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Consultation on the Governance arrangements for the National Parks and the Broads

November 2010

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www.defra.gov.uk/corporate/consult/nationalpark-governance/index.htm

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National Park Governance Review - Consultation

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1. Summary

Defra's draft Structural Reform Plan published on 16 July delivers the coalition agreement commitment 'to review the governance arrangements of National Parks in order to increase local accountability'.

Although the majority of the National Park Authorities have broadly similar governance arrangements, it is felt that the most effective way to undertake the Review is for each Authority to consult locally on potential changes which would work best for their areas, whilst at the same time reflecting the status of the Parks as national assets. This consultation does not therefore contain proposals for any particular structures or arrangements, but instead provides a remit for the Review on which each Authority will base local consultation.

To ensure transparency and inform decision making, this consultation invites comments from any organisation or individual who wishes to respond. Comments should in the first instance be directed to Defra who will forward copies to the relevant Authority for consideration. If comments are not specific to any individual Authority, these will be considered directly by Defra. The deadline for receipt of comments is **1 February 2011**.

At the end of the consultation period each Authority will produce a summary of all responses relating to its Park and any proposals for changes to its governance arrangements. Defra will consider such proposals, along with consultation responses relating collectively to all National Parks, and make an announcement on the outcome by the end of March 2011.

2. Remit

The Government wishes to retain an independent authority, as currently exists, for each of the National Parks and the Broads. It intends that these authorities ("the NPAs") should continue to be the local planning authority for their areas.

The purpose of the Review is to:

- a. look for ways in which the governance of the NPAs can be made more effective;
- b. look for ways in which the NPAs can be more responsive to the concerns of their local communities (whilst still operating within the existing statutory purposes and the Spending Review 2010 budgets) ; and
- c. consider the extent to which different arrangements are appropriate for different NPAs.

The key questions that the Review should seek responses on:

- a. whether the membership of NPAs, both the size and composition, should be changed
- b. whether the selection process for all categories of members of NPAs can be improved
- c. whether there should be a limit on the length of time which local authority and parish members can serve, and a reduction in the maximum term for the Secretary of State 'national' members (currently 10 years).

- d. whether the current membership and structure of consultative committees, groups and forums can be strengthened so as to better achieve 'Big Society' benefits
- e. what additional measures NPAs can take to strengthen the links and engagement with their local communities on a variety of issues including planning
- f. whether there are any other ways in which the NPAs can improve their effectiveness and accountability

3. Background

General

The nine National Parks in England were designated under section 5 of the National Parks and Access to the Countryside Act 1949. National Park Authorities were established under section 63 of the Environment Act 1995 to deliver the statutory National Park purposes, namely to:

- (2) conserve and enhance the natural beauty, wildlife and cultural heritage of the Parks; and
- (b) promote opportunities for understanding and enjoyment of their special qualities by the public.

The National Park Authorities have an additional duty under the Environment Act 1995. This is, in furthering the National Park purposes above, to seek to foster the economic and social well being of local communities.

The Broads Authority was set up through a special Act of Parliament (The Norfolk and Suffolk Broads Act) in 1988 and began operating as a Special Statutory Authority in 1989. It shares the two purposes of National Parks, but has a third purpose of "protecting the interests of navigation".

National Park Authorities share administrative responsibility for the Parks with a range of other bodies, such as private landowners, communities and businesses, local authorities, tourism organisations, statutory environmental agencies and third sector bodies. They are expected to show overall leadership in the Park, championing the special qualities and acting as catalysts in encouraging others to work together towards a shared vision. The way they operate is largely regulated by the same legislation that regulates mainstream Local Authorities.

Co-ordination between public agencies, not-for-profit and voluntary organisations and the private sector is essential to planning towards and achieving National Park purposes and ensuring that they deliver a wide range of public benefits associated with a healthy natural environment. More formal partnerships and strategic alliances can also provide a way of achieving aims for the Parks and improvements in service delivery by the Authorities.

