

REPORT OF CHIEF EXECUTIVE

SUBJECT: REVIEW OF THE AUTHORITY'S COMMITTEE STRUCTURE

Purpose of the report

This paper invites Members to comment on the National Park Authority's current Committee structure.

Introduction

In February 2014 the Authority streamlined its Committee structure by replacing three Review Committees with two, namely Audit and Corporate Services Review Committee, and Operational Review Committee.

However, an overall review has not been undertaken since December 2010. Prior to that, the Committee structure had been in place since 2003.

Current Situation

In addition to the National Park Authority (NPA), the Authority operates 9 Committees:

- Development Management Committee (all Members);
- Audit and Corporate Services Review Committee (9 Members);
- Operational Review Committee (9 Members);
- Personnel Committee (9 Members);
- Sustainable Development Fund Committee (6 Members);
- Investigating and Disciplinary Committee (5 Members);
- Grievance Committee (5 Members);
- Appeals Committee (5 Members), and
- Standards Committee (3 Members plus 3 Independent Members).

There are also a number of Groups/Fora that are convened:

Employee Forum (6 Members plus 6 members of staff);
Member Development Strategy Working Group (3 Members);
Standards Committee Appointments Panel (4 Members plus 1 Lay Member), and
Member Strategy Task and Finish Groups (6 Members).

Where possible the membership of the above reflects the membership of the Authority, with two Members nominated by Pembrokeshire County Council to every one appointed by Welsh Government.

The Terms of Reference of each Committee/Group/Forum is appended to this report for information.

The future

As stated previously, an overall review of the Authority's Committee structure has not been undertaken since 2010. Bearing in mind that there will be some changes to the Authority's membership during 2017, it is appropriate to undertake a review by the current membership.

Considerations

Any specific financial, legal, staffing, risk or equality considerations would have to be considered in light of any decision to change the current structure.

RECOMMENDATION

Members' views are sought on the National Park Authority's current Committee structure.

Background document

Report No. 51/10 to National Park Authority meeting: 8th December 2010

Report No. 13/14 to National Park Authority meeting: 5th February 2014

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THE NATIONAL PARK AUTHORITY

The Authority is the repository of final authority and decision making. There are statutory requirements in various legislation for the Authority to formally resolve such matters as levy etc. The Authority is ultimately responsible in a custodial sense for establishing the final level of resources within which the various Committees can operate, and is responsible for Park property, capital assets and such like, and for the acquisition, assignment or disposal of the same. The Authority is the final determinant of corporate issues such as image, external communications and complaints (subject to the work of the Standards Committee).

The Authority's main functions are:

- To approve the development of the Authority's strategic corporate planning framework through the National Park Management Plan (every five years), the Unitary Development Plan (every five years), and the Business and Improvement Plan (annually). In developing the strategic framework the Authority will receive advice from the Advisory Groups.
- To determine all policy matters in support of its strategic planning objectives. The Authority may receive advice from the permanent Advisory Group and may also set up task and finish advisory groups to investigate and advise on specific matters.
- To determine all Service Standards, and the Authority's Welsh Language Scheme,
- To manage the Authority's resources ie finance, staffing and assets; and to approve the budget, levy, charges, and the Annual Accounts
- To ensure that the NPA complies with all legislation affecting its services.
- To determine membership of other committees, task & finish groups, working groups and advisory groups, within the NPA, and their terms of reference, and the Authority's representation on external bodies and organisations.
- To determine the delegation of the Authority's responsibilities to other committees of the Authority and when appropriate to the Chief Executive.

The Authority comprises all members and will meet at least 6 times a year.

DEVELOPMENT MANAGEMENT COMMITTEE

The Development Management Committee is responsible for carrying out the Authority's statutory planning functions in relation to the determination of applications, appeals and enforcement matters, and allied issues relating to development and the regulation of uses and activities.

The terms of reference of the Development Management Committee are:

- (a) Except where those powers and duties have been delegated by the Authority to one of its officers and subject to its decisions being in conformity with the Authority's approved statements and plans the Committee shall exercise, with power to act, all the powers and duties of the Authority relating to the consideration of planning, listed building and conservation area applications, notification schemes, tree preservation orders, the control of development and the enforcement of such control, and other consultation schemes where appropriate.
- (b) Where members resolve to take a decision, contrary to an officer's recommendation, which the Chief Executive (National Park Officer) (or in his absence the Head of Conservation) identifies as constituting a significant departure from an approved plan or policy of the Authority, or as otherwise having significant implications for the Authority, the decision shall be deferred until the next meeting of the Committee.

