

NATIONAL PARK AUTHORITY

6th August 2014

Present: Councillor M James (Chair)
Mr A Archer, Councillor P Harries, Mrs G Hayward, Councillors S Hudson, O James, Mrs L Jenkins, B Kilmister, RM Lewis, PJ Morgan, R Owens and AW Wilcox, Mr AE Sangster, Mrs M Thomas and Councillor M Williams.

(NPA Offices, Llanion Park, Pembroke Dock: 10.00am – 12.20pm)

1. Apologies

Apologies for absence were received from Mr D Ellis, Ms C Gwyther and Councillor DWM Rees,

2. Disclosures of Interest

Councillor P Harries disclosed an interest in Item 43/14 Abercastle Harbour Foreshore Sub Lease (*Minute 15 refers*) and left the meeting while this matter was discussed.

3. Minutes

The minutes of the meetings held on the 11th June 2014 were presented for confirmation and signature.

Cllr. AW Wilcox wished it to be noted that he attended the National Park Authority (Ordinary) meeting held on 11th June in place of Councillor Mrs Alison Lee however his name had been omitted from those present.

Cllr R Owens wished it to be noted that his name was omitted from members of the Standards Committee in the National Park Authority (AGM) minutes for 11th June, 2014.

It was **RESOLVED** that the minutes of the meetings held on 11th June 2014 be confirmed and signed subject to the above.

4. Matters arising

Minute 4 – Provision of legal services (11th June 2014)

Referring to the above-mentioned Minute, the Chief Executive reported that Geldards would continue to deal with planning matters and would now also deal with any corporate legal matters. Any general queries would be dealt with by the South West Wales Legal Services Partnership.

NOTED



Minute 12 – Community Engagement Strategy (11th June 2014)

Referring to the above Minute, the Chief Executive reported that the Community Engagement consultation had been issued. This would be profiled at the Pembrokeshire County Show and meetings held in the Autumn to discuss.

NOTED

Minute 16 Welsh Government's Planning Project: Joint working of Pembrokeshire Coast National Park Authority and Pembrokeshire County Council Planning Services (11th June 2014)

The Chief Executive informed Members that Pembrokeshire County Council (PCC) were in the process of recruiting for a Head of Planning and it was envisaged that PCNPA would recruit for a similar post later in the year. In the interim a temporary part time Head of Development Management had been appointed.

NOTED

5. Development Management Committee – Report of Meetings

It was **RESOLVED** that the reports of the meetings of the Development Management Committee held on 21st May 2014, 9th June 2014, 11th June 2014 and 18th June 2014 be received.

6. Chief Executive Performance Review Panel – Report of meeting

It was **RESOLVED** that the report of the meeting of the Chief Executive Performance Review Panel held on the 27th November 2013 be adopted.

7. Operational Review Committee – Report of Meeting

It was **RESOLVED** that the report of the meeting of the Operational Review Committee held on 9th July 2014 be adopted.

8. Audit and Corporate Services Review Committee – Report of Meeting

It was **RESOLVED** that the report of the meeting of the Audit and Corporate Services Review Committee held on the 16th July 2014 be adopted.

Mrs M Thomas raised concerns about the way in which decisions were made to utilise reserves for capital projects. The Finance Manager stated that a quarterly report was presented to each meeting of the Audit & Corporate Services Review Committee where details of the Authority's reserves were considered. The Chief Executive explained that the Authority's adopted Financial Procedures authorised officers to allocate funding to projects provided that those procedures were complied with. However he went on to say that officers could review the procedures in



light of the concerns raised and would report back to members if appropriate.

Cllr P Morgan queried the current position on the Natural Resources Wales (NRW) building at Llanion. The Chief Executive advised that NRW missed the 10 Year Break Clause in the Lease and had decided to sell the Lease on. This was out of the control of the Authority.

