motion or amendment shall not be discussed unless it has been proposed and seconded. Unless notice has already been given in accordance with Standing Order 9.3, the Chairperson may require the matter to be put in writing and handed to the Chairperson before it is discussed or put to the meeting.
- 12.2 **Seconders' Speech:** When seconding a motion or amendment, a Member may reserve the right to speak until later in the debate by declaring an intention to do so.
- 12.3 **Speaking in Debate:** A Member when speaking shall address the Chairperson. If two or more Members indicate a wish to speak, the Chairperson shall call one to speak and other Members shall then await their opportunity to speak. While a Member is speaking, the other Members shall refrain from speaking unless raising a point of order.
- 12.4 **Content and Length of Speeches:** A Member shall direct their speech to the motion under discussion or to a personal explanation or to a point of order. No speech may exceed five Minutes except with the consent of the Chairperson.
- 12.5 **Speaking More Than Once:** A Member who has spoken on any motion shall not speak again while it is the subject of debate, except:
- (a) once on an amendment moved by another Member;
 - (b) if the motion has been amended since they last spoke, to move a further amendment;
 - (c) if their first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which they spoke was carried;
 - (d) in exercise of a right of reply;
 - (e) on a point of order;
 - (f) by way of explanation of some material part of their speech which appears in the course of the debate to have been misunderstood.
- 12.6 **Amendments to Motions:** An amendment shall be relevant to the motion and shall be:
- (a) to refer a matter to a Committee for consideration or reconsideration; or
 - (b) to leave out words; or
 - (c) to insert or add words; or
 - (d) to leave out words *and* insert or add others; or
 - (e) to propose deferral to allow a site visit
- but such omission, insertion or addition of words shall not have the effect of negating the motion before the Authority, or of introducing a substantially new proposal.

- 12.7 **Discussion of Amendments:** Only one amendment may be moved at a time. No further amendment shall be moved until the amendment under discussion has been disposed of.
- The Chairperson may permit two or more amendments to be discussed together (but not voted on together) if they are of the opinion that this course would facilitate the proper conduct of Authority business.
- If an amendment is not carried, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
- 12.8 **Alteration of Motion:** A Member may, with the consent of the Authority indicated without discussion, alter a motion of which they have given notice, or with the consent of their seconder, alter a motion that they have moved if in either case the alteration is one that could be made as an amendment.
- 12.9 **Withdrawal of Motion or Amendment:** A motion or amendment may be withdrawn by the mover with the consent of the seconder and of the Authority, which shall be signified without discussion. No Member may speak upon the amendment after the mover has asked permission for its withdrawal, unless such permission has been refused.
- 12.10 **Right of Reply:** The mover of a motion has a right of reply at the close of the debate on the motion, immediately before it is put to the vote. The reply shall be strictly confined to answering previous speakers and shall not introduce any new matters into the debate. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment but shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on that amendment.
- 12.11 **Motions which may be moved during debate:** When a motion is under debate no other motion shall be moved except the following:
- (a) to amend the motion;
 - (b) that the question be now put;
 - (c) to adjourn the debate;
 - (d) to proceed to the next item of business;
 - (e) to adjourn the meeting;
 - (f) a motion under Standing Order 14 to exclude the public;
 - (g) that the Member be not further heard (Standing Order 13);
 - (h) that the Member leave the meeting (Standing Order 13).
- 12.12 **Closure Motions:** A Member may move without comment at the conclusion of a speech of another Member: "That the Authority proceed to the next item of business", "That the question be now put", "That the debate be now adjourned" or "That the Authority do now adjourn", on the seconding of which the procedure shall be as follows:
- (a) on a motion "to proceed to the next item of business", unless in the Chairperson's opinion the matter before the meeting has been insufficiently discussed, the Chairperson shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to next business;

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

12.13 **Points of Order and personal explanation:** A Member may raise a point of order or a matter of personal explanation and shall be heard forthwith.

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

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

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

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

13 DISORDERLY CONDUCT DURING MEETINGS

13.1 If in the opinion of the Chairperson, any Member engages in misconduct by persistently disregarding the ruling of the Chairperson, or by behaving irregularly, improperly or offensively, or by willfully interrupting or obstructing the business of the Authority, the Chairperson or any other Member may move “that the Member named be not further heard”. Such motion if seconded shall be put and determined without discussion.

13.2 If the Member named continues such misconduct after a motion under paragraph 13.1 has been carried, the Chairperson shall either move “that the Member named do leave the meeting” which shall be put and determined without seconding or discussion; or shall adjourn the meeting for a period as in their discretion is considered expedient.

13.3 In the event of a general disturbance which in the opinion of the Chairperson renders the due and orderly dispatch of business impossible, in addition to any other power vested in him, the Chairperson may, without the question being put, adjourn the meeting of the Authority for such period and to such place as their discretion considers expedient.

13.4 If a member of the public interrupts the proceedings at any meeting the Chairperson shall warn them. If they continue the interruption, the Chairperson shall order their removal from the Authority Room. In the case of general disturbance in any part of the Authority Room open to the public the Chairperson shall order that part to be cleared.

14 MEETINGS TO BE OPEN TO THE PRESS AND PUBLIC

14.1 Every meeting of the Authority or any Committee or Sub Committee shall be open to the press and public except in the following circumstances:

- (a) the press and public shall by resolution be excluded from a meeting during an item of business when in view of the nature of the proceedings or the business to be transacted, it is likely that if members of the public were present, confidential information as defined in s100A(3) of the 1972 Act would be disclosed to them in breach of the obligation of confidence;
- (b) the press and public may by resolution under s100A(4) of the 1972 Act be excluded from a meeting during an item of business when in view of the nature of the proceedings or the business to be transacted, it is likely that if members of the public were present there would be disclosure to them of exempt information, as defined in s100I of the 1972 Act.
- (c) if any matter arises at a meeting of the Authority or any Committee or Sub Committee as to the appointment, promotion, dismissal, salary, pension, conditions of service or conduct of any Officer, or where persons are being considered for an appointment with the Authority, a motion under Section 100A(4) of the 1972 Act to exclude the public shall be moved forthwith by the Chairperson and put without debate.

14.2 Unless the Chairperson shall direct otherwise, upon the conclusion of any item of business taken following a resolution under Standing Order 14.1, Members shall immediately return to the Chief Executive or their nominee all reports, documents and papers relating to that item, for secure disposal as confidential waste.

15 CONFIDENTIALITY

A Member or Officer of the Authority shall not:

- (a) disclose any information or matter which has been reported to or debated by the Authority or any Committee or Sub Committee and which is confidential information within the meaning of s100A of the 1972 Act; or
- (b) without the express permission of the Authority, disclose any information or matter which is identified as exempt information following a resolution pursuant to s100A of the 1972 Act to exclude the public from the meeting.

16 RESCISSION OF PREVIOUS RESOLUTION

No motion to rescind or reverse any substantive resolution passed by the Authority within the preceding six months and no motion or amendment to the same effect as one which has been rejected within the preceding six months shall be proposed unless notice thereof in pursuance of Standing Order 9.3 bears the names of at least six Members of the Authority. When the Authority has disposed of any such motion or amendment, it shall not be open to any Member to propose a similar motion within a further period of six months.

17 WHEN STANDING ORDERS MAY BE SUSPENDED, REVOKED OR ALTERED

17.1 These Standing Orders shall only be capable of variation, amendment, revocation, replacement or other alteration at a meeting of the Authority and upon notice of motion specifying the alteration proposed to be made.

17.2 Except for those Standing Orders derived from statutory authority, any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved. A motion to suspend Standing Orders shall not be moved without notice unless at least one half of the Members of the Authority are present.

18 INTERPRETATION OF STANDING ORDERS

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

PART B: ORDERS APPLYING TO COMMITTEES OF THE AUTHORITY

19 APPOINTMENT OF COMMITTEES

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

20 QUORUM OF COMMITTEES AND SUB COMMITTEES

- 20.1 Except where authorised by statute or otherwise specifically directed by the Authority, no business shall be transacted at a meeting of any Committee or Sub Committee unless at least one third of the whole number of the Committee or Sub Committee is present. In no case shall the quorum of a Committee or Sub Committee be fewer than three Members to include at least one Local Authority Member of the Authority and at least one Member appointed to the Authority by the Secretary of State.
- 20.2 For the purposes of calculating the quorum, if the number of the Committee or Sub Committee is not divisible by three, the quorum shall be one-third of the lowest number above the number of the Committee or Sub Committee that is divisible by three.

