

Public Document Pack

Peak District National Park Authority
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Our Ref: A.1142/1580
Date: 23 November 2017



NOTICE OF MEETING



Meeting: **National Park Authority**
Date: **Friday 1 December 2017**
Time: **10.00 am**
Venue: **The Board Room, Aldern House, Baslow Road, Bakewell**

SARAH FOWLER
CHIEF EXECUTIVE

AGENDA

1. **Apologies for Absence**
2. **Chair's Announcements**
3. **Urgent Business**
4. **Public Participation**
5. **Members Declaration of Interest**
Members are asked to declare any disclosable pecuniary, personal or prejudicial interests they may have in relation to items on the agenda for this meeting.
6. **Minutes of the meeting held on 6 October 2017 (Pages 5 - 12)** 5 mins
7. **Review of Members' Allowances Scheme (Pages 13 - 16)** 15 mins
8. **Marketing Peak District & Derbyshire - Governance & Member Representation (Pages 17 - 20)** 10 mins
Appendix 1

Duration of Meeting

In the event of not completing its business within 3 hours of the start of the meeting, in accordance with the Authority's Standing Orders, the Authority will decide whether or not to continue the meeting. If the Authority decides not to continue the meeting it will be adjourned and the remaining business considered at the next scheduled meeting.

If the Authority has not completed its business by 1.00pm and decides to continue the meeting the Chair will exercise discretion to adjourn the meeting at a suitable point for a 30 minute lunch break after which the committee will re-convene.

ACCESS TO INFORMATION - LOCAL GOVERNMENT ACT 1972 (as amended)

Agendas and reports

Copies of the Agenda and Part A reports are available for members of the public before and during the meeting. These are also available on the website www.peakdistrict.gov.uk.

Background Papers

The Local Government Act 1972 requires that the Authority shall list any unpublished Background Papers necessarily used in the preparation of the Reports. The Background Papers referred to in each report, PART A, excluding those papers that contain Exempt or Confidential Information, PART B, can be inspected by appointment at the National Park Office, Bakewell. Contact Democratic Services on 01629 816200, ext 362/382. E-mail address: democraticservices@peakdistrict.gov.uk.

Public Participation and Other Representations from third parties

Anyone wishing to participate at the meeting under the Authority's Public Participation Scheme is required to give notice to the Director of Corporate Strategy and Development to be received not later than 12.00 noon on the Wednesday preceding the Friday meeting. The Scheme is available on the website www.peakdistrict.gov.uk or on request from Democratic Services 01629 816362, email address: democraticservices@peakdistrict.gov.uk.

Written Representations

Other written representations on items on the agenda, except those from formal consultees, will not be reported to the meeting if received after 12noon on the Wednesday preceding the Friday meeting.

Recording of Meetings

In accordance with the Local Audit and Accountability Act 2014 members of the public may record and report on our open meetings using sound, video, film, photograph or any other means this includes blogging or tweeting, posts on social media sites or publishing on video sharing sites. If you intend to record or report on one of our meetings you are asked to contact the Democratic and Legal Support Team in advance of the meeting so we can make sure it will not disrupt the meeting and is carried out in accordance with any published protocols and guidance.

The Authority uses an audio sound system to make it easier to hear public speakers and discussions during the meeting and to make a digital sound recording available after the meeting. From 3 February 2017 the recordings will be retained for three years after the date of the meeting.

General Information for Members of the Public Attending Meetings

Aldern House is situated on the A619 Bakewell to Baslow Road, the entrance to the drive is opposite the Ambulance Station. Car parking is available. Local Bus Services from Bakewell centre and from Chesterfield and Sheffield pick up and set down near Aldern House. Further information on Public transport from surrounding areas can be obtained from Traveline on 0871 200 2233 or on the Traveline website at www.travelineeastmidlands.co.uk.

Please note that there is no catering provision for members of the public during meal breaks. However, there are cafes, pubs and shops in Bakewell town centre, approximately 15 minutes walk away.

