

NEW FOREST NATIONAL PARK AUTHORITY

AUTHORITY MEETING – 22 FEBRUARY 2007

**NEW FOREST COURT OF VERDERERS – NATIONAL PARK AUTHORITY
APPOINTMENT**

Report by: Lindsay Cornish, Chief Executive

This report proposes a procedure for appointing the Authority's representative on the New Forest Court of Verderers. At its meeting on 25 April 2006 the Authority agreed that Kathy Heron should continue to represent the Authority on an interim basis until a formal appointment procedure had been brought forward for its approval and an appointment made under that procedure.

Recommendation:

That the Authority agrees the objective for the New Forest National Park's appointed Verderer (paragraph 2.1), the selection criteria and process (paragraphs 3.5 and 5.1), and that the duration of the appointment be linked to the member's term of appointment subject to a maximum of eight or nine years.

Resources:

None

Papers:

Cover paper: NFNPA 158/07
NFNPA 80/06: Appointment of Authority representatives on external organisations

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NEW FOREST COURT OF VERDERERS – NATIONAL PARK AUTHORITY APPOINTMENT**1 Background**

- 1.1 Schedule 3, paragraph 4 of the New Forest National Park Authority (Establishment) Order 2005 amends Section 1 (c) of the New Forest Act 1949 (as amended), on the 'Constitution of verderers', by substituting the New Forest National Park Authority as the appointing authority in place of the "the county planning authority" with effect from 1 April 2006.
- 1.2 The Act does not specify the appointment process, nor the 'term' of the appointment.
- 1.3 Kathy Heron became the Hampshire County Council representative in July 2001 and was re-appointed in July 2005. The Authority agreed to continue her appointment at its meeting on 25 April 2006 on an interim basis pending Authority agreement to a formal appointment procedure and the procedure being implemented.
- 1.4 This report sets out a proposed appointment procedure.

2 Objective

- 2.1 The Act does not specify the objective of the appointment other than by inference from the nature and role of the appointing body. A proposed objective for the appointment, taking account of the role of the Verderers set out in the New Forest Acts is:
 - to provide information and advice on the purposes, objectives and policies of the National Park, and in particular its planning policies and procedures, to assist the Verderers in carrying out their duties.

3 Criteria for appointment

- 3.1 If the proposed objective is accepted, key issues governing criteria for appointment would appear to be:
 - i) should the appointee be a member of the Authority?
 - ii) should the appointee be actively engaged in and have a good working knowledge across the broad range of the policies and functions of the Authority, including the planning policies?
 - iii) does the appointee need a good understanding and knowledge of New Forest issues and management?

Should the appointee be a member of the Authority?

- 3.2 Yes. Authority members will be best placed to advise the Verderers on the Authority's objectives and policies as set out in the National Park Management Plan, the Authority's Corporate Plan and in various planning and other policy documents and how these are carried through into implementation. It is unlikely that people who are not members could be expected to have that level of knowledge.

Should the appointee be actively engaged in and have a good working knowledge of the Authority's policies and functions, including its planning policies?

- 3.3 Yes. The 1949 Act (as originally worded) implies a clear link between the appointing body and its functions i.e. planning and there has been a tradition for the Hampshire County Council appointee both to be one of its own members and someone who could contribute on planning or transport matters. While the strict interpretation of the Establishment Order no longer implies a specific link to planning, the appointee would make a greater contribution to the Verderers' deliberations if they are on the Authority's Planning Development Control Committee because it considers the current planning policies on a monthly basis in carrying out its Committee functions and it receives training to ensure that its knowledge keeps pace with national, regional and local policy change.

Does the appointee need a good understanding and knowledge of New Forest issues and management?

- 3.4 Yes. At their meetings the Court of Verderers consider a wide range of issues concerning the regulation of commoning, some aspects of the management of and development proposals on the Crown Lands and wider issues that they believe impact on their role. To be fully effective, in addition to bringing their particular expertise on national park matters, the Authority's appointee should therefore have a good knowledge of the Forest and Forest farming, and a basic understanding of the New Forest Acts and Forest law.
- 3.5 In summary, the appointee must be a member of the Authority and ideally should be a member of the Planning Development Control Committee and have a good practical knowledge of the Forest and Forest farming.

4 Conflicts of interest

- 4.1 There are a number of issues on which both the Verderers and the Authority will be required to take decisions, notably in relation to proposed development, under their own governing legislation. In principle, it is permissible for the Authority's appointed Verderer to participate in both sets of discussions, and decisions. To do so, however, it is essential that in participating in any decision making

process at the Court of Verderers prior to the Authority considering the matter, the member declares their interest at the Court of Verderers and makes it clear that any views they express are based on the information before them at that time and might change in the light of further information and/or debate at the Authority or its Committee's meetings.

- 4.2 Clear guidance is set out in the Local Protocol for Members dealing with planning matters, and in particularly sensitive cases the Authority appointee would be advised to consult the Monitoring Officer. If the Appointee has a particular concern they also have the option of withdrawing from any particular discussion at the Court of Verderers.

5 Appointment process and duration

- 5.1 If the criteria set out in Section 3 are approved, and consistently with the process currently adopted by some of the other appointing bodies, the suggested process for appointment would be :

- i) the Chairman and Chief Executive to draw up a 'person specification' for the post;
- ii) the Chairman to invite volunteers;
- iii) the Chairman and Chief Executive to carry out selection interviews, if more than one volunteer;
- iv) the Chairman to recommend the selected candidate to the Authority for endorsement.

- 5.2 The duration of the post should, in principle, follow the member's term of appointment with the Authority. Thus for Secretary of State appointees, the term would currently be three years, and for local authority appointees it would be four. Reappointment would not be automatic and would be dependent on a decision of the Authority taking into account relevant factors at the time and an assessment of the appointee's performance in that role. It is also advisable for the Authority to set a maximum term for the appointment. For Secretary of State appointees three terms are currently proposed, amounting to nine years maximum, and for local authority appointees two terms are proposed, amounting to eight years maximum. Any member who has previously served as an appointed Verderer for the maximum period proposed for Authority members, would not be entitled to apply for appointment.

- 5.3 The post should be considered with the Authority's other appointments and re-appointments at its Annual meeting in June. Transitional arrangements will need to be put in place for the first appointee, who may be appointed part way through their current term.

6 Recommendation

That the Authority agrees the objective for the New Forest National Park's appointed Verderer (paragraph 2.1), the selection criteria and process (paragraphs 3.5 and 5.1), and that the duration of the appointment be linked to the members' term of appointment subject to a maximum of eight or nine years.