

**MINUTES OF THE BRECON BEACONS NATIONAL PARK AUTHORITY HELD
ON FRIDAY 9 MAY 2014 AT 10.00AM AT PLAS Y FFYNNON, CAMBRIAN WAY,
BRECON**

Present

Powys

Cllrs C Davies, J Holmes, G Hopkins, M Jones, D Meredith and E T Morgan

Monmouthshire

Cllrs M Hickman and Mrs A Webb

Carmarthenshire

Cllr A James

Blaenau Gwent

Cllr M Bartlett

Merthyr Tydfil

Cllr R Thomas

Members appointed by the Welsh Government

Mrs J James (Chairman), Mr M Buckle, Mrs M Doel, Mr E Evans, Ms C Howell, Prof A Lovell, Mr I Rowat and Mrs M Underwood.

In Attendance: Mr J Cook (Chief Executive), Mr C Morgan (Director of Planning), Mr J Atkins (Director of Countryside and Land Management), Mrs R Edwards (Monitoring Officer), Mr E Watkin (Section 151 Officer), Mrs J Gruffydd (Democratic Services Manager), Mr P Funnell (IT and Systems Manager) and officers presenting reports.

51/14 Correspondence

Apologies were received from Cllrs A Furzer, P Ashton, Mrs R Harris, G Davies and Mrs J Ward.

The Chairman paid tribute to former Chairman of the Authority, Brian Powdrill, who had recently passed away. She had written to Mrs Powdrill, also a former member, and the Authority had been represented at the funeral by Mr J Parsons, Deputy Monitoring Officer.

She referred to the Rich brothers who had been inspired by the Park's landscape and the Dark Skies status to build displays at the Chelsea Flower Show, and advised that officers would be liaising with them about future promotion of the Park.

She advised of one late paper which had been forwarded to members, on the draft Affordable Housing Supplementary Planning Guidance, which she intended to take before the recommendation to exclude the public.

52/14 Declarations of Interest

Cllr A James declared a personal interest in item 20.0 – Review of Legal Services Service Level Agreement.

53/14 Minutes

It was noted that an amendment had been made to the Audit and Scrutiny Committee minutes of 7 March 2014 by the committee when it met on 2 May 2014, comprising two additional short items under Other Business.

RESOLVED:

- a) To approve the minutes of the National Park Authority (Extraordinary General Meeting) held on 11th March 2014 and to authorise the Chairman to sign them as a correct record;**
- b) To approve the minutes of the National Park Authority meeting held on 21 March 2014 and to authorise the Chairman to sign them as a correct record;**
- c) To receive the minutes of the Audit and Scrutiny Committee held on 7 March 2014;**

A member asked whether the Authority could consider including Matters Arising on future agendas in order to provide an opportunity for members to ask questions arising out of minutes. There was some debate about this and the role of the decision and action tracking system was highlighted by the Chairman of Audit and Scrutiny Committee as an effective way of ensuring implementation of decisions. Some members were reluctant to include Matters Arising as this could re-open discussions on decisions already made and add to the length of the meeting. The opportunity to ask questions of the Chief Executive and Directors was also noted. The Chairman put the motion to the vote, which was defeated.

54/14 Public Speaking

There had been no requests to speak.

55/14 Chairman's Announcements

The Chairman thanked members who had represented her at external meetings. She thanked staff who had run a heritage conference in Brecon recently which she and a number of other members had attended. In particular she thanked the Heritage Officer (Archaeology) and the Head of Strategy, Policy and Heritage who had worked so hard to make the event so successful.

56/14 Chief Executive's Announcements

The Chief Executive updated members on meetings attended and progress made on Authority business since the last meeting of the Authority. He expressed his disappointment at the recent media coverage on the FUW and the CLA statements that they would like to see planning powers returned to the constituent local authorities in Wales' National Parks. He referred to very positive meetings with the CLA and advised that he would be asking the lead CEO of National Parks Wales to see a meeting with the CLA Regional Director. In relation to the FUW he commented that the spokesperson had been a member of the Authority's Joint Forum for many years and at the last meeting on 4 April had acknowledged that the Authority's improved communication with individual organisations had obviated the need for the Joint Forum. At no point had he referred to the transfer of planning powers. The Chief Executive advised that the FUW had not responded to any invitations to meet.

Members were supportive of the Authority's partnership approach and referred to the recent access seminar hosted by the Authority at which all the farming unions had been represented and which had been very well received, as well as the Agricultural Stakeholders Group. A view was expressed that while there was sometimes a historic source of criticism, the current planning performance was impressive and there was a strong integrity in its service.

A member referred to the value of webcasting which enabled the Authority to make such public statements.

