



## **AGENDA**

**MEETING: STANDARDS COMMITTEE**

*[Membership: Judith Donovan, Richard Foster, Neil Heseltine, David Ireton and Jocelyn Manners-Armstrong]*

**VENUE: The National Park Authority Office, Yoredale, Bainbridge**

**DATE/TIME: Tuesday 7 November 2017 at 10.30am**

### **Business**

#### **Part One – “Procedural items**

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| 1. | Membership of the Committee                    | <b>1</b> |
| 2. | Election of Chairman                           |          |
| 3. | Minutes of the meeting held on 1 November 2016 | <b>3</b> |
| 4. | Public Questions / Statements                  |          |
| 5. | Apologies for absence                          |          |
| 6. | Declarations of lobbying                       |          |

#### **Part Two – Items/Reports which require a decision from Members**

- |    |   |           |
|----|---|-----------|
| 7. | Review of Independent Persons Protocol  | <b>7</b>  |
| 8. | Independent Persons Recruitment Process | <b>15</b> |



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|----|---|--|
| 9. | Urgent business - where the Chairman has agreed that there are special circumstances. |  |
|----|---|--|

**DAVID BUTTERWORTH**  
**CHIEF EXECUTIVE**  
**National Park Office,**  
**Bainbridge**

*Note: Tea/coffee will be available before/during the meeting.*

26 October 2017

### **Standards Committee – Terms of Reference**

- B 4.1 Following receipt of a written allegation that a member of the Authority has failed to comply with the Authority's code of conduct for members, to consider (in accordance with the Authority's criteria for assessing complaints) what action, if any should be taken, and in particular whether an investigation should be undertaken.
- B 4.2 To decide (in accordance with the Authority's Determination Procedures) whether a member of the Authority has or has not failed to comply with the Authority's code of conduct for members.
- B 4.3 Following a decision by the Committee that a member of the Authority has failed to comply with the Authority's code of conduct for members, to decide whether to take action in relation to the member and, if so, what action to take or recommend the Authority to take.
- B 4.4 To decide upon written applications by members of the Authority for a dispensation to speak, or to speak and to vote, on any matter coming before the Authority and/or its Committees in relation to which the member making the application has a disclosable pecuniary interest; and to decide the terms of any dispensation granted.
- B 4.5 To make recommendations to the Authority on issues of member conduct, where these arise out of its consideration of matters referred to in paragraphs B 4.1 – B 4.4 above.

NOTE: Items B 4.1 – B 4.3 above are to be determined by the Committee after consultation with an Independent Person appointed by the Authority under Section 28 of the Localism Act 2011.

## **NOTES FOR MEMBERS OF THE PUBLIC AND AUTHORITY MEMBERS**

### **1. Declarations of Interest:**

Authority Members should make any declarations of interest at the start of the appropriate item.

### **2. Public Questions/Statements:**

The National Park Authority has allocated up to 15 minutes at the start of meetings to allow members of the public the opportunity to ask questions and/or to make statements that relate to the work of the Authority or the appropriate Committee. Anyone wishing to ask a question or make a statement **must 'register'** that intention with the Chief Executive by 12 noon on the working day before the meeting. More detailed guidance is available from the Authority's Committees Officer. (This procedure is in addition to the opportunity to speak on planning applications at the Planning Committee.)

For anyone registered to speak at today's meeting – the Chairman will call you at the appropriate time – each Speaker will have up to three minutes.

### **3. Filming/Recording of Meetings:**

The National Park Authority routinely records all full Authority and Planning Committee Meetings. Filming/recording of Authority meetings, Committee and sub-committee meetings is permitted provided it does not disrupt the smooth running of the meeting.

The Chairman reserves the absolute right to ask for filming or recording of a meeting to cease if, in his/her opinion, continuing to film/record would be disruptive to, or prejudice, proceedings.

Ultimately the Chairman may suspend or adjourn the meeting.

Anyone filming a meeting is asked only to focus on those actively participating. Those attending National Park Authority meetings should be aware that they may be filmed and that attendance at the meeting signifies agreement to this.

The Authority cannot accept responsibility for the content of any recording made, once it has been taken away from the Authority's premises.

