

Date: 15 December 2020

Report: REVIEW OF DUTIES AND RESPONSIBILITIES OF MEMBERS

Purpose of the report

1. To consider the recommendation of the Standards Committee to review and adopt the revised Duties and Responsibilities of Members document.

RECOMMENDATION

2. That the Authority adopt the revised Duties and Responsibilities of Members document, attached at **Appendix A**.

Strategic Planning Framework

3. The information and recommendation(s) contained in this report are consistent with the Authority's statutory purposes and its approved strategic planning framework:

Corporate Plan objectives

Objective 36: Operate governance arrangements that are fit for purpose as reported through the Annual Governance Statement and the Annual Governance Report.

Background

4. The Duties and Responsibilities of Members are set out in a document which is included in the Members' Handbook. This was approved and adopted by the Authority in December 2015 and then updated in November 2016, following a review by a Member working group appointed by Audit and Review Committee.
5. There are no particular areas of concern to highlight and there have been no legislative changes that would impact on the document. A "light touch review" has therefore been conducted.
6. Proposed changes include some minor changes to wording. Paragraph 9.3 of the document which sets out the Authority's core values has been updated to reflect changes to the core values made earlier this year. The job description for Members at Appendix 1 of the document has also been updated to include the ambassadorial role of Members which is currently only included in the job description for the Chair but applies equally to all Members.

7. The document was considered by the Standards Committee at its meeting on 3 November 2020. Having suggested a minor change to the order of the paragraphs contained in section 9, which has been implanted, the Committee approved the Duties and Responsibilities of Members and recommended the document be adopted by the Authority.

Conclusion

8. Please refer to Recommendation at Paragraph 2.

Clare Burrows
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17 November 2020

Background documents:
None

Appendix A



**Duties and Responsibilities
of Members**

Duties and Responsibilities of Members

1. National Park Purposes

National Parks exist to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks and to promote opportunities for the understanding and enjoyment of the special qualities of those areas by the public. In pursuing those purposes, a National Park Authority is also required to seek to foster the economic and social well-being of local communities within the National Park. For all Members of the Authority, the first consideration should always be the statutory National Park purposes and, in pursuing those purposes, the related socio-economic duty.

2. Membership of the Yorkshire Dales National Park Authority (YDNPA)

2.1 The membership of YDNPA is established by legislation which currently states that the Authority has 25 Members. Fifteen are appointed by local authorities and the other ten by the Secretary of State. The appointments are as follows:

- 1 elected Member appointed by Cumbria County Council
- 1 elected Member appointed by Lancashire County Council
- 5 elected Members appointed by North Yorkshire County Council
- 3 elected Members appointed by Craven District Council
- 2 elected Members appointed by Richmondshire District Council
- 1 elected Member appointed by South Lakeland District Council
- 1 elected Member appointed by Lancaster City Council
- 1 elected Member appointed by Eden District Council
- 4 elected Members appointed by the Secretary of State to represent National Park parishes
- 6 Members appointed by the Secretary of State.

2.2 Appointment of Members to the local authority positions is solely at the discretion of the appointing authorities, except that any authority which appoints three or more Members (i.e. Craven District Council and North Yorkshire County Council) is obliged by the provisions of the Local Government and Housing Act 1989 to ensure that the appointments it makes are in line with the political balance of the authority concerned.

2.3 Local authority and Parish Members should consider, along with the local authorities who appoint them, whether there are appropriate ways in which they can report back to and influence those appointing local authorities in relation to the work of the National Park Authority.

2.4 Although some Authority Members perform special roles or have special responsibilities, the fundamental principle is that all Members have equal status.

2.5 The National Park Authority operates in law as a body corporate. A Member of a National Park Authority, in his/her individual capacity, has no executive powers and can exercise no lawful authority, though it is possible for Members collectively to delegate a decision to an Officer, whilst instructing the Officer to consult one or more named Members before reaching a decision.

2.6 The essential roles of Authority Members, within the Authority, are:

- the formulation of Authority policy, priorities and objectives;
- taking decisions on specific issues such as planning applications and spending proposals;
- reviewing the performance of the Authority in relation to the achievement of its policies and objectives;
- exercising effective stewardship over the Authority's assets; and
- setting the corporate governance framework within which Officers operate (Financial Regulations, Delegation Scheme etc.)

Members should not become involved in the detailed implementation of policies and decisions, except in connection with the performance of their role, nor in the management of the Authority's staff.

