

24th September 2021

PROTOCOL FOR NATIONAL PARK AUTHORITY NOMINATIONS

Purpose

1. To seek endorsement of an updated protocol to govern nomination of Members onto National Park Authorities (NPAs).

Background

2. In March 2017 WLGA Council agreed a protocol to govern the nomination of local authority Members onto the three National Park Authorities (NPAs) in Wales [Protocol](#). It updated a version originally drafted back in 2008.
3. The 2017 WLGA Council report noted that:

"The protocol identifies principles to inform the selection process including merit, equal opportunities, transparency, representation from across the NPA area and commitment to National Park purposes. However, Sections 15 and 16 of the Local Government and Housing Act 1989 also require local authorities to appoint County Councillors in accordance with their political balance. In practice, the political balance requirement makes this is a matter for group leaders and their political groups. This tends to limit the extent to which the principles can inform decisions. Consequently, NPAs can find they have Members nominated who are from outside the Parks and, in some cases, who have limited knowledge of the issues being dealt with by them".

Any change to the political balance requirement would require primary legislation.

4. The report added that whilst the updated protocol did not address the above issue explicitly:
 - in nominating representatives, Group Leaders were encouraged to consider the principles in the protocol and role descriptions developed by the WLGA
 - this could be supplemented by the usual induction and training NPAs undertake with new members
 - there could be a requirement on members who are appointed to report back to their authority.
5. The report also acknowledged that NPA nominations are not considered in isolation by local authorities. Generally, councils are deciding simultaneously on

appointments to other outside bodies. On the one hand, having clear procedures and expectations in relation to all external appointments has merit (e.g. ensuring appropriate induction training and reporting back arrangements). On the other hand, any requirements introduced in relation to NPAs should not set a precedent and create demands which, if replicated across all external bodies, would become unsustainable. That could create issues not just for authorities with NPA representative but for *a//* local authorities.

Updated protocol

6. Bilingual copies of the updated protocol are attached at Appendix 1. The main changes proposed are as follows:
 - The term 'protocol' is used explicitly to indicate this is an agreed document (instead of 'guidance' in the earlier versions)
 - The principles have been brought forward in the document, so they appear before the legal framework
 - Instead of listing the key principles, which could suggest a rank order, they have been shown diagrammatically to indicate equal importance. '*Commitment to National Park purposes*' has, however, been put at the heart of the diagram
 - '*Passion for the Environment: the outdoors and people who shape it*' has been added as a new principle
 - '*Close connection to Park communities*' has been included as a principle (replacing the more ambiguous terms 'Electoral wards' and 'Main Park communities' included as principles in the current version)
 - '*Equality and diversity*' have replaced 'equal opportunities', with some updated wording
 - In the legal framework section, a correction has been made (Schedule 7, para 2 (4) is from the Environment Act 1995, not the Local Government and Housing Act 1989 as stated in the current version)
 - The section on 'Attendance' has been expanded to 'Attendance, Accountability and Performance'. The annual payment arrangement has been corrected (it is based on 44 days, not 42 as stated in the previous version). The section refers to appointed members having '*a strong commitment to undertake necessary training and development and an annual Performance Development Review*'
 - A short new section on 'Promotion of the Protocol' has been added, to encourage all parties to raise the profile of the protocol and improve understanding of NPA members' roles.
7. The suggested changes to the protocol have been the subject of discussion between officers of Welsh Government, the three National Park Authorities and WLGA. Welsh Government has also discussed the changes separately with the IPRW, who are party to the agreement. It is now being brought to Leaders for political approval.

Recommendations

8. Members are asked to:

- 8.1 Approve the updated protocol and agree to adhere to the contents.**

Author: Tim Peppin, Director of Regeneration and Sustainable Development
E-mail: tim.peppin@wlga.gov.uk



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PROTOCOL I AWDURDODAU LLEOL AR GYFER DEWIS CYNGHORWYR I FOD YN AELODAU O AWDURDODAU PARCIAU CENEDLAETHOL (DIWEDDARWYD 2021).

Cyflwyniad

1. Mae'r protocol hwn yn esbonio'r prif egwyddorion y dylai Awdurdodau Lleol eu hystyried wrth ddewis Cynghorwyr Sir i fod yn aelodau o Awdurdodau Parciau Cenedlaethol yng Nghymru.
2. Cafodd y Protocol ei Ddatblygu gan Lywodraeth Cymru gyda chymorth Cymdeithas Llywodraeth Leol Cymru (CLILC), Panel Annibynnol Cymru ar Gydabyddiaeth Ariannol (IRPW) ac Awdurdodau'r tri Pharc Cenedlaethol. Mae Llywodraeth Cymru yn annog Awdurdodau Lleol yn gryf i ystyried y canllawiau hyn a chysylltu ag Awdurdodau'r Parciau Cenedlaethol cyn gynted â phosibl er mwyn sicrhau bod y penodiadau gorau'n cael eu gwneud i'r rolau pwysig hyn.

