NEW FOREST NATIONAL PARK AUTHORITY

AUTHORITY MEETING – 15 DECEMBER 2011

OUTCOME OF THE NATIONAL PARK GOVERNANCE REVIEW AND NEXT STAGES

Report by: David Illsley, Policy Manager

Summary:

In September 2011 the Government announced the outcome of the review of the governance arrangements of the National Parks and the Broads. The Government’s proposals to improve local accountability include a number of changes that would apply to all National Parks; as well as some specific amendments to the governance of the New Forest National Park.

The paper highlights some of the key areas where changes are proposed. The Government is seeking initial feedback from the Authority on the proposed amendments and therefore a number of recommended responses are set out. The paper also outlines the next stages in the process, including the further public consultation required before the changes can come into effect in May 2013.

Recommendations:

1. Members note the conclusions of the Government’s review of the governance arrangements of the English National Parks and the Broads, including the proposed amendments that are specific to the New Forest National Park.
2. Members agree the proposed feedback to the Government on some of the key proposals, while fully recognising that there will be further public consultation on the amendments before they come into effect in May 2013.

Papers:

- NFNPA 394/11: Cover paper
- Annex 1: Written Ministerial Statement on the National Parks Governance Review, issued 13 September 2011

Resources: Potentially significant from 2013 in terms of running direct elections.

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Report by: David Illsley, Policy Manager

1. Introduction

1.1 Following a commitment in the Coalition Government’s Programme for Government to “review the governance arrangements of National Parks in order to increase local accountability”, Defra launched a 12 week public consultation in November 2010 on the governance arrangements of the nine English National Parks and the Broads. The consultation confirmed the Government’s commitment to retaining independent Authorities for each National Park and that they should continue to be the planning authority for the Parks.


2.1 The purpose of the review was to look for ways in which the governance of National Parks could be made more effective, and for ways in which National Park Authorities could be more responsive to the concerns of their local communities. As part of the review, all National Park Authorities were expected to facilitate consultation locally on potential changes that would work best for their area. Members will recall that the Authority focused significant resources on raising awareness locally of the review (including arranging four public meetings spread across the New Forest in late 2010).

2.2 During the 12 week public consultation, Defra received over 360 consultation responses from individuals and organisations from across the country, with 62 relating specifically to the New Forest (18%), expressing a diversity of views. This was the highest number received relating to an individual National Park and reflects the Authority’s work in raising the profile of the consultation with local communities across the New Forest.

2.3 The National Park Authority’s own response to Defra was considered at the February 2011 Authority meeting (NFNPA 368/11) and included:

- Support for the existing categories of national, local authority and parish appointed members, concluding that the general membership composition should be retained.
- Support for the contribution of the national members in representing the wider interests in the Park and the retention of this category of membership.
- If the Government felt that further changes were required, the Authority would be willing to discuss the scope for introducing a proportion of directly locally elected members to broaden the membership and complement the existing categories.
- Support for maintaining the existing membership size of 22 to ensure there is a range of knowledge and sufficient resources to engage local communities.
- The selection process of all categories of membership could be made more transparent, including (i) making the criteria for the appointment of local authority members more openly available; (ii) removing the role of the Secretary of State in
formally appointing the Parish Council members; and (iii) the NPA and the local community should be more closely involved in the Secretary of State’s appointments.

- Do not support introducing a limit on the time which local authority and parish members can serve as this could lead to members being replaced prematurely.
- Support for more formal recognition of the role of the New Forest Consultative Panel in bringing together a diverse range of New Forest National Park stakeholders.

3. The Government’s Response to the Consultation: September 2011

3.1 Following consideration of all of the consultation responses and the submissions made by the individual Park Authorities, the Government announced the outcome of the review in September 2011. A Written Ministerial Statement was issued (Annex 1), accompanied by a summary of the consultation responses and a press release. All of this information was placed on the Authority’s website the day of the announcement.