### **4. Health & Safety:**

**All** members of the public **and** Authority members should sign the Visitors Book on entering and leaving the building – this is necessary in order that, if the building has to be evacuated, all persons can be accounted for.

In the event of the fire alarms being activated, all those present at the meeting should leave the building by the main entrance (if possible), go straight across the car park (with the central wall on your left) and assemble at the far right-hand side of the lower part of the car park by the Fire Assembly Point. Please go **straight** to the Assembly Point as not doing so may delay checks that everyone is accounted for.

### **5. Meeting Room(s) Hearing Loop:**

As well as using a conference sound system at Authority and Planning Committee meetings, each of the rooms used for formal meetings of the Authority and its Committees has an induction loop system fitted.

If you have a hearing aid with a 'T' setting, please switch it to 'T'.

### **6. Agenda Papers:**

The agenda and all public reports for meetings of the Authority (and each of its Committees) are normally available for public inspection five working days before the meeting. The papers are also posted on the Authority's website and a **limited** number of copies are available for reference at each meeting.

***If you have any general enquiries/comments about the above or the way in which the Authority's decision-making processes operate, please contact the Committees Officer by post (to Yoredale, Bainbridge, Leyburn, DL8 3EL); telephone 0300 456 0030; or email: [secretariat@yorkshiredales.org.uk](mailto:secretariat@yorkshiredales.org.uk).***



## Committee Membership and Member Champions as at 30 Sept 2017

Member	Appointing body	Planning	Audit & Review	Finance & Resources	Standards
<i>M'ship/Quorum</i> →		17/7	12/6	13/6	5/3
Blackie John	NYCC	✓		✓	
Clark Chris	SoS(P)	✓		✓	
Cotton Nick	CCC	S2		✓	
Donovan Judith	SoS		✓		✓
Foster Richard	CDC	S1		✓	✓
Gray Brenda	SLDC	✓		✓	
Heseltine Neil	SoS(P)	S1	✓		✓
Heseltine Robert	CDC	✓	✓		
Ireton David	NYCC	S1	✓		✓
Kendall Valerie	EDC	✓		✓	
Kirkbride Allen	SoS(P)	✓	✓		S
Lis Carl	CDC	S2		✓	
Macaré Steve	SoS	S1		✓	
Manners-Armstrong Jocelyn	SoS	✓		✓	✓
Martin Julie	SoS	✓		✓	
McPherson Ian	SoS(P)	✓		✓	
Munday Jim	SoS	✓	✓		
Pattison Margaret	LCyC	✓	✓		
Peacock Yvonne	RDC	✓	✓		
Quinn Gillian	NYCC	✓		✓	
Sedgwick Karin	NYCC			✓	
Swain Neil	SoS	✓	✓		
Thornton-Berry Caroline	RDC	✓	✓		
Towneley Cosima	LCC	✓	✓		
Welch Richard	NYCC	✓	✓		

CDC= Craven District Council; EDC= Eden District Council; LCyC= Lancaster City Council;  
RDC=Richmondshire District Council; SLDC=South Lakeland District Council;  
CCC=Cumbria County Council; LCC= Lancashire County Council; NYCC= North Yorkshire County Council;  
SoS=Secretary of State; SoS(P)=Secretary of State (Parish);

<b>CHAIRMEN AND DEPUTY CHAIRMEN</b>		
<i>Date elected</i>	<i>Chairman</i>	<i>Deputy Chairman</i>
Authority (27/06/17)	Carl Lis	Ian McPherson
Planning (11/07/17)	Caroline Thornton-Berry	Julie Martin
Audit and Review (11/07/17)	Yvonne Peacock	Jim Munday
Finance and Resource (12/9/17)	Jocelyn Manners-Armstrong	Nick Cotton
Standards (01/11/16)	Jocelyn Manners-Armstrong	-

<b>MEMBER CHAMPIONS</b>		
<i>Area of responsibility</i>	<i>Member appointed</i>	<i>Term of appointment</i>
Natural Environment	Ian McPherson	Nov15 – Nov18
Cultural Heritage	Julie Martin	Sep17 – Sep20
Recreation Management	Nick Cotton	Dec16 – Dec19
Promoting Understanding	Judith Donovan	June17 – June20
Development Management	Robert Heseltine	June15 – June18
Sustainable Development	Chris Clark	Sept16 – Sept19
Corporate Management	Steve Macaré	June15 – June18