If, ultimately, the Committee's decision is contrary to the officer recommendation, there shall be taken a full minuted record of Members' reasons for rejecting the officer recommendation, together with a recorded vote. (*Policy Committee, 10/97*)

- (c) To receive reports from time to time from the Chief Executive (National Park Officer) and other officers on the exercise of any functions relating to the control of development which may have been delegated to them.
- (d) To deal with all matters relating to the designation and administration of Conservation Areas. (*Policy Committee 10/97*)

DEVELOPMENT MANAGEMENT COMMITTEE SITE INSPECTION PROCEDURES

- (a) The Authority's Member Services Officer will send a written invitation to every member of the Development Management Committee, enclosing a copy of the relevant Committee report.
- (b) The planning officer will obtain the owner's permission to enter the site, if necessary, and will invite consultees whose comments are pertinent to the planning issues under consideration (e.g. Highways, Environment Agency).
- (c) The planning officer will describe the application and outline the relevant policies and planning considerations.
- (d) Invited consultees will advise on relevant matters of fact.
- (e) The applicant and/or agent will be asked to answer any questions raised by Members at the meeting only.
- (f) The Chairman will bring the site inspection to a close.
- (g) Immediately before or after the formal site inspection it may also be appropriate for Members to view the site from other vantage points.

- (h) The Authority's Standing Orders will also apply generally over such matters as rule of debate.
- (i) The Chairman may adjourn the meeting at any time, in the event of disturbance to orderly conduct. (NPA 07/12/11)

AUDIT AND CORPORATE SERVICES REVIEW COMMITTEE (NPA 11/06/14)

Role

To exercise the powers and duties of the Authority in relation to the following functions:

1. Regulatory Framework
 - To monitor the Authority's performance against the National Park Management Plan
 - To oversee the production of the Annual Governance Statement and to monitor the Authority's performance against the associated Action Plan
 - To monitor the Authority's performance against the annual Strategic Grant Letter
 - To monitor performance against the Welsh Government's Standards relating to the Welsh language
 - To monitor performance against the Authority's adopted Service Standards
2. Audit Activity
 - To consider reports from the Wales Audit Office (e.g. the Annual Improvement Report, Annual Audit Letter) and to monitor the Authority's performance thereon
 - To consider reports from Internal Audit on the Authority's financial systems and controls
3. Finance
 - To consider quarterly reports on the Authority's financial performance and budgetary matters
 - To monitor the Authority's performance in relation to its Annual Statement of Accounts
4. Human Resources
 - To monitor the Authority's performance:
 - against its adopted HR policies
 - in relation to Health and Safety
5. Information Technology
 - To monitor the Authority's performance in relation to its Information Technology Strategy
6. Performance Management
 - To consider quarterly reports on the *Ffynnon* performance management system and to monitor the Authority's performance thereon

- To review the Authority's Risk Register in terms of Audit and Corporate functions and make any recommendations to the National Park Authority to change levels of risk
 - To consider reports of the meetings of the Continuous Improvement Group
7. Communications
- To monitor the Authority's performance in relation to Communications and Marketing
8. Other issues
- To review any issue referred to it by the National Park Authority, any of its Committees or the Chief Executive Officer
 - To determine an Authority response on any proposals that affect the National Park or the Authority, its powers, duties, functions and responsibilities, particularly but not exclusively, from central, regional or local government, neighbouring authorities, partnerships and other external bodies where the proposals are relevant to the functions of the Committee and where the Chief Executive considers that such response should be determined by the Committee

Mode of operation

The Committee will comprise 9 Members of the Authority (6 PCC and 3 WG), to be selected and/or confirmed at the Annual General Meeting each year

The Committee will meet on a quarterly basis and provide reports to the Authority on its performance

Note

The exercise of such powers and duties exclude:

- matters specifically reserved to be exercised by the Authority
- matters delegated to another Committee or Sub-Committee
- matters that the Chief Executive Officer considers should be referred to a meeting of the Authority for determination

