

Minutes of the meeting held at Middleham Key Centre on Tuesday, 27 November 2007.

**Present:**

R Alderson, RA Bird, J Blackie, Mrs A Brooks, WH Brown, SHK Butcher, G Dalton, C Hammond, TRN Harrison-Topham, D Heather, KJ Lancaster, C Lis (in the Chair), SR Macaré, Mrs S Marshall, Mrs D Millward, A Osborne, Mrs Y Peacock, Dr KM Petyt, Ms N Stedman and W Weston.

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

**115/07 MINUTES**

**RESOLVED –**

That the Minutes of the meeting held on 25 September 2007, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

**116/07 PUBLIC QUESTION TIME**

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

**117/07 APOLOGIES FOR ABSENCE**

Apologies for absence were presented from W Fenten.

**118/07 DECLARATIONS OF LOBBYING**

KJ Lancaster stated that he had been lobbied, as a Director of Hudson House, on the related Item within the Chief Executive's report (Item No 7).

Mrs Y Peacock declared a personal interest in Item No 13 (Turntable Project) as the owner of a café.

**119/07 CHAIRMAN'S REPORT**

CONSIDERED – the report of the Chairman.

The Chairman commented that the recent planning training had been well received by members.

He confirmed that the he would circulate to members an update on the Chief Executive's six month appraisal targets.

**RESOLVED –**

That the report and further comments be noted.

**120/07 MEMBER CHAMPION'S REPORT**

CONSIDERED – the report of the Member Champion for Planning.

The Chairman stated that a Member Champion would report to each Authority meeting.

The Member Champion for Promoting Understanding informed members that the Yorkshire Dales Tourism Partnership had produced a guide for visitors to the region, fully financed by Yorkshire Forward, entitled "Explore and Indulge".

**RESOLVED –**

That the report and further comments be noted.

**121/07 CHIEF EXECUTIVE'S REPORT**

*[Note: R Alderson and KJ Lancaster each declared a personal and prejudicial interest in the Item in respect of Hudson House and left the meeting during the consideration of that part of the report. J Blackie and WH Brown both declared a personal non-prejudicial interest in the Hudson House element of the report.]*

CONSIDERED – the report of the Chief Executive.

In response to members' questions and comments, the Chief Executive stated that

- the National Park Authorities Performance Assessment (NPAPA) process was currently being reviewed and would be replaced. There would still, however, be some form of performance assessment which would include an independent element;
- in the New Year, members would, at a Policy Development Forum, have the opportunity to hear from Natural England on the Boundary Review process and progress. He endorsed a member suggestion that the Forum might be held in Sedbergh or Dent and follow a member tour of some of the area;
- members would, in due course, get the opportunity to consider the outcome of discussions with Leeds Metropolitan University on possible joint working initiatives;
- since the production of the report, the Authority had received an email from the Hudson House solicitor confirming the acceptability to the Board of the Authority's request for a three year break clause to be included in the Agreement.

**RESOLVED –**

That subject to the further comments being taken into account:

- (a) the report be noted;

- (b) the Authority be represented on the North Yorkshire Strategic Housing Board by the Member Champion for Forward Planning (Mrs Y Peacock);
- (c) C Lis be formally appointed as the Authority's representative on Craven District Council's 'One Planet Living Group';
- (d) the recommendation of the Access Committee that the Scheme of Delegation be amended – "to authorise the Head of Park Management to make temporary Traffic Regulation Orders pursuant to powers given to the Authority by Section 72 of the Natural Environment and Rural Communities Act 2006" be agreed;
- (e) S Shaw-Wright be appointed to replace Mrs S Marshall as a member of the Planning Committee;
- (f) Mrs S Marshall be appointed as a Member Champion for Forward Planning; and
- (g) Dr KM Petyt be appointed to replace A Osborne as a member of the Planning Committee.

**122/07 ADOPTION OF A CODE OF GOOD PRACTICE - PLANNING**

CONSIDERED – the report of the Solicitor/Monitoring Officer.

The Member Champion for Planning stated that the majority of issues previously raised by members had now been addressed. He did, however, have some concerns that by using the secretariat of the relevant local authority, there may be delays in notifying ward members of County and District Councils of proposed site visits.

In response to a member's question, it was confirmed that all Authority members were invited to attend Planning Committee site visits.

**RESOLVED -**

That, subject to the Code of Practice being amended to reflect the fact that all Authority members are invited to attend Planning Committee site visits, the document "Planning – Code of Good Practice" attached as an Annex to the Solicitor/Monitoring Officer's report be adopted in place of the existing 'Members' Code for Exercise of Development Control'.