**Committee:** STANDARDS  
**Date:** 7 November 2017

**Report** MEMBERSHIP OF THE COMMITTEE

1. At the Authority meeting on 27 June, it was agreed that the membership of the Committee would be:

	<i>Name of Member</i>	<i>Category of membership</i>
1	Judith Donovan	Secretary of State
2	Richard Foster	Local authority – appointed by Craven District Council
3	Neil Heseltine	Secretary of State (Parish)
4	David Ireton	Local authority – appointed by North Yorkshire County Council
5	Jocelyn Manners-Armstrong	Authority appointee

**Julie Payne**  
**Committees Officer**  
17 October 2017

Background documents: None



Minutes of the meeting held at Yoredale, Bainbridge on Tuesday, 1 November 2016.

**Present:**

Standards Committee Members:

Roger Harrison-Topham, Neil Heseltine, David Ireton and Jocelyn Manners-Armstrong

Also present:

Keith Barker (Independent Person)

***COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK***

**01/16 MEMBERSHIP OF THE COMMITTEE**

The report of the Committees Officer was noted.

**02/16 ELECTION OF CHAIRMAN**

Jocelyn Manners-Armstrong was nominated unopposed as Chairman and was duly elected.

**RESOLVED –**

That Jocelyn Manners-Armstrong be elected Chairman of the Standards Committee.

***JOCELYN MANNERS-ARMSTRONG IN THE CHAIR***

**03/16 MINUTES**

That the minutes of the meeting held on 26 May 2015, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

*[Roger Harrison-Topham asked that his abstention from voting be recorded. Owing to the infrequency of Standards Committee meetings, it was agreed that in future, draft minutes from these meetings would be circulated as soon as possible to Committee Members and then confirmed formally at the next meeting.]*

**04/16 PUBLIC QUESTIONS/STATEMENTS**

No notifications of public questions or of the intention to make a statement had been received.

## **05/16     APOLOGIES FOR ABSENCE**

Apologies for absence were received from Judith Donovan

## **06/16     DECLARATIONS OF LOBBYING**

No declarations of lobbying were made at the meeting.

## **07/16     LOCAL CODE OF CORPORATE GOVERNANCE**

CONSIDERED – the report of the Solicitor/Monitoring Officer.

Members discussed suggestions to the wording of the Authority's Values (due for review in February 2019). Following minor revisions to wording within the report, it was

### **RESOLVED –**

That the 2016 changes to the CIPFA/SOLACE Framework and the Authority's Local Code of Corporate Governance be noted, and the Authority's Solicitor be authorised to make minor amendments to the Local Code of Corporate Governance that may arise out of the consultation process, prior to discussion at the Audit & Review Committee, in November 2016.

## **08/16     REVIEW OF THE AUTHORITY'S MEMBER CODE OF CONDUCT, ('THE CODE')**

CONSIDERED – the report of the Solicitor/Monitoring Officer.

Having reviewed the wording of The Code, it was

### **RESOLVED –**

That

- point 1 of the Authority's Member Code of Conduct be changed to read:

‘You must treat others with courtesy **and respect.**’

*[Roger Harrison-Topham asked that his vote against the resolution be recorded.]*

And that

- The Code should require the registration of any gift or hospitality of £25 or more which a Member is in receipt of, and which is attributable to membership of the Authority.



**09/16 STANDARDS UPDATE REPORT**

CONSIDERED – the report of the Solicitor/Monitoring Officer.

Following discussion it was

**RESOLVED -**

That the report be noted.