2.7 Members also have a key role externally as advocates and ambassadors for the Authority, and for the National Park. This is exercised in local communities and on the regional, national and international stages.

3. Members representing the Authority

3.1 Members of the Authority are, from time to time, appointed to represent the Authority formally on other bodies, on partnerships to which the Authority is a party, and at specific events, e.g. conferences or seminars. These roles are primarily to ensure that the Authority's policies and position are properly understood and influential but they do give the opportunity for general networking to promote the Authority and the Park. Members undertaking such a representative role are expected to understand, present and support Yorkshire Dales National Park Authority policy. Officer support and briefings are available to assist Members in doing so. It is also important that Members undertaking such roles provide feedback to officers, following meetings and to Members (usually through Authority meetings).

3.2 Members who live within the National Park and/or represent constituents living within the National Park in their role as a County, District or Parish Councillor have an additional representative role within and outside the National Park Authority, by virtue of their position on another local authority and their close contact with the local population of the National Park. Members who are Councillors can, at times, have to reconcile different policies between the nominating authority and the National Park Authority, taking into account local constituency issues, and this can undoubtedly give rise to difficulties for such Members.

3.3 Following the Localism Act 2011, guidance was issued to Members on openness and transparency in personal interests which gave practical advice on declaring personal interests. The guidance can be accessed at

<https://www.gov.uk/government/publications/openness-and-transparency-on-personal-interests-guidance-for-councillors>. Members may wish to seek advice from the Monitoring Officer where necessary, although ultimately the decision on whether to register or declare an interest remains with the Member.

3.4 When acting as a National Park Authority Member, there is a clear duty to act in the best interests of the National Park Authority, and to seek to promote the statutory purposes and the related socio-economic duty. In such situations Members, even if not formally representing the Authority, are performing an important representative role, setting the National Park Authority and its policies in the best possible light and communicating the core values, objectives and interests of the Authority as a whole.

3.5 Members may be invited to attend events or functions, with some reference made to their membership of the National Park Authority in an incidental sense. Members in such situations will be the best judge of whether they are invited to present a personal view of the National Park Authority's policies and objectives or a corporate view. In either scenario, Members should bear in mind the principle of collective responsibility for decisions reached by the Authority.

4. Members roles within the Authority

4.1 The Authority meets quarterly. The Authority has also established the following Committees, which advise the Authority, and also exercise powers delegated to them by the Authority:

- Finance and Resources (13 Members)
- Audit and Review (12 Members)
- Planning (17 Members)
- Standards (5 Members and in addition, a 'substitute member' also appointed by the Authority, to deal with any conflict of interest arising that prevents a Member from hearing a case), such 'substitute member' being appointed from a different 'group' to the member directly appointed by the Authority.

4.2 Members usually serve on either the Finance and Resources Committee or the Audit and Review Committee; no Member serves on both. This reflects a distinction between the essential roles of Members: namely setting budgets, policy and objectives, and reviewing performance.

4.3 The Authority appoints Members to serve on Committees, and each Committee elects its own Chair and Deputy annually.

4.4 In terms of distinctive Member roles, the Authority appoints Member Champions in relation to seven specific areas of the Authority's work:

- Natural Environment
- Cultural Heritage
- Recreation Management
- Promoting Understanding
- Development Management
- Sustainable Development
- Corporate Management

Member Champions increase awareness of the work of Members amongst officers, and demonstrate Members' interest in, and encouragement of, the work of officers. Member Champions report back formally to the Authority in respect of their brief.

5. Members and decision making

5.1 All 25 Members represent all of the National Park, and no Member has "constituents". Nevertheless it is legitimate, and indeed very important, that Members with knowledge of the views and needs of local people represent those views when relevant to decisions which are being taken. In the same way, Members with relevant specialist knowledge or expertise need to bring it into the decision-making process.

6. The formulation of Authority policy, priorities and objectives

6.1 The work programmes for delivering policy are approved each year by the full Authority, through a three stage process:

- Priority-setting, which is conducted as a major exercise every three years, with "light touch" reviews in intervening years;
- Agreeing the annual budget for the Authority and the medium-term objectives for each work programme, on the basis of advice from the Finance and Resources Committee;
- Agreeing a detailed list of actions that will be undertaken in the next 12 months to help deliver each objective.