Y prif egwyddorion wrth ddewis

3. Wrth ystyried pa Gynghorwyr Sir i'w dewis i fod yn aelodau o Awdurdodau'r Parciau Cenedlaethol, dylai awdurdodau lleol ystyried yr egwyddorion canlynol:



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- **Ymrwymiad i ddibenion y Parc Cenedlaethol** – yn ogystal ag ymrwymo i werthoedd ac egwyddorion ymddygiad cyffredinol mewn gwasanaethau cyhoeddus wrth gyflawni eu dyletswyddau, dylai Cyngorwyr sy'n cael eu hystyried ar gyfer eu dewis a'u penodi ymrwymo hefyd i ddyletswydd a dau ddiben statudol Awdurdodau'r Parciau Cenedlaethol ac amcanu at weithio er budd y Parc Cenedlaethol yn ei gyfanrwydd. Mae cael eich dewis fel aelod o Awdurdod Parc Cenedlaethol yn benodiad i Awdurdod ar wahân ac felly bydd angen ymroi i ysgwyddo rhwymedigaethau'r swydd honno'n llwyddiannus;
- **Angerdd dros yr Amgylchedd, yr awyr agored a'r bobl sy'n ei ffurfio** - yn ogystal ag ymrwymo i ddibenion y Parc, byddai'n dda o beth i ymgeiswyr fod yn angerddol dros ddysgu a deall y problemau a'r heriau sy'n wynebu ein hamgylchedd naturiol, ein heco-systemau a'n cynefinoedd; a chydabod pwysigrwydd y bobl sydd wedi ei ffurfio ac a fydd yn ei ffurfio;
- **Teilyngdod**– dylai pob dewis fod yn seiliedig ar deilyngdod, gydag unigolion yn cael eu dewis ar sail eu galluoedd, eu profiadau bras, eu rhinweddau a'u hymrwymiad o safbwynt gwaith strategol Awdurdod y Parc Cenedlaethol, gan roi ystyriaeth lawn i'r disgrifiad o rôl aelodau Awdurdod y Parc Cenedlaethol (sydd ar gael gan yr



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Awdurdod dan sylw). Dylid rhoi ystyriaeth ddigonol i sicrhau bod y Cynghorwyr yn meddu ar y sgiliau angenrheidiol, neu'r gallu i'w datblygu, i gyfrannu'n effeithiol at lywodraethiant da Awdurdod y Parc Cenedlaethol;

- **Cydraddoldeb ac Amrywiaeth** – mae ein Parciau Cenedlaethol wedi ymrwymo i adlewyrchu ystod fwy amrywiol o bobl yn eu penodiadau a helpu darpar ymgeiswyr er mwyn iddynt allu cynnig eu hunain. Dylai'r broses ddewis gydymffurfio'n llwyr ag egwyddorion cyfle cyfartal ac ni ddylai fod unrhyw rwystrau i gynyddu amrywiaeth yr aelodaeth. Nodir bod hanes o anghydbwysedd rhwng dynion a menywod ar Awdurdodau'r Parciau Cenedlaethol;
- **Tryloywder** – dylai'r Awdurdodau Lleol fod yn barod i rannu manylion y broses ddethol a ddilyni'r â rhanddeiliaid allweddol;
- **Perthynas agos â chymunedau'r Parc** – yn unol â'r ddeddfwriaeth, dylid rhoi blaenoriaeth i ddewis y Cynghorwyr hynny sy'n cynrychioli wardiau sy'n gyfan gwbl neu'n rhannol o fewn ffin y Parc Cenedlaethol dan sylw. Dylid osgoi dewis Cynghorwyr sy'n cynrychioli wardiau etholiadol sydd gryn bellter o'r Parc os medrir. Dylid hefyd ystyried dymunoldeb sicrhau cynrychiolaeth deg o bob rhan o ardal y Parc.
- **Sefydlogrwydd** - wrth ddewis Cynghorwyr i fod yn aelodau o Awdurdod Parc Cenedlaethol, mae angen ystyried a fyddant yn debygol o allu aros yn y swydd am y tymor etholiadol. Mae gorfod penodi aelodau newydd yn ystod y tymor etholiadol yn cael effaith drom ar Awdurdodau'r Parciau Cenedlaethol.