OPERATIONAL REVIEW COMMITTEE *(NPA 11/06/14)*

Role

1. To monitor performance and make recommendations to the National Park Authority in relation to the functions of:

- Development Management
- Park Direction
- Park Delivery
- Discovery

unless already covered by the Audit and Corporate Services Review Committee

2. To review the Authority's Risk Register in terms of the functions of the services referred to in 1 above, and make any recommendations to the National Park Authority to change levels of risk

3. To review the Authority's financial performance in relation to the functions of the services referred to in 1 above
4. To review any issue referred to it by the National Park Authority, any of its Committees or the Chief Executive Officer
5. To determine an Authority response on any proposals that affect the National Park or the Authority, its powers, duties, functions and responsibilities, particularly but not exclusively, from central, regional or local government, neighbouring authorities, partnerships and other external bodies where the proposals are relevant to the functions of the Committee and where the Chief Executive considers that such response should be determined by the Committee

Mode of operation

The Committee will comprise 9 Members of the Authority (6 PCC and 3 WG), to be selected and/or confirmed at the Annual General Meeting each year. In addition, representatives of Amgueddfa Cymru-National Museum Wales may sit on the Committee (with no voting rights) when matters concerning Oriol y Parc are being considered

The Committee will meet on a quarterly basis and provide reports to the Authority on its performance

Note

The exercise of such powers and duties exclude:

- matters specifically reserved to be exercised by the Authority
- matters delegated to another Committee or Sub-Committee
- matters that the Chief Executive Officer considers should be referred to a meeting of the Authority for determination

PERSONNEL COMMITTEE

The Personnel Committee is responsible for all matters appertaining to the employment and use of staff by the Authority.

The terms of reference of the Personnel Committee are:

- (a) to make recommendations to the Authority as to policies which should be adopted with regard to the recruitment, employment, dismissal, conditions of service and training of its staff.
- (b) to keep under review the establishment, organisation and remuneration of the Authority's staff and to make recommendations to the Authority from time to time as to any changes which may be desirable.
- (c) to establish arrangements for and to conduct negotiations on behalf of the Authority with Unions representing the interests of its staff via the Employee Forum or any other negotiating arrangements.

- (d) to make appointments including the conduct of recruitment and selection procedures in accordance with the Authority's Human Resources Strategy, and to make any recommendations on the exercise of the appointments' function as may be deemed appropriate and relevant.

EMPLOYEE FORUM

Objectives

1. To provide a mechanism for formal collective staff involvement and representation with members.
2. To maintain open and collaborative employee relations within the Authority.
3. To receive items referred from the Health & Safety Group and Staff Representative Group.
4. To make recommendations to the Personnel Committee as to employment issues.
5. To consider any matter referred to it, or to discharge such functions assigned to it by the Authority or its Committees.

Membership

The Forum shall consist of 12 members. Composition as follows:

PCNPA Members	6	(4 Councillors, 2 WAG Appointed Members)
Staff/Unison Representatives	6	(plus full-time Unison officer(s))

Chair

A Chair and Vice-Chair shall be appointed by the Employee Forum at their first meeting in each civic year. Chair and Vice Chair will alternate between staff and members each year.

Any permanent vacancy on the Employee Forum shall be filled as it arises. Substitutes are allowable.

If a member of the Employee Forum ceases to be a member or employee of the National Park Authority, (s)he shall immediately cease to be a member of the Employee Forum.

Quorum

The quorum of the Employee Forum shall be three NPA Members (including 1 WAG Appointed Member) and three staff/union representatives.

Voting

The full-time union officers shall not have a vote, nor the Chair a casting vote.

Committee Reporting

The proceedings of any meeting of the Employee Forum shall normally be reported to the Personnel Committee.

Timing

The Employee Forum shall normally meet biannually and at least ten calendar days prior to a scheduled meeting of the Personnel Committee.

Procedure

Decisions will normally follow from discussion and debate, but if necessary to put to the vote, no resolution shall be regarded as carried unless it has been approved by a majority of the members present on each side.

It is accepted that no question of individual discipline, capability or promotion shall be within the scope of the Employee Forum.

Agenda Items

In order to maintain open and collaborative employee relations, staff and members are encouraged to bring forward items for the agenda (at least 10 days in advance of the meeting).

