

Report of the Governance Review Working Group

MAY 2019

1. Introduction

The Authority has established a working Group to undertake a review of the governance arrangements of the National Park Authority in so far as they relate to the making of decisions by both Members and Officers to ensure that they meet the present day needs of the organisation for responsive as well as efficient decision-making; and are presented in a clear, understandable and comprehensive manner; and to advise the Authority on any changes that may be required.

Since then the Working Group has met six times and considered the following issues:

- The Role of Members
- The Structure of Authority Agendas:
 - Reports from Chair and Chief Executive
 - Feedback from Outside Bodies and Conferences
 - Member Questions and Motions
 - Performance Monitoring
 - Standing Committee Minutes
- Committee Structures and Delegation
- Community Engagement
- Member Representative Roles
- Member Scrutiny

This report sets out progress made so far and offers recommendations on a number of issues for implementation following the Annual Meeting on 5 July 2019.

2. Background Information

Following informal discussions between Members and Officers indicating a desire from Members for exploring ways in which the Authority's existing governance arrangements can be enhanced a draft brief for the Working Group was discussed at a meeting of the Members' Forum held on 5 October 2018 where there was widespread support for the proposal.

Some of the issues raised included:

- Are the roles and responsibilities of Members and Officers clear?
- Are the current delegations to Committees and the list of matters reserved to meetings of the Authority right?
- Could the Authority have more effective and efficient ways of involving Members in developing policy and informing them of other decisions made and do Standing Orders or Codes need amending to facilitate this?
- How can Members be proactively involved in getting items discussed?
- Is the current level of delegation to Officers right and could the structure of the Scheme of Delegation be improved to make it clearer?
- What are the aims of the current Member representative scheme? How effective is it in delivering its objectives?

On 7 December 2018 the Authority agreed to establish the Governance Review Working Group to oversee the review and set its terms of reference and scope and appointed Mr K Smith, Mr J W Berresford and Councillors J Atkin, P Brady, C Furness, A McCloy and B

Woods as Members of the Group supported by the Chief Executive, the Head of Law and the Democratic Services Manager. Councillor A McCloy was appointed as Chair of the Working Group. The recommendations contained in this report have been structured around the 4 Subject Areas Identified in the Terms of Reference and Scoping document agreed by the Authority.

3. Methodology

The recommendations of the Working Group have been developed through discussion and looking at examples of best practice from other National Park Authorities and our constituent councils. Reference has also been made to documentation provided by Defra and other central government departments. An online library of documents has been provided.

Subject 1: The role and accountability of Members

This area of work included:

1. Review the various statements that set out the role of Members of the Authority to ensure they meet present day expectations;
2. Look at the Member/Officer Protocol, the statement made on the website on the role of Members and any other internal document addressing this issue. Consider any external advice, e.g. from DEFRA.

Possible issues identified included the role of Members in policy making; as spokesmen and spokeswomen; in scrutiny and holding the executive to account; and as a sounding board.

4. The Role of Members

There is a generic role description already in place which is included in the Governance Handbook and issued by Defra when recruiting to Secretary of State positions. However at an early stage the Working Group agreed that, to help inform other discussions, there was a need to develop a separate a role description setting out how Members believed this should operate within our own Authority. A copy of the draft role description is set out in Appendix 1 for approval.

Appendix 1 was developed by looking at:

- The existing generic role description
- Authority's vision and values
- Existing Codes and Protocols
- Role Descriptions used by other National Park Authorities
- The National Parks Circular 2010
- The content of an email received from Defra in preparation for the forthcoming recruitment campaign for Secretary of State Members
- The Senior Leadership Team Job Descriptions

5. Codes and Protocols

Following approval of the revised role description a number of the Authorities Codes and Protocols will be revisited to ensure consistency.

6. Member Scrutiny

In November 2011 the Authority agreed that, although National Park Authorities were not required to have Scrutiny Committees, scrutiny should still be a formal part of its governance, led by Members and reporting to the Audit and Performance Committee (now Audit, Resources and Performance Committee – ARP) and central to our governance and commitment to performance improvement.

It was however recognised that, as formal scrutiny reviews did require significant investment in terms resources, only one formal scrutiny topic should be examined at any one time with clear terms of reference agreed by ARP and the topics selected should be as required rather than following any particular timetable.

The agreed approach suggested that in most cases ‘Micro-scrutiny’ inquiries where Officers meet Members for a briefing and examination of topics, perhaps only once or twice should be used more frequently, particularly to re-assure Members of subject areas which may not necessarily be suitable for scrutiny, but do raise concerns. These should be commissioned by any Committee but will report back to the next Audit, Resources and Performance Committee meeting.