Cllr M Williams queried the audit fee which he felt was extremely high. The Chief Executive confirmed that we would receive a breakdown of costs from the Wales Audit Office but this had not yet been received. The Finance Manager stipulated that Mr Richard Harries from the Wales Audit Office would be presenting an explanation with regard to the audit fee structure.

9. ISA 260 Report to those Charged with Governance

This item was removed from the Agenda as the Wales Audit Office had not issued their report in time for the meeting.

10. Improvement Plan 2013/14 Part 2

The Business and Performance Manager reminded Members that the Authority was required, under both the Local Government (Wales) Measure 2011 and the Wales Programme for Improvement, to publish the second part of its Improvement Plan by the 31st October 2014. This document reported on the progress made against the work programme proposed in Part 1 of the Improvement Plan for the year 2013/14.

It was **RESOLVED** that the Improvement Plan Part 2 for 2013/14 be approved.

11. Legislation to approve non-material amendments to existing planning permissions

The Head of Development Management advised Members that there was no formal procedure in place for planning authorities to agree minor or 'non-material' amendments to existing planning permissions. Section 73 of the Town and Country Planning Act 1990 enabled amendments to a planning approval to be sought through the submission of another planning application to vary the condition specifying those plans that the permission related to.

In light of the Government's measure to improve the planning application process in Wales a statutory procedure was to be introduced for the formal determination of 'non-material' amendments to existing planning permissions. On 7th July 2014 the Welsh Government advised that legislation had been made that would introduce this formal procedure and which would come into effect from 1st September 2014.



The changes would enable a specific type of application to be made for 'non-material' amendments to an existing planning permission. The application could be made either before, during or after the development had taken place. The Guidance Note suggested that planning authorities should use a series of tests to assess whether an amendment was material or not and these were based on scale, whether the proposed change would result in a detrimental impact, whether the interest of any third part or body would be disadvantaged in planning terms, and whether the change would conflict with national or development plan policies.

The procedure for making an application would be similar to that of any other application and attract a fee.

Consultation would be discretionary and there would be a 28 day period for determination unless an alternative time was agreed in writing.

The Head of Development Management advised that the proposals were welcomed and would have minimal resource implications for the Authority over and above those already attributed to such requests. The proposals would also provide a small income from fees and provide greater certainty for both developers and the Authority when monitoring development work.

Members queried the extra workload on the Planning Department however the Head of Development Management advised that this would not have a huge impact and a process would be put in place for dealing with the applications.

It was **RESOLVED** that the report in relation to the non-material amendments to existing planning permissions be noted.

12. Safeguarding of Children and Vulnerable Adults

The Discovery Team Leader advised Members that the safeguarding of children and vulnerable adults within its work was a priority concern for the Authority. The introduction of new provisions within the Disclosure and Barring Scheme had provided an ideal context to review and update the Authority's arrangements and this had been a cross-team project involving the Personnel, Discovery and Ranger Service teams. The safeguarding arrangements aimed to ensure that sound working practices were in place and were effective in managing risks for vulnerable groups, but would also protect staff and volunteers against wrongful or malicious allegations. They also guided staff on handling incidents.

Members queried the way in which this would be reported to them in order for them to ensure that the policy was being followed. The Discovery Team Leader advised key issues would be followed up and



reported through the Business and Performance Manager at future Audit & Corporate Services meetings.

Members queried the current whistleblowing policy as it was felt that this should go hand in hand with the Safeguarding Policy. The Chief Executive advised Members that there was a Whistleblowing Policy in place however this would be looked at and revised if necessary.

It was **RESOLVED** that the Safeguarding Policy Statement be approved.

13. Update and Progress Report on how the Authority is working with other National Park Authorities to generate commercial sponsorship

The Chief Executive advised as all 15 National Park Authorities (NPAs) had suffered cuts in funding from traditional sources over the previous three years this had resulted in a process of seeking alternative sources of funding and it was decided to investigate the feasibility of developing a new approach towards generating sponsorship.

