

Public minutes of the meeting held at The National Park Office, Yoredale, Bainbridge on Tuesday, 29 September 2009.

Present:

R Alderson, C Armitage, RK Bingham, J Blackie, Mrs A Brooks, WH Brown, SHK Butcher, P Charlesworth, A Colley, G Dalton, W Fenten, TRN Harrison-Topham, KJ Lancaster, C Lis, Mrs S Marshall, Mrs Y Peacock, Dr KM Petyt, JK Roberts, R Welch and W Weston.

COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK

88/09 MINUTES

RESOLVED –

That the Minutes of the meeting held on 28 July 2009, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

89/09 PUBLIC QUESTION TIME

The Chairman drew members' attention to the late report tabled at the meeting which set out the following public question, received from Mr G Wilson:

“What were the reasons and rational for Authority Members not accepting the recommendation of the Authority's solicitor to the 27 January 2009 meeting of the Authority in respect of high court proceedings in relation to eight traffic regulation orders.

I am not able to attend the meeting tomorrow so will require the question to be tabled and a response made in writing please.”

The Chairman responded to the question as follows:

“The report of the Solicitor, which was a private paper providing members with the opportunity to debate the issue of costs and negotiation outside the public arena, advised members of the situation regarding Court Proceedings issued against the Authority in respect of eight Traffic Regulation Orders and sought members' views on a proposed offer of settlement.

Members noted the current situation and authorised officers to negotiate a settlement of proceedings on the basis that no concession should be made that the Authority's procedures were flawed, and that any negotiated settlement of the proceedings be based on, as a starting point, each party paying its own costs.

Whilst appreciating that acceptance of the settlement proposed by LARA might be the cheapest way of concluding the case, Members believed that the Authority had been meticulous in its observance of the order-making procedures, and considered that the Authority should not concede that the procedures were flawed."

A member reminded the meeting that the Authority had been working with 'new law' and, as such, the procedures had not previously been tested. The case had now provided clear guidance for the Authority and others should further traffic regulation orders be considered appropriate.

90/09 EXCLUSION OF THE PUBLIC

RESOLVED –

That the public be excluded from the meeting during the consideration of Item Nos 21 and 22 on the agenda on the grounds that they each involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

91/09 APOLOGIES FOR ABSENCE

Apologies for absence were received from A Barker and S Parsons.

92/09 DECLARATIONS OF LOBBYING

Members made the following declarations of lobbying:

<i>Member</i>	<i>Agenda item on which lobbied</i>
J Blackie	Agenda Item No 21
KJ Lancaster	Agenda Item No 22
G Dalton	Agenda Item No 22

93/09 STATEMENT OF FINAL ACCOUNTS 2008/09

CONSIDERED – the report of the Senior Finance Officer.

RESOLVED -

That:

- a) the revised Statement of Accounts for the Financial Year Ended 31 March 2009 be approved; and
- b) following (a) above, the Chairman of the Authority be authorised to sign the balance sheet on page 23 of the Statement of Accounts 2008/09 and the Annual Governance Statement on page 11.

94/09 EXTERNAL AUDITORS – REPORT TO THE AUTHORITY ON THE 2009 AUDIT

CONSIDERED – the report of the Senior Finance Officer and appended Annual Governance report from the Authority’s external auditor.

The External Auditor confirmed that no major issues or areas of concern had been identified as a result of the audit and any issues that had arisen were relatively trivial in nature and had been or were being dealt with.

Members thanked the team of auditors and commended the Authority’s Finance staff for their contribution towards the achievement of an impressive audit report.

RESOLVED –

That:

- (a) the contents of the Annual Governance Report, Appendix A to the report of the Senior Finance Officer, be noted; and
- (b) the Treasurer be authorised to sign the Letter of Representation at Appendix B to the report of the Senior Finance Officer.

95/09 CHAIRMAN’S REPORT

CONSIDERED – the report of the Chairman, who added that:

- he had been accompanied by Dr KM Petyt (Member Champion for Recreation Management) at the launch of the Three Peaks Project;
- the village of West Burton had won the ‘Community’ category at the 2009 Calor “Village of the Year” awards; and
- the Deputy Chairman had attended the Local Government Yorkshire and Humber meeting in York, not Wakefield, as reported.

