

Natural England Board



Meeting: 13
Date: 5 November 2008

Paper No: **NEB PU13 06**

Title: **Direct Elections to English National Park Authorities – Ministerial consultation**

Sponsor: **Andrew Wood, Executive Director Evidence and Policy**

1. Purpose

1.1. The purpose of this paper is to secure Board approval of a response to Defra (by 28 November) to the Minister's informal consultation on direct elections to English National Park Authorities.

2. Recommendations

2.1. It is recommended that the Board:

2.1.1. Considers the background to this consultation covered in annexes 1 and 2

2.1.2. Agrees the general direction of a response as per para 4 below.

3. Context

3.1. The Secretary of State is consulting MPs and Local Authorities with National Park interests, and the Campaign for National Parks on whether directly elected members would aid or hinder the decision-making process and/or strategic functioning of National Park Authorities (NPA) and the Broads Authority (BA).

3.2. Although not included on the list of consultees, Natural England has also been invited to offer a view. The Secretary of State has a statutory duty to consult Natural England before making appointments to National Parks, and our Board Members currently chair local National Park appointment panels.

3.3. We are advised that the Minister has no view, at this stage, on the appropriateness or desirability of direct elections. Informal feedback from our regions suggests that most NPAs are unlikely to support a system that would reduce first and second tier local authority representation.

3.4. Our response is requested by Defra to address the following questions:

Do you agree/disagree or support/object with/to the principle of Direct Elections?

Do you agree with direct elections resulting in larger authorities?

If authorities were to remain the same size, which members should be replaced in favour of directly elected members?

Do you wish for the Broads to have Parish members bearing in mind the overall size of the Authority and replacement of any existing members to accommodate them?

Do you have any outstanding issues?

3.5. In responding to these questions it is recommended that we take into account the following issues:

3.5.1 A balanced representation of interests and expertise

3.5.1.1. Our key interest is to ensure that there is a balanced representation of interests and expertise within each NPA, including national and local perspectives. In order to avoid the risk of NPA decision making being skewed in favour of a particular interest group, a process of direct elections would need to incorporate a mechanism to help ensure that, collectively, direct electees represented a broad range of interests allied to National Park purposes. This would complicate the nomination and election processes.

3.5.1.2. In the past the idea of NPA members signing an undertaking to uphold the purposes of designation has been rejected. There may be a need to revisit this issue if direct electees become part of the democratic mix. Any provision of this nature would, however, need to be applied to all members of the NPA.

3.5.1.3. The main attraction of a direct election approach would be in promoting local democracy by providing National Park residents with a direct influence over NPA membership. In sufficient numbers Direct electees, could shift the balance of power away from traditional local authority voting blocs.

3.5.2. Size of NPA

3.5.2.1. Most English NPAs have 22 members (though the Peak District has 30) comprised of local authority appointees, parish nominees, and “other” members appointed by the SofS to provide a wider national viewpoint.

3.5.2.2. Legislation requires that the total number of local authority and parish members must exceed the number of “other” (national) appointees.

3.5.2.3. The Broads Authority has 21 members – 9 local authority, 10 SofS appointees, and 2 appointed from the Navigation Committee.

3.5.2.4. As a general principle, NPAs should be seeking to promote efficiency in their management and keep running costs within reasonable limits. If directly elected members did become a reality there should be a general aim not to increase the size of NPAs as a consequence. There would therefore need to be a rebalancing of the various representational groupings within the NPA. We should argue for a presumption against further dilution of the SofS appointed national representation on the NPA.

3.5.2.5. Given that there is no realistic prospect of holding national elections to NPAs it is clear that direct electees would be locally selected and would have to be regarded as providing local representation. This being the case, it would be

appropriate to simply replace Parish representatives with an agreed number of direct electees. It is unlikely that first and second tier local authorities would be willing to surrender representation on NPAs in favour of direct electees.

3.5.3. Broads Authority

3.5.3.1. The Broads Authority represents a different case. With no current parish representation to replace, direct electees would have to become a new additional element to the Broads democratic mix. The same stipulations regarding balanced representation of interests and expertise as for NPAs would have to apply. There would be no alternative other than to increase the size of the Broads Authority to accommodate a new member grouping.

3.5.4 Training and support for NPA members

3.5.4.1. It is probable that direct electees would require a level of induction training that went beyond what is normally available to members serving under the current arrangements. Natural England may be called upon to provide additional support for UK-ANPA or ENPAA to undertake this.

3.5.5. Conservation Boards

3.5.5.1. Although this consultation focuses on NPAs and the Broads Authority, our response should highlight the potential for decisions on the principle of direct elections to be equally applied to the two AONB Conservation Boards.

4. **Our response**

4.1. Introducing direct electees would pose a considerable challenge particularly in view of the balanced representation issues. Holding local elections would be an expensive undertaking with National Park authorities having to bear the costs. The boost to local democracy would be limited given that the public would not have the opportunity to influence local authority or Secretary of State representation on NPAs. Moreover, it could be said that in rural areas both the local electorate and the Park would be subject to democratic overload with elections potentially to Parish Council, District Council, County Council and National Park Authority. For these reasons there seems little to be gained from altering the status-quo. Our response to the questions posed could be framed as follows.

Q Do you agree/disagree or support/object with/to the principle of Direct Elections?

A We do not object to the principle of Direct Elections but are of the view that they would not provide significant benefits for English National Parks.

Q Do you agree with direct elections resulting in larger authorities?

A No – Recent government policy promoting smaller NPAs has worked well in promoting efficiency and keeping authority running costs manageable. A reversal of this policy would be counter productive.

Q If authorities were to remain the same size, which members should be replaced in favour of directly elected members?

A Given that direct electees would provide local representation the obvious solution would be to replace the Parish representative

grouping.

Q Do you wish for the Broads to have Parish members bearing in mind the overall size of the Authority and replacement of any existing members to accommodate them?

A No – If direct electees were introduced to the Broads Authority there appears little alternative to expanding its size. Direct electees would provide the grass roots local representation instead of parish nominees.

Q Do you have any outstanding issues?

A Yes – If it was decided to introduce Direct Elections for a proportion of NPA membership consideration would need to be given to whether the same approach should be adopted for AONB Conservation Boards. There is the possibility of piloting the approach in the two existing Boards. This could help identify pitfalls prior to wider implementation by NPAs. The two existing Conservation Boards have been approached on this matter and have no objections to the thrust of our response on direct elections.

4.2. The response could be supplemented by commentary covering the balance of interests issue .

Annex 1

Consultation on Direct Elections to English National Park and Broads Authorities

Ministerial foreword by Jonathan Shaw M.P., Minister for Marine, Landscape and Rural Affairs and Minister for the South-East

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