**123/07 SUSTAINABILITY: THE AUTHORITY'S OWN ENVIRONMENTAL FOOTPRINT**

CONSIDERED – the report of the Head of Finance and Resources.

Members commended the Head of Finance and Resources on his report, which provided a thorough analysis of the present position within the Authority, was thought provoking and heartening in view of the number of staff who had contributed towards its preparation.

**RESOLVED –**

That

- (a) the Brundtland definition of sustainability be agreed as being appropriate for this Authority (Paragraph 5);

- (b) the adoption of Key performance Indicators for environmental performance be agreed (paragraph 15);
- (c) the Authority does not seek to implement an environmental Management system at this stage (paragraph 17), but a further report be brought to members in November 2008;
- (d) at this stage carbon emissions comprise buildings and travel sources, but exclude the carbon footprint of products purchased (paragraph 19);
- (e) the interpretation and target of 'Carbon Neutral' that the Authority should pursue is 'Zero Carbon' (paragraph 32);
- (f) tree planting and home-to-work travel offsets be adopted within the Authority's model for achieving carbon neutrality (paragraph 38);
- (g) future project proposals should consider any carbon offsetting potential that they might offer (paragraph 39);
- (h) the Action Plan, as set out in Appendix 2 of the report of the Head of Finance and Resources, be adopted (paragraph 42);
- (i) specific targets for reducing energy use on buildings and business travel, and a target for reducing home-to-work travel, be adopted (paragraph 44);
- (j) the proposed management reporting process is acceptable (paragraph 51).

**124/07 ANNUAL MONITORING REPORT:  
LOCAL PLAN 2006 AND DEVELOPMENT FRAMEWORK**

CONSIDERED – the report of the Strategic Planning Officer.

In considering the report, members raised a number of issues, including:

- questioning the length of the report - if the Authority wanted organisations and individuals to read the contents – would an 'Executive Summary' be worthwhile;
- suggesting the addition of a comment that public sector investment was essential to kick start rural development;
- expressing concern that some of the statistics on Committee decisions contrary to policy could be misinterpreted and needed further clarification;
- regretting the specific reference to one planning application, preferring that it should be anonymous;
- requesting that reference be made to the problems in rural areas of access to services, including 'local' hospital(s);
- questioning the accuracy of the 'gross weekly earnings' statistics, which seemed significantly out of line particularly with farming incomes;
- opposing any reduction in the length of the report which might dilute the value of the contents;
- welcoming the new performance indicator that would record 'improved through negotiation' applications;
- expressing concern at the possible relaxation of permitted development rights;

- commenting that (Appendix 5 – Community) ‘remoteness, inaccessibility’ may in fact not be a negative aspect, but one of the major attractions of the area;
- suggesting that the reference on page 49 to the Authority’s statutory purposes should state them in full, rather than them being paraphrased;
- endorsing the comment on the need for rural investment – permanent long-term residential occupancy required employment opportunities;
- agreeing with the concerns expressed about the accuracy and possible interpretation of the Committee decision statistics and suggesting that the entry should be elaborated upon to indicate cases where material considerations had been found.

Officers responded to some of the Members’ comments as follows:

- the Monitoring Officer pointed out that any planning application determined contrary to policy must have had material considerations otherwise he would have been obliged to prepare a Monitoring Officer report;
- the Chief Executive stated that it would have been unusual not to have included a reference to the Committee decision statistics, bearing in mind that this had been an issue that had been drawn to the Authority’s attention by the Auditor. Also, in an issue currently with the Local Government Ombudsman, it had been claimed that the Authority had taken more decisions contrary to policy and/or officer recommendation than all other national park planning authorities combined. This claim had been investigated and found to be correct and would be reported to the Audit and Review Committee and to the Auditor;
- the way in which the Committee decision statistics were reported could be revisited in order to try to avoid confusion between departures from policy and decisions contrary to officer recommendation.

## **RESOLVED –**

That:

- (a) taking into account member and officer comments, the Strategic Planning Officer revise the Annual Monitoring Report 2006/07 and submit a revised draft for approval to Mrs Y Peacock (Forward Planning Member Champion), J Blackie (Member Champion for Planning) and G Dalton (Chairman of the Planning Committee), prior to the submission of the revised Report to the Government Office; and
- (b) the revised approved Report be placed on the Authority’s website in the New Year.

## **125/07 STANDING ORDERS**

CONSIDERED – the report of the Chief Executive.

The Audit and Review Committee’s recommendations to amend the Authority’s Standing Orders relating to ‘Chairman and Deputy Chairman of the Standards Committee’ and ‘Withdrawal of a motion or of an amendment to a motion’ were endorsed, subject to it being clarified that, in respect of the latter, any other member may be substituted for the withdrawing member and the debate continue.