A member stated that a local journalist had raised concerns about the ease of finding details of the Authority's Service Standards on the Authority's website. The Chief Executive accepted that whilst the information was available, it might not be easily accessible. He reminded members that they had agreed to pursue the Customer Service Excellence Standard and that this matter would be reviewed as part of that exercise.

In response to a member's question, the Chairman stated that there had not been any specific debate at the recent ANPA Conference on extending the role of national park authorities in respect of economic issues. He acknowledged that the role was limited and that there may need to be a fundamental review of current powers.

RESOLVED –

That the report and further comments be noted.

96/09 MEMBER CHAMPION FEEDBACK

None.

97/09 CHIEF EXECUTIVE'S REPORT

CONSIDERED – the report of the Chief Executive.

He also reported that as a result of financial cuts within Yorkshire Forward, there would not be any match funding for the Authority's Sustainable Development Fund.

In response to a member's question, he stated that, with colleagues, he had met representatives of the Wensleydale Railway (WR) to be updated on WR's plans, including possible developments at the eastern end of the line, including an expansion of links to Northallerton. He reminded members that the Authority did not have a formal policy with regard to any possible re-instatement of the line within the national park, although planning policy was supportive in principle, providing landowners involved were in agreement. A member added that there was local support for re-opening of the western end of the line from Garsdale to Hawes.

RESOLVED –

That:

- (a) the report be noted;
- (b) a Working Group be established to review the Authority's current documentation on Member / Officer relations, the membership of the Working Group to consist of two members of the Standards Committee (the Chairman of the Committee, A Hassan, and TRN Harrison-Topham) and two members of the Finance and Resources Committee

(the Chairman of the Authority, C Lis, and the Chairman of the Finance and Resources Committee, J Blackie).

(c) further discussions take place with Craven District Council to ensure that the proposed housing needs survey will provide information useful to the National Park Authority and, if these negotiations are successful, that £2,000 be offered to the District Council as a partnership contribution towards the cost of the housing survey.

(d) G Dalton (with C Lis as substitute) be appointed to represent the Authority on the Eden and South Lakeland Delivery Board.

[Note: Messrs Butcher, Lis, Roberts and Welch, as members of Craven District Council, each declared a personal non-prejudicial interest in the item relating to the Craven District Council housing needs survey.]

98/09 APPOINTMENT OF MEMBER CHAMPIONS

CONSIDERED – the report of the Chief Executive who reminded members that the Development Control Member Champion was entitled Member Champion for Planning and that appointments made would serve for 3 years. He also confirmed that Appendix A to the report would be included in the Members' Handbook.

Having considered the 'applications' circulated with the report and those made at the meeting, it was -

RESOLVED –

That:

- (a) the report be noted; and
- (b) the following members be appointed to serve until August 2012 as Member Champions:

MEMBER CHAMPIONS	
<i>Area of responsibility</i>	<i>Member appointed</i>
Conservation of the Natural Environment	Andrew Colley
Conservation of Cultural Heritage	Stuart Parsons
Recreation Management	Malcolm Petyt
Promoting Understanding	Wilf Fenten
Planning	John Blackie
Forward Planning	Yvonne Peacock and Shelagh Marshall
Corporate Management	Chris Armitage
Climate Change	Will Weston

99/09 THE PRIORITISATION OF NATIONAL PARK AUTHORITY WORK PROGRAMMES 2010/11

[Mrs Y Peacock declared a personal non-prejudicial interest in the 'Tourism' element of the report as the owner of a Tea Room located within the National Park.]

CONSIDERED – the report of the Deputy Chief Executive.

In response to Member comments about the need to discuss the Authority's socio-economic remit, the Chief Executive stated that government consultation was anticipated on a revision of Circular 12/96 (the Circular that, in 1996, had explained how the provisions of Part III of the Environment Act 1995 relating to the creation of independent national park authorities should be implemented, including emphasizing that park authorities should take full account of the economic and social needs of local communities in fulfilling the purposes of the parks). It was suggested that consideration of that consultation might initially be preferable in a Policy Development Forum.