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

21 SPECIAL MEETINGS OF COMMITTEES AND SUB COMMITTEES

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

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

- 22.1 In relation to all Committees, Sub Committees, Joint Committees on which the Authority is represented, and Sub Committees of such Joint Committees:
Membership shall consist both of Local Authority Members of the Authority and of at least one Member appointed to the Authority by the Secretary of State.
- 22.2 The division of the membership between Local Authority Members and Members appointed by the Secretary of State shall as nearly as possible be in the same proportions as the composition of the Authority itself.
- 22.3 The quorum shall include at least one Local Authority Member of the Authority and at least one Member appointed to the Authority by the Secretary of State.
- 22.4 Standing Orders 22.1-22.3 above shall not apply to Advisory Committees appointed under s.102(4) or 4(A) of the Local Government Act 1972 to advise on any matter relating to the discharge of their functions. Any such Committee may consist of such persons appointed for such term as may be determined by the appointing authority(ies).

23 RIGHT TO ATTEND MEETINGS

- 23.1 ~~Any Member shall have the right to attend any meeting of a Committee or Sub Committee of which they are not a Member and may receive the relevant papers. However, they shall not be entitled to speak at that meeting except with the consent of the Chairperson; neither shall they have any right to vote.~~
- (a) Any Member shall have the right to attend any meeting of a Committee or Sub Committee of which they are not a Member and may receive the relevant papers.
- (b) In relation to the Planning Committee, any Member may attend a meeting of the Planning Committee to speak (but not vote) about a planning application or other matter which is on the agenda and will have the right to speak at the beginning of the debate. If a Member who is not a Member of the Planning Committee is unable to attend a meeting of the Planning Committee they may put their views in writing and such views will be brought to the attention of Members at the meeting.
- (c) In relation to any other Committee or Sub Committee, Members who are not members of the Committee or Sub Committee shall not be entitled to speak at that meeting except with the consent of the Chairperson; neither shall they have any right to vote.
- 23.2 The right to attend shall also apply in relation to meetings not open to the press and public but shall not apply to a meeting of the Authority Appeals Committee.

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

24 ITEMS OF BUSINESS

- (1) An item of business may not be considered at a meeting of the Authority or a Committee or Sub Committee unless either:
- (a) a copy of the agenda including the item is open to inspection by members of the public at least five clear working days before the meeting or, where the meeting has been convened at shorter notice, from the time the meeting is convened; or

- (b) by reason of special circumstances that shall be minuted, the Chairperson of the meeting after consultation with the Chief Executive, is of the opinion that it should be considered as a matter of urgency.
- (2) Reports that relate to items of business from which the public will be excluded for reasons of confidential or exempt information as defined by Section 100A of the Local Government Act 1972 shall be identified accordingly and marked 'not for publication'.
- (3) The Agenda and reports for every meeting of a Committee or Sub Committee shall be available to every Authority Member.

PART D: GENERAL ORDERS APPLICABLE AT ALL TIMES

25 CONDUCT OF MEMBERS

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

26 THE AUTHORITY'S SEAL

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

26.1 Sealing of Documents

The Common Seal of the Authority shall not be affixed to any document unless the matter has been authorised by a resolution of the Authority, Committee or Sub Committee or by an Officer to whom the Authority has delegated its powers in this behalf.

26.2 Attestation of Sealing

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

27 AUTHENTICATION OF DOCUMENTS

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

28 STANDING ORDERS TO BE GIVEN TO MEMBERS

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

29 INSPECTION OF DOCUMENTS

- 29.1 Every Member has the right to inspect all documents and any other information in the possession or under the control of the Authority necessary to discharge their function as a Member. Requests for information that go beyond that scope shall

be addressed to the Chief Executive who will decide in consultation with the Solicitor & Monitoring Officer whether it is appropriate to provide that information.

30 PUBLIC SPEAKING

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

- (a) An item for public speaking shall be included on the agenda of Authority, Committee and Sub Committee meetings. Questions of a general nature relevant to the business of the Authority can be made under this agenda item. Any questions specific to an agenda item can be posed when that item is considered, subject to the discretion of the person presiding at the meeting.
- (b) For the purposes of this Standing Order “public speaking” shall mean the asking of any question, the making of any statement or the presentation of any petition in relation to any item relevant to the business of the Authority.
- (c) Persons wishing participate in the public speaking item of the meeting must inform the Chief Executive or their representative by 4pm on the working day before the meeting, and provide a brief summary (of no more than 300 words) of the matter or matters to be raised. This may be done by email, in writing or by dictating over the telephone.
- (d) The Chairperson of the Authority, Committee or Sub Committee will invite those who have given prior notice to speak at an appropriate time. The public speaker may speak for up to 2 Minutes or longer at the Chairperson’s discretion.
- (e) There will be no debate on any matters raised at public speaking. A question may be answered at the time or deferred for consideration when the relevant agenda item is reached. If an answer cannot be provided on the day, a written reply will be offered. The Chairperson may allow a supplementary question wherever they think this is reasonable and appropriate.
- (f) Unless the Chairperson directs otherwise, the total time allowed for public speaking will not exceed 10 Minutes per agenda item.
- (g) Where there are a large number of speakers concerned with the same subject matter, at the Chairperson’s discretion those concerned may be asked to nominate one of their number to speak on their behalf. In such cases the Chairperson will allow the speaker up to 5 Minutes to speak.

PART E: STANDING ORDERS APPLYING TO THE CHIEF EXECUTIVE

31 APPOINTMENT OF CHIEF EXECUTIVE

- (1) In this Standing Order the post of Chief Executive is also a reference to the holder of the post of Head of the Paid Service designated under s.4 (1) of the Local Government & Housing Act, 1989 and to the post of National Park Officer as designated under the Environment Act 1995.
- (2) Where the Authority proposes to appoint its Chief Executive, and it is not proposed that the appointment be made exclusively from among its existing officers, they shall
 - (a) draw up a statement specifying:-
 - (i) the duties of the officer concerned, and

- (ii) any qualifications or qualities to be sought in the person to be appointed;
 - (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
 - (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request; and
 - (d) consult Natural England.
- (3) (1) Where a post has been advertised as provided in Standing Order 31(2)(b) the Authority shall:
 - (a) interview all qualified applicants for the post, or
 - (b) select a short list of such qualified applicants and interview those included on the short list.
- (2) Where no qualified person has applied, the Authority shall make further arrangements for advertisement in accordance with Standing Order 31(2)(b).
- (4) Every appointment of a Chief Executive shall be made by the Authority after consultation with Natural England and in accordance with paragraph 3(14) of the Authority's Scheme of Delegation (Personnel).

32 DISCIPLINARY ACTION

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

aforementioned investigation and any views from the Relevant Officer in question.

- (5) The Panel shall meet at least 20 working days before any meeting of the Authority at which any proposed dismissal is to be considered.
- (6) Where a Relevant Officer is being dismissed, such dismissal must be approved by the Authority following consideration of those matters and any views or advice from the Panel required under *The Local Authorities (Standing Order) (England) Regulations 2001 (No 3384)*, as set out in paragraph (4) above.

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

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



POWERS, DUTIES AND FUNCTIONS OF THE AUTHORITY MEETING

Adopted: Draft November 2023

POWERS, DUTIES AND FUNCTIONS OF THE AUTHORITY MEETING

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

Planning

- ~~(9) Functions in relation to the Authority's role as sole local planning authority for the area of the National Park under Section 67 of the Environment Act 1995 including: planning control, development planning, work arising from preparation of local plans and the duty to cooperate, neighbourhood planning, responding to consultations on national policy and changes to the legislative framework of the planning system.~~
- ~~(10) No Member of the Authority appointed for the first time shall take up their seat at an Authority meeting until they have undergone a programme of training in the planning system approved by the Authority. All Members are required to attend a minimum of two obligatory Planning/Development Management Training sessions in a 24-month period. Failure to do so will mean that a Member is ineligible to participate in that part of an Authority meeting concerned with the Authority's functions as the sole local planning authority for the area of the National Park until such time as they have attended such a training session.~~
- ~~(11) Functions in relation to footpaths and bridleways under the Town and Country Planning Acts, the Highways Acts, the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act, 2000 and other legislation conferring order-making functions on the Authority.~~
- ~~(12) As hazardous substances authority, functions under the Planning (Hazardous Substances) Act 1990.~~
- ~~(13) To delegate to the Chief Executive such of the Authority's planning functions as it considers desirable and expedient and to keep such delegation under review.~~

Personnel

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

Finance

- (14) To regulate and control the Authority's finances including balances and any capital or reserve funds, to prepare the annual budget, to consider and approve the annual forecast, estimates and budget, and to be responsible for borrowing transactions and the investment of funds.
- (15) To oversee the application of the Local Government Pension Scheme and the regulations made thereunder.
- (16) To ensure adequate insurance arrangements are made and to oversee risk management arrangements.
- (17) To administer the Members' Allowances Regulations and related matters.
- (18) To arrange for the audit both internal and external of the Authority's accounts.
- (19) To make arrangements for the proper administration of the Authority's financial affairs as required by Section 151 of the Local Government Act 1972.