To: National Park Authority Members

Constituent Authorities

Secretary of State for the Environment

Natural England

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MINUTES

Meeting: **National Park Authority**

Date: Friday 6 October 2017 at 10.03 am

Venue: The Board Room, Aldern House, Baslow Road, Bakewell

Chair: Cllr Mrs L C Roberts

Present: Cllr D Chapman, Mr P Ancell, Mrs P Anderson, Mr J W Berresford, Cllr D Birkinshaw, Cllr P Brady, Cllr C Carr, Cllr A R Favell, Cllr C Furness, Mr Z Hamid, Cllr A Hart, Cllr Mrs G Heath, Mr R Helliwell, Cllr A Law, Cllr H Laws, Cllr Mrs C Howe, Cllr J Macrae, Cllr A McCloy, Cllr C McLaren, Cllr J Perkins, Cllr Mrs K Potter, Cllr Mrs N Turner, Cllr Mrs J A Twigg, Cllr F J Walton and Cllr B Woods

Apologies for absence: Cllr J Atkin and Mrs F Beatty.

40/17 APPOINTMENT OF SECRETARY OF STATE MEMBER

The meeting was asked to note the Secretary of State's appointment of Mr James Berresford to the Authority. Mr Berresford would be a Member of the Audit, Resources and Performance Committee until the Authority's Annual General Meeting on 6 July 2018.

The recommendation was moved, seconded, put to the vote and carried.

The Chair welcomed Mr Berresford to the Authority and reported that the Secretary of State had decided to make no further appointments until 2018, despite there being a further two Secretary of State vacancies. It was noted that we were not the only National Park Authority who were holding Secretary of State vacancies.

RESOLVED:

To note that the Secretary of State has appointed Mr James Berresford as a Member of the Authority and to appoint him as a Member of the Audit, Resources and Performance Committee until the Annual Meeting in July 2018.

Cllr Becki Woods joined the meeting at 10.05am.

Cllr Colin McLaren joined the meeting at 10.12am.

Cllr Alan Law joined the meeting at 10.18am.

41/17 CHAIR'S ANNOUNCEMENTS

The Deputy Chair made the following announcements:

- The BogFest event held in Edale on Friday 22 September had been a great success with over 300 attendees, including Authority Members, the Chair of the Environment Agency, representatives from Defra and local MPs.
- The shortlist for the 2017 Park Protector Award included the Moors for the Future Community Science Project. The Chair and Deputy Chair would learn who had won the award on Wednesday 11 October.

Cllr C Furness recorded his thanks and congratulations to everyone involved in the BogFest event, which he agreed had been a great success.

Mr R Helliwell noted that the BogFest had made good use of Edale's facilities and benefited the community.

The Chief Executive was invited to update Members on the Authority's successful bid to the £40 million Discover England Fund. The Authority had approved submission of the bid in March 2017 and the Audit, Resources and Performance Committee had subsequently signed off acceptance of the bid. The Chief Executive reported that following the successful bid, the Authority would now work with Visit England and other English National Parks to deliver the "Make Great Memories in England's National Parks" programme. Members would continue to receive updates on progress.

The Chair noted that the annual Parishes' Day, held on 30 September this year, had been well-attended and enjoyed by delegates. She thanked all involved in organising and supporting the event.

Cllr Mrs K Potter gave details of a fundraising day for the Helen's Trust, to which all Members and staff were invited.

The Chair confirmed that there would be a Members' Forum following the meeting.

42/17 MINUTES OF PREVIOUS MEETING: AGM HELD ON 7 JULY 2017

The minutes of the last meeting of the Authority held on 7 July 2017 were approved as a correct record subject to the following amendment:

Minute No. 35/17

Delete Cllr Mrs C Howe from the membership of the Appeals Panel and replace with Cllr Mrs N Turner.

43/17 URGENT BUSINESS

There was no urgent business to report.

44/17 PUBLIC PARTICIPATION

A member of the Staff Committee was present to make a representation to the Meeting.

45/17 MEMBERS DECLARATIONS OF INTEREST

Item 8

Mr J Berresford declared a personal interest as a non-executive board member of the Pinelog Group, which had completed a consultation form on the Peak District National Park Management Plan update.