The Working Group has considered whether this approach is still appropriate and concluded that it should continue. In doing so, it is recommended that Members are reminded of the full set of scrutiny options available to them, including the actual process. (via a flow chart)

7. Community Engagement

In May 2011 the Authority agreed to divide the National Park into 6 areas and an appropriate number of Members were identified for each area as a ‘member point of contact’ for the public. Since then this initiative has been publicised on the website and promoted in Park Life.

The initiative was as a response to a need to increase Members’ engagement and visibility in the community highlighted through a previous governance review which looked at ways to increase Member participation in ambassadorial, advocacy and facilitation roles with communities and with stakeholders.

During its discussions the Working Group has considered how this initiative fits in with the new role description and whether it is still needed and concluded that as it does not reflect the revised Member role the scheme should not continue. In particular, the Group felt that all Members should be encouraged to take an interest in (and feel they represent) the entire National Park. Accordingly, the map in Park Life linking Members to specific areas will be discontinued, but Members' photographs and contact details will remain to ensure maximum visibility and accountability.

RECOMMENDATIONS

- 1. To approve the Member Role Description attached in appendix 1**
- 2. To note that, if approved, the Working Group will consider the Authority's existing Codes and Protocols to make sure they reflect the new role description**
- 3. To make no changes to the existing Member Scrutiny process but remind Members of the arrangements.**
- 4. To end the "We're here for you initiative" but continue to publish Member photographs and contact details in ParkLife.**

Subject 2: Committee Issues

This area of work included:

1. Consideration of present committee delegation scheme;
2. Light-touch review of the two main committees and their relationship to full Authority; and to other committees and bodies sponsored by the Authority to further its business and which have Member involvement;
3. Look at other comparable national park authorities, including committee structures, meeting agendas,

Possible issues identified included the role of ARP; the role of committees in responding to consultation from Government; how scrutiny can be developed; and how Members/the public can raise questions at meetings.

8. Meetings of the Authority

a) The Structure of Authority Agendas

The Working Group has suggested that the existing template for meetings of the Authority could be amended to help all Members engage in the work of the Authority and have opportunities to contribute. The Working Group is therefore making a recommendation that the following changes are made to the agenda template used for meetings of the Authority:

- Provide greater clarity on the purpose of reports presented to the Authority by dividing the agenda up into separate sections for items for information, items for discussion and items for decision.
- Introduce separate written reports from the Chair and Chief Executive summarising some of the key issues and activities they have been engaged in since the last meeting of the Authority. As the reports will be for information they will not be covered by the public participation scheme however if necessary Members will be able to ask questions (see the reference to questions in paragraph 8c below).

- Introduce regular reports from Members who have attended meetings of outside bodies or attended conferences as representatives of the Authority (see paragraph 8b below for more information about the process)
- Include quarterly performance reporting so that all Members are involved in monitoring progress made in delivery of the Corporate Strategy. (See paragraph 8d below)
- Reintroduce the inclusion of minutes from standing committees for information (See paragraph 8e below)

An example of the revised agenda is provided as Appendix 2.

b) Feedback from Outside Bodies and Conferences

At the Authority's Annual Meeting Members are appointed to represent the Authority on 25 outside bodies. At the moment those appointed are only asked to provide feedback annually as part of the preparations for the Annual Meeting. The Working Group were of the view that this arrangement was not working as well as it could mainly because not all Members provided a report and information related to events in the past.

The Working Group therefore suggest that an opportunity is provided on every Authority agenda for Members to report back on recent meetings and events they have attended using the template report attached in Appendix 3. Following the Annual Meeting all Members will be sent a list of deadline dates for each Authority meeting and any reports submitted to the Democratic and Legal Support Team before the deadline and, subject to confirmation from the Lead Officer for the Outside Body that they are supportive of the content, will be circulated with the Agenda on publication.

c) Member Questions and Motions

In considering the format and content of the Authority agenda the Group suggested that there was a need to remind Members of the existing provisions within Standing Orders for asking questions and submitting a notice of motion. It is proposed that this is done after every Annual Meeting with the list of deadline dates referred to in paragraph 8b.

d) Performance Monitoring

Under the current scheme of delegation to Committees quarterly Performance reports are considered by the Audit, Resources and Performance Committee. While the Committee does a great job of monitoring and challenging performance the current arrangement does mean that a half of the Authority does not get a regular opportunity to find out more about the delivery of the Corporate Strategy or ask questions about progress. To address this, the Working Group recommends that the matters reserved to Authority be amended to include performance monitoring this is reflected in paragraph 9 below.

e) Standing Committee Minutes

In many local authorities it is common practice for minutes of standing committees to be reported to meetings of their Council to be noted. There are currently provisions within the Authority's Standing Orders to facilitate this practice but it has not been used for a number of years. The Working Group has looked at the Agendas of other National Park Authorities and the majority still regularly consider Standing Committee minutes at their Authority meeting.

