



Ryedale District Council

REPORT TO: Policy & Resources Committee

DATE: 2 October 2008

REPORTING OFFICER: Council Solicitor & Monitoring Officer
Anthony Winship

SUBJECT: **DEFRA CONSULTATION ON THE PRINCIPLE OF
DIRECT ELECTIONS TO NATIONAL PARK
AUTHORITIES**

1.0 PURPOSE OF REPORT

1.1 To inform Members of the consultation paper which has been issued by the Department for Environment Food and Rural Affairs and to establish what responses should be made on behalf of the Council.

2.0 RECOMMENDATIONS

2.1 It is recommended that Members:-

- (i) Note the public consultation.
- (ii) Indicate whether the Policy & Resources Committee wishes to submit a formal response and, if so, the points and form that the response should take.

3.0 BACKGROUND

3.1 The North York Moors became a National Park in 1952. In 1995 it became a National Park Authority independent of the County Council.

3.2 The National Park falls within the areas of five local authorities, namely Hambleton District Council, North Yorkshire County Council, Redcar and Cleveland Borough Council, Ryedale District Council and Scarborough Borough Council.

3.3 The purposes and duties of National Parks in England and Wales, which are set out in the 1995 Environment Act, form the guiding principles of the North York Moors National Park Authority. They are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park.

- To promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public.
- 3.4 Every local authority with land wholly or partly in a National Park is entitled to appoint at least one Member to the National Park. Of a total of 156 parish areas in the District of Ryedale, 44 parishes fall either wholly or partly in the North York Moors National Park area. Accordingly Ryedale District Council appoints two of its Members to the National Park. By virtue of Schedule 7 to the Environment Act 1995, the appointment stands for the full term of Council. The current appointees are Councillor Janet Frank and Councillor Jim Bailey.
- 3.5 From time to time the matter of the make up and selection of National Park Authority Membership is raised during parliamentary debates and elsewhere. The issue was raised during a Parliamentary debate surrounding the Broads Bill which is being promoted by The Broads Authority. This was despite the issue being outside the remit of the Bill. In response, the government. Minister, Jonathan Shaw, indicated that the government would consult on the principle of direct elections to National Park Authorities and the Broads Authority.
- 3.6 The consultation document was issued by DEFRA on 28 July 2008 and responses are invited by Friday 28 November 2008. A copy of the consultation document and covering letter are attached.

4.0 PREVIOUS CONSIDERATION OF THE PRINCIPLE OF DIRECT ELECTIONS

- 4.1 The Scottish legislation (National Parks (Scotland) Act 2000) specifies that at least one fifth of Members should be directly elected – with the remainder appointed by Scottish Ministers (of whom half are nominated by local authorities). This appears to be operating effectively in the two Scottish national Parks, Cairngorms and Loch Lomond & the Trossachs, although the Scottish context is different as Scotland does not have parish councils, so, unlike their English counterparts, Scottish National Park Authorities cannot include parish council appointees.
- 4.2 The DEFRA review of National Park Authorities undertaken in 2002 considered the issue as part of a wide ranging review of National Park Authority functions. The review findings were that:

“If directly elected Members were to replace existing Members, the most likely candidates would be parish council appointees. Yet the introduction of parish council Members has been seen as a positive development and one that has promoted effective grassroots links with local communities – precisely what directly elected Members might be expected to achieve.

There are also important practical and policy issues associated with direct elections. For example, it may not be altogether clear who should have the right to vote or where constituency boundaries should be drawn. Arguably, directly elected Members should be elected from constituencies representing not only Park residents, but also neighbouring areas which provide visitors. What is clear is that directly elected Members would need special provision and this is likely to be complex and costly.

. *While we would not necessarily wish to rule out the idea, we are not persuaded that directly elected Members would bring clear benefits over and above the current mix of Members, particularly if they were to replace Parish Members.”*

4.3 More recently, in 2004, a review of National Park Authorities in Wales by the Welsh Assembly concluded that *‘there was no great movement behind this proposal with a clear majority opposing it or offering no comment. As a result the Minister plans to take no further action’.*

4.4 At the request of the Minister, the meeting of English National Park Authorities Association considered the issue at a meeting in July 2008. The meeting agreed a number of principles to assist in shaping the consultation:

- there is real benefit in having a broad basis from which Members are drawn to a NPA;
- the independence of NPAs (with no one authority having dominance) should be upheld;
- resolution of potential problems caused by changes in Membership should be resolved through action at national level given the status and national objectives of the National Parks;
- the diversity and balance of NPA Membership should be retained;
- ensuring satisfactory local knowledge and connection with the National Park areas amongst a National Park Authority’s Membership is critical and needs to be retained;
- the national interest in NPAs should not be diminished;
- the Authorities should not be reduced or increased in size;
- the proposed electorate for any new process should be clearly defined at the outset; and
- the costs of the process should be proportionate to the benefits, with any additional expenditure funded by central Government.

5.0 INTRODUCTION

5.1 As is explained in the Minister’s Foreword, the Membership arrangements for National Parks and the Broads Authority reflect the fact that *“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.”* The Membership arrangements, therefore, ensure that there are Members who approach matters from a national background, serving alongside Members drawn from a local background.

5.2 The proposal arises out of a comment from a House of Commons Committee that in relation to the Broads Authority a minimum of 20% of the Members should be elected by a poll of those within the park area. The House of Commons Committee for the Broads Authority Bill, whilst agreeing that the powers proposed in the Bill were necessary, expressed concern that the

powers may affect the relationship between the Authority and the local people. The Committee's report said

"It is our view that the Broads Authority and local people would benefit from the provision for direct elections to the Authority with a view to ensuring that the principle of direct representation of local community interests should be guaranteed. This would ensure that the Authority could be held to account and that there was a democratic means of moderating the powers enacted within the Bill.

