GOVERNANCE ARRANGEMENTS OF NATIONAL PARKS – PROPOSED CONSULTATION RESPONSE

PART A - RECOMMENDATION OF CABINET MEMBER

1.0 EXECUTIVE SUMMARY

1.1. DEFRA have asked the County Council as an invited consultee to input to their review of the governance arrangements of National Parks. The consultation focuses on six pre-defined key questions. These address in particular issues of local accountability and effective governance.

1.2. A response to the consultation, focused on answering the six pre-defined questions, is set out. This advocates increased local authority representation, increased parish membership and an enhanced role in decision making for parish councils and local communities, including those adjacent to as well as within a National Park.

2.0 STRATEGIC PLANNING AND EQUALITY IMPLICATIONS

2.1. There are two National Parks wholly or partly within Cumbria and changes to the governance of the National Park Authorities will have some impact on the way the County Council operates. Currently the County Council has six councillor representatives on the Lake District National Park Authority and one on the Yorkshire Dales National Park Authority.

2.2. There are no equality implications arising from this report.

3.0 RECOMMENDATION

3.1. That Cabinet responds to this Consultation in the terms of Appendix A.

Tim Knowles – Cabinet Member for Environment and Transport
4.0 BACKGROUND

Introduction

4.1. DEFRA are undertaking a review of the governance arrangements of National Parks in order to increase local accountability. A consultation was launched in November 2010 and the deadline for receipt of comments is 1st February 2011.

4.2. England’s nine national parks were designated under section 5 of the National Parks and Access to the Countryside Act 1949. In 1995 National Park Authorities were established under section 63 of the Environment Act to deliver the statutory National Park purposes. These statutory purposes are to conserve and enhance the natural beauty, wildlife and culture of the Parks; and to promote opportunities for understanding and enjoyment of their special qualities by the public.

4.3. Under the Environment Act 1995 the National Park Authorities (NPAs) were given an additional duty to further the economic and social well being of local communities.

4.4. There are two National Parks in Cumbria, the Lake District and part of the Yorkshire Dales in the Sedbergh/Dent area. Both are governed by NPAs with similar governance arrangements.

The Review

4.5. The purpose of the review being carried out by DEFRA is to look for ways in which NPAs can be more effective, seek ways in which NPAs can be more responsive to the concerns of their local communities, and consider the extent to which different arrangements are appropriate for different NPAs. To do this the review seeks responses to six key questions:

- Should the size and composition of NPAs be changed?

- Can the selection process for all categories of NPA members be improved?

- Should there 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 ‘national’ members appointed by the Secretary of State (currently 10 years)?

- Can the current membership and structure of consultative committees, groups and forums be strengthened so as to better achieve ‘Big Society’ benefits?
• What additional measures can NPAs take to strengthen the links and engagement with their local communities on a variety of issues including planning?

• Are there any other ways in which NPAs can improve their effectiveness and accountability?

4.6. The Government wishes to retain an independent authority, as currently exists, for each of the NPAs. It further intends that the NPAs should continue to be the local planning authority for their areas.

Current NPA Governance Arrangements

4.7. Currently there are three different types of member for an NPA, national, local authority and parish. The Broads Authority is an exception as it has its own legislation, the Norfolk and Suffolk Broads Act 1988 resulting in different membership arrangements which incorporate representation of a Navigation Committee.

4.8. National members are appointed by the Secretary of State and are chosen through an open recruitment process, regulated by the Office of the Commissioner for Public Appointments. Most people may become a member of an NPA, though there are some obvious exceptions such as an employee of the NPA or a serving MP. In order to ensure the right balance of personal qualities and experience, the Secretary of State seeks to reflect the broad national social and cultural mix. Before making any appointments the Secretary of State is required to consult Natural England.

4.9. Local authority members are appointed by constituent local authorities. Every local authority with land wholly or partly in a National Park is entitled to appoint at least one member. Appointees are required to be serving councillors of their appointing local authorities and they automatically cease to be NPA members when their term of office as a councillor ends. Upon re-election they can be reappointed and there is no limit to the number of times this can occur. The appointment of a serving councillor is expected to have regard to the desirability of appointing members who represent divisions for wards situated wholly or directly within the relevant National Park. In addition when making appointments, local authorities are required to observe the rules on political balance when appropriate under the Local Government and Housing Act 1989.