With regard to the recommendation regarding the Suspension of Standing Orders, it was suggested that the Committee’s recommendation went too far. A member commented that there were three elements to the issue: the calling of a Special Meeting; the suspension of Standing Orders and the debate of the substantive issue. He suggested that the suspension of Standing

Orders should not be made more onerous, but that it should be any decision as a result of such a decision that should require a 'special resolution'.

It was pointed out that the Audit and Review Committee's recommendation would have been impossible to operate at any of the Authority's Committees as none comprised more than 15 members. Members accepted that this level should be revised to a % of the membership to be able to be applied to both the Authority and to any of its Committees.

Members were reminded that the suspension of standing orders was a very infrequent occurrence, which, it was suggested, did not warrant a change being made. A member stated that the current Standing Orders had served the Authority well and he would not wish to see members fettered by the proposed changes.

A member expressed a fear that a small group of members, by staying away from a meeting, could exert undue influence on an issue of importance, causing a meeting to fail to meet the % requirement and he suggested that a 50% + 1 vote would be appropriate. The Monitoring Officer pointed out that such an alternative would obviate the need for the Standing Order.

## **RESOLVED –**

That:

- (a) the report and further comments be noted;
- (b) the following amendments be made to Standing Orders:
  - (i) the inclusion of a Standing Order, within Section 1.2 Chairmen of Committees and Sub-Committees, that will require the Authority's Standards Committee to appoint its Chairman (and, if one is appointed, its Deputy Chairman) from amongst the independent members of that committee;
  - (ii) a revision of Standing Order 2.6(i), to delete the requirement for the Authority to 'consent' to the withdrawal of a motion or of an amendment to a motion (subject to the inclusion of a note advising that any other member may be substituted for the withdrawing member and the debate continue); and
  - (iii) a revision of Standing Order 4.3(c) to read:  
*"4.3(c) No motion on any matter that is being debated only as a direct result of a decision to suspend Standing Orders in accordance with (b) above may be approved unless*
    - (a) *at least 70% of the membership of the Authority or of the Committee are present and voting; and*
    - (b) *the motion has the support of at least 70% of those members."*

*[Note: J Blackie requested that his vote against (b)(iii) above be recorded.]*

## **126/07 EXTERNAL FUNDING STRATEGY**

CONSIDERED – the report of the Head of Conservation and Policy.

Members noted the challenging proposals set out in the report.

The Chief Executive stated that the Authority had an excellent track record in respect of income generation and whilst accepting that the targets may be challenging, reminded members that the alternative may be a reduction in the level of service provision.

**RESOLVED –**

That the External Funding Strategy attached as Annex B to the report of the Head of Conservation and Policy be approved as the basis for setting detailed financial targets by the Finance and Resources Committee.

*[Note: TRN Harrison-Topham, as a member of North Yorkshire County Council declared a personal non-pecuniary interest in the above item.]*

**127/07 TURNTABLE PROJECT**

CONSIDERED – the report of the Head of External Affairs.

**RESOLVED –**

That the report be noted.

**128/07 THE INCORPORATION OF THE ENGLISH NATIONAL PARK AUTHORITIES' ASSOCIATION**

CONSIDERED – the joint report of the Chief Executive and the Solicitor & Monitoring Officer.

**RESOLVED –**

That the Authority:

- (a) notes and endorses the proposals to incorporate the English National Park Authorities' Association as a 'not for profit company limited by guarantee', and agrees in principle that the Yorkshire Dales National Park Authority should be a member of the company;
- (b) authorises the Chairman and Chief Executive to approve the detailed memorandum and articles of association and any Members' Agreement; and
- (c) formally appoints the Chairman of the Authority to become a non-executive director of the newly formed company.

**129/07 MEMBER FEEDBACK**

CONSIDERED – the report of the Secretariat Officer, together with further feedback from W Weston and Mrs D Millward circulated at the meeting.

**RESOLVED –**

That the report and additional feedback be noted.

**130/07 PLANNING COMMITTEE**

CONSIDERED – the minutes of the meetings of the Planning Committee held on 11 September and 9 October 2007.

**RESOLVED –**

That the minutes of the meetings of the Planning Committee held on 11 September and 9 October 2007 be received.

**131/07 ACCESS COMMITTEE**

CONSIDERED – the draft minutes of the meeting of the Access Committee held on 25 October 2007.

**RESOLVED –**

That the draft minutes of the meeting of the Access Committee held on 25 October 2007 be received.