**Committee: STANDARDS**  
**Date: 7 November 2017**

**Report: REVIEW OF INDEPENDENT PERSON PROTOCOL**

**Purpose of the report**

1. To consider a review of the Independent Person Protocol agreed by the Authority in September 2013.

**RECOMMENDATION**

2. That the revised Independent Person Protocol, as set out in Appendix A, is recommended for adoption.

**Strategic Planning Framework**

3. The information and recommendation contained in this report are consistent with the Authority's statutory purposes and its approved strategic planning framework:

*Objective 26: Operate corporate governance and financial arrangements that are fit for purpose, as evidenced through the Annual Governance Statement, the Annual Governance Report and an unqualified audit and opinion each year*

**Background**

4. Under Section 28 of the Localism Act 2011, the Authority must appoint at least one Independent Person (IP), whose views must be sought and taken into account before a decision is made on an allegation that a member of the Authority has failed to comply with the Code of Conduct. The Independent Person may also be consulted by a Member who is the subject of the allegation.
5. On 26 June 2012, Mr Keith Barker was appointed as the Authority's IP and Mr Eric Gledhill as the Reserve.
6. In September 2013 the Authority considered and adopted the Independent Person Protocol (Annex A). The purpose of having a Protocol is to clarify how the IP should perform their role, and it is recognised that any such Protocol would evolve over time.

**Reasons for Review**

7. Mr Eric Gledhill has indicated his intention to retire from the role of Reserve IP in June 2018. The resultant need to recruit a replacement presents the opportunity to review the operation of the Protocol.

8. Although not mandatory, most local authorities have adopted protocols. Different considerations may apply to each authority, and the protocol needs to be proportionate to the business of the authority.

### **Issues to consider as part of review**

9. In 2015 the role of the IP was extended by the Local Authorities (England) (Standing Order) Regulations 2015. These Regulations require that any proposal to dismiss a statutory officer (the Chief Executive, Chief Financial Officer or Monitoring Officer) should be considered by a Panel of at least two IPs. The Protocol has therefore been amended to deal with this.
10. Consultants Hoey Ainscough Associates Ltd specialise in giving advice and training to Monitoring Officers, Standards Committees and IPs. Following a series of roadshows on the role of the Independent Person, they have issued advice to local authorities and IPs which may be summarised as shown below, along with proposed changes to the Authority's current Protocol where required to take account of that advice:

- a) Ensure there is a written contract and description of the IP role. Roles differ across authorities: some are very narrow, sticking to the statutory minimum; others go wider to look at standards issues generally. The key message is that whatever the role of the IP, this should be clear and in writing.

**Response:** *The Protocol is very clear on separation of roles, see paragraphs 2.1, 2.2 and 4. The role of the Reserve Independent Person is set out in paragraph 7. It is considered that no changes to the Protocol are required.*

- b) There needs to be an understanding about what access the IP has to confidential papers, IT equipment and officer support, how the IP should be contacted and how the IP should contact the authority.

**Response:** *Paragraph 5 deals with rights of access to documentation, and the issue of confidentiality is addressed in paragraph 6. No changes are necessary.*

- c) Be formal on how views are given: the key role of the IP is to give views, which are not binding but will carry weight. The IP will want to ensure that views given (which should be in writing) are not misrepresented or unreasonably ignored, and with whom their views will be shared; therefore there should be clarity within the Protocol. The Protocol should set out a format for recording views; any off-the-record discussions should be avoided.

**Response:** *The Protocol is clear on recording advice as set out in paragraphs 2.3, 3.1 and 3.2, and 4.3 and no changes are necessary.*

- d) There needs to be provision about how Members and members of the public may contact the IP

**Response:** *Contact with the IP is covered in paragraph 2.*

- e) There should not be a separation of roles within a case, and there should only be one IP assigned for each case to ensure a consistent, independent approach.

**Response:** *The Protocol does not separate roles: one IP is assigned to the case and the role of the Reserve is clear*

- f) The IP should understand the Authority and his/her relationship with it; independence should be maintained.

**Response:** *The law requires that the IP is involved only in matters requiring investigation. The Protocol is clear when allegations are investigated, on the role, and on other matters (see paragraph 8 ). It is considered that having regard to the number of allegations received, the Protocol is proportionate to the Authority's business.*

11. Both IPs have been invited to the Standards Committee meeting and may wish to give their views.
12. Further suggestions and changes to the Protocol may arise as a result of Members' consideration at this meeting, and it may be appropriate to have a separate meeting with the IPs before finalising the draft Protocol to be considered at the Authority at its meeting in March 2018. If this is the case, the final draft will be circulated to Standards Committee Members beforehand.

