

CONSULTATION ON DIRECT ELECTIONS TO ENGLISH NATIONAL PARKS AND BROAD AUTHORITIES

1. INTRODUCTION

- 1.1 The Department for Environment Food and Rural Affairs has issued a consultation document about the membership of National Park Authorities. The Ministerial foreword is attached (Appendix A) and the full document can be found at www:/defra.gov.uk/corporate/consult/np-directelections/index.htm. The closing date for comment is 28 November.
- #

2. DETAIL

- 2.1 Although the consultation in theory covers the whole question of the composition of National Park Boards, it is clear from the Ministerial foreword that the main proposal is “about whether directly elected members could usefully replace or supplement the parish members, or perhaps the local authority members”.
- 2.2 While the principle of greater local democratic leadership of National Parks is very much supported, there are very strong arguments that the tinkering proposed would only weaken local influence, and increase rather than reduce the democratic deficit. In the case of at least the New Forest National Park, there is a very good case to bring in more radical reform, and introduce a tailor made solution which would better meet the needs of the New Forest and its communities.
- # 2.3 A proposed response to the consultation document is attached at Appendix B to this report.

3. CRIME AND DISORDER, ENVIRONMENTAL, EQUALITY AND DIVERSITY AND FINANCIAL IMPLICATIONS

- 3.1 There are none arising directly from this report.

4. RECOMMENDATIONS

- 4.1 That Cabinet agrees the response to the DEFRA consultation document as set out in Appendix B to this report.

For Further Information Contact:

Dave Yates
Chief Executive
Tel (023) 8028 5477
E-mail: dave.yates@nfdc.gov.uk

Background Papers:

None

FOREWORD

The National Park and Broads Authorities make up a unique category of organisation.

This is because they have both a national responsibility to look after our finest, iconic landscapes, and also a local responsibility to the people who live and work within their areas.

To reflect that challenging combination of responsibilities, special membership arrangements were devised for them. These ensure that they have members who approach National Parks from a national background, serving alongside members drawn from a local background. And in the case of the Broads, members who approach from the navigation perspective too.

Of course all members, once appointed, are expected to act solely in the interests of the area and its Authority and not simply as delegates or representatives for those who appointed them. But by recruiting members from these different spheres, we ensure that in its debates the Authority will have available to it an awareness of both the national context and the local implications (and, in the Broads, of the navigation issues). This is particularly important given their planning functions.

This combination of members seems to be working well. No one grouping has a dominant position, important links are made with constituent local authorities, and the work of National Parks has continued without interference from party politics. Neither Defra's 2002 Review, nor the performance assessments carried out in 2005 on individual authorities, challenged the underlying approach to membership.

Of course there have been some changes over the years –in 2006 the primary legislation was made more flexible, in 2007 we reduced the overall size of authorities, and we are currently consulting on some changes in Northumberland to reflect the arrival of unitary local government in that area. But these have been refinements not fundamental changes.

Nevertheless we are aware that different solutions have been found elsewhere in the U.K. – in particular, in Scotland the National Park Authorities have directly elected members rather than parish (or community) council members. And it was the Scottish model which the House of Commons Committee for the Broads Authority Bill picked up on when it said that :

“We note that the National Parks (Scotland) Act 2000 set out in its framework for the constitution of a National Park that a minimum of 20 per cent of members of the National Park Authority were to be elected in a poll by those on the local government electoral register within the Park area. A similar model should be considered for the Broads Authority.”

In deference to the Committee's views, I announced in the third reading debate of the Broads Bill that I would invite views on whether direct elections were appropriate for the Broads Authority and for its colleague National Park Authorities.

That does not imply that I wish to see directly elected members (nor, indeed, that I am opposed to the concept). I simply think that it is timely to re-consider whether our existing system remains the best approach and before forming my own view I wish to know what others think. As I told the House :

"In the case of the two national parks in Scotland—the Cairngorms national park and the Loch Lomond and the Trossachs national park—a percentage of authority members are directly elected. That appears to work well. I do not want us to lose the opportunity to have that discussion. It has been suggested that such a scheme be piloted in the broads, but we know that the process has worked well in Scotland, so one could say that there has already been a pilot.