It is proposed that this practice is readopted. It is believed that this is a good way to enable Members to find out about decisions made by Committees they are not appointed to and, if needed, can ask a question under Standing Order 1.20. To avoid posting out large amounts of paper the minutes will not be reproduced in the agenda pack but links will be provided to view the relevant minutes online.

RECOMMENDATION

- 1. To approve the changes to the Authority Agenda format as set out in paragraphs 8a to 8e.**

9. Delegation to Committees

The Working Group has looked at the committee structures adopted at other National Park Authorities and considered a number of options The Working Groups proposed approach is set out below and summarised in Appendix 4:

a) Authority Meetings

6 meetings a year with the following additional reserved matters:

- National Park Management Plan oversight and monitoring
- Corporate Strategy oversight and performance monitoring
- Budget setting and management
- Audit and governance of the Authority
- Member appointments
- Setting the annual work programme of the Park Management and Resources Committee

b) Planning Committee

With 12 meetings a year and no changes to the current delegation at this moment in time

c) Park Management and Resources Committee

A new Committee which will meet 6 times a year to:

- Oversee the review process for strategic policy documents, such as the National Park Management Plan and Local Development Plan
- Oversee the review process for programme development, such as volunteering, income generation, recreation hubs, landscape monitoring and landscape partnership programmes
- Take responsibility for in-year financial and HR and other resources decisions delegated to it by the Authority.

By exception, the Committee will be able to set up discrete task and finish working groups of Members and Officers to report to it.

c) Local Joint Committee

Having looked at the approaches adopted by other National Park Authorities it appears that none have a formal Local Joint Committee that is covered by the Local Government Access to Information Legislation. Going forward it is proposed that this meeting remains but meetings are arranged as and when required rather than form part of the annual programme of meetings.

d) Urgent Business Items Sub-Committee

Although appointments are made to this Committee every year at the Annual Meeting it rarely meets. The Working Group were of the view that recent changes to the urgency delegation to the Chief Executive mean that this Sub Committee is no longer needed. It is, therefore, proposed that this Sub-Committee is not included in the new committee structure.

e Other Meetings and Working Groups

It is proposed that moving forward the following exiting working groups and panels remain:

- Due Diligence Panel
- Budget Monitoring Group
- Member Appointment Process Panel
- Appeals Panel
- Investigating and Disciplinary Panel
- Governance Review Working Group
- Development Plan Review Working Group
- Members Forum

RECOMMENDATION

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| 1. To approve the recommendations set out in paragraphs 9a to 9e and summarised in Appendix 4 |
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Subject 3: Officer Delegation Scheme

This area of work included:

1. An initial general look to see whether any specific questions should be addressed at this stage.

Possible issues identified included the consultation of Senior Leadership Team on the level that delegation should be set; whether delegations be grouped solely by subject matter or solely under the name of each Officer named; a call for Officer suggestions for changes to the scheme; and regarding senior Officer appointments.

10. Officer Delegation

The Working Group have concluded that, as more work will be needed on this issue once the revised Committee structure is agreed, proposals for a revised Officer Delegation scheme should be considered at a future meeting of the Authority.

RECOMMENDATION

- 1. To note that delegations to Officers will be considered in more detail by the Working Group before bringing proposals to the Authority.**

Subject 4: Member Representatives

This area of work included:

1. Look at the stated purpose of Member Representatives and their briefs.

Issues identified included the need for the specific role; whether the role as stated is achievable; when Member Reps should be consulted; how Member Reps should report; and the relationship to national Secretary of State Members appointed for their particular expertise who are not Member Reps.

11. Member Representative Roles

In May 2017, following a request from the Authority, the Chair and Deputy Chair looked at the options for revising Member Representative roles and suggested that they should be linked to the delivery of the National Parks 8-point plan published by the Department for Environment, Food and Rural Affairs (Defra) which sets out their ambitions to put National Parks at the heart of the way they think about the environment and how it is managed for future generations. At that time the Authority agreed with this approach as it was thought that aligning our Member Representatives to the Plan demonstrated to Defra that the Authority shared their aspirations and it helped Members to directly contribute to their delivery. As a consequence the Authority appointed to the following Member Representative Roles at the 2017 and 2018 Annual Meetings:

- Connecting Young People with Nature
- Thriving Natural Environments
- Rural Economy Farming and Food
- Everyone's National Parks – Tourism and Participation
- Landscape and Heritage Health and Wellbeing
- Communities
- Asset Management
- Member Learning and Development
- Planning Enforcement

The Working Group has considered the existing Member representative roles and the generic role description but need further time to look at the options before making recommendations to the Authority.

RECOMMENDATIONS

- 1. To note that Member Representative Roles will be considered in more detail by the Working Group before bringing proposals to the Authority.**

Attachments:

- Attachment 1 – Proposed Member Role Description.
- Attachment 2 – Sample Authority Agenda
- Attachment 3 – Template Outside Body Feedback Report
- Attachment 4 – Proposed Committee Structure