6.2 These processes collectively lead to the production of a detailed annual Corporate Plan, which contains all of the Authority's objectives, and sets out the progress that will be made towards achieving them. This is backed up by a detailed Action Plan which is approved by the full Authority.

6.3 There is an important role for Members in shaping policy before formal reports come forward for discussion and approval. This may be exercised through the Policy Development Forum, Working Groups set up to deal with a specific task, or by working with officers in the role of Member Champion.

7. Performance review

7.1 Performance review is one of the main functions of the Audit and Review Committee. The terms of reference of that Committee include:

- reviewing the Authority's performance in pursuing its policies and objectives, in particular those in the Corporate Plan; and reporting to the Authority, its Committees or Sub-Committees, as appropriate;
- acting as the lead Committee on the implementation and monitoring of the Authority's performance assessment process;

- leading on improvement planning and learning from major projects and on-going programmes;
- instigating a programme of reviews in areas where the Authority is under-performing, needs to reduce costs, and/or needs to improve value for money, and report back to the Authority.

7.2 Each year the Authority produces a Corporate Plan (see Section 6), setting out the objectives and targets for the coming 12 months. These fall into three interlinked categories:

- Objectives;
- Actions to achieve those Objectives;
- Performance measures showing the specific progress made towards achieving the Objectives over the year.

Progress in relation to these Objectives and the detailed list of actions (see paragraph 6.2) is reported to the Senior Management Team and to the Audit and Review Committee. In addition, progress on Objectives is reported annually to the full Authority.

7.3 Performance Improvement Reviews: These are carried out by small Member/Officer teams which would usually include the relevant Member Champion and a member of the Audit and Review Committee. The results are reported back to that Committee. These reviews look at areas where the Authority is not achieving what it has set out to do and/or has identified a specific need to reduce cost; and/or has identified a need to improve value for money. The exact scope of each review is determined in advance by the Audit and Review Committee.

7.4 Major Project Reviews: Reports on up to four major projects each year come to the Audit and Review Committee. They provide Members with an opportunity to hear what has been achieved, to focus on learning from what worked and what did not, and to make recommendations for future project development and management.

7.5 External Audit: the Audit and Review Committee receives reports from the external auditors, who also produce an annual report on their audit which is presented to the full Authority.

7.6 Internal Audit: the Audit and Review Committee agrees the annual Audit Plan, and receives reports of audits carried out which have resulted in any findings requiring action (in the opinion of the auditors).

7.7 Complaints, Compliments and Comments: these are reported to Members twice a year, including the position in relation to any ongoing investigations by the Local Government & Social Care Ombudsman.

8. Planning Committee

8.1 The Planning Committee, in relation to certain of its roles, exercises regulatory functions and must act in a quasi-judicial way. Planning policy is determined by the full Authority, and is set out in the Yorkshire Dales Local Plan. The law requires that all planning applications must be determined in accordance with the policies set out in the Local Plan, unless material considerations indicate that a departure from policy is justified

in any particular case. Whether a particular issue is capable of constituting a material consideration is a matter of law, upon which officers advise Planning Committee Members. How much weight should be given to something which is capable of being a material consideration is a matter for Members, and will depend on the circumstances of each individual case.

8.2 The Planning Committee determines those planning applications which may have significant policy implications or involve potential departures from policy, and also considers whether to authorise enforcement action when a breach of planning control has been detected. Because these decisions impact directly on the rights of private individuals, the Planning Committee must in such cases proceed on the basis of clear evidence and the application of policy. In particular, Members must be careful not to commit themselves to support or oppose an application prior to the formal consideration of it at a Committee meeting; if they do commit themselves in advance they will be held to have “pre-determined” the application, and will be unable to participate in the decision-making process. This can be contrasted with the situation where a Member has a preliminary view to favour or disfavour a particular application, but has not finally made up his or her mind. Where a Member is lobbied in advance of a Committee meeting, he or she should therefore explain that, whilst he/she may have a preliminary view on the matter, a final decision will not be reached until all evidence and professional advice has been heard at the Committee meeting.

9. Corporate Governance

9.1 The 25 Members of the Authority have primary responsibility for the good governance of the organisation. Members are responsible for ensuring that the Authority is well governed, that it has clear values and purposes, performs effectively, is accountable, takes clear decisions, manages risks, and displays high ethical standards.

9.2 The Seven Principles of public life apply to anyone who works as a public office holder. This includes people who are elected or appointed to a public office nationally and locally and so applies both to Authority Members and staff.