SUSTAINABLE DEVELOPMENT FUND (SDF) COMMITTEE

The Sustainable Development Fund (SDF) Committee is responsible for considering all applications for financial assistance/support in connection with the SDF and to monitor and review the scheme.

The Sustainable Development Fund is a Welsh Government initiative that aims:

“Through partnership, to develop and test ways of achieving sustainable development in a countryside of great natural beauty and diversity, in which the local characteristics of culture, wildlife, landscape, land use and community are conserved and enhanced”.

Committee Composition

Committee membership will be comprised of six Pembrokeshire Coast National Park Authority (“Authority”) Members and six Advisory Members who will serve for a period of four years. Advisory Members will be drawn equally from the Public, Business/Private and Voluntary/Community sectors. (Nominated substitute Members would only attend where a Full Member was unavailable).

Both the Chair and Deputy Chair will be elected from the six National Park Authority Members on the Committee. If the Chair is unable to be present, the Deputy Chair will preside. If neither the Chair nor the Vice-Chair are present, a Chair for that meeting shall be elected from the Authority Members present.

The SDF Administrator and other PCNPA Officers will advise and service the Committee as appropriate.

Quorum

The quorum of the SDF Committee shall be not less than three Authority Members, with at least one County Council-appointed and one Welsh Government-appointed Member being present.

Application Assessment

The Committee will consider all applications against criteria based on the scheme's objectives as set out by the Welsh Government.

In considering applications, the Authority Members on the Committee shall have regard to any recommendation made to it by the Advisory Members, drawing on their specific areas of knowledge and expertise to promote sustainable development.

Decision Process

Advisory Members will contribute to the decision making process and make a recommendation to Authority Members who are empowered to decide in each case:

- (a) whether an application should be awarded grant
- (b) the level of grant to be awarded
- (c) any conditions to which a grant is to be subject

In relation to applications not awarded grant the Committee will indicate why an application is not deemed suitable for support under the Fund, they may suggest amendments to the proposal and invite re-submission of an amended application, or may place an application on a "reserve" list.

Meetings

Meetings will be held as and when required.

Appeals procedure

An aggrieved applicant may lodge an appeal in accordance with the appeals procedure as set out within the SDF policy document. The appeal may be on the grounds of:

- i) a claim of incorrect procedure, or
- ii) a claim of incorrect decision

SCRUTINY COMMITTEE *(NPA 13/06/12)*

Role

1. To review existing policies and the effectiveness of their delivery in relation to the Authority's Corporate Strategy
2. To review proposed policies/decisions referred to the Committee by the three Review Committees (via the National Park Authority)
3. To review any other matter referred to the Committee by the National Park Authority
4. To make evidence-based recommendations to the National Park Authority and/or partners as appropriate

Mode of operation

The Committee will comprise 9 Members of the Authority, to be selected and/or confirmed at the Annual General Meeting each year

The Committee will co-opt external advisers to assist in the scrutiny process as necessary

The Committee will meet as necessary and provide reports to the Authority on its performance

Note

The exercise of such powers and duties exclude:

- matters specifically reserved to be exercised by the Authority, unless delegated to the Committee
- matters delegated to another Committee or Sub-Committee
- decisions taken where the full impact of that decision cannot as yet be correctly evaluated
- matters that the Chief Executive Officer considers should be referred to a meeting of the Authority for determination

INVESTIGATING AND DISCIPLINARY COMMITTEE *(NPA 23/10/13)*

Composition

5 Members, comprising 3 County Council and 2 Welsh Government Members

Members cannot be Members of the Grievance Committee or Appeals Committee.

Quorum

3 Members (2 County Council and 1 Welsh Government Member)

Remit

To consider and determine matters relating to the following issues in accordance with agreed procedures as fall to it to make under those procedures, including:

- (a) the consideration of any disciplinary action being taken against a Chief Officer (i.e. Chief Executive, Section 151 Officer or Monitoring Officer) on the grounds of misconduct, or if there is any other proposal to dismiss them for any reason other than redundancy, permanent ill health or the expiry of a fixed term contract (unless the Authority has undertaken to renew that fixed term contract);
- (b) the consideration of any allegation against a Chief Officer personally, whether or not the matter has been raised by the employee under the Authority's grievance procedure;
- (c) the appointment of a Designated Independent Person to undertake the initial investigation;
- (d) the receipt and consideration of the report of the Designated Independent Person with a view to either:
 - (i) determining whether any further action (short of dismissal) is necessary and, if so, what action, or
 - (ii) recommending to the Authority that the Chief Officer concerned be dismissed.
- (e) the consideration of a grievance raised by a Chief Officer relating to a case of disciplinary proceedings against him/her.