3.2 In this announcement the Government noted that since the Environment Act 1995 (which created the statutory requirement for independent National Park Authorities for each National Park) there have been calls for some members to be directly elected. In summary, the Government’s announcement in September 2011 confirmed:

- They will trial the concept of some directly-elected members in the New Forest and Peak District from May 2013, with the members being appointed for a four year term. This will allow evidence to be gathered in England (to supplement that from Scotland) to establish whether direct elections change an Authority’s performance.
- Defra will talk to the New Forest and the Peak District in more detail about the pilots, covering in particular the number of members to be directly elected and the way they can be accommodated without increasing the overall size of those Authorities.
- A maximum limit of 8 years will be introduced as the period which all members may serve (there are currently no limits on local authority or parish appointed members).
- National Park Authorities will be asked to produce an annual report on the collective performance of the membership, its achievements and milestones.
- End the requirement for the Secretary of State to formally appoint the Parish Council elected members, provided a suitable alternative appointing person is identified.
- Remove the political balance requirement on local authorities when appointing their members because of its potential to work against the appointment of local members who represent the National Park area.

3.3 Following the announcement, the Authority contacted everyone who commented on the governance arrangements of the New Forest National Park during the public consultation, informing them directly of the outcome. The four constituent local authorities within the Park (Hampshire, Wiltshire, New Forest, and Test Valley) have also been informed of the announcement and the Government’s proposed changes.

4. The Authority’s initial feedback to the proposals

4.1 Since the announcement of the outcome of the review in September 2011, Defra has initiated discussions with the Authority on how some of the changes, including the introduction of a proportion of directly elected members, could be implemented. The proposed responses (below) represent the Authority’s initial feedback to the Government on some of the key issues, and builds on the views expressed at the informal members session held on the governance review in late October. As set out in Section 5 of this paper, it is important to emphasise that the precise details of the
governance changes to the New Forest National Park Authority will be the subject of further public consultation before Parliamentary approval later next year.

(i) The number of directly elected members to be piloted

4.2 The Government has confirmed that it wishes to pilot the direct election of a 'proportion' of the Authority's membership to see if this increases local accountability. For a pilot to be effective, the introduction of directly elected members should be trialled alongside the existing categories of membership. Defra has also advised that the number of directly elected members trialled should enable a good level of evidence as to whether local accountability is increased, but also ensure that the number does not alter the basic composition of the Authority so radically that it would be difficult to reverse if the pilot was unsuccessful.

1) Proposed feedback on number of directly elected members to be piloted

The Authority’s initial view is that the direct election of 4 members onto the New Forest National Park Authority should be piloted from 2013. This represents 18.2% of the Authority’s membership and would ensure the directly elected members are broadly proportionate with the Parish Council and Secretary of State 'national' appointees. It is also not dissimilar from the model established by the National Parks (Scotland) Act 2000, which requires at least 20% of the National Park Authority’s membership to be directly elected.

The direct election of 4 Authority members would enable the basic composition of the Authority to be broadly retained (in line with Government advice), with the directly elected members complementing the existing local authority, parish council and Secretary of State ‘national’ appointees.

(ii) How the directly elected members should be accommodated

4.3 The Government has confirmed it does not wish to increase the size of the Authority’s membership from 22 and therefore consideration needs to be given to how the directly elected members will be accommodated. The Government’s current view is that directly elected members should not replace any of the ‘national’ Secretary of State appointees (currently 6), on the grounds that the trial elections give expression to the local, rather than the national, voice. The elected members should therefore be accommodated by a corresponding reduction in the local authority and parish seats (currently 16).

4.4 The Authority’s original response to the review (February 2011) supported the existing categories of membership, and it is felt that these categories (local authority, parish and ‘national’) should be retained in some form rather than being completely replaced by directly elected members. There is a case to be made for the directly elected members replacing some of the 12 Authority members currently appointed by the constituent local authorities. Legally each local authority with land within the National Park is entitled to appoint an Authority member, and therefore reducing the Test Valley Borough Council appointment (currently 1) is not an option. Given the respective land area (5%) and proportion of the Park’s population (7%) within Wiltshire, it is felt that Wiltshire Council could be asked to reduce the members it appoints from 2 to 1. New Forest District Council (4) and Hampshire County Council (5) currently appoint 9 members between them and there may be scope for a reduction of one member per authority.
2) Proposed feedback on how directly elected members could be accommodated

To accommodate a proportion of directly elected members without increasing the overall size of the membership, the Authority’s provisional view is that it may be acceptable for each of the constituent local authorities to appoint 1 less member (except Test Valley which already only appoints 1 – the statutory minimum set out in the Environment Act 1995). This would create 3 positions and the shortfall of 1 could potentially be made up by also reducing the Secretary of State ‘national’ members by 1 (from 6 to 5). Since June 2011 the New Forest National Park Authority has been operating with a vacancy in its ‘national’ appointees and an option to enable a further position to be available for direct elections would be to not re-appoint to this existing vacancy.