Performance Management

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

Land and Property

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



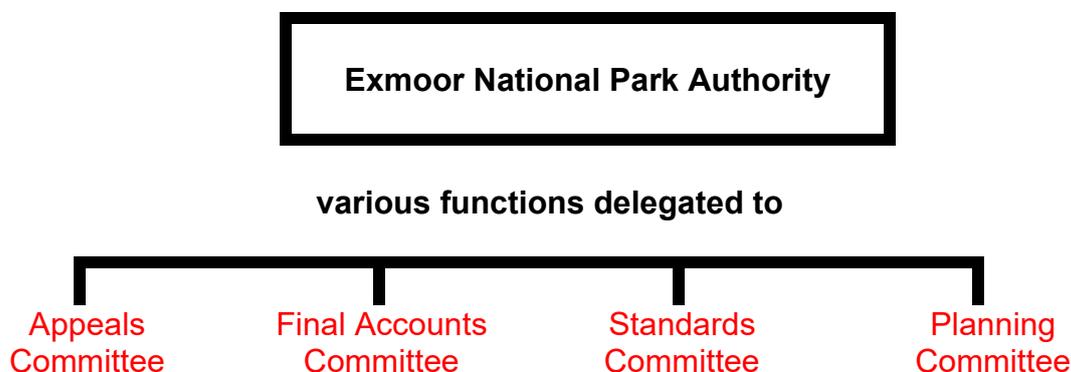
SCHEME OF DELEGATION

Adopted: Draft 5 December 2023

SCHEME OF DELEGATION TO COMMITTEES

~~Exmoor National Park Authority originally adopted this scheme of delegation of functions to Committees at its meeting on 3 March 2015.~~

The Authority's Committee structure is illustrated below:



1. Appeals Committee

Membership

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

Functions

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

2. Final Accounts Committee

Membership

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

Functions

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

3. Standards Committee

Membership

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

must be present in order to provide a quorum, of whom at least one shall be a Local Authority Member and at least one shall be a Member appointed to the Authority by the Secretary of State.

Functions

3.2 The general functions of the Standards Committee are:

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

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

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

4. Planning Committee

Membership

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

Somerset Council	4
Devon County Council	1
North Devon District Council	1

Parish Council 3

Secretary of State 3

4.2 No member appointed to the Authority for the first time shall take up their seat until they have undergone a programme of training in the planning system approved by the Authority. All Members are required to attend a minimum of two obligatory Planning/ Development Management Training sessions in a 24-month period. Failure to do so will mean that a Member is ineligible to sit on the Planning Committee until such time as they have attended such a training session.

4.3 A Member of the Planning Committee who is unable to attend a Planning Committee meeting is entitled to nominate a substitute Member who will be permitted to attend in their place, provided the substitute Member has undergone a programme of training in the planning system approved by the Authority.

4.4 The appointed Member will be required to identify the substitute Member and provide notice to the Chief Executive at least 10 working days before the Committee meeting save for exceptional circumstances (due to an emergency or sudden illness). In such exceptional circumstances at least 24 hours' notice would need to be provided to the Chief Executive of the identity of the substitute Member.

Functions

4.5 The Committee shall exercise the Authority's functions as follows:

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

ADVISORY PANELS AND WORKING GROUPS

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

SCHEME OF DELEGATION TO THE CHIEF EXECUTIVE

~~The Authority originally adopted this scheme of delegation of functions to the Chief Executive at its meeting on 3 March 2015. These were reviewed and adopted in its meeting of 03 October 2017.~~

1. The Chief Executive is authorised to act on behalf of the Authority in relation to any matters subject to the following over-riding provisions:
 - (1) The overall policies approved by the Authority or any of its Committees or Sub Committees.
 - (2) Standing Orders including those regulating contracts.
 - (3) Financial regulations.
2. Without prejudice to the above delegation, the Chief Executive is expected in appropriate cases to:
 - (1) Maintain a close liaison with the Authority's Chairperson and/or the appropriate Committee Chairperson or Sub Committee Chairperson (or in their absence the Deputy Chairperson).
 - (2) Consult as necessary with any Member who is known to have a specific, local or specialist interest in matter.
 - (3) Consult with the Authority's Monitoring Officer and/or Section 151 Officer.
 - (4) Consult with the relevant officer of any Local Authority whose service area is likely to be affected by the exercise of delegation.

NB: *Before exercising any delegated power the Chief Executive must consider whether the decision to be made is of such a nature that it ought to be referred for decision to the Authority or to the appropriate Committee or Sub Committee.*
3. Any power conferred upon the Chief Executive may be exercised by an authorised officer in accordance with any specific directions of the Chief Executive. In the absence of the Chief Executive, any authorised member of the Leadership Team or the Solicitor and Monitoring Officer may exercise those functions delegated to the Chief Executive.
4. Personnel
 - (1) The Chief Executive is authorised to act in relation to the appointment, dismissal, discipline and determination of all other matters relating to the employment of staff and the conditions upon which they are employed as are specified in the Personnel Policies and Procedures.
 - (2) The Chief Executive may authorise staff to exercise such powers of entry, inspection and survey of land, buildings or premises and may issue any necessary evidence of this authority as may be appropriate for the execution of their duties and in respect of which the Authority has power.
5. Land and Property
The Chief Executive is authorised to:
 - Acquire or renew any interest in or over land including buildings where the purchase price does not exceed £20,000 or the annual rental does not exceed £10,000.
 - Dispose of or grant an interest in or over land including buildings provided that the consideration is the best that can reasonably be obtained in all the circumstances.

- In exceptional circumstances and in furtherance of National Park purposes, the Chief Executive is authorised to:
 - Dispose of an interest in or over land including buildings for a consideration less than the best that can reasonably be obtained in all the circumstances where the estimated best obtainable value is less than £5,000.
 - Grant an interest in land including buildings for a consideration less than the best that can reasonably be obtained in all the circumstances where the estimated best obtainable value is less than £2,500.

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

6. Legal and Procedural

The Chief Executive is authorised to:

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

7. Planning

- (1) The Chief Executive is authorised to act for the Authority on all matters which relate to its role as Local Planning Authority.
- (2) These delegations are subject to the following provisions:
- (3) The Chief Executive shall not act under these delegated powers to determine an application submitted to the Authority if:
 - (i) A statutory consultee (e.g. parish/district council, highway authority, Environment Agency) has a view contrary to the recommendation of planning officers, accompanied by planning reasons and which is received within the consultation period, excepting in relation to applications for the following (which shall be delegated decisions):
 - Certificates of proposed or Existing Lawful Use and Development
 - Hedgerow Removal Notices
 - Tree Applications – TPOs and Conservation Area Proposals
 - Advertisements
 - Prior Notification and Prior Approval applications
 - Non-material and Minor Material Amendment applications
 - Householder applications (unless a parish/town council expresses a view contrary to the recommendation of planning officers)
 - Discharge of planning conditions

- (ii) A **Member** of the Authority makes a request in writing that the application be considered by the **Authority Planning Committee**. Such requests must be accompanied by a planning reason and if such reasons are not present the **Deputy Chairperson of the Authority Chairperson** and the **Deputy Chairperson of the Planning Committee** acting together, or if either of them is absent together with the Chairperson of the Authority may decline a Member's request. For the avoidance of doubt, applications for certificates of proposed or existing lawful use and development are always delegated to the Chief Executive as they involve legal rather than planning issues.
 - (iii) A Member of the Authority is personally involved in the application.
 - (iv) The application relates to land or property of a Member of the Planning or Leadership Team or a member of that team is personally involved in the application.
 - (v) The application is submitted by the National Park Authority.
 - (vi) The Chief Executive or a member of the Leadership Team, in consultation with the Chief Executive, considers that the application ought more properly to be referred to the Authority for decision (e.g. where there are a significant number of local objections or where matters raise particularly controversial or complex policy considerations).
- (4) In relation to paragraph 7 (3) (i) above, where a statutory consultee has a view contrary to the recommendation of planning officers, the Head of Planning, in consultation with the **Deputy Chairperson of the Planning Committee**, shall determine whether the view is accompanied by a planning reason, and therefore whether or not the provisions for the delegation of planning decisions applies.
- (5) For the avoidance of doubt, the Chief Executive shall be able to act under delegated powers in respect of responding to consultations and or requests from other planning authorities, bodies, groups and Government Departments, unless the issues raised are of such significance that in the view of the Chief Executive they should be considered by the Authority. The Chief Executive may delegate responses to consultations or requests to the appropriate member of the Leadership Team or the Solicitor and Monitoring Officer.