Y Fframwaith Cyfreithiol

4. O dan Atodlen 2 o Orchymyn Awdurdodau Parciau Cenedlaethol (Cymru) 1995, penodir dwy ran o dair o aelodau'r Awdurdodau Parciau Cenedlaethol gan Awdurdodau Lleol i gynrychioli buddiannau lleol. Penodir y traean arall gan Weinidogion Cymru i gynrychioli'r budd cenedlaethol yn y Parciau.

Mae adrannau [15](#) ac [16](#) o Ddeddf Llywodraeth Leol a Thai 1989 yn ei gwneud yn ofynnol i'r Awdurdodau Lleol ystyried hefyd cydbwysedd gwleidyddol yr Awdurdod Lleol unigol wrth benodi Cynghorwyr Sir. Yn ogystal, mae [Atodlen 7, paragraff 2 \(4\) o Ddeddf yr Amgylchedd 1995](#) yn ei gwneud yn ofynnol iddynt roi sylw i ddymunoldeb penodi Cynghorwyr sy'n cynrychioli wardiau sydd wedi eu lleoli'n gyfan gwbl neu'n rhannol o fewn y Parc dan sylw.

Mae'r darpariaethau cyfreithiol hyn yn rhoi'r fframwaith ar gyfer yr egwyddorion dewis. Wrth ddewis Cynghorwyr i fod yn aelodau o Awdurdod Parc Cenedlaethol, bydd angen i'r Awdurdod sy'n penodi fodloni'r gofynion cyfreithiol sy'n gysylltiedig â dewis a sicrhau cydbwysedd yn y pwyslais ar roddir ar yr egwyddorion unigol. Mae Llywodraeth Cymru yn cydnabod efallai na fydd yn bosibl bodloni'r egwyddorion yn llawn bob tro.

Presenoldeb, Atebolrwydd a Pherfformiad

5. Yr IRPW sy'n pennu'r taliadau a delir i aelodau Awdurdodau'r Parciau Cenedlaethol. Ar hyn o bryd telir taliad blynyddol sy'n seiliedig ar fewnbwn gan aelodau o 44 diwrnod.



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Disgwylir i bob aelod fod yn bresennol yn o leiaf 75% o gyfarfodydd Awdurdod y Parc. Bydd Awdurdod y Parc yn monitro presenoldeb aelodau ac yn rhoi gwybod i'r IRPW.

P'un a ydynt wedi eu penodi gan Weinidogion Cymru neu gan Awdurdodau Lleol, bydd gan bob aelod statws cyfartal ar Awdurdod y Parc, byddant yn atebol iddo a rhoddir yr un gwerth i bob barn. Disgwylir i Aelodau ymdrin yn rhagweithiol â busnes Awdurdod y Parc Cenedlaethol, cyfrannu at lywodraethu da a rhoi arweiniad ar y cyd i gefnogi swyddogion. Mae hyn yn cynnwys paratoi'n drylwyr, craffu'n hyderus a chyfrannu'n llawn mewn cyfarfodydd.

Dylent ymrwymo i ymgymryd â'r hyfforddiant a'r datblygiad angenrheidiol ac ag Adolygiad Datblygu Perfformiad personol blynyddol, a rhaid iddynt gymryd rhan ystyrlon yn yr adolygiadau o Awdurdod y Parc a'i effeithiolrwydd wrth gyflawni ei ddiben.

Hyrwyddo'r Protocol

6. Dylai Awdurdodau'r Parciau Cenedlaethol, CLILC a Llywodraeth Cymru annog Awdurdodau i ddeall a dilyn y Protocol hwn cyn gwneud penderfyniadau i benodi Cynghorwyr i Awdurdodau'r Parciau Cenedlaethol. Dylent chwilio am gyfleoedd i godi proffil a dealltwriaeth o rolau aelodau'r Awdurdodau ymhlith Cynghorwyr a swyddogion Awdurdodau Lleol, er mwyn sicrhau bod yr ymgeiswyr mwyaf priodol yn cael bod yn aelodau o Awdurdodau'r Parc Cenedlaethol.

Adolygu'r Protocol

7. Bydd cynnwys y canllawiau hyn yn cael ei adolygu gan Lywodraeth Cymru, CLILC, Panel Annibynnol Cymru ac Awdurdodau'r Tri Pharc Cenedlaethol flwyddyn cyn etholiadau nesa'r Cyngor Sir.