RESOLVED –

That:

- (a) the report and further comments be noted;
- (b) the prioritisation of the Authority's work programmes for 2010/11, as the basis for preparing the Authority's 2010/11 budget and Corporate Plan, be approved as set out in Appendix D of the report of the Deputy Chief Executive; and
- (c) an additional Policy Development Forum be arranged to enable preliminary consideration of the government's consultation on the revision of Circular 12/96.

100/09 REGIONAL AND SUB-REGIONAL ARRANGEMENTS FOLLOWING THE SUB NATIONAL REVIEW

CONSIDERED – the report of the Chief Executive.

The Chief Executive stressed to members that discussions were still taking place with regard to what level of representation the Authority might achieve within the new arrangements. He accepted that in the event of a change of national government in 2010 there may be changes to the structure of regional government. Nevertheless, he believed that the Authority should work within the existing arrangements.

A member drew the meeting's attention to the latest formal Government position set out in paragraph 17 of the Chief Executive's report, which stated that "each type of participating authority (including National Parks and the Broads authorities, where they exist) must be offered at least one seat on the Leaders' Board." He expressed disappointment that the Authority seemed to be being marginalised within the new regional arrangements.

Members were informed that, in some areas of the country, national park authorities were members of Regional Leaders Boards. It was accepted that within this region, where it had been decided that the Regional Leaders Board would only contain eight local government representatives, it would be unrealistic to expect national park representation when authorities such as Leeds and Sheffield City Councils were not themselves represented.

A member suggested that to support the Authority's case for higher level representation, a paper setting out what the Authority would 'bring to the table' should be prepared.

RESOLVED –

That:

(a) with the starting point being a seat on each of the LGYH Leaders Board and the Sub Regional Leaders Board (as set out on Appendix B of the Chief Executive's report) discussions continue to ensure that the Authority gains appropriate representation on regional and sub-regional bodies; and

(b) in the interim, the following Members be appointed to the sub-regional thematic partnerships in line with paragraph 26 of the Chief Executive's report:

Housing – Member Champion for Forward Planning
Planning – Member Champion for Planning
Work and Skills – Chairman of the Authority
Transport – Member Champion for Recreation Management

with the Chairman to act as substitute in the event that any Member Champion is unable to attend a meeting.

101/09 PROPOSED IMPROVEMENTS TO THE OPERATION OF THE AUTHORITY'S PLANNING ENFORCEMENT FUNCTION

CONSIDERED – the report of the Head of Planning.

The Member Champion for Planning supported the proposals.

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

- suggesting that a summary document be produced that could be available for Parish Councils; and
- questioning the appropriateness of both the target that "Officers will aim to inspect 80% of sites..." within certain timescales, and the value of an unspecified timescale ("Longer term") in respect of Development Monitoring.

With regard to the recommendation to review the effectiveness within 9 months, the Chief Executive reminded members that there was due to be a review of the new Planning Service in 2010, 12 months after its introduction. Members considered that it

would be beneficial to review both the Planning Service and the new enforcement systems at the same time and that the review be undertaken by the Authority, despite the fact that because of its personnel role the Finance and Resources Committee would normally have reviewed the Planning Service.

RESOLVED –

That:

- (a) the report and member comments be noted;
- (b) the planning enforcement policy attached as **Appendix 1** to the report of the Head of Planning be adopted;
- (c) the amended scheme of officer delegation contained in **Paragraph 9** of the report be agreed and the Authority's Scheme of Delegation be amended accordingly;
- (d) the content of the Planning Enforcement Function Action Plan attached as **Appendix 2** to the report be noted; and
- (e) the effectiveness of the approved systems and procedures be reviewed by the Authority in 2010 together with a review of the Planning Service.

102/09 SPECIAL QUALITIES, SPECIAL EXPERIENCES – A RECREATION STRATEGY FOR THE YORKSHIRE DALES

[Mrs Y Peacock declared a personal non-prejudicial interest in the 'Tourism' element of the report as the owner of a tea-room located within the National Park and W Fenten declared a personal non-prejudicial interest in the item, having been involved in the preparation of the European Sustainable Tourism Charter.]

CONSIDERED – the report of the Access and Recreation Manager.

Members, in congratulating the Access and Recreation Manager on producing an outstanding report, suggested that when finalised it would be useful to produce a brief Executive Summary.

RESOLVED –

That the draft strategy 'Special Qualities, Special Experiences' be endorsed for public consultation.