Cllr P Brady declared a personal interest as a member of the Peak Park Parishes' Forum and Taddington Parish Council, both of which had commented on the consultation documents.

Item 9

Cllr P Brady declared a personal interest as a member of the Peak Park Parishes' Forum and Taddington Parish Council, both of which had commented on the consultation documents.

46/17 NPMP - UPDATE ON CONSULTATION FEEDBACK, PROJECT TIMESCALES AND EXTENSION OF THE CURRENT PLAN (MM)

Emily Fox, Head of Strategy and Performance and Matt Mardling, Senior Strategy Officer were present for this item.

Matt Mardling introduced the report and suggested that the date in Recommendation 3 be removed, in case the updated plan was not ready by then.

There had been 219 responses to the consultation, of which 142 came from individuals and 77 from organisations. The results indicated broad support for the special qualities of the National Park.

The Chief Executive confirmed that the National Park Management Plan is produced in partnership with a range of groups and organisations for the whole of the Peak District National Park and is updated every five years, in accord with the requirements of the Environment Act 1995.

Member input into its development had been sought and recognised via the National Park Management Plan Advisory Group and in Member workshops, most recently at the "Forming Our Delivery Plan" workshop at Thornbridge Hall on Tuesday 3 October which was attended by several Authority Members and representatives of partner organisations.

Cllr A Favell urged caution in making changes on the basis of a relatively small number of responses. He expressed concern about the evergreen afforestation of upland areas that were insufficiently grazed and said that this should be the subject of regional and national debate.

Members made several observations and suggestions for officers to consider further.

The recommendations were moved and seconded.

Mr Z Hamid recorded his appreciation of officers' and partners' work in compiling the National Park Management Plan.

The Chief Executive extended her personal thanks to Emily Fox, Matt Mardling and the whole Strategy and Performance Team.

The recommendations as amended were moved, seconded, put to the vote and carried.

RESOLVED:

1. That the results of the public consultation undertaken as part of the update of the National Park Management Plan and changes made as a result of it be noted.
2. That the timescales for completion of the updated National Park Management Plan be noted.
3. That Members approve extending the current National Park Management Plan: A Partnership for Progress the Peak District National Park Management Plan 2012-2017 until adoption of the updated plan.

47/17 APPROVAL OF MODIFICATIONS TO THE DEVELOPMENT MANAGEMENT POLICIES DOCUMENT (DPD)/ BJT

Brian Taylor, Head of Policy and Communities and Tim Nicholson, Transport Policy Planner, were present for this item.

It was noted that if the recommended modifications were approved by Members, Officers would refer back to consultees ahead of the examination process due in the Spring of 2018.

The recommendations were moved and seconded.

Members requested a shorter and easier to read document and suggested further amendments to the proposed modifications, especially in light of input already made by the steering group.

Officers were thanked for their good work.

The recommendations were put to the vote and carried, with one abstention.

RESOLVED:

1. That Members agree the Statement of Representations as laid out at Appendix 1 of the report.
2. That Members agree the Schedule of Modifications at Appendix 2 of the report.
3. That Members agree the additional text at paragraph 32 regarding major development and that this be added to Appendix 1 and 2 of the report in response to representations and more recent evidence.
4. That delegated authority be granted to the Director of Conservation and Planning in consultation with the Chair and Vice Chair of Planning Committee to agree any further modifications and finalise the documents at Appendix 1 and 2 of the report and other documents necessary for the submission stage; and
5. That Officers produce a further work to establish the weight of emerging policies at this stage and that this is brought back for approval by the Authority.

Cllr J Macrae, Cllr A Law and Cllr Mrs G Heath left the meeting at 11.40am.

A break was taken between 11.40 and 11.50am.

48/17 MARKET SUPPLEMENT POLICY (TR)

David Hickman, Director of Corporate Strategy and Development and Theresa Reid, Head of Human Resources, were present for this item.

The Director introduced the report. He defined the term 'market supplement' and explained that at present, the Authority had no policy on how to calculate such payments. An initial draft policy had been provided for the Authority by the Local Government Association and subsequently amended, following consultation with Officers currently receiving a market supplement plus Senior Leadership Team, Staff Committee and others.

