

GOVERNANCE OF NATIONAL PARK AUTHORITIES (NPAs)

1. INTRODUCTION

- 1.1 The Government (Defra) is proposing changes to the governance of the English National Parks. It issued an initial consultation paper at the end of 2010, and its response following the consultation was published on 13 September 2011. The response included provision for pilot elections for some members of the New Forest and the Peak District NPAs.
- 1.2 A number of the Government's proposals for the way forward involve changes in primary legislation. The proposed changes must go through a statutory 12 week consultation before parliamentary approval can be given. The Government has now published a new consultation document : <http://www.defra.gov.uk/consult/files/20120308-national-park-consult-doc.pdf> with a closing date of 31 May 2012, on the proposed changes as they would relate to all National Parks.
- 1.3 This current consultation does not deal with the proposals for the pilot arrangements in the New Forest and the Peak District NPAs as these will be dealt with by subsequent Statutory Instruments (which in turn have to be preceded by their own consultation later in 2012), neither does the current consultation deal with operational issues relating to the pilot elections planned for 2 May 2013.

2. PROPOSED CHANGES TO MEMBERSHIP OF NPAs

- 2.1 The changes proposed by Defra are:
- making it possible for National Park authorities to include some directly elected members
 - removing the need for the Secretary of State to appoint parish members
 - relaxing the political balance requirement on local authorities when appointing their members to a National Park authority
 - making it possible to allow parishes in some National Parks (to be specified) to choose non-councillors for their seats
 - applying a maximum length of service of 8 years
- 2.2 The questions posed in the consultation, together with suggested responses, are set out in Appendix 1. The Cabinet is requested to consider these and to make any changes considered appropriate.

3. PILOT ELECTIONS TO THE NEW FOREST NPA IN 2013

- 3.1 The pilot elections for both the New Forest and Peak District NPAs will be combined with local elections on 2 May 2013, in our case, with elections to Hampshire County Council. The operational arrangements for the elections

will be prescribed by statutory instrument but officers are concerned that these will not be available until much later in 2012. There is a considerable amount of preparatory work that will need to be done for the pilot elections, not least essential modifications to the electoral management software, and because current polling districts and electoral boundaries will not be coterminous with the National Park boundaries.

- 3.2 The Cabinet is asked, in its response, to urge the Government to expedite the remaining stages of the process so that preparation for the elections may proceed.

4. FINANCIAL, ENVIRONMENTAL AND CRIME & DISORDER IMPLICATIONS

- 4.1 There are none arising from this report.

5. PORTFOLIO HOLDER'S COMMENTS:

- 5.1 I support the draft response. I share the concerns expressed in this report at the delay in the consultation arrangements and consider it imperative that we make strong representations to the Government to deal with the remaining stages of the process as a matter of urgency, so that the legislation that will govern the pilot elections is made at the earliest opportunity.

6. RECOMMENDATION

- 6.1 That the suggested responses set out in Appendix 1 to this report, with any changes agreed by the Cabinet, be forwarded to DEFRA as the Council's response to the consultation on changes to National Park governance dated March 2012; and
- 6.2 That DEFRA be urged to expedite the remaining stages for changes to National Park governance so as to ensure that adequate preparations may be made for the proposed pilot elections to the New Forest and Peak District NPAs in May 2013.

Further information:

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Background papers:

Published documents

**GOVERNMENT CONSULTATION ON CHANGES TO NATIONAL
PARK GOVERNANCE – MARCH 2012**

***SUGGESTED RESPONSES BY NEW FOREST DISTRICT
COUNCIL***

(Some questions set out below have been abbreviated. Additional text is provided where it is considered that this would provide useful background in arriving at a response. The full consultation paper is available at:
<http://www.defra.gov.uk/consult/files/20120308-national-park-consult-doc.pdf>)

Q1 – Do you agree that we should legislate to allow for the possibility of directly elected members to English National park Authorities and the Broads Authority?

(This proposal would not automatically require Parks to have directly elected members, just allow for them to have them. A Statutory Instrument, with associated public consultation and approval of Parliament, would still be required before any particular Park could have directly elected members introduced. The Government's proposal is that the existing categories of national, local authority and parish members, should all remain mandatory.)

