

Date: 25 September 2007

Report REPORT OF THE CHIEF EXECUTIVE

ENGAGEMENTS

1. Since the last meeting of the Authority, the Chief Executive has been involved in the following:-

(a) Events

- A day “walking the floor” at Hawes and Aysgarth National Park Centres, in order to see the range of work, duties and responsibilities dealt with by the Information Advisers;
- A day with the Pennine Way Ranger to examine current issues on the maintenance of the Pennine Way;
- Along with a number of officers, attended an all-day training course on the application of the Authority’s personnel policies.
- Along with a number of members, attended the ANPA conference in Buxton (will be reported to members shortly).

(b) Meetings

- A meeting with Mohammed Dhalech, one of the Authority’s Community Champions (through the Mosaic project), to discuss how we might best achieve our commitment to the “Equality Standard”;
- A meeting with representatives from Leeds Metropolitan University to discuss the possibility of closer ties, and joint working, with the National Park Authority;
- A meeting with representatives from Craven District Council, Yorkshire Forward and Rural Solutions to discuss possible future developments at Craven Limeworks;
- Along with the chairman and deputy chairman, the second meeting of the National Park Management Plan steering group to discuss progress on the implementation of the Plan;
- The English National Park Officers’ meeting. The following items were discussed: future of NPAs, ENPAA action plan; changes in regional arrangements; National Park portal; accounts; feedback from working groups; consultations.
- Along with the chairman, a meeting of ENPAA. The following items were discussed: incorporation of ENPAA; proposed South Downs National Park; pre-discussion to the meeting with Jonathan Shaw MP; approval of the Staff Handbook; audited accounts; the business plan 2007/08 – 2010/11
- Along with the English Chairmen and National Park Officers, a meeting with Jonathan Shaw MP (update to be provided at this meeting)

MATTERS FOR MEMBERS' CONSIDERATION

Information needed by Members

2. The issue of what information Members need in order to take decisions was looked at in 2000, and various documents in the Members' Handbook (Section H: Customer Care issues) touch upon this. However, there is no single clear statement of what Members can expect, and what Officers should be providing. This was an issue which arose in the corporate governance work done by the Authority in 2006, and was identified then as an issue to be addressed.

3. In order to do so, the Monitoring Officer and I have drafted a document for the Authority's consideration, and it is attached as an **Annex** to this report. The document has been considered by the Senior Management Team, and also by the Chairman and Deputy Chairman, as well as the Member Champion for Corporate Management, and this latest version covers all of the points made through that process.

4. The document does not seek to bring about a fundamental change in approach, but rather to describe existing best practice, with the aim of standardising around that for the future. It should be a support for Members, in making explicit their legitimate expectations of the information they can expect to receive in carrying out their decision-making responsibilities.

5. Members are requested to consider the attached statement, and if thought appropriate to approve it, whereupon it will be included in the Members' Handbook.

Recommendation:

6. That Members approve the statement attached as an Annex to this report.

Membership of the Planning Committee

7. Having now had the opportunity to speak to Mrs Marshall, following the annual meeting of the Authority in July, I can confirm that she does not wish to be considered for a place on the Planning Committee. Consequently the Authority will need to appoint a member from the 'County Group'.

8. The two Members who are eligible are Messrs Macaré and Shaw-Wright and a nomination from the Group should be available at the meeting for members' consideration.

9. Mrs Marshall has confirmed that she does wish to take up the role of Member Champion for Forward Planning, a role she will share with Mrs Peacock, and also that she will be available as a substitute member of the Planning Committee.

Recommendation:

10. Members are requested to
 - (a) appoint a Member of the 'County Group' to the Planning Committee and note Mrs Marshall's position as a substitute member of the Committee; and
 - (b) confirm Mrs Marshall's appointment as a Member Champion for Forward Planning.

ISSUES FOR MEMBERS TO NOTE

None.