The following spoke under the Authority's Scheme of Public Participation:

- Rosie Olle, Monitoring & Enforcement Officer, on behalf of Staff Committee

Members sought information on several points, including:

- When a market supplement would be awarded
- The criteria and process which the Authority will use to determine the cash value of a post
- The timing of reviews of market supplements and the risk of reviews not being conducted
- When there would be a right of appeal
- How many Authority employees currently receive market supplements
- Transitional arrangements for Officers likely to lose their market supplement
- The development of Authority Officers and work force planning to reduce the need for market supplements
- Budget implications (the Director confirmed that the current cost of market supplements is £15K per annum)

To address Members' concerns about reviews, the Chief Executive suggested an additional paragraph be added to the Guidance Notes:

"In the event of a review not taking place in the specified period and when the member of staff is still in post, that person can formally request a review and the market supplement should remain in place until the review is completed."

The recommendations were moved and seconded.

The Director stressed that the award of market supplements would always be a last resort and only considered after a number of tests had been applied. The Head of Human Resources stated that the Authority had a good benefits package and did not have difficulty recruiting and retaining staff.

The recommendations were voted upon and carried.

RESOLVED:

1. That the Authority approves the Market Supplement Policy, set out in Appendix 1 of the report, and the Guidance Notes relating to the Market Supplement Application and Review Procedure, set out in Appendix 2, to ensure fairness and transparency across the Authority and minimise potential equal pay claims.
2. That the following wording be added to the Guidance Notes: “In the event of a review not taking place in the specified period and when the member of staff is still in post, that person can formally request a review and the market supplement should remain in place until the review is completed”.

49/17 MEMBER LEARNING & DEVELOPMENT ANNUAL REPORT (RC)

Andrea McCaskie, Head of Law and Ruth Crowder, Democratic & Legal Support Team Leader, were present for this item.

The Head of Law introduced the report, stating that Members are encouraged to identify any development opportunities they would like to take up and to commit to 20 hours per year, which for local authority Members could include training provided by their own councils. Changes to the Authority Membership in 2016/17 had affected the performance figures shown in Appendix 1 of the report (page 243 of the pack).

It was noted that Cllr A McCloy was appointed as the Member Representative for Member Learning and Development at the Authority AGM in July 2017. Members were asked to make known by December 2017 any other optional development they would like to see included in the framework.

The recommendations were moved and seconded.

Cllr McCloy reported that he intended to have an informal one-to-one discussion with each Member during the next 10 months, to listen to their views and to encourage them to take up the available opportunities.

In response to Members' questions, the Head of Law confirmed that staff resources affected how much training could be given and that normally, Members were invited to select two or three options. A workshop could not be provided if there was insufficient interest. The National Parks UK New Member Induction course was commended with a request that its scope be broadened to help new Members understand a wide range of issues that apply specifically to national parks.

It was noted that some Members have a long round trip to Aldern House and that online training was a better option for them.

The Chair concluded by reminding Members that there are fewer than 250 National Park Authority Members in the whole of the UK and that they have a special role as advocates of the interests of the National Park.

The recommendations were voted upon and carried.

RESOLVED:

1. That the proposed Member Learning and Development Framework (Appendix 1 of the report) and the event programme for January to December 2018 (Appendix 2 of the report) are agreed.

- 2. That Member learning and development activities continue to be recorded in terms of hours and include personal learning and development by Members outside of events organised by the Authority, with the target of 20 hours per Member in every 12 months.**

The meeting ended at 12.45 pm

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7. REVIEW OF MEMBERS' ALLOWANCES SCHEME

1. Purpose of the report

To consider proposals to appoint an Independent Person to carry out a review of the existing Members' Allowances Scheme.