8. Grants and Loans

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

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

9. Footpaths and Bridleways

The Authority's functions in relation to footpaths and bridleways (including arrangements for the creation of permissive paths) under the Town & Country Planning Acts, the Highways Acts, the Wildlife & Countryside Act 2000 and other legislation conferring order making functions on the Authority (including those

delegated from Devon **County Council** and Somerset **County Council**), are delegated to the Chief Executive. The Chief Executive shall in appropriate cases:

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

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

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

In each such case a full report of the action taken shall be made to the next meeting of the Authority or the appropriate Committee or Sub Committee.

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STANDING ORDERS FOR THE REGULATION OF CONTRACTS

Adopted 06 December 2022

PROCUREMENT PROCEDURES

1 General

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

2 Quotation and Tendering Procedures

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

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

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

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

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

Procurement Notification Process

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

Appropriate Advertising

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

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

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

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

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

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

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

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

Certification notice by Tenderers

- 2.14 Tenderers shall certify and give undertakings that:

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

* outside the consortium if a consortium tender

Receipt, Custody and Opening of Tenders and Formal Quotations

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

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

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

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

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

Contractor Vetting

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

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

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

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

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

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

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

Financial Provision for Contracts

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

Maintaining the Contracts Register

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

Exemption from the Tendering and Formal Quotation Process

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

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

3 Particular Types of Contract

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

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

Framework and Joint Procurement Arrangements

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

Disposal of Assets

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

4 Contracts

Contents of Contract

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

Cancellation of Contracts

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

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

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

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

Variation of Contracts

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

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

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

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

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

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

Payment for Contracts for Building or Civil Engineering Work

4.7 Each certificate for payment must show:

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

Monitoring of Contracts

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

Relationships with Contractors

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

SUSTAINABLE PROCUREMENT CHECKLIST

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

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

SUSTAINABLE BUILDING CHECKLIST

- ✓ **Sustainable**
- ✗ **Less desirable**
- ▣ **Neutral**

General

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

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

1. **Timber**

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

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

2. **Roofing**

Slate

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

3. **Walls / Structure**

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

4. **Windows**

- ✓ FSC Timber
- ✗ UPVC

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

6. **Gutters / downpipes**

Direct rainwater into ground rather than drains if possible. Salvage and repair cast iron, copper or lead

7. **Flooring**
 - ✓ Local / recycled / FSC timber
 - ✓ Wool carpet
 - ▣ Concrete

8. **Insulation**
 - ✓ Wool
 - ✓ Recycled paper
 - ✓ Double / triple glazing
 - ✓ Shutters
 - ✓ Thick curtains

9. **Energy Efficiency / Renewables**
 - ✓ Lights – low energy bulbs
 - Heating systems
 - ✓ Solar
 - ✓ Wood fuel
 - ✓ Hydropower
 - Energy Efficiency / Renewables *continued***
 - ✓ Windpower
 - ✓ Combined heat and power
 - ✓ Photo-voltaics
 - ✓ Condensing boilers
 - ✗ Electric (unless supplied by renewables)
 - ✗ Oil
 - ✗ Gas

10. **Electrical / Plumbing**
 - ✗ PVC
 - ▣ Non PVC wire, copper or PE piping
 - ✓ Water saving taps / flush systems

11. **Landscape Works**
 - Paving
 - ✓ FSC Timber
 - ✓ Local stone
 - ✓ Woodchip bark
 - ✓ Local river aggregate/cobbles (if approved source)
 - ✓ Hoggin
 - ✓ Grass

- Concrete, tarmac, block paving

External Structures (as above)

Soft landscape

- ✓ Locally sourced
- ✓ Natives
- ✓ Edible fruits

Weed Control

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

Soil Ameliorants

- ✗ Peat
- ✓ Farmyard manure
- ✓ Compost

Fencing

- ✓ FSC hardwood timber



Member Code of Conduct

Draft 5 December 2023

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.

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 officers, 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 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

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 4.13 below, where the matter is not a 'sensitive interest' (see paragraph 4.10 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 Member
“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

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:
 - (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) any body 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).

4.8 A non-registerable 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 any other persons 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 within 28 days any gift or hospitality to the value of more than £50 that you are offered but have refused to accept.
- 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 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;
 - (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 any disclosable pecuniary interest or a non-registerable interest as defined in paragraph 4.8 above, 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;
 - (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.

Code of Conduct in Practice – Planning

1. Introduction

Planning is not an exact science. It relies on reasoned judgement within a robust policy context. Decisions made in planning can affect the daily lives of everyone and the private lives of individuals, landowners, developers. It is important that the process of determining planning applications is consistent, open and transparent, is based on sound judgements, and that decisions are made for justifiable planning reasons. The process should leave no room for suggestion that a decision has been partial, biased or not-well founded in policy.

This guidance document seeks to reflect the principles underlying the Code of Conduct for Members, including the ‘Nolan Principles’ (the seven principles of public life) and clarify how Members put these principles and the Code into practice when determining planning applications.

2. The General Role and Conduct of Members and Officers

Officers and Members have different but complementary roles. Officers advise Members and the Authority based on their professional judgement and carry out the Authority’s work. They are employed by the Authority, not individual Members, and it follows that instructions to Officers relating to planning may only be given through a decision of the Authority, not by individual Members. Any other system will be open to question. Members should not put improper pressure on Officers for a particular recommendation or do anything which compromises their impartiality. The relationship between Members and Officers should be one of mutual trust and respect and this relationship should never be abused or compromised.

The Member Code of Conduct sits at the heart of Member participation in the planning process. Officers are required to abide by the Authority’s Standards of Conduct and adopted employment policies, as well as the codes of conduct of professional bodies to which they belong, such as the Royal Town and Planning Institute (RTPI).

Members can expect that reports to the **Authority Planning** Committee shall:

- Be accurate and contain amongst other things, the substance of any responses and the views of those consulted;
- Include a clear exposition of the development plan, site or related history and other material planning considerations;
- Contain a written recommendation of action. Oral reporting (except to update a report) will be avoided and carefully minuted when it does occur.
- Contain technical appraisals which clearly justify a recommendation.
- Ensure that in cases where a report recommendation is contrary to the provisions of the Development Plan, the material planning considerations which justify the departure are clearly stated.

Members may seek clarification from Officers about the technical advice, policies, recommendations and material planning considerations related to a planning application to assist with their understanding and decision making.

3. Predetermination and Predisposition

The rule on bias and predetermination (a particular form of bias) is part of the general legal obligation on public authorities to act fairly. Decision makers are entitled to be predisposed to their view. However, predetermination occurs where someone closes their mind to any other possibility beyond that predisposition, with the effect that they are unable to apply their judgement fully and properly to an issue requiring a decision.

Section 25(2) of the Localism Act 2011 provides that a decision-maker is not to be taken to have had, or to have appeared to have had, a closed mind when making a decision *just because* –

- (a) the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take in relation to a matter, and
- (b) the matter was relevant to the decision.

The section makes it clear that if a decision-maker has given a view on an issue, this, considered in isolation, does not show that they have a closed mind on that issue.

Having said this, the use of the words ‘just because’ in Section 25 of the Act suggests that other factors when combined with statements made can still give rise to accusations of predetermination. This has also been the approach that the courts have taken to this issue. When considering whether predetermination has taken place they will consider all events leading to the decision, (and also, where appropriate, those following the decision) rather than looking at individual events in isolation. This includes the choice of words used. Care needs to be taken when making statements in advance of the determination of planning applications as there is a risk that they can be misinterpreted or taken out of context.