**Gill Cooper**  
**Solicitor and Monitoring Officer**

**Date: 19 October 2017**

Background Documents: The Role of the Independent Person, Hoey Ainscough Associates Ltd.



## **PROTOCOL RELATING TO THE INDEPENDENT PERSON**

### **1. Introduction**

1.1 This Protocol is intended to make clear how the relationship between the Authority, the Independent Person, the Monitoring Officer and the Standards Committee will interact within the system of standards of conduct of Members introduced by the Localism Act 2011 where the Authority has a duty to promote and maintain those standards, and to deal with allegations involving Member conduct.

1.2 The Protocol is not seeking to be prescriptive but rather to set out the general principles which all parties will use their best endeavours to comply with.

1.3 In addition to the Independent Person, the Authority has appointed a Reserve Independent Person to act in the absence of the Independent Person or where the Independent Person is otherwise unable to act (see section 7 of this Protocol). Where the Reserve Independent Person is acting, this Protocol shall apply in the same way as it applies to the Independent Person.

1.4 In addition to the roles and responsibilities referred to in this Protocol, under the provisions of the Local Authorities (Standing Orders ) (England) (Amendment) Regulations 2015 an Independent Person may be appointed to a Member Panel set up to advise the Authority on matters relating to the dismissal of a statutory officer of the Authority (the Head of Paid Service, the Chief Finance Officer, the Monitoring Officer).

### **2. Contact with the Independent Person**

2.1 A Member of the Authority may contact the Independent Person if a formal complaint about him/her has been made in writing to the Authority. The Monitoring Officer will notify the Independent Person of all formal complaints. If a Member contacts the Independent Person prior to a formal complaint being lodged, the Independent Person will refer them to the Monitoring Officer. It is the role of the Monitoring Officer, not of the Independent Person, to advise Members on issues of conduct, unless and until a formal complaint is made.

2.2 The Independent Person should not discuss a potential or actual complaint directly with the potential complainant and shall refer the complainant to the Monitoring Officer to speak directly about any complaint.

2.3 The Independent Person shall keep a written record of all contacts they have had in relation to complaints, including the date and time of contact, who contacted them, what was reported to them, and what advice, view or response (if any) they made. Where a Member contacts the Independent Person and requests confidentiality, the Independent

Person will explain that this is not possible, given their role in formally expressing views on the complaint to the Standards Committee.

### 3. Considering written allegations

3.1 Where the Monitoring Officer is considering a written allegation of a breach of the Code of Conduct by a Member, the Monitoring Officer will seek the views of the Independent Person before reporting the complaint to the Standards Committee for a decision on whether any further action should be taken on the complaint. The Independent Person should express such views in writing. The issue at this stage is not whether there has been a breach of the Code of Conduct but rather whether, in the light of the Authority's criteria for assessing complaints, the complaint merits investigation or some other form of action.

3.2 When issuing the decision letter following the Standards Committee meeting, the Monitoring Officer will record that the Independent Person has been consulted and that their views have been taken into account. Where the view of the Standards Committee and Independent Person differ, the Monitoring Officer will record this, and the Committee's reasons for following a particular course. The letter will make it clear that it is the Standards Committee and not the Independent Person who is the decision maker.

3.3 If so mandated by the Standards Committee, the Monitoring Officer may ask the Independent Person to support him/her in efforts to try to resolve a complaint informally, including assisting in mediation, conciliation or training. This may be appropriate where the basis of the complaint appears to the Standards Committee to be unsubstantial, or otherwise does not appear to warrant a formal investigation, or where an alternative route to formal investigation would appear to offer a better means of resolving the matter e.g. where it appears that complaints have been made on a tit-for-tat basis, or where a process appears to have become dysfunctional.

### 4. Relationship with the Standards Committee

4.1 The Monitoring Officer may consult the Independent Person where appropriate on recommendations to the Standards Committee particularly where these relate to the procedures for handling complaints.