Key Issues

- **Although minor amendments have been made to Schedule 2 of the Authority's current Members Allowances Scheme, the overall Scheme has not been completely reviewed for a considerable length of time.**
- **The Local Authorities (Members' Allowances) (England) Regulations 2003 require most local authorities to establish and maintain an Independent Remuneration Panel (IRP) to carry out a regular independent review of the scheme. This requirement does not extend to a National Park Authority however it is suggested that an Independent Person be appointed to carry out a review and report back to a future meeting of the Authority.**
- **This approach will deliver an independent review of the Authority's current Scheme without having to recruit, appoint and maintain an Independent Remuneration Panel.**

2. Recommendations(s)

- 1. To commence a review of the current Members' Allowances Scheme to be carried out by an Independent Person.**
- 2. To authorise the Monitoring Officer to appoint an Independent Person and make sure they have the information and resources needed to carry out a review.**

How does this contribute to our policies and legal obligations?

3. The principal legislation and guidance governing allowances is:

- **The Local Government and Housing Act 1989 (As amended by the Local Government Act 2000), provides the Authority with the powers for local authorities to pay Members basic, special responsibility and other allowances.**
- **The Local Government (Members Allowances) Regulations 2003 ("the Regulations") and supporting guidance ("the Guidance"). The Regulations do not give a National Park Authority the power to pay a dependent carers allowance.**

Under the provisions of the legislation the Authority is required to make a Scheme of Allowances and can exercise local discretion on the amounts to pay under the Scheme. In approving the Scheme and setting these payments the Authority is not required to establish an IRP.

Background Information

4. The Authority's current Members' Allowances Scheme has not been comprehensively reviewed for a number of years. When it was last considered by the Authority it was agreed that any changes to the allowances would be made in accordance with any changes to the rates paid to Authority employees. Since the Scheme was approved the

rates paid to Members have been increased several times at the same percentage rate paid to Officers and minor amendments have been made to the definitions of approved duties as set out in Schedule 2 of the Scheme. Although legislation permits these automatic changes it states that, these arrangements should be reviewed every four years.

5. In the past a review has been postponed to allow time to take into account funding pressures and the impact of National Issues that could have had an impact on the size and structure of the Authority such as the National Park Authority Governance Review and the decision to select this Authority as one of the participants in a pilot for directly elected members. Although the primary legislation for the principle of directly elected Members is in place there are currently no plans for the Government to introduce the secondary legislation needed for an election to take place in the near future.

Proposals

6. It is therefore proposed that, in order to review the existing scheme, the Authority appoints an Independent Person willing to carry out a review of the Members' Allowances Scheme. Other National Park Authorities have successfully used a similar approach which still delivers an independent review, avoids the time and expense needed to set up and maintain an IRP, and meets the requirements of the Regulations as they apply to a National Park Authority.
7. There are a number of individuals or legal firms who have the skills, experience and knowledge to carry out a review and selection will be based on availability, price and previous experience of working with a National Park Authority.
8. The Independent Person will be asked to review the existing Scheme and make recommendations to the Authority on:
 - The level of the basic allowance;
 - The duties or responsibilities that should lead to the payment of special responsibility allowances and the amount paid;
 - The duties for which travelling and subsistence allowances can be paid and the amount of these allowances;
 - The level of co-optees or non-councillor allowance, Independent Persons for example;
 - Whether there should be any backdating of an allowance to the start of the financial year in the event of any changes to allowances mid-year;
 - The nature of any index by which allowances are updated annually and for how long any such index should apply.
9. The Independent Person will be able to exercise their own discretion on how it reviews the existing scheme and the process used to develop their recommendations, however looking at other examples they will invite evidence from Authority Members and senior officers and gather comparative data from local authorities and other national park authorities. It is anticipated that a report will be completed and considered by the Authority with a view to any changes becoming effective from the Annual meeting in July.

Are there any corporate implications members should be concerned about?

Financial:

10. Due to savings arising from having two vacant places on the Authority, the cost of appointing an Independent Person and providing support can be met within the existing Members Services budget. An Independent review is likely to cost in the region of

£3,000 to £4,000.

As the allowances review is not within the current 2017/18 Legal & Democratic Services' Service Plan appointing an IRP would impact on 2017/18 performance to accommodate this additional work. However appointing an Independent Person will achieve an independent review of the scheme without the level of input needed to appoint and support an IRP.