**David Butterworth
Chief Executive**

12 September 2007

Background documents: None

YORKSHIRE DALES NATIONAL PARK AUTHORITY

INFORMATION TO SUPPORT DECISION MAKING BY MEMBERS

Background

1. The Authority has adopted the “Good Governance Standard for Public Services” published by the Independent Commission on Good Governance in Public Services as a guide to understanding and applying principles of good governance, and as a tool to assess the strengths and weaknesses of current governance practice within the Authority and to improve it.
2. One of the six core principles of governance contained in the Good Governance Standard is: Taking informed, transparent decisions and managing risk. The Authority’s Local Code of Corporate Governance identifies the fact that, to support this, there needs to be an explicit understanding of what information members need to take decisions.

Legal Basis for Decision Making

3. The Authority’s Solicitor / Monitoring Officer has issued guidance to members and officers on the principles of good decision making. These identify the following factors which need to be considered when decisions are under consideration:
 - Does the Authority have legal power to take the decision?
 - If the decision is being taken by a Committee or Officer, does delegated power exist for the decision to be taken?
 - Take into account all relevant considerations, and disregard all irrelevant matters.
 - Decisions should normally be taken by applying relevant policies, although there must always be a willingness to consider exceptions to any policy.
 - Where the rights of individuals may be affected by the decision, consult them, and take their views into account when making the decision. This applies where there is likely to be an effect on a person’s legal rights, or a major impact on their life. It does not apply to decisions which affect large numbers of people equally, eg decisions about charges for goods or services.
 - Decisions must be made in accordance with due process, for example Standing Orders, and any relevant legal requirements.
 - Members must abide by the requirements of the code of conduct in relation to the declaration of personal interests.

Information to support decision making

4. In order to ensure compliance with the above, and to support members in making decisions for which they will then be accountable, the Authority has agreed this statement of understanding in relation to what information members may legitimately expect to receive in connection with decisions they are asked to take.

- (i) All members of the Authority will be provided with induction training and ongoing training to assist them to perform effectively and to understand fully the general context within which they operate as members of a National Park Authority.
- (ii) All members will also be provided with ongoing information about the work of the Authority, in the form of the Members' Information Bulletin, copies of significant policy documents, and reports "for information".
- (iii) Members will always be provided with relevant advice from officers of the Authority (supplemented where necessary by external advice) in relation to decisions they are asked to take, and this advice will normally be in the form of a written report, circulated to members in advance of the meeting. Where such reports are to be considered in public, they will list any "background documents" relied on in the production of the report, and members have a right of access to these, as well as to any other information held by the Authority which they need to know in order to take decisions.
- (iv) Such written reports will form part of the agenda and papers for the meeting at which the decision is to be taken, and will be despatched to members five clear working days prior to the meeting (except for any reports which, for reasons of practicability, have to be sent later).
- (v) Relevant officers, including the authors of reports, will normally be present at the meeting where such reports are to be considered, to give any supplementary advice, and answer members' questions. Where this is not possible for practical reasons, another officer with knowledge of the subject matter of the report will be present.
- (vi) Advice from officers, whether in writing or orally at the meeting, will strive to cover all of the following matters, where they are relevant to the decision:
- (a) The existence of legal powers available to the Authority, and the legal implications of the options available;
 - (b) The financial implications of the options available, including in relation to the Authority's approved budget and the financial constraints to which it is subject;
 - (c) Any implications in relation to personnel issues, such as recruitment, redundancy, and possible liabilities of the Authority;
 - (d) An assessment of the extent to which any proposals in the report are consistent with National Park purposes, the Authority's policies, and its strategic planning framework;
 - (e) A risk assessment of the options available; and
 - (f) The views of consultees.
- (vii) Individual Members, including Member Champions, do not take decisions on behalf of the Authority, and therefore this document does not, strictly, apply. Members may, however, be consulted by officers, for example in relation to a decision an officer has delegated power to take, or in the development of policy proposals which are to be put to Members collectively at a later date. In such circumstances, the Member concerned is entitled to expect appropriate information, briefings and support from officers, including in particular in relation to the issues set

out in paragraph 6 above, and also appropriate training and development, in order to contribute to the decision making process.

(viii) If Members feel that they do not have sufficient information on which to take or contribute to a decision, then it is recognised that the proper course of action is to defer the item of business in question, in order for the necessary information to be obtained.

September 2007