

Governance of National Park Authorities and the Broads Authority
Report by Chief Executive

Summary: The Government has published its response to the consultation on the governance of national parks authorities (NPAs) and the Broads Authority. This report details the five areas of development requiring changes to primary legislation which Defra are consulting on; though some of these are not applicable to the Broads Authority. The Forum's comments on the consultation questions are sought.

1 Background

- 1.1 The Government published a consultation on the governance of national parks and the Broads in November 2010 and, following a local consultation and workshop, a special meeting of the Authority was held on 15 February 2011 when its responses to the six questions asked were agreed. The Government published its response to the Consultation responses on the 13 September 2011 and a copy of the press release can be found at: <http://www.defra.gov.uk/news/2011/09/13/power-people-national-parks/> and the full document can be found at <http://archive.defra.gov.uk/corporate/consult/nationalpark-governance/nationalpark-governance-sumresp.pdf>
- 1.2 On the Broads specific issues the Authority submitted the following comments.
- (i) *The Authority's current membership and composition of 21 should be retained. It was considered that this represented a good balance and broad base of skills, expertise, interests and knowledge with national and local perspective giving the Authority flexibility in governance.*
 - (ii) *The Authority will consider developing a person specification as guidance for local authorities to assist them in making their appointments to the Authority.*
 - (iii) *There should be no immediate change in the membership, structure and composition of the Navigation Committee, Broads Forum and Local Access Forum at this stage, given the limited time available for consideration and the recent changes in the last five years already implemented. However, a review will be carried out of the role, composition and support provided to all the Authority's consultative bodies, particularly following its reorganisation in light of the reduction in National Park Grant.*

The Government has accepted all three of these recommendations from the Authority which relate specifically to the Broads.

- 1.3 A report on this matter was brought to the Broads Forum on 6 October 2011.

2 Proposed Changes to Primary Legislation

- 2.1 The outcome of the Government's review was a wide range of improvements in the way that NPAs and the Broads Authority operate. Some of these relate to individual authorities and some are general. Some can be carried out under existing powers and others need new legislation. Others build on existing good practice by the authorities. In particular, there are five areas of development requiring changes to primary legislation which the Government proposes to make by use of an Order-making power in the Public Bodies Act 2011.
- 2.2 Defra is therefore inviting views on the proposed changes to primary legislation through use of a Public Bodies Act Order. The proposed changes are to:
- make it possible for National Park authorities to include some directly elected members;
 - remove the need for the Secretary of State to appoint the parish members;
 - relax the political balance requirement on local authorities when appointing their members to a National Park Authority;
 - make it possible to allow parishes in subsequently specified National Parks to choose non-councillors for their seats; and
 - apply a maximum length of service of 8 years.
- 2.3 The full consultation paper is available to view at www.defra.gov.uk/consult/2012/03/08/national-park-governance-1203/. All responses, including those which propose an alternative to the Government's preferred option, will be given due consideration. The Authority will consider this matter at its meeting on 18 May 2012, to allow a response to be made before the deadline of 31 May 2012.

3 Consultation Questions

- 3.1 The consultation questions applicable for the Broads Authority are detailed in Appendix 1. As the Government has already accepted the three recommendations from the Authority which specifically relate to the Broads, there is no need for the Authority to respond to questions 11 to 15. However, the Forum's comments on the consultation questions 1 to 10 (in relation to Direct Elections) and 16 to 17 (in relation to the maximum term of appointment for members) are sought.
- 3.2 As the Broads Authority was created under separate legislation to the NPAs, to create a parallel provision, Defra will also seek a legislative opportunity to amend the Norfolk and Suffolk Broads Act 1988. This will provide a possible new category of member – those that are directly elected.

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Appendices: APPENDIX 1 - Summary of Consultation Questions

Summary of Consultation Questions

Direct Elections

Q1. Do you agree that we should legislate to allow for the possibility of directly elected members to English National Park authorities and the Broads Authority?

If you disagree, is this because you believe:

- a) the Parks already have sufficient local accountability,
- b) other – please explain.

Q2. Do you agree with the principle of accommodating directly elected members into an Authority by making a corresponding reduction across the local authority and/or parish seats, to maintain the overall size?

If you disagree, is this because you believe:

- a) an authority's membership should be increased to accommodate any directly-elected members,
- b) the category of 'national' members should be used as well as local authority and parish members to accommodate directly-elected members,
- c) other – please explain.

Q3. Do you agree with the general approach to these elections described in paragraph 3.10?

Relevant text from paragraph 3.10: *“We envisage the New Forest and Peak District elections would be held in May 2013, using the existing procedures for the conduct of local elections with the use of polling stations and proxy/postal ballots. We think this gives voters flexibility and avoids having to collect signatures and date of birth forms from those not already registered for postal votes, which are required to carry out postal voting checks under the Electoral Administration Act 2006. Members would be elected for a four-year term (consistent with the terms of other members.”*

If you disagree, please explain your reasons.

Q4. Do you think that any direct elections to National Park authorities and the Broads Authority should be:

- a) combined with other elections where practicable,
- b) held separately,
- c) other – please explain.

Q5. Do you agree that we should trial direct elections to evaluate their efficacy before taking a view as to whether they should be rolled out across other National Park Authorities and the Broads Authority?

If you disagree, is this because you believe:

- a) direct elections should be implemented without piloting,
- b) other – please explain.

Q6. Do you agree with these proposals on eligibility to vote and the electoral system?

If you disagree, please explain your reasons.

Q7. Do you agree that we should place no geographic limitations on where a candidate for election to a National Park Authority can live?

If you disagree, is this because you believe:

- a) candidates should live within the Park,
- b) other – please explain.

Q8. Do you think that any particular restrictions should be placed on who can stand for directly elected seats (over and above the general restrictions applying to all members)?

If so, please explain what those restrictions should be.

Q9. Do you agree that any nomination for candidacy to become a National Park member must be subscribed by 10 people eligible to vote in such an election?

If you disagree, please explain your reasons.

Q10. Do you agree that, for the purposes of direct elections only, a Park should be arranged into wards, corresponding to the number of members to be directly elected?

If you disagree, is that because you believe:

- a) the poll should be 'Park-wide',
- b) there should be multi-member wards,
- c) other – please explain.

Limit to the maximum term of appointment for members

Q16. Do you agree that there should be an eight year limit on the period which local authority, parish, and directly elected members, as well as national members, can serve on a National Park authority?

If you disagree, is this because you believe:

- a) there should be no limit to the length of service of local authority and/or parish and/or directly elected members,
- b) there should be a different limit to the length of service of local authority and/or parish and/or directly elected members (please specify),
- c) other – please explain.

Q17. Do you think local authority, parish, and directly elected members reaching the 8 year membership limit for NPAs should be:

- a) eligible to be considered alongside new nominees immediately,
- b) required to wait for a specified number of years before being considered for nomination (please specify),
- c) other – please explain.