GRIEVANCE COMMITTEE (NPA 23/10/13)

Composition

5 Members, comprising 3 County Council and 2 Welsh Government Members

Members cannot be Members of the Investigating and Disciplinary Committee or the Appeals Committee

Quorum

3 Members (2 County Council and 1 Welsh Government Member)

Remit

To consider and determine matters relating to the following issues in accordance with agreed procedures as fall to it to make under those procedures, including:

To consider:

- (a) an appeal from a member of staff who has brought a grievance against a Chief Officer, but whose grievance has not been upheld by the initial investigating officer;
- (b) to consider any unresolved remedial action proposed by the initial investigating officer following a grievance brought against a Chief Officer being upheld, or
- (c) a grievance brought by a Chief Officer against a Member.

To determine:

- (a) whether the grievance can be upheld and, if so:
 - (i) to determine how the matter can best be resolved to the satisfaction of the aggrieved employee, or
 - (ii) in the case of an aggrieved employee, to refer the matter to the Investigating and Disciplinary Committee if the matter is considered to be of such a serious nature, or
 - (iii) in the case of an aggrieved Chief Officer, to refer the matter to the Standards Committee for consideration.
- (b) whether the grievance can be dismissed.

APPEALS COMMITTEE (NPA 23/10/13)

Composition

5 Members, comprising 3 County Council and 2 Welsh Government Members

Members cannot be Members of the Investigating and Disciplinary Committee or the Grievance Committee

Quorum

3 Members (2 County Council and 1 Welsh Government Member)

Remit

To consider and determine matters relating to the following issues in accordance with agreed procedures as fall to it to make under those procedures, including:

To consider:

- (a) an appeal against dismissal from a member of staff other than a Chief Officer, and
- (b) an appeal against action short of dismissal from a Chief Officer.

STANDARDS COMMITTEE

- (a) to keep under review the Authority's Code of Conduct and to make recommendations to the Authority as to any changes it considers desirable;
- (b) to monitor the operation of the Authority's Code of Conduct;
- (c) to provide advice and training for Members of the Authority on matters relating to its Code of Conduct;
- (d) to consider any reports relating to Members of the Authority issued by the Monitoring Officer under Section 70 (4) or by the Local Commissioner for Wales under Section 71 (22) (b) of the Local Government Act 2000 and any recommendations of the Adjudications Panel for Wales and to take such action thereon as it considered appropriate;
- (e) to receive and take action on any reports issued to it by a Case Tribunal under Section 79 of the Act;
- (f) to consider and make recommendations to the Authority as to the actions which should be taken on any report from a Case Tribunal under Section 80 of the Act;
- (g) to consider requests from Members of the Authority for dispensations under the Standards Committee's (Grant of Dispensations) (Wales) Regulations 2001,
- (h) the monitoring of the Authority's complaints procedure in relation to allegations of maladministration and the making of recommendations thereto (*NPA 17/01/07*) and
- (i) to make recommendations to the Authority from time to time with regard to any proposed additions to or revisions of these Terms of Reference.

MEMBER STRATEGY TASK AND FINISH GROUPS (*NPA 06/05/15*)

Role/purpose

The role of the Task and Finish Group to be determined by the Authority.

Membership

To comprise:

6 Members of the Authority, on a 2:1 ratio of Pembrokeshire County Council (PCC) and Welsh Government (WG) Members.

The Chief Executive to nominate relevant officers.

Members to determine Chairmanship at the inaugural meeting.

The membership to last until the Task and Finish Group has completed its task.

Quorum

include at least two PCC and one WG Member.

Accountability

The Task and Finish Group is of an advisory nature and will report its findings to the National Park Authority by the set deadline.

Mode of operation

Meetings will be arranged as and when necessary.

Date of issue: June 2008

Amended: December 2011

SDF ToR amended: March 2012

Scrutiny Committee ToR added: June 2012

Investigating and Disciplinary Committee, Grievance Committee and Appeals Committee ToR added: October 2013

Member Strategy Task and Finish Groups ToR added: May 2015