With this in mind:-

- Avoid giving the impression that you have made up your mind prior to the decision making meeting and hearing the Officer’s presentation and any representations made on behalf of the applicant and any objectors.
- Where Members do express an opinion, for example as a Parish Member considering an application at parish level, they should make it clear that they will only be in a position to take a final decision after having heard all the relevant evidence and arguments at the meeting of the **Authority Planning** Committee. This final decision may differ from initial thoughts about the application.
- If you do comment on a development proposal in advance of the decision, consider using a form of words that makes it clear that you have yet to make up your mind and never use phrases such as ‘nothing will change my mind’ or ‘not on my watch’, for example.
- Care should be taken where there are chance encounters with applicants or objectors to development proposals or in the context of meetings which are not formally minuted. These are situations where there is a higher risk of what you say being misheard, misrepresented or taken out of context.

4. Lobbying

Lobbying is a normal and proper part of the planning process. Applicants, supporters and objectors will often seek to influence outcomes through an approach to their local Member and/or to other Members of the **Authority Planning** Committee. However, if not handled carefully lobbying can lead to the impartiality and integrity of a Member being called into question. It is important that bias or the appearance of bias is avoided by Members as the decision could be challenged by way of judicial review or by complaint to the Ombudsman on grounds of mal-administration.

With this in mind:

- Members wishing to take part in a planning decision should not express an opinion in reply to lobbying that may be taken as indicating that they have already made up their mind on the issue before they have heard all the evidence and arguments.
- Members should restrict themselves to giving procedural advice; including suggesting to those who are lobbying that they should speak or write to the appropriate Planning Officer in order that their opinions can be included in the Officer's report to the Committee.
- Where Members do express an opinion they should make it clear that they will only be in a position to take a final decision after having heard all the relevant evidence and arguments at the meeting of the **Authority Planning** Committee. This final decision may differ from initial thoughts about the application.
- Where a Member considers their impartiality has been compromised, they must declare an interest and withdraw from the decision-making process, removing themselves from the meeting for that item and not taking part in the vote. Members can most clearly demonstrate their withdrawal from the decision making process by stepping outside the meeting room for the duration of the item.
- Members must make up their own minds on how to vote on a particular planning application, having considered all the relevant evidence and arguments, and must not be influenced solely by their political affiliation
- Members should not organise support for or against a planning application and avoid lobbying other Members.
- Members must not put improper pressure on Authority Officers for a particular recommendation or do anything which compromises, or is likely to compromise, an Officer's impartiality.
- Where a Member has been lobbied about the application prior to a planning decision being made by the **Authority Planning** Committee, they must disclose that fact at the meeting stating whether they have been lobbied to support or refuse the application, or both. The minutes shall record all such declarations made,

5. Planning Applications by Members and the Authority itself

Whilst it is perfectly legitimate for Members to seek planning permission for their own development within the National Park, care must be taken to ensure they are handled in such a way as to give no grounds for accusations of favouritism.

With this in mind:

- When an application is submitted by a serving Member, or by their spouse, civil partner or person with whom they are living as though married/civil partners, they should disclose a pecuniary interest and take no part in the consideration and determination of the application.
- Applications submitted by a serving Member, or by their spouse, civil partner or person with whom they are living as though married/civil partners, will be determined by the **Authority Planning** Committee, not by an Officer under delegated powers.
- Members should also consider the potential for bias or perception of bias if an application is made by a close relative or close friend. In this instance, Members are advised to contact the Monitoring Officer for guidance. Depending on the circumstances, it may be necessary to withdraw from the consideration and determination of the application to ensure public confidence in decision making.
- Members who act as agents or advisers for people making planning applications should declare an interest and play no part in the decision-making process.

Proposals for the Authority's own development will be treated with the same transparency and impartiality as those of private developers and in accordance with the appropriate Regulations made under Town & Country Planning legislation. Authority applications for development will be brought to the **Authority Planning** Committee for determination and will not be determined under the Authority's Scheme of Delegation.

6. Pre-application discussions

The Authority endorses the longstanding practice of its Planning Officers being involved in pre-application discussions with applicants and/or their advisers. Such discussions can be of considerable benefit to both the applicant and the Authority.

The Authority acknowledges advice from the Local Government Association, the National Planning Forum, the Planning Advisory Service (and previous advice from the Audit Commission) that Member involvement in such discussions can on appropriate occasions be beneficial, provided it is carried out within carefully defined limits. It is particularly concerned that unless carefully managed, such discussions can be seen by objectors to become part of a lobbying process on the part of the applicant.

The Authority has adopted the following guidelines:

- Member involvement may be appropriate in any application which raises issues of particular importance in relation to the implementation of the Development Plan and which is so identified by the Chief Executive in consultation with the **Deputy Chairperson of the (Planning) Committee** or in their absence the Deputy Chairperson **of the Planning Committee Authority**. Given the nature of most planning applications in the National Park it is expected that few such discussions will be necessary.
- At any such meeting the appropriate Member(s) supported by Officers will attend, and it will be made clear to applicants that any discussions will not bind the Authority to making any particular decision and that any views expressed will be personal and provisional.
- Officers will proffer consistent advice based upon the development plan and material planning considerations. They should make clear whether they or the **Authority Planning** Committee will make the final decision on any application submitted.
- Members should be careful not to give separate advice on the interpretation of the development plan and other material planning considerations.

- Officers will prepare a written note of all such meetings. Such a note should be placed on the appropriate file as a public record of what took place.
- If appropriate, other consultees may be involved in the pre-application meetings. The Chief Executive will identify such cases in consultation with the **Deputy Chairperson of the (Planning) Committee** or in their absence the Deputy Chairperson of the **Planning Committee Authority**.

7. **Authority Planning Committee Site Visits**

Site visits will only be used where the expected benefit is substantial.

In deciding whether a site visit is to be held the **Authority Planning Committee** (or for site visits in advance of a Committee meeting, the **Deputy Chairperson of the (Planning) Committee**, in conjunction with the Chief Executive) will observe the following guiding principles:

- The impact of the proposed development is difficult to visualise from the plans and any supporting material including photographs;
- There is good reason why the comments of the applicant, objectors and supporters cannot be expressed adequately in writing;
- The proposal is particularly contentious.

Where the **Authority Planning Committee**, during consideration of an application, resolves to hold a site visit it shall determine which issues shall be examined on site. A record of these issues shall be made in the minutes.

Where the **Deputy Chairperson of the (Planning) Committee**, in conjunction with the Chief Executive, judges that a site visit *in advance of an Authority Planning Committee Meeting* would provide substantial benefits and lead to greater efficiency of business at that forthcoming **Authority Planning Committee**, a site visit may be arranged prior to that meeting. A site visit in advance of the **Authority Planning Committee Meeting** shall take place after the agenda has been published so as to inform site visit Members of the key planning considerations and other details that require scrutiny.

A site visit group should comprise a minimum of 5 Members.

A copy of the procedure for site visits is attached at the end of this guidance. In particular, Members should ensure they do not enter into any discussion with the applicant or third parties, either individually or jointly with other Members. Members should instead stay together as a group, direct questions through the meeting Chairperson and keep the meeting fact led, not opinion led.

8. **Individual Site Visits**

If Members wish to view an application site they should ideally do so as part of a formal **Authority Planning Committee** site visit. Not all applications will warrant a formal visit and it is open to Members to view a site individually, but *only* if they feel it is essential to their consideration of the application and great care is taken in doing so. Members should note the following when considering a site visit:

- Individual visits should be made from public view points.
- Members should not discuss the application with any applicant/agent or third party.
- Entering a privately-owned site that is subject to or is potentially affected by a planning proposal being brought to **Authority Planning Committee** for determination, may give rise to the impression of bias.

9. Decision Contrary to Officer Recommendations and/or the Development Plan

It is a legal requirement that planning applications must be determined in accordance with the policies of the Development Plan unless material considerations indicate otherwise: s38A Planning & Compensation Act 2004.

Where an application that is not in accordance with the Development Plan is recommended for approval, the application may be required to be advertised as such, in accordance with the regulations. The material considerations which led to the conclusion to approve shall be identified and the justification for overriding the Development Plan must be clearly demonstrated. In appropriate cases, the application may be referred to the Secretary of State who may decide to call the application in for their own determination or remit it to the Authority to decide.

If the Authority Planning Committee makes a decision contrary to an Officer's recommendation (whether for approval or refusal) a detailed minute of the Committee's reasons should be made and a copy placed on the application file. In all cases the Committee's reasons shall be clear and convincing and be demonstrably related to planning considerations.

If it is felt that the reasons given to approve/refuse an application are not substantiated by planning evidence, the Chief Executive, or their representative at an Authority Planning Committee, may stop proceedings and request the opportunity to report further on the application to the next meeting of the Authority Planning Committee. Where such a request is made, the Authority Planning Committee shall accede to that request.