I want to look at the issue across the piece, because it is not only the Broads Authority that is affected. I want to understand the views of the other park authorities in England, and the views of the many people who have an interest in our national parks. The parks are not just local; they are national treasures. My constituents in Chatham have as much right to a say on how the parks are formed as someone who lives in the Lake district, for example.

As a number of hon. Members have said, the Bill is not the appropriate vehicle to change the constitution of the Broads Authority. As I have signalled, I want to look at this across the piece to take account of the other national parks in England. I will therefore issue a consultation on the future of the constitution and the composition of the Broads Authority and other park authorities in England. I will advise the House when I intend do so. There will not be long delays, and I hope that I can issue something over the summer period."

I emphasise that the Government remains committed to the principle of mixing national and local (and in the Broads, navigation) members. This consultation is about whether – in principle – any of those groups could be better selected by election than by the current arrangements.

And in reality (because of the size of the task which would be involved in electing 'national' members) this paper is mainly about whether directly elected members could usefully replace or supplement the parish members, or perhaps (though this would go significantly beyond what has been done in Scotland) the local authority members and, in the Broads, the members drawn from the Navigation Committee..

If in the light of the responses, the Government were to decide to proceed with direct elections then there would be a further consultation setting out precise proposals for each Authority and addressing a number of operational and resource matters. But at this stage I invite you to express your views on the general principle. The National Park and Broads authorities play a vital role in our society, it is important that they operate as effectively as possible, and this consultation is part of ensuring that we have the best arrangements in place at all times.

Jonathan Shaw M.P.

Minister for Marine, Landscape and Rural Affairs and Minister for the South-East

PROPOSED RESPONSE TO DEFRA CONSULTATION

Thank you for the opportunity to comment on your review of the membership arrangements for National Parks and the Broads Authority.

New Forest District Council supports the idea of changing the current arrangements, and very much welcomes the concept of increasing local democratic input into these bodies. We entirely endorse the principle which you put forward that “Those who are democratically elected have a legitimacy which no appointee can have”.

However, we are disappointed that the only proposal which seems to be suggested is to replace democratically elected parish or local authority members with directly elected members.

Our authority has grave concerns about the introduction of direct elections here and in other current Government proposals, for example the recent Green Paper on Policing. As acknowledged in your report these single purpose elections increase the risks of encouraging individuals with narrow personal goals. They also bring in additional expense. However, our greatest concern is that the proliferation of such elections will cause unnecessary confusion and duplication when there are already properly elected Parish, District and County Councillors with full democratic mandates for the community leadership of their areas. Proposals for special elections for particular functions rather than reducing the democratic deficit are much more likely to increase it, and undermine confidence in local governance.

We believe that a more radical re-think is in order. An example of the problems caused by the lack of democratic accountability in National Park Authorities is the recent criticism of the New Forest National Park Authority. The publication of its draft Core Strategy and Management Plan has led to massive criticism including public meetings, rallies and the formation of protest groups. Its proposals are out of touch with the needs of the New Forest population and the views of elected politicians are not being heard.

This would have been avoided if the New Forest Park had been created with a tailor made constitution as recommended by all of the locally elected councils from the early 1990's onwards. This would have provided for a representative membership of a statutory co-ordinating body, whilst also retaining local accountability through existing local authorities continuing to carry out all of their statutory responsibilities within the Park. This proposal would have recognised the unique circumstances of the New Forest, including the statutory protections, the range of existing management organisations, the location of the vast majority of the park in one local authority area and the substantial population (34,000) that lives within its boundaries. Instead a standard 1949 Act model was imposed in the New Forest and this is now creating widespread dissatisfaction.

Sadly our concern that the introduction of an organisational model developed over fifty years ago for very different geographical areas would now result in additional and unnecessary bureaucracy and cost has been realised.

The purpose of this example is to illustrate the problems created by the lack of adequate democratic accountability in a newly created National Park. This will not be solved by the very limited measures proposed in this consultation paper. What is required is radical reform which might well include the use of tailor-made arrangements in circumstances where local conditions justify it.