Authorities have developed various means of engaging with National Park communities.. Examples include establishing forums based on geographical areas or particular topics; proactively seeking views on residents needs through attending public, parish and other meetings; undertaking surveys and using new media to obtain ideas from people; and generally ensuring the NPA is accessible to local people. Such techniques have enabled those communities to highlight their needs. The Authorities have found this to be very valuable and helped them to deliver effective responses.

The UK Government Vision and Circular 2010 states the policy arrangements concerning the functions of the Authorities. This document is available at:
www.defra.gov.uk/rural/documents/national-parks/vision-circular2010.pdf

Membership

The current membership structure comprises three different types of member, ie local authority, 'national' and parish. It is a requirement that the combined number of local authority and parish members must outnumber the 'national' members. More information on the current structures for each Authority is set out in Annex A.

(a) Local Authority Members

Local Authority members to the National Park and Broads Authorities are appointed by constituent local authorities. Paragraph 2 of Schedule 7 to the 1995 Act requires local authority appointees to be serving councillors of their appointing local authorities, which are expected to have regard to the desirability of appointing members who represent divisions for wards situated wholly or directly within the relevant Park. In addition, local authorities are also required to observe the rules on political balance when appropriate under the Local Government and Housing Act 1989 when making appointments.

Every local authority with land wholly or partly in a National Park is entitled to appoint at least one member. The principle of each local authority tier being equally represented was adopted when the NPAs were established in the mid 1990s, but subsequent restructuring of local government means that this is no longer always the case. Further conditions relating to the appointment of local authority members are set out in sections 1 to 3, 15 to 17 of and Schedule 1 to the Local Government Act 1972; and Part III of Schedule 1 to the House of Commons Disqualification Act 1975.

Local authority members automatically lose their NPA seat when their term of office as a councillor ends, but if re-elected as a councillor, they can then be re-appointed to the NPA and there is no limit to the number of times they can be re-appointed.

(b) Secretary of State 'National' Members arrangements

National appointees are selected through an open recruitment process which is regulated by the Office of the Commissioner for Public Appointments. The appointments are open to everyone except to a few individuals who can't be a member of a national park authority e.g. an employee of the Authority within the last five years, serving MPs etc.

The guidance on appointing Secretary of State 'national' Members to the National Park and Broads Authorities states that they are expected to: (a) appreciate the national interest – the views of people not living in or near the National Parks and the Broads; (b) understand issues affecting the National Parks and Broads Authorities, and to work to achieve the Parks' and Broads Authorities' purposes; (c) bring experience of wider issues, which could include work with young people, environmental projects, social inclusion, or an active interest in outdoor recreation; (d) contribute positively to debate within an authority; (e) be ready to make decisions on any aspects of National Park and Broads management; and (f) commit a minimum of 2 to 3 days per month, to authority work (this can vary from Park to Park). In order to ensure the right balance of personal qualities and experience, the Secretary of State seeks a broad range of backgrounds to reflect the social and cultural mix of the country to represent the national interest. Individuals will be selected for their personal qualities and experiences and not as representatives of specific groups or organisations.

National members are appointed for terms of between 1 and 4 years and can be re-appointed subject to an overall limit of 10 years.

(c) Parish Members

Parish members are chosen by the parishes collectively (though formally appointed by Secretary of State) and in accordance with Schedule 7 to the Environment Act 1995, must be serving councillors of a parish council with land in the Park or, where there is no Council, the chair of the parish meeting for a parish with land wholly or partly in the Park.

Parish members serve for as long as they are a member of the parish council, or chair of the parish meeting, from which they were appointed – ordinarily this means they will serve for the four years until the next parish elections (or for one year in the case of chairs of parish meetings), after which (if they are re-elected as parish/town councillor/chair of parish meeting) they may be re-appointed to the NPA. There is no limit to the number of re-appointments provided that they remain a parish councillor/chair of a parish meeting.