103/09 POSITION STATEMENT ON CLIMATE CHANGE

CONSIDERED – the report of the Communications Officer. The Head of Conservation and Policy suggested that the Statement should be related to the national park, not the UK.

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

- suggesting that the Authority should be an ‘exemplar’ and that that should be included in the Statement;
- questioning the phrase “greatest environmental challenge facing the world today”, suggesting that population growth may be the ‘greatest’. A proposal to amend the first sentence to read “Climate change is one of the greatest ...” was, however, defeated.

RESOLVED –

That subject to the comments made being taken into account, the Authority’s amended position statement on climate change be adopted.

104/09 OFFERING OUT THE NATIONAL PARK LOGO FOR USE WITHIN THE NATIONAL PARK

[JK Roberts declared a personal non-prejudicial interest as a member of Wharfedale Rugby Club.]

CONSIDERED – the report of the Communications Officer.

RESOLVED –

That the proposal to offer out the National Park logo for local use, as outlined in paragraphs 13-22 of the report of the Communications Officer, be adopted.

105/09 EDUCATION WORK PLAN 2009-1012

CONSIDERED – the report of the Outreach and Education Manager.

Members welcomed the Work Plan although it was suggested that more explicit reference should be made of the Authority links and work with further education establishments.

RESOLVED –

That subject to more explicit reference to the Authority links and work with further education establishments, the Education Work Plan for 2009-2012 be approved.

106/09 MEMBER FEEDBACK

None.

107/09 PLANNING COMMITTEE

CONSIDERED – the minutes of the meetings of the Planning Committee held on 14 July and 11 August 2009.

RESOLVED –

That the minutes of the meetings of the Planning Committee held on 14 July and 11 August 2009 be received.

108/09 ACCESS COMMITTEE

CONSIDERED – the draft minutes of the meeting of the Access Committee held on 16 July 2009.

RESOLVED –

That the draft minutes of the meeting of the Access Committee held on 16 July 2009 be received.

109/09 FINANCE AND RESOURCES COMMITTEE

CONSIDERED – the draft minutes of the meeting of the Finance and Resources Committee held on 7 August 2009.

RESOLVED –

That the draft minutes of the meeting of the Finance and Resources Committee held on 7 August 2009 be received.

110/09 STANDARDS COMMITTEE

CONSIDERED – the draft minutes of the meeting of the Standards Committee held on 13 August 2009.

RESOLVED –

That the draft minutes of the meeting of the Standards Committee held on 13 August 2009 be received.

The remainder of business was considered in private.

PUBLIC SUMMARY OF BUSINESS CONSIDERED IN PRIVATE

111/09 UPDATE ON DEVELOPMENTS AT DALES COUNTRYSIDE MUSEUM

[J Blackie declared a personal non-prejudicial interest in the item as the proprietor of a Tea Room in Hawes.]

Members considered a report from the Head of External Affairs which provided members with an update on developments at the Dales Countryside Museum and sought approval for the next stage of the development.

Members were supportive of the proposals and particularly keen that there should be continued engagement with the local community, hoping that the message could be got across that the proposed investment would benefit the whole town.

Members agreed to the continuing development of the Dales Countryside Museum project.

112/09 FUTURE OF SEDBERGH PARTNERSHIP CENTRE BUILDING

[KJ Lancaster, prior to leaving the meeting earlier, had declared a personal and prejudicial interest in the item and had expressed support for a proposal that there should be further exploratory consultation on the future use of the property. G Dalton declared a personal non-prejudicial interest in the item, being involved in the organization of the Community Office and a member of the Sedbergh and District History Society.]

Members considered a report from the Head of External Affairs which sought instructions on the future of the Authority-owned building in Sedbergh at 72 Main Street, formerly used as the National Park Centre.

In considering the report, which stated that the Authority wished to retain the same Authority presence in the partnership centre, a number of matters were raised. Members requested a report to the next meeting to address issues including:

- Was the building redundant to Authority needs?
- If so, what would be the rationale for this and any strategic case for disposal of the building?

- Should there be wider consultation on future use of the property?
- If, as a result of a review of the National Park boundary, the Park expanded to the west, what was the thinking in terms of the location of a future base in this part of the park?