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PROTOCOL FOR LOCAL AUTHORITIES ON SELECTION OF COUNCILLORS TO SERVE AS MEMBERS OF NATIONAL PARK AUTHORITIES (UPDATED 2021)

Introduction

1. This protocol provides key principles for Local Authorities on selecting County Councillors to serve as members of National Park Authorities (NPAs) in Wales.
2. It has been developed by the Welsh Government with the Welsh Local Government Association (WLGA), the Independent Remuneration Panel for Wales (IRPW) and the three NPAs. The Welsh Government strongly encourage Local Authorities to review this guidance and engage with NPAs at the earliest opportunity so as to ensure the best appointments are made to these important roles.

Key principles of selection

3. In considering County Councillors for appointment to the NPA Local Authorities should consider the following key principles of selection:





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- **Commitment to National Park purposes** – in addition to being committed to the overall values and principles of conduct in public service in performing their duties, Councillors being considered for selection and appointment should be committed to the two statutory purposes and duty of the NPAs and aim to perform their duties in the interests of the National Park as a whole. Being selected as a NPA member is an appointment to a separate Authority and as such will require dedication to successfully fulfil the obligations attached to the position;
- **A Passion for the Environment; the outdoors and people who shape it** — as well as being committed to the Park's purposes, it would be very beneficial if candidates should share a passion for learning and understanding the issues and challenges facing our natural environment, eco-systems and habitats; and recognise the importance of the people who have and will shape it;
- **Merit** – all selections should be based on merit, with individuals chosen on the basis of their abilities, broad experiences, qualities and commitment in relation to the strategic work of NPAs and with full regard to the NPA member role description (available from the relevant NPA). Adequate consideration should be given to whether the Councillors possess, or can develop, the necessary skills to contribute effectively to good governance of the NPA;
- **Equality and Diversity** – our National Parks are committed to reflecting a more diverse range of people in their appointments and supporting potential applicants to enable them to come forward. Selection should be fully in line with the principles of equal opportunities and there should be no barriers to increasing the diversity of membership. It is noted there is a history of an imbalance of men compared to women on the NPAs;
- **Transparency** – the Local Authorities should be prepared to share with key stakeholders information on the selection process followed;
- **Close connections to Park communities** – in accordance with the legislation the aim should be to give priority in selection to those Councillors who have wards wholly or partly within the relevant National Park boundary. Selection of Councillors with electoral wards some distance away from the Park should be avoided where possible. Account should also be taken of the desirability of achieving equitable representation from across the Park area
- **Providing stability** - when selecting Councillors for NPA membership, consideration of whether they are likely to be able to fulfil the position for the electoral term should be made. There is a significant impact on NPAs when replacement members have to be appointed during an electoral term.



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Legal framework

4. Under Schedule 2 of the National Parks Authorities (Wales) Order 1995, two thirds of the members of the NPAs are appointed by Local Authorities to represent local interests. The other third are appointed by the Welsh Ministers to represent the national interest in the Parks.

Sections [15](#) and [16](#) of the Local Government and Housing Act 1989 also require the Local Authorities to appoint County Councillors according to the political balance of the individual Local Authority. In addition, [Schedule 7, paragraph 2 \(4\) of the Environment Act 1995](#) requires them to have regard to the desirability of appointing Councillors to NPAs with wards wholly or partly situated within the relevant Park.

These legal provisions provide the framework within which the principles of selection can be considered. In selecting Councillors to serve as members of the NPA, the appointing Authorities will need to satisfy the legal requirements associated with selection and balance the overall weight to be given to the individual principles. The Welsh Government recognises it may not be possible in every case to meet the recommended principles in full.

Attendance, Accountability and Performance

5. The IRPW determines the payments made to NPA members. Currently this is an annual payment based on an input from members of 44 days. There is an expectation all members achieve, at the very least, attendance of 75% at Park Authority meetings. Member attendance is monitored by each Park Authority and reported to the IRPW.

Whether appointed by Welsh Ministers or by Local Authorities, all members have equal status on, and are accountable to, their Park Authority and their opinions will be equally valued. Members are expected to engage proactively with the business of the NPA, contribute to good governance and provide collective leadership in support of officers. This includes being well prepared, confident to engage in scrutiny and fully contributing in meetings.

They should have a strong commitment to undertake necessary training and development and an annual personal Performance Development Review, and must engage meaningfully in reviews of the Park Authority and its effectiveness in delivering its purpose.

Promotion of Protocol

6. National Park Authorities, WLGA and Welsh Government should proactively encourage Authorities to understand and observe this Protocol in advance of decisions being taken to appoint Councillors to NPAs. They should seek opportunities to raise the profile and understanding of NPA members' roles with Councillors and Local Authority officers, to ensure the most appropriate candidates are able to serve on NPAs.

Review of Protocol

7. The contents of this guidance will be reviewed by the Welsh Government, the WLGA, the IRPW and the three NPAs one year before the next County Council Elections.