10. Guidance for 'Dual-Hatted' Members – including Parish Members

Where a Member is also a parish councillor, caution is advised in considering development matters at parish level. Parish councils/parish meetings are consultees in the planning process and may be asked for comments on an application at a time when not all relevant material planning considerations have become known and the full implications of an application investigated.

Members should therefore:

- At the parish level, make it clear that ~~they will reconsider~~ the matter **will be reconsidered** at Authority level, taking into account all available evidence and representations at that higher tier of decision making.
- At the Authority Planning Committee, declare a personal interest arising from their membership of the parish council/parish meeting and make it clear that the parish's view does not bind them and they are considering the matter afresh.
- Consider if they are so closely involved with an application at the local level that they would not be viewed as impartial and therefore it would be inappropriate for them to participate in the debate and vote.

The same procedures should be followed by Members who sit on any other body that is a consultee on an application. Advice is available from the Monitoring Officer if a Member is in doubt of the appropriate course of action.

Planning Site Visits – Procedural Guide

This note has been prepared to advise anyone who is invited to attend a planning site visit.

Site visits are carried out so that Exmoor National Park Authority Members can review sites and gather factual information about a planning proposal. This will help them make an informed decision at a subsequent **Authority Planning** Committee meeting, when the Planning Officer's presentation will set out the factual information gained so that all **Authority Planning Committee** Members have the same information, whether or not they attended the site visit.

It is important to note that a site visit is a **fact-finding exercise** and is not an opportunity for Authority Members or other attendees to debate the merits of the application. During a site visit Members of the **Authority Planning** Committee will seek clarification of matters of fact and will not express any opinion.

Members of the public have the opportunity to express their views about an application through written representations to Planning Officers and/or by participating in public speaking at the **Authority Planning Committee** meeting when the application is considered (see '**Having Your Say – Public Speaking at Authority meetings**' – attached to this note).

Procedure at planning site visits

1. Arrangements

- 1.1 Site visits are held only when necessary, for example in order to help Members understand specific and important issues affecting the site, or if the issues are complex or difficult to envisage, or on the recommendation of Planning Officers.
- 1.2 Site visits can be arranged either when the **Authority Planning** Committee defer an application to visit the site or when the **Deputy** Chairperson of the **(Planning) Committee**, in conjunction with the Chief Executive, judge that a site visit in advance of the **Authority Planning** Committee meeting will bring substantial benefits and improve the efficiency of the meeting. The reasons for holding a site visit will be recorded in the minutes.
- 1.2 A minimum of five Members should be appointed to attend the site visit.
- 1.3 Dates are set aside for possible site visits (the Friday preceding the Committee meeting if the site visit is to be in advance of the meeting, or the Friday preceding the next Committee meeting if the application has been deferred for a site visit).

2. Attendance - planning site visits will be attended by:

- 2.1 A group of Exmoor National Park Authority members as appointed by the **Authority Planning** Committee.
- 2.2 The ~~Head of Planning and Sustainable~~ **Development Manager** and/or a Planning Officer as their representative, and any other Authority Officers as necessary to advise on the issues under consideration, for example Landscape Officer or Conservation Officer.
- 2.3 Representatives from key statutory consultees, for example the Highway Authority or the Environment Agency, as necessary to advise on the issues under consideration.
- 2.4 The following will also be invited to attend:
 - The ward member from the appropriate County or District Council (the ward member may also be a member of Exmoor National Park Authority).
 - **Any Member of Exmoor National Park Authority who is not a member of the Planning Committee and who has expressed an interest in the application.**
 - Representatives from the appropriate Town/Parish Council or Parish Meeting.
 - The applicant and/or their agent.

- Anyone who has lodged written representation with Planning Officers about the application. This representation may support or object to the application, or make neutral observations.

3. Procedure on Site - the following procedure will be followed:

- 3.1 The Chairperson will open the meeting and will invite everyone to identify themselves.
- 3.2 The Chairperson will then:
 - explain the purpose of the site visit in terms of the specific issues to be considered;
 - confirm that the purpose of the site visit is solely as a fact-finding exercise;
 - confirm that no decision will be taken and the application will be determined at a subsequent **Authority Planning Committee** meeting;
 - confirm that the site visit is not a forum for debating the merits of the application.
- 3.3 The ~~Head of Planning and Sustainable~~ Development **Manager** or their representative will outline the nature of the application, paying particular attention to the specific issues that warranted the need for the site visit.
- 3.4 Other Officers of Exmoor National Park Authority will then be invited to comment on the issues under consideration.
- 3.5 Representatives from statutory consultee agencies (eg Highway Authority / Environment Agency) will then be invited to comment on the issues under consideration.
- 3.6 All questions from Members will be made via the Chairperson and will be put to the Planning Officer in the first instance.
- 3.7 At the Chairperson's discretion, the applicant or agent, other invitees or third parties may be asked to provide **factual information** concerning the application but will not be invited to make representations in support of, or objection to, the application. **The Authority recognises that opinions and views about applications are important; and there are opportunities separately for members of the public to support or object to an application by contacting Planning Officers during the application process and/or by participating in public speaking at the Authority Planning Committee meeting when the application is considered.**
- 3.8 The Chairperson will ask if there are any further points of clarification and if so, these will be dealt with as per the above procedure.
- 3.9 The meeting will then be closed and the Chairperson will provide an indication of when the application is likely to be determined by the **Authority Planning Committee**.
- 3.10 A summary note will be taken of the issues considered and the factual information provided and this will be included in any future report to the **Authority Planning Committee**.

4. Conduct at Site Visits

- 4.1 Everyone attending the site visit must move around the site as one group.
- 4.2 Authority Members will not at any time during the meeting enter into any discussion with the applicant or third parties, or with other Members, separate from the main site visit meeting. Everything said at the site visit must be able to be heard by all parties in attendance.
- 4.3 The visit may involve viewing a proposed development site from a number of locations or vantage points. Please be aware that when moving between locations, Authority Members will not engage in any private conversations with individuals or groups. Again, this is to ensure that everything said at the site visit meeting is heard by everyone.
- 4.4 Authority Members will not express opinions or views on the proposal at any time during the site visit meeting.
- 4.5 **Authority Planning Committee** Members will not enter into any discussion about the planning proposal with the applicant or third parties **or Authority Members who are not members of the Planning Committee** after the site visit meeting has been formally closed and will not accept invitations from applicants or agents to view sites privately.

Having Your Say – Public Speaking at Authority Meetings

May I Attend a Meeting? Yes. Members of the public are welcome to attend meetings of the Authority and its Committees. Details of our meetings are on our [website](#). If you are unable to attend, many meetings are audio recorded and recordings are available on our website on the same page as the meeting agenda.

May I speak at a Meeting? Yes. Meetings of the Authority and its Committees provide an opportunity for public speaking, so long as you have notified us in advance that you wish to do so (details of how to register to speak are below). The Chairperson will allow members of the public to speak about any general matter relevant to the business of the Authority, or on any item on the Agenda for that meeting. If you wish to speak at a meeting, please contact Judy Coles, Corporate Support Officer, by email, in writing or by telephone by 4pm on the working day before the meeting, indicating a brief summary of the matter you wish to raise. Email: JColes@exmoor-nationalpark.gov.uk or Tel: 01398 322250 or 01398 323665.

What will happen at the Meeting? Please sit in the public seating area when you arrive. The Chairperson will open the meeting and each agenda item will be introduced by an Authority Officer and in the case of a planning application, a Planning Officer will usually make a presentation. The Chairperson will then invite anyone who has asked to speak to do so. A separate table, chair and a microphone are set aside for people who wish to speak, so that the meeting can clearly hear what you say. In relation to planning applications, speakers will be invited in the following order:

- members of the public and representatives of groups or organisations (whether they support or object to the application, or wish to make neutral observations) will be invited in the order in which the Authority received notification of a wish to speak;
- representatives from the County, District or Parish Council;
- the applicant and/or their agent.

If you change your mind on the day and decide not to speak, or if you feel everything you wanted to say has already been said by someone else, you can simply advise the Chairperson that this is the case.

How much time will I have to speak? You will have two minutes to speak and this will be timed by the Corporate Support Officer. The Chairperson has the discretion to increase this time, however in the interests of fairness to everyone who has registered to speak, the Chairperson will usually ask you to stop if you exceed the two minutes allowed. At the Chairperson's discretion, you may be asked to clarify something you have said; this will be as a matter of clarification only and not to allow extra time for you to speak.

If a number of people wish to speak about the same matter, the Chairperson may ask those concerned to nominate one person to speak, and the nominated person will be allowed to speak for up to 5 minutes.