The appointment of parish members helps to ensure that local people have full involvement in the running of the National Park. Parish members are appointed to represent the wider National Park view and not just their own parish or group of parishes. The Secretary of State looks to parish councils in each National Park to continue to maintain the local mechanisms for selecting candidates whom she can appoint to the NPA. If a situation ever arose in which local agreement could not be reached, the Secretary of State would select candidates from amongst the local parish council nominees. The Secretary of State does not appoint as a parish member anyone who is a serving councillor of a county or district council appointing members to the NPA.

The NPAs are encouraged to make greater efforts to see that the timing and manner of making parish appointments is more widely known and understood in their areas so as to increase community engagement.

d) Broads Authority

The Broads Authority under its own legislation, the Norfolk and Suffolk Broads Act 1988, has different membership arrangements. The Secretary of State appoints 10 of the 21 members of the Authority with no Parish nominees. 9 are appointed by the constituent local authorities and 2 by the Authority from its Navigation Committee.

4. How to comment:

Comments are invited by **1 February 2011**. These should in the first instance be directed to Defra who will forward copies to the relevant Authority for consideration. If comments are not specific to any individual Authority, these will be considered by Defra.

At the end of the consultation period each Authority will produce a summary of all responses relating to its Park and also any proposals for changes to its governance arrangements. Defra will consider such proposals, along with any made that affect all Parks collectively, and make an announcement on the outcome by the end of March 2011.

All comments should be sent to the Department for Environment, Food and Rural Affairs at the following address:

Protected Landscapes Team
Department for Environment, Food and Rural Affairs
Zone 1/03, Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6EB

or npgovernancereviewconsultation@defra.gsi.gov.uk

5. Copies of responses

When this consultation ends, we intend to put a copy of the responses in the Defra library at Ergon House, London and also in the HQ office of each National Park Authority. This is so that the public can see them. The copies will be available for inspection for a period of 6 months from the end of the consultation period, ie until 31 July 2011. Also, members of the public may ask for a copy of responses under freedom of information legislation.

If you do not want your response - including your name, contact details and any other personal information – to be publicly available, please say so clearly in writing when you send your response to the consultation. Please note, if your computer automatically includes a confidentiality disclaimer, that won't count as a confidentiality request.

Please explain why you need to keep details confidential. We will take your reasons into account if someone asks for this information under freedom of information legislation. But, because of the law, we cannot promise that we will always be able to keep those details confidential. We will summarise all responses and place this summary on our website at ww2.defra.gov.uk/corporate/consult. This summary will include a list of names of organisations that responded but not people's personal names, addresses or other contact details.

To see consultation responses and summaries, please contact either the Defra library at:

Defra Information Resource Centre
Lower Ground Floor
Ergon House, 17 Smith Square
London SW1P 3JR

Telephone: 020-7238 6575

Email: defra.library@defra.gsi.gov.uk

(Please give the library 24 hours' notice. There is a charge for photocopying and postage).

If you wish to see the consultation responses and summaries at any of the National Park Authority offices could you please contact the following:

The Broads Authority

Dragonfly House
2 Gilders Way
NORWICH
Norfolk
NR3 1UB

Rob Holman Rob.Holman@broads-authority.gov.uk
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Dartmoor National Park Authority

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BOVEY TRACEY
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Peak District National Park Authority

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South Downs National Park Authority

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Yorkshire Dales National Park Authority

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LEYBURN
North Yorkshire DL8 3EL

David Butterworth david.butterworth@yorkshiredales.org.uk
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Current membership of English NPAs