Selflessness	Holders of public office should act solely in terms of the public interest.
Integrity	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
Objectivity	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
Accountability	<ul style="list-style-type: none"> • Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
Openness	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Truthfulness	Holders of public office should be truthful.
Leadership	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

9.3 Based on the Seven Principles, the Authority has adopted its own six core values:

- **Integrity:** All our relationships will be built on honesty, transparency, equality and impartiality.
- **Accountability:** We will explain and take responsibility for our decisions and actions.
- **Commitment:** We will do what we say we will do.

Open and approachable: We will work with others honestly and openly to achieve our objectives in ways that help them meet theirs.

- **Improvement:** We will continually strive to improve our performance in delivering National Park purposes.
- **Valuing and empowering our People:** We will value the people who work for us and will work to ensure that they are equipped and empowered to provide professional services to the public.

9.4 The Standards Committee has an important role in the ethical governance of the Authority, since it deals with all complaints of breach of the code of conduct by a Member, and also with applications by Members for dispensations to speak, or to speak and vote, when they have a disclosable pecuniary interest. The Committee also has power to make recommendations to the Authority on issues of Member conduct, where these arise out of its consideration of complaints or applications for dispensations.

9.5 There are three specific Officer roles that Members should note: the Head of Paid Service, the Chief Finance Officer, and the Monitoring Officer. The functions of those Officers and the relationship between Members and Officers are set out in the Member/Officer Protocol.

9.6 Members need to seek, and to be satisfied with, assurance that the Authority is well governed. The Authority's accounts for each year contain an Annual Governance Statement which is drawn up initially for the Audit and Review Committee and then approved by the full Authority, and which presents an honest evaluation of the Authority's position in terms of governance, including identifying areas which need further work. This Annual Governance Statement is in turn based on a range of work by the Authority's external and internal auditors, the Audit and Review Committee, the Senior Management Team, and the Monitoring Officer who presents an Annual Governance Report to the Audit and Review Committee.

The Authority has adopted a Job Description for Members, Chairs and Member Champions; these are attached to this document as Appendices.

Job Description for Members of National Park Authorities

National Park Purposes

National Parks exist to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks and to promote opportunities for the understanding and enjoyment of the special qualities of those areas by the public. In pursuing those purposes, a National Park Authority is also required to seek to foster the economic and social well-being of local communities within the National Park.

Purpose of the Role

The overall purpose of the Chair and Members is to ensure that the National Park Authority fulfils the National Park purposes to the full and does so in the way that best suits the special characteristics of the Park. They have a duty to achieve the efficient, effective and accountable governance of the Authority in the best interests of the National Park and to provide leadership, scrutiny and direction for the organisation as a whole – balancing and integrating the environment, social and economic considerations and applying the principles of sustainable development. The primary purpose of the role of a Member is to work with the Chair, Chief Executive and other Members to discharge the functions of the Authority and to steer and champion the management of the Authority so that it delivers benefits to the nation and local communities in accordance with National Park purposes.

Key Functions

- act with independent judgement;
- use individual skills, experience, and local, regional and national knowledge for the benefit of the Authority;
- collectively participate in the development of policy direction, strategic thinking and innovation within the Authority, through the development of management policy, business plans and participation in the activities of the Authority's working groups;
- independently scrutinise the workings and policies of the Authority;
- be committed to working in the best interests of the National Park;
- influence the Authority to help it come to informed and balanced decisions;
- seek clarification of policy and action proposals if appropriate;

- challenge proposals that exceed or go against the statutory purposes of the Authority;
- accept collective responsibility for the decisions of the Authority;
- approve and monitor programmes to implement the Authority's policies;
- contribute opinions and advice from local, regional and national perspective;
- work with Members, staff and stakeholders to apply the principles of National Parks to all decision-making and to apply the principles of sustainable development;
- represent the Authority's views as necessary to the press and media, and play an ambassadorial role in promoting positive relationships with external parties and organisations.
- help to promote the profile and effectiveness of the family of National Parks both through the work of the Authority and cooperative action such as peer support and peer review with key stakeholders/partners including National Parks UK, National Parks Wales (NPW) and National Parks England (NPE); and through cooperation with the work of Defra and other appropriate bodies.