The time allocated for individual public speakers may be extended only in relation to a matter in which there is considered to be an exceptional degree of public interest. In these circumstances, all speaking slots will be allowed equal periods of time and it will be for the Chairperson to determine the process for public speaking.

How many times may I speak? You may speak once per agenda item. If multiple agenda items relate to a single application, single site or Authority matter, public speakers may address the committee once only, regardless of how many agenda items the application or matter comprise.

Are there any restrictions on what I can say? You should concentrate on explaining the main points that are important to you and you should try to focus your comments on how your views relate to the relevant planning policy(ies) – remember that it's the planning policies that will guide Members of the Committee in their decision-making. Bear in mind that a short, clear and direct statement or question is often the most effective in communicating a message. You should not say anything frivolous or defamatory, or which concerns a confidential issue that would normally be dealt with in private. In relation to planning applications, you should not speak about the applicant's past behaviour or speculate about what you think their future plans might be.

What happens after I have spoken? Members of the ~~Authority~~ Committee will have listened to what you have said but will not enter into debate with you. If you have asked a question, this may be answered by an Authority Officer at the time or noted for consideration in the Committee's debate that follows. If an answer to a question cannot be provided on the day, a written reply will be offered.

After everyone who wishes to speak has done so, the ~~Authority~~ Committee will debate the planning application or other matter, usually in public¹, and will then make a decision. In the case of planning applications the decision may be to approve or refuse the application, to defer a decision to allow further information to be provided, or to arrange a planning site visit. There will be no further opportunity for anyone who is not an ~~n-Authority relevant voting~~ Member or Officer to speak.

May I communicate with Members of the Authority or Committee during a public meeting? No. It is important that public meetings are conducted in a proper manner, without interruption, and so that everyone attending the meeting can see and hear all the information presented. Members of the public are therefore asked not to lobby Members immediately before the meeting and may not communicate with Members or pass them notes, documents or photographs during the meeting itself. Members of the public are asked to respect the Committee's deliberations and refrain from commenting during their debate.

However lobbying is an important part of the democratic process and it is open to members of the public to contact members of the Authority/Committee about a particular matter before it is considered in a public meeting. The contact details of Members of the Authority are on our [website](#). At the start of each public meeting, Members of the Authority are required to declare if they have been lobbied about a particular matter.

I am unable to attend - can I still submit a statement or a question? Yes.

The Authority welcomes questions or feedback and appreciates that not everyone is able to attend meetings at a particular time or venue. If you are unable to attend, you may ask someone else to attend and read a statement or ask a question on your behalf. If this is the case, please tell us who will be speaking on your behalf and advise them that two minutes will be allowed, ie the same time that would be allowed if you had attended yourself.

Alternatively, you may submit a statement or question in writing or by telephone by 4pm on the working day preceding the meeting to Judy Coles, the Corporate Support Officer: Tel: 01398 323665 or JColes@exmoor-nationalpark.gov.uk. Your question or statement will be printed and brought to the attention of Members at the meeting. Please note that any written statements submitted to the Authority will be subject to the provisions of the Freedom of Information Act which means the Authority may be obliged to provide the statement to a third party if requested to do so.

Will I be recorded if I speak at a meeting? Yes. Many meetings are audio and video recorded to provide greater access for the public to Authority decision-making. By entering the Authority's Committee Room or other meeting venue and speaking during Public Speaking Time you are consenting to being audio and video recorded. Notices will be displayed if a recording of the meeting will be made. All recordings are made available on our website.

¹ There are limited circumstances when the Authority Committee may exclude the public in order to consider a confidential matter.

The Authority takes no responsibility for views expressed by members of the public during recorded public meetings. Recordings or any part thereof may be removed from the Authority's website at any time by the Chief Executive or Monitoring Officer if they consider that all or part of the content is, or is likely to be, in breach of any statutory provision or common law doctrine. Examples include breaches of Data Protection, Equality and Human Rights legislation or provisions relating to confidential or exempt information.

May I film or record a public meeting or use social media to report on the meeting? Yes. 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. [You should seek permission from individual members of the public attending the meeting prior to filming or distributing their images].

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Code of Conduct in Practice – Protocol for Member/Officer Relations

11. Introduction

This protocol guides Members and Officers of the Authority in their relations with one another. To a large extent, the protocol is no more than a statement of current practice and convention. The protocol is neither prescriptive nor comprehensive. Accordingly it will be kept under review and amended as necessary. The protocol addresses the issues which most commonly arise.

The protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and Officers and the Seven Principles of Public Life, known as the Nolan Principles: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership. The shared object of these Codes is to enhance and maintain the integrity of the Authority.

12. Principles Governing Member and Officer Relations

The principles governing relations between Members and Officers were explained in the National Code of Local Government Conduct (1990) and still hold true today.

It says this on the relationship:

“23. Both Councillors and Officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Councillors and the Council and to carry out the Council’s work under the direction and control of the Council, their committees and sub-committees.”

“24. Mutual respect between Councillors and Officers is essential to good local government. Close personal familiarity between individual Councillors and Officers can damage this relationship and prove embarrassing to both Councillors and Officers”.

All dealings between Members and Officers should be courteous and respectful and neither party should seek to take advantage of their position. The only basis on which the Authority can lawfully provide support services (e.g. stationery, typing, printing, transport) to Members is to assist them in discharging their role as Members of the Authority. Support services must therefore never be provided for political/campaigning activity or for private purposes.

If Members have reason to complain about the conduct or performance of an Officer, complaints should be made personally to the Chief Executive or in their absence to the Monitoring Officer. It is particularly important that such complaints are made in this way and are not expressed at any other occasion such as at a meeting of the Authority, or its Committees/Sub-committees, or other bodies.

If an Officer has a concern in relation to a Member’s conduct, such concerns should be brought personally to the attention of the Chief Executive or the Monitoring Officer. They will if necessary discuss the matter with the Chairperson of the Authority and, where appropriate, with the Chairperson of the Committee or Sub-committee affected. In the absence of the Chairperson, the Deputy Chairperson should be approached.

13. Access to Authority Information

Members have a statutory right to inspect any Authority document relating to any business for consideration at an Authority Committee or Sub-Committee meeting. This right applies irrespective of whether the Member is a member of the Committee or Sub-Committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right, however, does not extend to documents relating to certain items containing “exempt information” (confidential matters on pink paper).

Members also have the right to request or have access to other Authority documents. On requesting access to additional documents or information, Members should be mindful of the capacity and resources of Officers and consider whether they need to know to enable them to properly perform their duties as a Member of the Authority.

The Freedom of Information Act 2000 provides public access to information held by public authorities. It does this in two ways:

- public authorities are obliged to publish certain information about their activities; and
- members of the public are entitled to request information from public authorities.

The Act covers any recorded information that is held by a public authority in England, Wales and Northern Ireland, and by UK-wide public authorities based in Scotland.

Exemptions to access apply. If a Member of the Authority (or the public) request information under Freedom of Information Act provisions, release of information may be subject to consultation with the Authority’s Monitoring Officer to establish if an exemption to release applies. Members should also be aware that documents and emails they retain that relate to Authority business may be subject to release on receipt of a Freedom of Information request.

Both Members and Officers are subject to the provisions of the Data Protection Act 1998 (and the General Data Protection Regulations 2018 once these are enacted in May 2018). As such, Members are responsible for the protection and lawful use of any third-party personal or sensitive data that is contained within Authority files.

14. Preparation of Agendas and Decision Making

Agendas for meetings of the Authority, its Committees, Sub-committees and other bodies shall be prepared by the Chief Executive (or delegated Officer) in consultation with the appropriate Chairperson (or appropriate Deputy Chairperson in the absence of the Chairperson).

Members wishing to raise an item of urgent business should approach the Chairperson and Chief Executive prior to the start of the meeting at which the request is to be raised. The Chairperson’s ruling on whether an item is urgent is binding and is not open to discussion or debate.

Any Member may ask the Chief Executive to include an item of business on the relevant agenda and where appropriate request a report on the matter. As a matter of courtesy, Members should consult with the appropriate Chairperson before making such a request. The Chief Executive, in consultation with the appropriate Chairperson, may refuse such a request if it is not expedient to Authority business.

A request by a Member for a planning application to be consider by the **Authority Planning Committee** (as opposed to determination by Planning Officers under the Scheme of Delegation) must be accompanied by sound planning reasons. If such reasons are not present, the **Deputy Chairperson of the Authority** and the **Deputy Chairperson of the Planning Committee (Planning)** acting together (or if either is absent, together with Chairperson of the Authority) may decline the Member’s request.