Alternative options such as making all local authority appointees and / or Parish Council appointees directly elected would significantly alter the composition of the Authority, contrary to advice from Defra, and would also affect the links between the Authority and the constituent local authorities and parish councils. If the approach suggested above is supported (and it is fully acknowledged that there will be a further 12 week public consultation in 2012 on this) the Authority’s membership would be made up of:

<table>
<thead>
<tr>
<th>Local Authority Appointees (41%)</th>
<th>Parish Council Appointees (18%)</th>
<th>Secretary of State Appointees (23%)</th>
<th>Directly Elected Members (18%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hampshire: 4 (-1)</td>
<td>4 (no change)</td>
<td>5 (-1)</td>
<td>4 (new category)</td>
</tr>
<tr>
<td>New Forest: 3 (-1)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wiltshire: 1 (-1)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Test Valley: 1 (no change)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total: 9 (-3)</td>
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</tbody>
</table>

(iii) Qualification on who can vote in the elections and eligibility to stand

4.5 It is understood that the Government will be consulting on the broad principles relating to eligibility to vote and stand in National Park elections shortly. Clearly the aim of the proposed amendments to the governance of the National Parks is to increase local accountability and this points strongly to the electorate being those residing within the National Park boundary. Although it is acknowledged that the geography of the New Forest means that many neighbouring settlements such as Fordingbridge, Lymington and Ringwood have close links with the National Park, people living outside the Park boundary are already represented within the Authority’s membership by the ‘national’ Secretary of State appointees, and to some extent by the local authority appointees.

4.6 In terms of eligibility to stand for election to the Authority, it is considered that residents of the National Park should be able to exercise their choice through the ballot box and consequently restrictions on who could stand (e.g. a requirement for residency within the Park, or within a Parish adjoining the Park) are not recommended. It is noted that within the Scottish National Parks, there is no requirement for candidates to live within the Park, although candidates must be at least 21 years old and be supported by people living within the Park in their nomination, and this would appear to be a sensible approach.

3) Proposed feedback on eligibility to stand and vote in direct elections

The Authority considers that the electorate for the National Park elections should consist of all those eligible to vote in local Government elections residing within the National Park boundary.

Continued...
The Authority recommends that no restrictions are placed on those eligible to stand for direct election to the Authority (other than they should be at least 18 years old). Although it may be preferable for candidates to live within the Park, it will be for the National Park residents as the electorate to vote on their suitability.

(iv) **Electoral system and type of ballot**

4.7 The direct elections to the Scottish National Parks adopt wholesale the procedures which apply to other local elections, with the elections conducted by the main constituent local authority. Given that the main purpose of the pilot is to test the concept of direct elections in National Parks, the electoral system trialled should be as simple as possible. The pilot should therefore use the first past the post system currently used for Parliamentary and local Council elections. If the Government decide to trial the direct election of 4 National Park Authority members, this could potentially be done through a ward system based on the existing National Park ‘Quadrants’ (although there may be a need to review the Quadrant boundaries to ensure a more equal distribution of population, thereby providing electoral equality).

4.8 It is recognised that the Scottish National Park elections are based entirely on postal voting. However, these elections are held in generally sparsely populated rural areas which are maybe not directly comparable to the New Forest. Initial discussions with the Democratic Services team at New Forest District Council have indicated that a solely postal ballot may not in fact provide any cost savings. If the pilot is to be trialled from May 2013 (thereby coinciding with local county council elections in Hampshire and Wiltshire, which should provide economies of scale), it would make sense to ensure that the elections are not limited to solely postal ballots.

4.9 The cost for the last round of elections that took place in Loch Lomond & the Trossachs was around £19,000 and £25,000 for the Cairngorms. The first elections to these National Park Authorities were paid for by the Scottish Government, with the cost of all following elections falling on the National Park Authorities. These elections cover an electorate significantly smaller (around half) than that for the New Forest. Preliminary estimates from the Democratic Services team at New Forest District Council indicate an approximate cost of £40,000 - £46,000 for holding direct elections to the New Forest National Park (based on a figure of £1.70 - £1.80 per elector as the cost of running recent local elections in the New Forest).