4.2 Where the Standards Committee has referred a complaint to the Monitoring Officer for investigation, a copy of the resulting report of the investigation will be given to the Independent Person at the same time as it is given to the Member and to the complainant. The Standards Committee will consider the investigation report in accordance with the Authority's procedure for the determination of complaints, and will seek the views of the Independent Person (both as to whether there has been a breach of the code of conduct and, if so, what action if any should be taken) before reaching its conclusions. The Independent Person will be provided with the agenda and report for the Standards Committee meeting, and invited to attend the Committee to convey their views.

4.3 The Independent Person's view will be recorded in any decision notice and, where those views do not reflect the final outcome, reasons will be given. The decision notice

will make it clear that it is the Standards Committee and not the Independent Person who is the decision maker.

## 5. Right of Access to Documentation

5.1 The Independent Person shall have a right of access to such files and other documents in the possession or control of the Authority as are necessary to fulfil their duties and obligations as set out in this Protocol, their role description and the arrangements adopted from time to time by the Authority for dealing with standards complaints. The Independent Person shall not have a right to undertake a roving commission. Normally access to files and other documents will be through the Monitoring Officer, Deputy Monitoring Officer or other officer appointed on their behalf.

5.2 The Independent Person shall receive public agendas and minutes of all meetings of the Authority and its Committees and shall be entitled to attend such meetings as an observer whilst the meeting is open to the public, or otherwise with the permission of the Chairman of the meeting.

## 6. Confidentiality

6.1 The Independent Person shall respect the confidentiality of any documents provided to them and shall be responsible for their safe custody.

6.2 The Independent Person should respect the general confidentiality of the Authority's standards process and should not make any comments to the media on any matter relating to the Authority's standards business. Any requests for comments from the media should be referred in the first instance to the Monitoring Officer who may refer these to the Chair of the Standards Committee, or other person within the Authority as appropriate.

## 7. Role of Reserve Independent Person

7.1 The Reserve Independent Person shall act in place of the Independent Person where the Independent Person is not available to deal with a particular matter or where the Independent Person has a potential conflict of interest or otherwise where it is expedient in the opinion of the Monitoring Officer to do so. In general this should be determined at the time a written complaint is received, and a case given to the Reserve Independent Person at that stage should stay with them until its conclusion. Wherever possible, changing from the Independent Person to the Reserve, or vice versa, part way through a matter should be avoided.

7.2 Neither the Independent Person nor the Reserve Independent Person shall have any involvement, nor make any comment (whether to the complainant, the Authority or otherwise) on any case which is being dealt with by the other of them, unless the Monitoring Officer agrees in writing.



## 8. Other Matters

8.1 The Independent Person and Reserve have the right to raise any concerns about standards issues with the Authority's Chief Executive, including the right to offer comment on the Authority's performance of its general duty to promote and maintain high standards of conduct.

8.2 The Independent Person and Reserve will normally be consulted on any proposed changes to the Code of Conduct or procedures for handling allegations, and their views will be taken into account when decisions are made.

8.3 The Independent Person and Reserve Independent Person are considered to be office holders of the Authority in accordance with the duty under Section 28(7) of the Localism Act 2011, and are therefore entitled to be covered by the Authority's indemnity to Members and Officers, provided that they act reasonably and within the terms of this Protocol and their Role Description.

*Approved September 2013*  
***Reviewed November 2017***



Committee: STANDARDS  
Date: 7 November 2017

Report: INDEPENDENT MEMBER RECRUITMENT PROCESS

### Purpose of the report

1. To consider the review of arrangements for the recruitment of the Reserve Independent Person, including the appointment of a Recruitment Panel.

### RECOMMENDATION

2. That Members agree the process as set out in this report, and confirm the appointment of the Recruitment Panel.

### Strategic Planning Framework

3. The information and recommendation contained in this report are consistent with the Authority's statutory purposes and its approved strategic planning framework:

#### ***Corporate Plan 2016/19***

Objective 26: Operate corporate governance and financial arrangements that are fit for purpose, as evidenced through the Annual Governance Statement, the Annual Governance Report, and an unqualified audit opinion.

### Background

4. The Authority has a duty, under the Localism Act 2011, to promote and maintain high standards of conduct, including having arrangements in place for dealing with allegations of failure to comply with the Member Code of Conduct.