57/14 Equality Impact Assessments

Members noted the Equality Impact Assessments completed for decision reports.

58/14 Capital Budget

The Director of Countryside and Land Management apologized for the late consideration of the capital budget but advised that confirmation of the Rights of Way Improvement Plan funding had still not been received.

The Chief Executive asked members to consider an additional recommendation in view of the modest size of the capital budget. As each component was within the signing limits of the Chief Executive and Directors he proposed that in the interests of improving efficiency the allocation of capital funding in future be delegated to the Corporate Management Team and then reported to Audit and Scrutiny Committee. The Finance Manager confirmed that the Authority's Financial Regulations already allowed Chief Officers to make virements up to £50,000 as long as these were reported to the next Audit and Scrutiny Committee. The Chairman of Audit and Scrutiny confirmed that this would avoid the need for the decision to come to the Authority, but the monitoring of capital spend would continue to be done by his committee.

RESOLVED:

- a) **That Members approve the 2014-15 Capital Allocations and authorise the Corporate Management Team to decide upon any re-allocations of capital funds which may become necessary in year as highlighted in the report.**
- b) **That in future the allocation of capital expenditure be delegated to the Corporate Management Team and reported to Audit and Scrutiny Committee.**

59/14 Proposed Changes to Committee Structure

The Democratic Services Manager presented proposals for changes to the committee structure which would increase member and officer capacity and ensure that members were able to make more effective use of their skills and effort. The recommendations had arisen out of discussions with the Corporate Governance and Member Development Working Groups but also the Chairman and senior members and the Corporate Management Team. She highlighted the detail of each proposal and the rationale for change.

Members were supportive of the changes to Audit and Scrutiny Committee terms of reference and noted that there had been a thorough debate at their meeting on 2 May, which had resulted in a supplementary paper with additional recommendations.

They were also supportive of the proposed merger of the Corporate Governance, Member Development and Communications Working Groups which would create a leaner, more effective governance forum, but the point was made that communications was more than a governance issue and would need wider application across the Authority, perhaps by ad hoc meetings linked to particular issues, but also by inclusion of communications on the end of agendas to ensure that decisions or issues were communicated effectively. It was also suggested that the terms of reference for this group and the centres group should include the requirement to elect a Chairman at the first meeting of each group following the AGM each year.

With regard to the merger of the Centres and Income Generation Working Groups it was suggested that it should have the ability to co-opt external members if the need arose for expert advice from the business or third sector. The importance of income generation was also stressed and it was agreed to strengthen the wording in the terms of reference. Some members felt that income generation should be the main purpose of the group with Centre being one aspect. The Director of Countryside felt that while much progress had been achieved in making the Centres more commercial, there was still work to do and his preference was to focus on Centres but applying successful models across the Authority. The Chief Executive felt that there was no disagreement here and that the aim was to reduce the cost of running the centres while recognizing their role in delivering core purposes of the National Park. He suggested that prioritizing the work programme of the group could reflect this. There was some debate on the name of the group, but it was noted that it was more important for the group to actually meet.

It was noted that while the Regional Tourism Partnerships would be disbanded by 30 September 2014, there would still be work for the three Directors appointed by the

Authority, and it was proposed to change the date to 31 March 2015 to allow this to happen. This would be reflected in a recommendation to the AGM on 27 June. For this reason, and the fact that it was likely that the Authority might be asked to appoint members to existing tourism fora, members felt it inappropriate to consider the establishment of an Authority working group or tourism champion at this point. The Director of Countryside and Land Management advised that potentially members might be involved in the Sustainable Destination Partnership which would be another consideration.

The Chairman of the Joint Forum put on record his thanks for the hard work of all members of the Area Advisory Forums over the last few years. On 4 April 2014 the Joint Forum had reluctantly come to the decision to recommend its disbanding, given the low attendance and the acknowledgement from its members that they had other ways of engaging with the Authority. Only one member had voted against this. The Chairman of the Authority advised that she would be writing to all Forum members to thank them for their work.

Regarding the recommendation to disband the Disabled Access Steering Group the Equalities Champion was sad to see this but agreed that it had not been active and that work was continuing at officer level as highlighted in the Social Inclusion Action Plan and the planning consultation process. It was suggested that the Brecknock Access Group be asked whether they would welcome a member of the Authority being nominated to attend their meetings, and officers confirmed that they would look into this and bring a recommendation to the AGM.