4) **Proposed feedback on electoral system and type of ballot**

The electoral system trialled should be simple, based on the ‘first past the post’ system. The Authority’s preliminary view is that the elections should not be restricted to postal ballots only, as this is unlikely to produce saving given that the elections are to be trialled as the same time as local elections in the National Park (May 2013).

If the elections are combined with the local Government elections in May 2013, the cost of the National Park elections would be reduced. The Authority would welcome a firm commitment that the first elections (May 2013), and any subsequent by-elections required within the four year pilot, should be funded by the Government. Notwithstanding the need for further public consultation, the Authority would stress the importance of early decisions being taken on issues such as voting methods, number of members to be elected and the date of the elections. It is essential that the relevant legislation is enacted as soon as possible to enable arrangements to be put in place for running the elections.
(v) **Introducing a maximum time limit on how long members can serve**

4.10 The Government is proposing to introduce a maximum term for all members who serve on National Park Authorities. There is currently a limit on the maximum term of 'national' members appointed by the Secretary of State, but local authority and parish members can serve on the Authority for an indefinite period as long as they remain councillors. The Government’s view is that the introduction of maximum terms for these categories would encourage fresh thinking and more interest in the work of the Authority.

4.11 The New Forest National Park Authority’s original response to the governance review (NFNPA 368/11, February 2011) did not support the introduction of a maximum term of appointment for all Authority members, and it is recommended that the Authority’s feedback remains consistent with this position.

6) **Proposed feedback on the introduction of a maximum term for all members**

In line with the Authority’s consultation response earlier this year, the introduction of a maximum term of appointment for all Authority members is not supported. It could prevent some local members standing in 2013, a time when it would be critical to maintain some continuity within the Authority, and it would mean that some local authorities may not be able to nominate their preferred representative. It could also lead to a large proportion of the Authority’s membership changing every 8 years, with members potentially being appointed that do not represent wards within or even close to the Park (this could be a particular issue in the Wiltshire and Test Valley areas of the Park which have relatively small parts of the Park within their areas).

5. **Next Stages in the Process**

5.1 Some of the Government’s proposed amendments can be carried out under existing powers, while others require new legislation as they involve changes to the Environment Act 1995. These proposed changes to primary legislation include: (i) removing the Secretary of State’s role in appointing Parish members; (ii) setting a maximum length of service of 8 years for all members; (iii) amending the political balance requirement on local authorities when appointing their members; and (iv) adding a fourth category of Authority member – those that are directly elected – to the existing three categories of members (local authority, parish and ‘national’ members). It should be emphasised that adding a fourth category of member to the Environment Act 1995 will not require National Parks to have directly elected members, but it will allow them the option. The Government proposes to make these changes through the powers created by the Public Bodies Act 2011. Such changes can only be laid before Parliament following public consultation and it is understood that the Government intends to commence this consultation shortly, running for 12 weeks.

5.2 This forthcoming Government consultation will address the principle of introducing direct elections and the key features which need to be specified in primary legislation (such as who would be eligible to stand for election, who would be eligible to vote). The introduction of a proportion of directly elected members to the New Forest National Park Authority specifically, as well as the consequential changes to the existing membership structure, would then be made through a subsequent Statutory Instrument. This also requires a statutory 12 week period of public consultation before final approval by Parliament. It is understood that the Government intends to launch this public
consultation in Spring 2012, shortly after the first consultation closes. An indicative timetable for the next stages in the process is below, although this is subject to change.