In order to achieve this, Members will be expected to:

- attend and contribute to regular meetings of the Authority, its committees and working groups and raise issues of concern through the established procedures and mechanisms adopted by the Authority;
- read and understand, and seek clarification of where necessary from Lead Officers, briefing material provided for meetings to ensure proper preparation for any debate on issues across the full range of the Authority's responsibilities ;
- champion and represent the Authority as an effective mechanism for promoting conservation of the Park's natural beauty, wildlife and cultural heritage, increasing public understanding and enjoyment of its special qualities and maintaining the social and economic wellbeing of local communities;
- attend appropriate training courses, briefing sessions and events arranged or sponsored by the Authority and National Parks UK
- adhere to the standards of Conduct, Accountability and Openness of the National Park Authority, the Core Values and the Seven Principles of Public Life;
- support changes in culture at the National Park Authority, including income generation.

There will be opportunities to:

- serve on committees and working groups dealing with particular issues affecting the National Park;
- champion or lead a specific area of the Authority's work;
- talk about the work of the Authority to local community groups;
- learn about the National Park and other protected landscape matters on field visits and fact finding tours;
- meet other people responsible for National Park matters.

Performance Measurement

The Government, with NPE, is working up ideas for measuring the effectiveness of Authorities and their individual Members. In the meantime, the following proxy measures provide a starting point for Members and others to gauge the contribution which they are making to the life of the Authority:

- Attendance at main Authority meetings; the measure being the % of full Authority meetings actually attended which that Member could have attended.
Target: at least 75% and 75% of each specific meeting
Purpose: to monitor participation and commitment.
- Representation of the Authority at approved external meetings and events.
Purpose to ensure an even distribution of workload, and to monitor this workload in line with 'reasonable expectations' of time commitment.

Job Description for Chairs of National Park Authorities

National Park Purposes

National Parks exist to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks and to promote opportunities for the understanding and enjoyment of the special qualities of those areas by the public. In pursuing those purposes, a National Park Authority is also required to seek to foster the economic and social well-being of local communities within the National Park.

Purpose of the Role

1. to champion the purposes of the National Park and provide dynamic and effective, strategic leadership in partnership with Members, the Chief Executive in the achievement of the Authority's statutory duties and relevant targets.
2. to monitor performance and offer guidance and support to Members to ensure that the good public standing of the Authority is upheld, and also to promote the professional development of Members so that they can carry out their role effectively.

Key Functions

- chair meetings of the Authority and ensure that standing orders and good practice are complied with at all Authority meetings.
- represent the Authority at a national, regional and local level in its relations with key stakeholders and communities.
- represent the Authority's views as necessary to the press and media, and play an ambassadorial role in promoting positive relationships with external parties and organisations.
- working with Members and the Chief Executive, ensure that the Authority's actions, decisions and use of resources are consistent with the purposes of designation and the legal responsibilities of the Authority.
- act as a link between the Authority and the relevant Minister, national agencies and other National Park Authorities. Report, liaise and represent the Authority to Government and work with other National Park Authorities to influence national and regional policy.
- assess Members' performance as appropriate and report to the Secretary of State and appointing authorities if required to do so.

- be a member of the selection panel which makes recommendations to the Secretary of State on the appointment of new "national" Members to the Authority.
- develop and maintain an effective working relationship with the Chief Executive providing support and guidance as necessary and acting as a bridge between Members and Officers.
- monitor the welfare and performance of the Chief Executive and ensure there is an effective appraisal and development process in place.
- foster the working relationship with all other UK National Parks and promote the interests of UK National Parks through organisations including National Parks England, the National Parks Chairs' Forum and National Parks Partnership Limited.

MEMBER CHAMPION JOB DESCRIPTION

1. The key role of each Member Champion is to support the achievement of the Authority's policies and objectives for that area of work. The exact way in which any Member Champion does this will depend on the individual Member and the particular area of work. Nonetheless, there are some general roles that form part of the job description for each Member Champion:
 - a. represent and champion the service externally, including acting as a 'public face' of the Authority through the media;
 - b. assist officers with the implementation of the Authority's policies;
 - c. assist officers in the formulation of new policy proposals prior to consideration by the Authority or its committees. They are expected to bring the 'Members' perspective' to these discussions.
 - d. champion the service within the Authority, including introducing the reports that come to the Authority and its committees on issues relating to their brief, or speaking first in the subsequent debate.
 - e. act as a 'critical friend' to officers – encouraging improvement, for example in areas where the Authority may not be meeting its objectives or targets.
2. Any specific issues relating to individual Member Champion roles will be set out in an annex to the formal job description which will be issued to each Member Champion.