The Chairman of Planning, Access and Rights of Way Committee, who was also one of the two members representing the Authority on the Powys Strategic Housing Partnership, advised that the remit of the group had changed, and while it had been very useful throughout the Local Development Plan process in relation to the affordable housing policy, the agenda now had little or no relevance to the Authority. A member expressed concern at withdrawing from the partnership given that more relevant issues might be raised in future. He felt that this would send the wrong message as so much of the Park was in South Powys. One current and one former member of the Partnership supported withdrawal given the positive working relationships that would continue, and felt that while it had been a useful forum in the past, the Authority's systems had changed to meet its needs. The Chairman of PAROW and the Chief Executive suggested that Housing should join Regeneration as a focus for the BBNPA/Powys Liaison meetings. Officers confirmed that dates were currently being sought for this meeting.

The Chairman concluded that this review could be usefully completed by instructing officers to consider the list of representation on outside bodies to establish their continued existence before the AGM and to take an interim report to the Corporate Governance Working Group on 21 May 2014.

RESOLVED:

- a) **To approve changes to the terms of reference of the Audit and Scrutiny Committee to include the additional recommendations made by Audit and Scrutiny Committee on 2 May 2014 as presented to the Authority;**
- b) **To agree the merger of the Corporate Governance, Member Development and Communications Working Groups;**
- c) **To approve terms of reference for the Governance and Member Development Working Group;**
- d) **To agree the merger of the Centres Working Group and Income Generation Working Group and approve the terms of reference for the new group with amendments as agreed in the meeting, to be named Income Generation and Centres Working Group;**
- e) **To approve the removal of the following groups from the Terms of Reference and Scheme of Delegation:**
 - **Complaints and Customer Feedback Panel**
 - **Income Generation Working Group**
 - **Corporate Governance Working Group**
 - **Member Development Working Group**
 - **Communications Working Group**
 - **Enforcement Working Group**
 - **Remote Area Working Group**
 - **Disabled Access Steering Group**
 - **Regional Tourism Partnership Director posts (after 31 March 2015)**
 - **Joint Forum**
- f) **That the Authority withdraws from the Strategic Housing Partnership but that housing should join regeneration as a key theme for the Brecon Beacons/Powys Liaison meetings;**
- g) **That further consideration of members' strategic involvement in tourism be deferred until the AGM or until options beyond the Regional Tourism Partnerships were confirmed;**

- h) That all changes be made to the Terms of Reference and Scheme of Delegation to take effect from the Authority's Annual General Meeting on 20 June 2014 where members will be appointed to the new groups.**
- i) That officers carry out a review of appointments to outside bodies and take an interim report to the Corporate Governance Working Group on 21 May 2014 to make recommendations to the AGM on 27 June 2014.**

Cllr C Davies, Cllr M Bartlett, Mrs M Doel and Mr E Evans left the meeting at this point.

60/14 Changes to Contract Standing Orders

Members considered proposed changes to the Contract Standing Orders in relation to Section 43 Freedom of Information Act 2000 regarding commercially sensitive information. Amended wording would be used in tender documentation.

RESOLVED: To approve the amendments to the Authority's Contract Standing Orders in accordance with the Freedom of Information Act 2000.

61/14 Complaints and Compliments Policy

Members considered a draft policy. It was suggested that a bespoke email address be used for complaints and compliments. This was noted.

RESOLVED: Members to approve the Complaints and Compliments Policy.

62/14 Unacceptable Actions by Complainants Policy

Members considered a draft policy which followed guidelines from the Public Services Ombudsman for Wales and was in line with other local authority policies. Members asked for the following amendments:

Paragraph 3.1.1: Add 'members' to the last paragraph

Paragraph 4.4: To state that the Director should be one from a different directorate to the one relating to the complaint, to avoid self scrutiny. This should also apply to the Appeals Panel. The Monitoring Officer advised that the relevant director could often bring clarity if it was a complex case which would avoid another director having to absorb a long history, and stated that if there was a complaint against the Chief Executive or Director then a different Director would need to be involved.

To add a sentence about the role of Audit and Scrutiny Committee in monitoring complaints and any trends, and a statement about who reviews the policy and when.

In response to a question the Chief Executive advised that any complaints about members would be referred to the Authority's Standards Committee and it was agreed that this needed to be included for clarity.

There was some discussion about the references to recording meetings and telephone conversations with complainants. The IT and Systems Manager advised that intention to record should always be disclosed, and that in order to avoid any subsequent editing the Authority could make its own recorded copy of the meeting.

RESOLVED: To approve the Unacceptable Actions by Complainants Policy.

Cllr D Meredith left the meeting at this point. Cllr C Davies returned to the meeting.

63/14 Draft Scrutiny Report – Archaeology

The lead member for the Scrutiny review into the Authority's effectiveness in delivering its archaeological function gave a brief introduction to the report and referred members to his more detailed report to the Audit and Scrutiny Committee on 2 May. He paid tribute to members of the panel and the expertise and enthusiasm of the external panel members in particular. The recommendations were not aimed at increasing workload but rather to clarify roles, identify gaps in data and increase expertise across the Authority by ensuring that wardens were aware of the latest techniques in looking after heritage sites. He confirmed that he would be adding a conclusion and executive summary to the report.