4.10. Parish members are appointed by the Secretary of State on the recommendation collectively of the parishes with land wholly or partly within a National Park. The Secretary of State does not appoint as a parish member anyone who is a serving councillor of a local authority appointing members to an NPA. Parish members must be serving councillors of a parish council with land in a National Park or, where there is no Council, the chair of the parish meeting for a parish with land wholly or partly in a National Park. Parish members serve for as long as they are a member of a parish council, or chair of the parish meeting from which they were appointed. Appointees automatically cease to be NPA members when their term of office as a councillor ends. Upon re-election they can be reappointed and there is no limit to the number of times this can occur.
4.11. The membership arrangements for the Lake District and Yorkshire Dales National Parks are given as identical within the DEFRA consultation document. These arrangements are 6 national members, 12 local authority members and 4 parish members, and are reported as being the same arrangements as for the Dartmoor, Exmoor, New Forest and North York Moors NPAs.

4.12. The Yorkshire Dales National Park allocation of membership for the 12 local authority members is split equally between the county and district authorities, with the six county council members coming from five members for North Yorkshire County Council and one member for Cumbria County Council. For the district councils there are three members for Craven District Council, two from Richmondshire District Council and one from South Lakeland District Council.

4.13. The Lake District National Park allocation of membership for the 12 local authority members is also split equally between the county and district authorities. The breakdown of local authority members is six appointed by Cumbria County Council and six allocated between the four districts with wards wholly or partly within the National Park. These districts are Allerdale, Copeland, Eden and South Lakeland.

4.14. The parish members for both the Yorkshire Dales and Lake District National Parks are selected by the Cumbria Association of Local Councils, which submits the names to the Secretary of State for ratification.

5.0 **OPTIONS**

5.1. Cabinet could agree the report recommendation and the consultation response as set out in Appendix A.

5.2. Cabinet could decide to vary, or not support, part or all of the report recommendation and consultation response as set out in Appendix A.

5.3. Cabinet could decide not to respond to the consultation on the review of the governance arrangements of National Parks.

6.0 **RESOURCE AND VALUE FOR MONEY IMPLICATIONS**

6.1. There are no direct financial consequences to the County Council arising from this report.

7.0 **LEGAL IMPLICATIONS**

7.1. The current legal basis for NPA Governance arrangements is set out in the body of this report.

7.2. The effect of s61 National Environment and Rural Communities Act 2006 was to change the wording of the constitution of NPAs. This stated that membership would consist of specified number of a) local authority members
(nominated by the authorities); b) parish members appointed by the Secretary of State and c) other members (national members) appointed by the Secretary of State. It specified that the total number of “local authority members” and “parish members” must exceed the number of other (“national”) members.

7.3. A change in the law would be required if there was a desire to tip overall NPA Board composition away from local authority and parish appointees and in favour of “national” Secretary of State appointees.

8.0 CONCLUSION

8.1. The review of governance arrangements for National Parks is significant for Cumbria as the County contains part of one and all of another National Park. In total National Park designation covers 36.7% of Cumbria.

8.2. As the government wishes to retain NPAs and to continue with them as the local planning authority for their areas, greater local accountability and responsiveness of NPAs to the needs of local communities is to be welcomed.

Marie Fallon
Corporate Director - Environment

7th December 2010

APPENDICES

Appendix A. Response to DEFRA’s ‘Consultation on the Governance Arrangements for the National Parks and Broads’ on behalf of Cumbria County Council

Electoral Division(s): All

* Please remove whichever option is not applicable

Executive Decision

Yes

Key Decision

Yes

If a Key Decision, is the proposal published in the current Forward Plan?

Yes

Is the decision exempt from call-in on grounds of urgency?

No

If exempt from call-in, has the agreement of the Chair of the relevant Overview and Scrutiny Committee been sought or obtained?

N/A

Has this matter been considered by Overview and Scrutiny?

No
Has an environmental or sustainability impact assessment been undertaken?  

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Has an equality impact assessment been undertaken?  

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N.B. If an executive decision is made, then a decision cannot be implemented until the expiry of the eighth working day after the date of the meeting – unless the decision is urgent and exempt from call-in and the Corporate Director has obtained the necessary approvals.

PREVIOUS RELEVANT COUNCIL OR EXECUTIVE DECISIONS  
[including Local Committees]

No previous relevant decisions.

CONSIDERATION BY OVERVIEW AND SCRUTINY

Not considered by Overview and Scrutiny.

BACKGROUND PAPERS

Consultation on the Governance arrangements for the National Parks and Broads, November 2010.

Yorkshire Dales National Park Authority. Membership of the Authority. Download from www.yorkshiredales.org.uk

www.lakedistrict.gov.uk/index/aboutus/members.htm

RESPONSIBLE CABINET MEMBER

Tim Knowles, Cabinet Member for Environment and Transport.

REPORT AUTHOR

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