Local government law only allows for decisions to be taken by Committees, Sub-committees or Officers. Individual Members, including Chairpersons, are not allowed to act (save in the case of the Authority Chairperson who may decide that an item of business is 'urgent'). Where action is likely to be required between meetings, the usual method of authorisation is to delegate action to the Chief Executive in consultation with the Authority Chairperson or a group of named Members.

15. Chief Executive – Delegated Functions and Reports

The Authority's Standing Orders set out the various powers delegated to the Chief Executive. These are both specific, for example in relation to the acquisition of land in certain circumstances, and general in relation to any of the Authority's functions.

In exercising their delegated functions, the Chief Executive is obliged to act in accordance with:

- i. The overall policies approved by the Authority or any of its Committees or Subcommittees,
- ii. Standing Orders, including those relating to contracts,
- iii. Financial regulations,
- iv. Equality Legislation, and
- v. Information governance legislation (including the Data Protection Act 1998 and General Data Protection Regulations 2018, once enacted).

Additionally, the Chief Executive is expected in appropriate cases to consult with Members as follows:-

- i. To maintain a close liaison with the Authority's Chairperson and/or the appropriate Committee Chairperson or Sub-Committee Chairperson (or in their absence the appropriate Deputy Chairperson) and
- ii. To consult as necessary with any other Member who has a specific local or specialist interest in the matter.

It is open to the Chief Executive to prepare a report and refer a matter to the Authority, Committee or Sub-Committee for a decision if, in their opinion, the matter is of such a nature that it requires consideration by Members.

16. Press and Media

Relations with the press and media need to be handled with care to ensure the Authority's position on any issue is represented properly. Day to day contact with the press and media will normally be handled by the Chief Executive or delegated Officer. Where necessary they will consult with the Authority Chairperson and/or other Members.

Where a media interview is needed, the Chief Executive and Authority Chairperson will agree on the most appropriate person to speak on the matter on behalf of the Authority.

Members may be approached directly by the press and media and asked to make a comment or to appear for interview. In these circumstances Members are asked, where practicable, to ensure the Chief Executive and/or Authority Chairperson are made aware of the approach. When Members have been authorised to speak on behalf of the Authority, they should ensure their statement is purely factual and/or read from an official Authority statement. If speaking in an unofficial capacity, Members must make it clear that any views they express are not necessarily those of the Authority. In all cases, Members are asked to uphold the good name and integrity of the Authority.

ITEM 9

EXMOOR NATIONAL PARK AUTHORITY

5 December 2023

PROPOSED WITHDRAWAL AND DISSOLUTION OF THE HEART OF THE SOUTH WEST JOINT COMMITTEE

Report of the Chief Executive

Purpose of the report: To put before Members the proposal that all Constituent Authorities consider withdrawal from and dissolution of the Heart of the South West (HotSW) Joint Committee.

RECOMMENDATION: The Authority is recommended to AGREE to serve notice of its withdrawal and that the Heart of the South West Joint Committee be dissolved on 31 December 2023.

Authority Priorities: Develop and maintain effective and efficient services; manage corporate finances and diversify income streams

Legal and Equality Implications: The HotSW Joint Committee is established under Sections 101 to 103 of the Local Government Act 1972. The review of the role and functions of the Joint Committee has taken account of the legal framework within which the Joint Committee operates. The proposed recommendations are in accordance with the Inter-Authority Agreement.

No specific equalities implications have been identified in relation to the proposed recommendations.

Financial and Risk Implications: The Joint Committee remains completely reliant on the Constituent Authorities for its budget and there are no obvious sources of additional funding to support running costs or delivery of its work programme. Joint Committee members' costs and expenses are funded and administered by each respective Constituent Authority. ENPA's subscription has been £1,400 p.a.

The Administering Authority (Somerset Council) holds the balance of contributions from the Constituent Authorities. The current unallocated balance is £43,009. If the Joint Committee is dissolved, then any outstanding balance would be returned proportionally to each of the Constituent Authorities on the same percentage basis that they made contributions.

Climate Change Response: No specific implications have been identified in relation to the proposed recommendations.

1. Summary

- 1.1 This paper follows a steer set out from the Leaders / senior members of several Constituent Authorities for proposals to be brought forward to all Constituent Authorities to consider their withdrawal and dissolution of the Heart of the South West (HotSW) Joint Committee (the Joint Committee).

- 1.2 The proposals in this report specifically relate to the Joint Committee's governance arrangements only and do not cover the HotSW Local Enterprise Partnership or the associated HotSW Joint Scrutiny Committee.

2. Background

- 2.1 In 2015 the HotSW partnership (17 local authorities, two National Parks, the LEP and three clinical commissioning groups) submitted a devolution "statement of intent" to Government and began negotiations about a devolution deal. However, following the EU referendum in 2016, devolution was no longer a government policy priority and the HotSW partnership developed a Productivity Strategy. In March 2018 the partnership formalised the arrangements to establish the HotSW Joint Committee. Following the establishment of Somerset Council, the HotSW Joint Committee Constituent Authorities are now:

- Dartmoor National Park Authority
- Devon County Council
- East Devon District Council
- Exeter City Council
- Exmoor National Park Authority
- Mid Devon District Council
- North Devon Council
- Plymouth City Council
- Somerset Council
- South Hams District Council
- Torbay Council
- Teignbridge District Council
- Torridge District Council
- West Devon Borough Council

The Heart of the SW LP and the NHS are co-opted members of the HotSW Joint Committee

- 2.2 The Joint Committee was seen as a partnership vehicle to provide a single forum for local authority engagement with the Heart of the South West Local Enterprise Partnership and Government. The specific objectives of the HotSW Joint Committee in its Terms of Reference are to:-

- a) Improve the economy and the prospects for the region by bringing together the public, private and education sectors
- b) Increase our understanding of the economy and what needs to be done to make it stronger
- c) Improve the efficiency and productivity of the public sector
- d) Identify and remove barriers to progress and maximise the opportunities / benefits available to the area from current and future government policy

- 2.3 Since its inception, the Joint Committee's work has worked on issues covering the HotSW area as a whole such as: Local Industrial Strategy, Coastal Productivity Plan, Housing Task Force and regional imbalances.

2.4 The Joint Committee currently has a meeting cycle of two formal meetings a year and it is directly supported by Somerset Council.

3. The case for change

3.1 Change in Government policy over the last five years, the development of the Devon, Plymouth and Torbay devolution deal and forthcoming integration of the HotSW LEP into local authorities mean that the purpose of the Joint Committee has largely been superseded and other partnership arrangements between the Constituent Authorities can deliver their aims with reduced duplication.

3.2 In relation to withdrawal from/dissolution of the Joint Committee, the inter-authority agreement states that:

- A Constituent Authority wishing to withdraw from the Joint Committee shall give a minimum of 6 months' notice in writing to the other Constituent Authority via the Administering Authority. The Constituent Authorities shall co-operate with any such request.
- If two or more Constituent Authorities give notice of withdrawal from membership of the Joint Committee in the same Financial Year, the Joint Committee shall consider and make recommendations to the remaining Constituent Authorities as to the future operation of the Joint Committee and, if appropriate, recommend any necessary amendments required to the Joint Committee's functions and operating arrangements.
- When a majority of the Constituent Authorities at any time agree (via formal resolutions) that the Joint Committee should be dissolved or terminated on a specified date then the Joint Committee shall cease to exist from that date.

3.3 In December 2022, the scheduled meeting of the Joint Committee was adjourned as it was not quorate due to low attendance by Constituent Authorities. On 27 October 2023, the scheduled meeting of the Joint Committee was also not quorate and able to proceed due to only four of the fourteen Constituent Authorities attending the meeting.

3.4 It is likely that proposals will be brought forward during November and December 2023 by a majority of the Constituent Authorities for their councils to agree to serve notice and recommend the dissolution of the Joint Authority on 31 December 2023.

4. Recommendation

4.1 For the reasons set out in Section 3 above, it is recommended that Exmoor National Park Authority agrees to serve notice of its withdrawal and that the Heart of the South West Joint Committee be dissolved on 31 December 2023.

Sarah Bryan
Chief Executive
November 2023

Background Papers

- Heart of the South West Joint Committee – establishment report to all Constituent Authorities in November and December 2017
- Heart of the South West Joint Committee Governance Arrangements – 27 September 2019 and Budget Update report in October 2020
- Heart of the South West Constitution and Inter-Authority Agreement