A number of members congratulated the panel of their work and the lead member for his clear and professional report. The Heritage Champion welcomed the focus on archaeology and referred to what was achieved with a modest spend. One of the Authority's key roles was to facilitate and support, with awareness raising an important element. He felt sure that the review would be material to the emerging review of the National Park Management Plan. The Chairman of Audit and Scrutiny Committee added that this was clear evidence of the Authority's 'joined up thinking' in respect of the Management Plan, and was a good exemplar of the Authority's scrutiny process. He advised that the Wales Audit Office would be looking at scrutiny in all local authorities.

A member who had conducted several interviews with other National Parks commented that the innovative ideas introduced by the Heritage Officer had been recognised.

The Chairman referred to the all Park Heritage Seminar was being hosted by the Authority next week and regretted that she was unable to welcome delegates, although the Heritage Champion would be involved.

RESOLVED:

- a) To consider the draft report of the Scrutiny Review on Archaeology and approve the Panel's recommendations as set out in the report;**
- b) To instruct officers to draw up an action plan to be monitored by Audit and Scrutiny Committee until completed**

64/14 Declaration of Intent to reapply for Welsh Local Government Association Advanced Charter for Member Support and Development

Members noted that the Authority needed to reapply for Advanced Charter status following the award in 2011. The Democratic Services Manager asked for members' co-operation when asked for their views as part of the evidence gathering process. The Chairman said that this was dear to her heart having been the Member Development Champion during the previous awards and urged members to complete evaluation forms.

RESOLVED: That the Chairman be authorised to sign the application to reapply for the Welsh Local Government Association Advanced Charter Status

65/14 Publication Scheme

The IT and Systems Manager presented the draft scheme and thanked the Corporate Services Officer for her work on this.

RESOLVED: That members approve the Publication Scheme.

66/14 Member Reports

The Biodiversity Champion advised that she had attended a meeting with academic staff from Cardiff University to establish areas of research for PhD students. This would hopefully result in increased data for the Authority.

67/14 Register of Gifts and Hospitality

No new entries had been made to the Register.

68/14 Draft Affordable Housing Supplementary Planning Guidance

The Planning Officer presented the draft guidance which would then be subject to consultation and advised that this had been drafted in 2010 in consultation with the Affordable Housing Working Group including a wide external membership. The content of the policy was set out in the Local Development Plan and the SPG set out how the Authority would implement this policy.

The Chairman of Planning, Access and Rights of Way Committee commended the draft which he considered clear and self explanatory guidance for developers. Members concurred with this.

RESOLVED: To approve the draft Affordable Housing Supplementary Planning Guidance for six weeks public consultation.

Mrs M Underwood left the meeting at this point.

69/14 Access to Information

RESOLVED: To exclude the press and public from the meeting during consideration of the following three items of business in

accordance with section 100A of the Local Government Act 1972, as amended, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 12, 13 and 14 of Schedule 12A to the Local Government Act.

70/14 Finance Manager / S151 role

The Chief Executive presented a proposal for provision of the Section 151 Officer function following the retirement of the current postholder.

RESOLVED:

- a) To approve the merger of the duties of the Authority's Finance Manager and Section 151 Officer into one post.**
- b) To appoint Elaine Standen, currently the Authority's Finance Manager, to this role and that her job description and remuneration be amended to account for these additional responsibilities from 9th May 2014.**

70/14 Review of legal services SLA

The Chief Executive advised that in line with the decision made by the Authority on 30 September 2013 a review had been carried out of the legal services Service Level Agreement. He confirmed that this was working very effectively and would continue to be closely monitored.

RESOLVED:

- a) To approve the continuation of the Service Level Agreement (SLA) with Carmarthenshire County Council for the provision of corporate governance legal advice to the Authority commencing 1 April 2014 for up to three years ending 31 March 2017;**
- b) That the SLA will be reviewed quarterly by the CEO and HR Manager with a detailed review every 6 months. Any significant variance arising from the review shall inform the level of input report in the subsequent April to March period of the SLA.**

71/14 Wardens Depot

The Director of Countryside and Land Management presented a proposal in relation to the main provision of accommodation for the Wardens Depot.

RESOLVED: That Members instruct officers to:

- a) **Negotiate the surrender of the current lease and appoint an agent to act for the Authority in relation to any dilapidations claim.**
- b) **Negotiate a lease for the new premises as advised in the confidential report on the basis of the heads of terms set out in that report.**

72/14 Other Business

There was no further business.

CHAIRMAN