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.

As the Authority has sought to extend its powers, we believe that the government should now consider the Constitution of the Authority."

Rather than look at the matter for the Broads Authority only, the Minister has decided to consult on the issue as it affects all National Parks.

- 5.3 With regard to parish representation, it is currently only the Broads Authority in England that does not have parish representation and this issue is, therefore, also included in the consultation.
- 5.4 Page 9 of the Consultation Paper contains a table showing the current Membership of the National Parks and the Broads Authority. The current Membership of the National Park Authority is 6 national appointments made by the Secretary of State following an open recruitment process, 12 local authority (District/County/Unitary) nominees and 4 Parish Members giving a total of 22 Members. In the case of the English National Parks the parish representatives are chosen by the parishes collectively from parishes with land in the Park although the appointments are formally confirmed by the Secretary of State. The directly elected Members of the Scottish National Parks are elected by all postal ballot limited to local government electors within the Park boundary. The Scottish and Welsh National Parks do not have parish representatives.
- 5.5 The issue of whether or not there should be direct elections conflicts with the issue of Parish Members as the Minister indicates in his Foreword that *"this paper is mainly about whether directly elected Members could usefully replace or supplement the Parish Members, or perhapsthe local authority Members"*.

6.0 REPORT THE CONSULTATION QUESTIONS

- 6.1 The consultation paper identifies five questions to which the department would wish to have a response:-
- (a) Do you agree/disagree or support/object with/to the principle of direction elections?

- (b) Do you agree with direct elections resulting in large authorities?
 - (c) If authorities were to remain the same size which Members should be replaced in favour of directly elected Members?
 - (d) Do you wish for the broads to have parish Members bearing in mind the overall size of the Authority and the replacement of any existing Members to accommodate them?
 - (e) Do you have any outstanding issues?
- 6.2 There is attached to this report a copy of the consultation paper and of the ministerial forward. It is apparent from the ministerial forward that the government wishes is to maintain the appointment of Members to National Parks from a national background who serve alongside Members who are drawn from a local background. It is considered that this enables the different views and interests to be aired and addressed particularly on planning issues. However, in Scotland the National Park Authorities do have directly elected Members. The directly elected Members occupy seats on the authorities rather than any parish or local Council Members.
- 6.3 If there were to be directly elected Members the likelihood would be that they would replace the parish and local authority Members. The Government remains committed to the principle of mixing national and local Members and it is likely that the Scottish model will be followed.
- 6.4 The opportunity has been taken of forwarding a copy of the consultation paper to the District Councillors who have wards which fall within the boundary of the North York Moors National Park. The wards affected are shown on the attached list marked Annex 1. This includes the Council's representatives on the North York Moors National Park Authority.
- 6.5 The issues relating to the principle of direct elections are addressed in the consultation paper. The paper recognises that there will be additional costs arising from direct elections. The North York Moors National Park Authority falls within the area of five local authorities, namely Hambleton, North Yorkshire County Council, Redcar and Cleveland, Ryedale and Scarborough and issues relating to elections would have to be addressed. It would have to be decided how any direct elections would be undertaken and by which body and how the costs of any elections would be met.

DIRECT ELECTIONS

- 6.6 Paragraph 3 of the consultation paper explains the main arguments that are raised for and against direct elections as follows. These are summarised in the following paragraphs.
- 6.7 **Legitimacy and the "democratic deficit"** Democratically elected representatives have a legitimacy that appointees can never have. This may be particularly important for planning decisions which in other parts of the country are made by elected Members. However, council appointees are indirectly elected as they have been elected onto their council which has then appointed them to the Authority. Once they cease to be a Councillor their Membership of the Authority also ceases. There is though the potential for councils to appoint Members from wards outside the Authority's area. This

could be helpful to ensure that wider interests are represented. Directly elected Members would not necessarily be able to deliver the manifesto on which they sought election.

6.8 **What sort of Member might emerge from direct elections** The Government's intention has been that the Members as an entity should cover the range of issues faced by the Authorities. National Members tend to represent the following interests: conservation; higher and further education; recreational and National Trust and more national Members than local Members have professional planning backgrounds. Local authority Members have conservation interests reflected in their engagement with local communities and have interests in primary and secondary education.

6.9 **How would directly elected Members impact on the effectiveness of the authorities** The authorities are considered to work effectively now therefore the issue is would direct elections enhance performance or put it at risk ? Fears that the elected Members might have more legitimacy and so carry more weight against the appointed Members have not been realised in Scotland.

6.10 **Costs and practical issues of running direct elections** In Scotland all postal ballots were held among local government electors within the Park boundaries at a cost of £30,000 per 16,000 population. Holding elections of all the electors in the local authorities with land in the Authority area may not be viable. A decision would be needed on what local connection people should have to be able to stand for election eg living or working within the Authority area.

7.0 THE FINANCIAL IMPLICATIONS

7.1 There are none arising directly from this report. There would be financial implications should this Council be required to undertake or participate in the conduct of the elections to any National Park Authority.

8.0 LEGAL IMPLICATIONS

8.1 Schedule 7 of the Environment Act 1995 as amended by s.61 Natural Environment and Rural Communities Act 2006 provides for the appointment of local authority Members to National Park Authorities.

8.2 Changes in the categories of Membership of the National Park Authorities and the means of selection will require primary legislation.

8.3 If the principle of direct elections is approved it can be expected that the Council would no longer make appointments to the National Park Authority as an outside body. An authority may have a responsibility for the conduct of the elections, should they occur.

BACKGROUND PAPERS

Letter from DEFRA dated 28 July 2008 with Consultation Paper

OFFICER CONTACT:

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