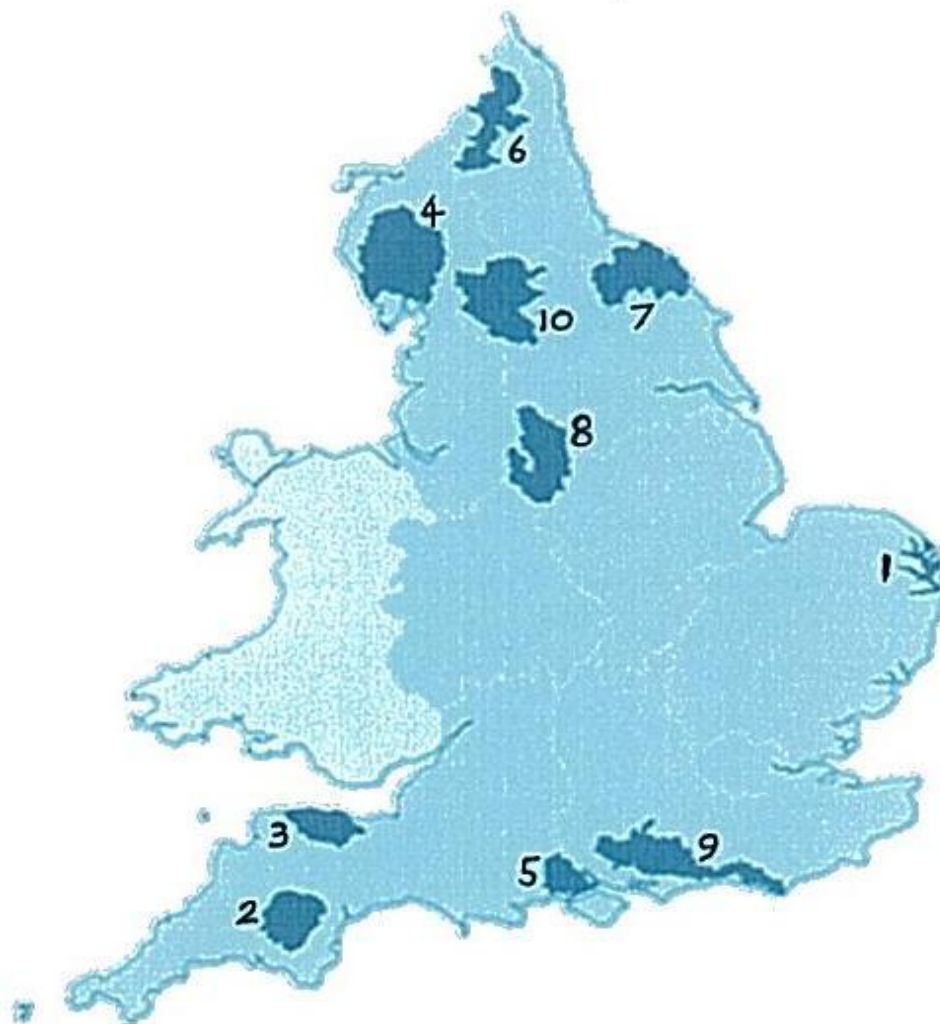
Authority	District / County/ Unitary Authorities	National	Parish/ Community Councils	Navigation Committee	Total
Broads	9	10	0	2	21
Dartmoor, Exmoor, Lake District, New Forest, North York Moors, Yorkshire Dales	12	6	4	0	22
Northumberland*	6	10	6	0	22
Peak District**	16	8	6	0	30
South Downs ***	14	7	6	0	27

* Northumberland's membership reflects the fact that it lies within a single unitary authority. This structure avoids a single local authority appointing an excessive proportion of members

** Peak District membership reflects the fact that it extends into 11 local authority areas

*** There are 15 local authorities in the South Downs – Adur DC and Worthing BC are represented by one member

English National Parks and the Broads



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|---------------------|--|
| 1. Broads | www.broads-authority.gov.uk |
| 2. Dartmoor | www.dartmoor-npa.gov.uk |
| 3. Exmoor | www.exmoor-nationalpark.gov.uk |
| 4. Lake District | www.lake-district.gov.uk |
| 5. New Forest | www.newforestnpa.gov.uk |
| 6. Northumberland | www.nnpa.org.uk |
| 7. North York Moors | www.northyorkmoors-npa.gov.uk |
| 8. Peak District | www.peakdistrict.gov.uk |
| 9. South Downs | www.southdowns.gov.uk |
| 10. Yorkshire Dales | www.yorkshiredales.org.uk |