11. Should the Independent Person make a recommendation to increase the basic allowance or introduce new allowances the costs could not be met from the current budget for Members allowances and alternative sources of funding would need to be identified. Although the Authority should have regard to the recommendations of the Independent Person it can choose not to follow them, however, if they were to suggest an increase in the basic allowance by £500 a year, i.e. £41.00 a month before tax, this would increase the total cost of paying allowances by £19,500 each year and an additional £3,900 for every hundred pounds increase thereafter, a sum which is not currently in the baseline Revenue Budget.

Risk Management:

12. There is a risk that if the Authority does not have a robust Allowances Scheme that has been considered in the context of a recommendation by an Independent Person the Authority may have difficulty in recruiting and retaining Members.

Sustainability:

13. None

Equality:

14. The Independent Person will look at the scheme in the context of equality issues to establish whether the current scheme puts off or prevents specific groups of individuals from becoming active Members of the Authority.

15. **Background papers (not previously published)**

None

16. **Appendices**

None

Report Author, Job Title and Publication Date

David Hickman, Director of Corporate Strategy and Development, 23 November 2017
david.hickman@peakdistrict.gov.uk

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8. MARKETING PEAK DISTRICT & DERBYSHIRE – GOVERNANCE & MEMBER REPRESENTATION

1. Purpose of the report

To update Authority on changes to the governance structure of an outside body - Peak District and Derbyshire Destination Management Partnership Board.

To seek approval for the proposed representation within the new governance structure.

Key Issues

- Marketing Peak District & Derbyshire (MPD&D) is the visitor promotion body for the region that incorporates the Peak District National Park. MPD&D is the brand name of the Peak District & Derbyshire Destination Management Partnership Board, currently an outside body with approved Member representation.
- The Peak District National Park Authority (PDNPA) has representation on the MPD&D board by an officer (currently the Director of Commercial Development & Outreach) and a member (currently Cllr Judith Twigg). The PDNPA currently makes a financial contribution to the organisation.
- MPD&D has recently carried out a review of its governance arrangements. MPD&D's new governance structure is a board of ten comprising a Chair, MPD&D Managing Director, East Midlands Chamber of Commerce Chief Executive, 4 x Private Sector representatives, and 4 x Public Sector representatives (Appendix 1). In addition, there are two stakeholder groups: one for members and one for local authority/public sector partners (Appendix 1). The previous governance structure comprised a single 25-person board made up of the above stakeholder groups.
- The process for appointment to the new core board was through completion of a skills matrix mapped to the expertise needs and strategic challenges and goals of MPD&D. As a result of this process, PDNPA future representation would comprise an officer (currently the Director of Commercial Development & Outreach) on the core board and a member on the 'Local Authority Investor Group'.
- The chair of MPD&D has written formally to the PDNPA officer (Director of Commercial Development & Outreach) and member (Cllr Judith Twigg) offering those roles.
- MPD&D are moving to the new structure described above from its next board meeting which takes place on 14.12.17.

2. Recommendations(s)

- 1. To the note changes to the governance structure of Marketing Peak District and Derbyshire (MPD&D).**
- 2. To appoint one Member and one Deputy to the MPDD Local Authority Investor Group and confirm that attendance at meetings of the Group is an approved duty for the purposes or claims for travel and subsistence.**

How does this contribute to our policies and legal obligations?

3. Involvement with and investment in MPD&D including representation on its board supports the delivery of our corporate strategy, in particular:

Cornerstone 1: Our assets (with emphasis on the brand).

Shift 2: Connect people to the place.

Shift 3: Visitor experiences that inspire.

Shift 4: Grow support.

Proposals

4. Members are asked to review the aforementioned governance arrangements and decide on the appropriateness of formal member representation.

Are there any corporate implications members should be concerned about?

Financial:

5. None.

Risk Management:

6. None.

Sustainability:

7. None

Equality:

8. None

9. **Background papers (not previously published)**

None

10. **Appendices**

Appendix 1 - MPD&D new board structure

Report Author, Job Title and Publication Date

Simon Malcolm, Director of Commercial Development & Outreach, 23 November 2017



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