5. The Standards Committee has delegated authority to:

i) deal with allegations that a Member of the Authority has failed to comply with the Authority's Member Code of Conduct, and

ii) make recommendations to the Authority on issues of Member conduct where these arise out of its consideration of allegations.

6. The arrangements must include provision for the appointment by the Authority of at least one "Independent Person". The role of the Independent Person(s) requires that:

- Their views **must** be sought and taken into account by the Authority before it makes its decision on an allegation which it has decided to investigate;

- Their views **may** be sought by the Authority in relation to an allegation in other circumstances (e.g. before a decision to investigate is taken, and/or in relation to issues other than the final decision on an allegation);
- Their views **may** be sought by a Member of the Authority whose behaviour is the subject of an allegation of breach of the code of conduct

7. The arrangements for dealing with allegations were reviewed by the Authority at their meeting in March 2012, when the following points were also agreed:

- Number of Independent Persons:** On the recommendation of the Standards Committee, the Authority decided to appoint one Independent Person and one Reserve Independent Person, the latter to perform the Independent Person functions when the independent Person him/herself is unavailable).
- Term of office:** Initially the term of appointment for Independent Persons was three years. The appointments of both the Independent Person and his Reserve have been extended until June 2018; it is considered that the extension has been achieved without compromise to the “independence “of their role.
- Role:** The role to be performed was as set out in **Appendix A** to provide clarity on the role of the Independent Person. The Authority also adopted the rule that, if the Standards Committee proposes to take a decision which is inconsistent with the advice of the Independent Person, the Committee must give full written reasons for its decision. to reinforce the importance which the Authority gives to the Independent Person role.
- Allowances:** Travel and subsistence allowances are paid but no other remuneration.
- Advertisement:** The Independent Person (and Reserve) must be recruited following public advertisement and written applications.
- Interview Panel:** The five members appointed as the Standards Committee should comprise the Interview Panel for the Independent Person, carrying out the shortlisting, interviews and making a recommendation to the Authority on appointments.
- Indemnity:** The Independent Person and Reserve Independent Person are considered to be office holders of the Authority in accordance with the duty under Section 28(7) of the Localism Act 2011, and are therefore entitled to be covered by the Authority’s indemnity to Members and Officers, provided that they act reasonably and within the terms of this Protocol and their Role Description.

### **Review of arrangements**

8. The Reserve Independent Member, Eric Gledhill, has indicated that it is his intention not to stand again when his term of office expires at the end of June 2018. Keith Barker wishes to continue in the role of Independent Person.

9. In reviewing the arrangements for the appointment of Independent Persons, the following changes are recommended:

- i. **Number of Independent Persons appointed:** It is considered that having one Independent Member and a reserve Independent Member provides resilience and flexibility in the event of a conflict of interest or unavailability, so *the appointment of* a Reserve Independent Member is appropriate.
- ii. **Term of Office:** This needs to be decided by the Authority, at its meeting in June 2018. It is sensible to have the same term for both Independent Persons. There is a need to maintain independence if, for example, contact was so frequent that there could be a risk of “familiarity” and that independence was therefore compromised. Having regard to the experience to date and the number of allegations of breach of the Code of Conduct received, that possibility is considered to be unlikely so an initial term of three years is suggested for both a newly-appointed Reserve Independent Person and the current Independent Person Keith Barker.
- iii. **Recruitment Panel:** It is considered that a Panel comprising the five Standards Committee members is not necessary for this appointment; and that three such members would be sufficient with the Monitoring Officer acting as advisor to the Panel. Members are therefore asked to agree the Panel; interviews are likely to be held during the second or third week of May 2018.
- iv. **Role:** The Role Description as set out at Appendix A needs updating. It is recommended that the Role Description as sent out with the recruitment documentation (attached at **Appendix B**), which complements the Independent Person Protocol, should be used for consistency throughout the recruitment process and therefore should replace that at Appendix A,