At a National Parks UK meeting held on 11th June 2014 proposals were presented and agreed in principle by the Chairs of the 15 NPAs. These were to undertake brand evaluation work based on the “Britain’s Breathing Spaces” brand; to endorse the establishment of a new non-charitable Company which would be wholly owned by the 15 NPAs and run by Directors recruited from both within the National Park family and outside experts. An Ethics and Sponsorship policy was endorsed, which would provide a framework for the company to function and a Business Case proposed based on a £10,000 up front contribution from each NPA which sought to create a profit generating company from year 2.

The proposal required the Authority to contribute £10,000 during 2014-15 with the possibility of another £10,000 if there was a delay in implementing the Business Case.

It was **RESOLVED** that the Report be noted and participation of the Authority in this venture was endorsed.

14. Committee Membership

The Administration & Democratic Services Manager reminded Members that at the Annual General Meeting held on the 11th June 2014 membership of the Investigating and Disciplinary Committee, Grievance Committee and Appeals Committee had been deferred until such time as the Chairs and Deputy Chairs of the Authority and other relevant Committees had been appointed.

In addition it had become necessary to review the composition of the Continuous Improvement Group as this was made up of the Chairs of the



Authority and the three Review Committees, which had been superseded by the creation of the Audit & Corporate Services Review Committee and the Operational Review Committee.

She went on to say that, due to Councillor M Williams being elected Chair of the Audit & Corporate Services Review Committee, there was a need to appoint someone else as the named Member on the Standards Committee Appointments Panel.

It was **RESOLVED**:

- a) that the composition of the under-mentioned Committees be as follows:

Investigating and Disciplinary Committee

Cllr M James, Chair, National Park Authority

Mr A Archer, Deputy Chair, Audit & Corporate Services Review Committee

Ms C Gwyther

Councillor P Harries

Councillor R Owens

Grievance Committee

Cllr M Williams, Chair, Audit & Corporate Services Review Committee

Cllr RM Lewis, Deputy Chair, Development Management Committee

Mr D Ellis

Mrs M Thomas

Councillor A Wilcox

Appeals Committee

Mrs G Hayward, Chair of Development Management Committee

Mr AE Sangster, Deputy Chair, National Park Authority

Councillor Mrs Lyn Jenkins

Councillor PJ Morgan

Councillor D Rees

- b) Mrs Melinda Thomas replace Councillor Michael Williams on the Standards Committee Appointments Panel.

[Cllr Paul Harris left the room during the discussion of the next Item]

15. Abercastle Harbour Foreshore Sub Lease

The Estates Officer advised that the foreshore at Abercastle was held by the Authority under a lease dated 16th August 2002 from the Crown Estate. It provided a small number of moorings which had been managed at a local community level for many years. The management had been undertaken by the Abercastle Boat Owners Association which had recently changed its legal status to a Community Interest Company



Limited by Guarantee. A new contemporary foreshore sub lease to provide for the ongoing management of the moorings at a local level had recently been agreed so that the salient terms would mirror those at Newport, Solva and Porthclais.

The Estates Officer advised that this was considered an opportunity to provide long term stability for the future use and management of the moorings at Abercastle, reduced management costs for the National Park and the mechanism to ensure that future changes in rents, whether collected or paid by the Authority for the moorings at Abercastle, Newport, Solva and Porthclais mirrored each other and fell due on the same dates for as long as reasonably possible.

Cllr Lyn Jenkins enquired as to whether 100% of fees collected were passed on the Crown Estate and whether or not we charged an administration fee for this service. The Estates Officer advised that under the supplemental income element of the fee we could try to cover the cost of collection.

Members enquired as to the equality of access to moorings and also whether there were rules of residency involved however the Estates Officer advised that as the National Park was dealing with a community interest company limited by guarantee which had their own constitution such matters would be dealt with at local level.

It was **RESOLVED** that Officers be authorised to complete the documentation of a new lease to the Abercastle Boat Owners Community Interest Company on the terms summarised.