<table>
<thead>
<tr>
<th>Stage</th>
<th>Indicative Date</th>
</tr>
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<tbody>
<tr>
<td>Consultation on amendments to the Environment Act 1995, including introducing a fourth category of membership (directly elected), introduction of a maximum time limit, changes to Parish Council member appointment process, and changes political balance requirements.</td>
<td>12 weeks – provisionally late 2011 to Spring 2012</td>
</tr>
<tr>
<td>Parliamentary approval for changes to Environment Act 1995 following consideration of the consultation responses.</td>
<td>Summer 2012</td>
</tr>
<tr>
<td>Consultation on Statutory Instrument for New Forest National Park Authority direct elections.</td>
<td>12 weeks – provisionally Spring 2012 to Summer 2012</td>
</tr>
<tr>
<td>Parliamentary approval for Statutory Instrument following consideration of the consultation responses.</td>
<td>Late 2012</td>
</tr>
<tr>
<td>The pilot of the direct election of a proportion of National Park Authority members to start.</td>
<td>May 2013, running for four years to May 2017</td>
</tr>
</tbody>
</table>

6. Conclusions

6.1 Following the public consultation held earlier this year, the Government’s proposed changes to the governance arrangements of National Parks are wide ranging, involving changes to primary legislation. As well as changes applicable to all National Parks, the Government has made it clear that the New Forest National Park (and the Peak District) will trial the direct election of a proportion of the Authority’s membership.

6.2 Although the Authority’s original consultation response (February 2011) supported the existing membership model, it is clear that the New Forest National Park has an important role to play in trialling direct elections, the results of which could have implications for the whole of the English National Park family. The Authority will continue to liaise with the Government over the changes, as well as partners such as New Forest District Council. It is important to emphasise the further public consultation that will take place over the next year on the details of the amendments, and this consultation will give New Forest residents and others a further opportunity to respond to the changes before they come into effect in May 2013.

Recommendations:

1. Members note the conclusions in the Government’s review of the governance arrangements of the English National Parks and the Broads, including the proposed amendments that are specific to the New Forest National Park.
2. Members agree the proposed feedback to the Government on some of the key proposals, while fully recognising that there will be further public consultation on the amendments before they come into effect in May 2013.
Annex 1

WRITTEN MINISTERIAL STATEMENT
DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS

Governance arrangements of the English National Park Authorities and the Broads Authority

13 September 2011

Parliamentary Under-Secretary for Natural Environment and Fisheries (Richard Benyon)

The nine National Parks in England, along with the Broads, represent some of our finest landscapes which have been a source of inspiration, challenge, and reassurance to our citizens over many generations. Each now has an independent authority, constructed along local authority lines, to maximise the benefits which we all derive from these special areas. In the Coalition’s Programme for Government we said that “We will review the governance arrangements of National Parks in order to increase local accountability.”

That commitment was honoured by a public consultation which ran from 9 November 2010 until 1 February 2011. In the consultation document we made clear that the Government did not intend to remove or replace the Authorities but was rather looking for ways in which their governance arrangements could be improved. We also made clear that there could be variety between authorities - this would allow governance to better reflect their individual circumstances and histories and be consistent with the Coalition Government’s commitment to decentralisation and localism.

I am today responding to the NPAs’ proposals by placing on Defra’s website and in the Library of the House a list of the proposals made by the NPAs and my response to them.

Central to this consultation was the question of accountability and the ultimate accountability is of course through the ballot box. Ever since the original legislation was being enacted in 1995, there have been calls for some members to be directly elected and that already happens in the Scottish NPAs. I have concluded that the time has now come for us to explore that option more thoroughly in England. I therefore propose to bring forward legislation which will allow for the possibility of elections in the National Park Authorities and the Broads Authority. Initially we propose to apply the new legislation in two NPAs on a pilot basis, namely the New Forest and the Peak District NPAs which provide different contexts on which to assess the impact of directly elected members.

Defra will be talking to the New Forest and Peak District NPAs in more detail about their pilots, covering in particular the number of members to be directly elected and the way they can be accommodated without increasing the overall size of those Authorities.

Other changes include: altering the composition of the Dartmoor, Lake District and Exmoor Authorities; some changes to the procedure for selecting “national” members (within the requirements of the OCPA code); removing the Secretary of State’s role in confirming parish appointments; in some NPAs (but not all) making non-councillors eligible for parish seats; applying a maximum limit to the period which all members may serve; requiring annual reports on how well the members of each Authority have collectively performed and endorsing a number of changes which NPAs can make under their existing powers, for example strengthening links between members and particular areas of the Park or improving meeting arrangements. I also propose further work in some areas.

A number of the actions I have outlined will require formal consultation and others require further development in cooperation with relevant bodies such as the NPAs and the Local Government Association. An implementation plan is being prepared which will present this information in tabular form and will be available on Defra’s website - www.defra.gov.uk