**Gillian Cooper**  
**Solicitor / Monitoring Officer**  
**20 October 2017**

Background documents: None

### ROLE DESCRIPTION FOR INDEPENDENT PERSONS APPOINTED TO ADVISE THE YORKSHIRE DALES NATIONAL PARK AUTHORITY IN RELATION TO STANDARDS OF CONDUCT ISSUES AFFECTING AUTHORITY MEMBERS

1. The Yorkshire Dales National Park Authority has appointed two individuals to carry out the role of “independent person” under Section 28(7) of the Localism Act 2011. The statutory elements of that role are:

- Where the Authority has received an allegation that one of its members has breached the Authority’s code of conduct and has decided to investigate that allegation, the Authority must consult an independent person, and take their views into account, before making a decision on that allegation;
- Where a member of the Authority is the subject of an allegation of breach of the code of conduct, they may seek the views of an independent person; and
- The Authority may seek the views of an independent person in other circumstances not covered by the above.

2. The Yorkshire Dales National Park Authority prizes its reputation for high standards, and believes that this will be enhanced by allowing its independent persons to have a broad role in relation to complaints of breach of standards of conduct by Authority members. The inclusion of an independent voice within the Authority’s complaints-handling procedures should also help to enhance public confidence in the outcomes of complaints. Conversely, the independent persons will need support in order to develop as proficient and informed persons, who nevertheless retain their independence and do not become allied to the Authority’s processes or members.

3. It should be noted that the role of independent person only arises where a complaint has been received by the Authority. Independent persons should not give advice to Authority members in other circumstances; where such advice is required, it should be sought by Authority members from the Monitoring Officer, or other officer as appropriate.

4. When the Authority receives a written complaint of breach of the code of conduct by a member, it will consult one of the independent persons at the initial stage of assessing the complaint, and will listen to any view the independent person may have at this stage as to what action, if any, should be taken (for example commissioning a full investigation of the complaint).

5. When a complaint has been investigated, one of the independent persons will be given a copy of the investigation report and asked for their formal view, which will then be taken into account in the decision making process. The independent person will be invited to any hearing which is held to decide whether there has been a breach of the code of conduct; and if it is decided that there has been a breach, the independent person present will be asked for their view as to what action, if any, should be taken as a result.

6. As part of the statutory role, independent persons will be available for consultation to all Authority members, should they be subject to a complaint of breach of the code of conduct.

7. Independent persons are encouraged to familiarise themselves with the work of the Authority and with the procedures it operates, and to attend meetings where this would be helpful in that regard. Independent persons will be kept informed of key developments in relation to the Authority, and will be invited to any Authority or Committee meetings

concerned with the general duty on the Authority to promote and maintain high standards of conduct. Independent persons have a freestanding remit to offer comment to the Authority on its performance of this general duty.

8. Independent persons will be supported by the Authority's Monitoring Officer, who will arrange any necessary training and the provision of all information which may be necessary to enable independent persons to perform their role adequately.

## **ROLE DESCRIPTION**

Responsible to: The Yorkshire Dales National Park Authority (The Authority)

Liaison with: Monitoring Officer; Members of the Authority including the Chairman; Officers; and key stakeholders within the community

1. To assist the Authority in promoting high standards of conduct by its Members and in particular to uphold the Code of Conduct adopted by the Authority, and the seven principles of public office, namely selflessness, honesty, integrity, objectivity, accountability, openness and leadership.
2. To be consulted by the Authority through the Monitoring Officer and/or the Standards Committee before it makes a decision on an investigated allegation and to be available to attend meetings of the Hearing Panel of the Standards Committee for this purpose.
3. To be available for consultation by the Monitoring Officer and/or the Standards Committee before a decision is taken as to whether to investigate a complaint or to seek local resolution of the same.
4. To be available for consultation by any Authority Member who is the subject of a Standards complaint.
5. To develop a sound understanding of the ethical framework as it operates within the Authority.
6. To participate in training events to develop skills, knowledge and experience and in networks operating for Independent Persons operating outside the Authority's area.
7. To attend training events organised and promoted by the Authority's Standards Committee.
8. To act as advocate and ambassador for the Authority in promoting ethical behaviour.
9. To participate as an Independent Person in any Disciplinary Panel set up to make recommendations in respect of a Chief Officer, as set out in Standing Orders.