Suggested response:

We support the concept of directly elected members and that there should be the option for all authorities to have directly elected members.

Q2 - Do you agree with the principle of accommodating directly-elected members into an Authority by making a corresponding reduction across the local authority and/or parish seats to maintain overall size?

(The Government's thinking is that all categories of seat (national, local authority and parish) have proved their worth and that the mandatory requirement to retain these categories should remain.)

Suggested response:

No. We agree that there should not be an increase in the overall membership of the NPAs but that there should be reduction across all categories of membership to accommodate the directly-elected members.

Q3 - Do you agree with the general approach for the National Park and Peak District elections described in paragraph 3.10 of the consultation paper?

(The detail of the electoral process is to be specified later but the Government envisages, for the New Forest and Peak District National Parks, the elections

would be held in May 2013, using the existing procedures for the conduct of local elections. Members would be elected for four years.)

Suggested response:

Yes, but we have significant concerns that the secondary legislation will be available very late on in the process for the pilot elections.

Q4 - Do you think that any direct elections to National Park authorities and the Broads Authority should be combined with other elections where practicable?

Suggested response:

Yes. Combining polls will result in substantial cost savings and might help to increase turnout. However, the complications of holding elections where electoral area boundaries are not coterminous with the National Park boundaries should not be under-estimated.

Q5 - Do you agree that we should trial direct elections to evaluate their efficacy before taking a view as to whether they should be rolled out across other National Park Authorities and the Broads Authority?

Suggested response:

It is obviously wise to take any possible learning from the pilots but the current proposals involve the election of relatively few members when compared with the total membership of the NPAs involved. It is hard to see how the benefit of having directly-elected members can be accurately assessed following the pilots because the directly-elected members will form such a small part of the Authorities concerned and their impact is unlikely to be significant. We reiterate our support for directly-elected members and do not consider that their roll-out to other NPAs/Broads should depend on an evaluation of the "efficacy" of the pilots.

Q6 - Do you agree with the proposals on eligibility to vote and the electoral system?

(The Government proposes that the mapped boundary of any given Park should also be the administrative boundary for the purpose of direct elections, with only those registered to vote for local elections at an address within the Park being eligible to vote. It is intended that the first-past-the-post system be used, as this fits with how elections for members of local authorities are conducted.)

Suggested response:

Yes, but again we wish to stress the complications that arise at combined elections where electoral areas are not coterminous.

Q7 - Do you agree that we should place no geographic limitations on where a candidate for election to a National Park Authority can live?

(The Government is minded to place no geographic limitations on where candidates can live. They consider that this will provide a broader pool of candidates and that the electorate is best placed to decide, through the ballot box, whether someone living outside the electoral area can adequately represent their interests.)

Suggested response:

We do not agree with this proposal. We consider that directly-elected members should be required to meet the qualifications for election to principal local authorities.

Q8 - Do you think that any particular restrictions should be placed on who can stand for directly elected seats (over and above the general restrictions applying to all members)?

(There are some existing statutory restrictions on who may serve as a member of a National Park Authority (e.g. MPs; employees of the NPA; people holding a politically-restricted post within local government are all ineligible.) The question then arises whether any rules should be put in place to avoid overlap between the categories of member (as is currently the case of parish members). For example, should serving county/district councillors on a local authority which appoints to the NPA be excluded from standing for the directly elected seats as they already have an avenue open to them to secure a seat on the NPA? Should parish councillors within the Park be excluded? Applying restrictions of this type would promote a broader mix of members but would also impinge on the electorate's freedom of choice.)

Suggested response:

We do not consider that there should be any qualifications or disqualifications other than those that apply to members of principal local authorities.

Q9 Do you agree that any nomination for candidacy to become a National Park member must be subscribed by 10 people eligible to vote?

Suggested response:

Yes

Q10. Do you agree that, for the purposes of direct elections, a park should be arranged into wards, corresponding to the number of members to be elected?

Suggested response:

Yes, but for electoral purposes, the boundaries of the proposed NPA wards should, as far as is practicable, follow other established electoral or administrative boundaries.

Q11. Do you agree that the Chair of NALC is best placed to replace the Secretary of State in the role of appointing parish members?

(The Secretary of State is required, by law, formally to appoint parish members, but in practice the Secretary of State has, as far as can be ascertained, never queried a parish choice and has always appointed the people the parishes have put forward. The Government has agreed with the principle of removing the Secretary of State's role in this provided that a suitable alternative could be found.

The Government considers that the discipline of a formal appointment has benefits in that, amongst other things, the appointing person or body could satisfy themselves that those selected are eligible and, if the need arose, arbitrate on nominations to find an acceptable solution. The Government does not consider it appropriate for each NPA to appoint its own members and favours the role passing to the Chairman of the National Association of Local Councils.)

Suggested response:

We do not agree with this proposal. If there is a perceived need for a further appointment process, over and above local arrangements for parishes to nominate their members, we consider that the NPA itself should confirm the Parish appointments.

Q12. Do you agree that the rule disqualifying parish councillors from taking a parish seat if they are also members of an appointing district/county/unitary authority should be established in legislation.

Suggested response:

No. We see no need to impose such a restriction.

Q13. Do you think that the requirement on local authorities to have regard to political balance when appointing three or more members to a NPA should be –

- a) removed completely from NPA appointments**
- b) removed only when it prevents a local authority from appointing a local member, as encouraged in the 1995 Environment Act**
- c) amended in some other way**
- d) kept in its current form**

Suggested response:

We favour option (a).

Q14. Do you agree that we should amend the Environment Act 1995 to allow the Secretary of State to allow parishes in individual, subsequently named, NPAs the option of appointing non-councillors to NPAs, where the NPA supports the idea.

Suggested response:

We do not favour this approach. We favour more, not fewer, elected members of NPAs and, as under the current proposals, only a small number of members are to be directly elected, consider that parish appointees should be councillors who have been exposed to the electoral process, if not to the NPA, at least to a parish council.

We are aware that parish councils either wholly or partly within the NPA area consider that they receive inadequate feedback and communication on NPA matters from their parish appointees on the NPA. We expect that this position would be worse if parish appointees were not elected parish councillors.

We also do not see why different criteria should apply to different NPAs depending on individual authorities' views. The criteria should be the same for all NPAs.

Q15. Do you agree that, where the extension proposed in Q14 is applied, eligibility for the parish seats should be tied to eligibility to stand as a parish councillor?

Suggested response:

N/A – because we are opposed to the principle of persons other than Parish Councillors being appointed to the parish seats.

Q16. Do you agree that there should be an eight year limit on the period which local authority, parish, and directly elected members, as well as national members, can serve on a National Park Authority?

Suggested response:

No, we do not agree. While a turnover of members might in some cases be desirable, longer-serving members bring a wealth of knowledge, expertise and experience to their representative roles. Their continued service or otherwise should be a matter for the electorate to decide.

It could also happen that, in areas with particularly highly regarded local members and where there is consequently little or no turnover of elected members, the majority of elected councillors within a national park authority's area could serve as councillors for significantly longer than two terms of office. Any restriction on the terms they could serve on the NPA would severely curtail the available pool for of local authority members for appointment to the NPA.

- Q17. Do you think local authority, parish, and directly elected members reaching the 8 year membership limit for NPAs should be**
- a) eligible to be considered alongside new nominees immediately**
 - b) required to wait for a specified number of years before being considered for nomination (please specify)**
 - c) other – please explain**

(There is a limit of 10 years on the appointment of “national” members, but the local authority and parish members can serve for an indefinite period as long as they remain councillors and their Council(s) choose to re-appoint them. The maximum term for national members is being reduced to 8 years to encourage more interest in appointments to the NPAs. They will not be eligible to be re-appointed for 3 years. The Government considers that the terms should be the same as more frequent turnover should provide for fresh thinking and encourage more interest in the work of the authorities.)

Suggested response:

N/A – because we disagree with the principle.