



Consultation on Direct Elections to English National Park and Broads Authorities

A response by the English National Park Authorities Association

November 2008

Summary

1. The English National Park Authorities Association (ENPAA) exists to provide a collective voice for the nine English National Park Authorities. It is governed by the Chairs of the nine Authorities, and our response represents the collective view of the Authorities. It has been prepared by officers, working within the policies established by the National Park Authorities (NPAs) and follows an orientation discussion amongst the Chairs of the Authorities and sight of a number of NPA responses. Individual NPAs may submit separate comments, which will draw on the specific issues for their particular region.

2. We welcome the opportunity to comment on the issue of Direct Elections. We note, and share, the Minister's desire to ensure that the governance arrangements for NPAs ensure that they can continue to be as effective as possible in delivering National Park purposes. It is this overarching aim which guides our response. In doing so, we note the comment in the (then) Minister's foreword that the current combination of members 'seems to be working well', and the more recent Ministerial Statement by Huw Irranca-Davies which re-iterated this. We also note the following from a well known political commentator:

*"that national parks are I would suggest,
one example of where politics have worked"*

Andrew Marr, BBC Britain from Above
17th August 2008

3. We recognise the importance of NPAs embracing change and the new approach to National Park Authority Performance Assessment (NPAPA) which we have been developing in conjunction with Defra is a key mechanism for ensuring we continually learn from each other. NPAs view establishing, maintaining and strengthening connections with local communities as a key element of delivering National Park purposes. And so while recognising the debates that are occurring over introducing direct elections to a range of public bodies – we also believe it is important to reflect on recent experience and the specific situation facing NPAs, so aptly set out in the consultation paper and Ministerial Foreword. In this respect the constituency for National Parks is very wide indeed.

4. Our response draws from the experience of the English National Parks Review 2002; the Review of Welsh National Park Authorities 2004; recent discussions regarding the introduction of Unitary Government; debates over the Broads Bill; and the situation in Scotland. It has also been informed by the numerous discussions which individual NPAs have prompted with local authorities and other partners. This has included issuing press releases highlighting the public consultation and detailed consultation with other partners. And we have used the following principles to guide our response:

- 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 an NPA'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; and
- the costs of the process should be proportionate to the benefits, with any additional expenditure funded by central Government.

5. If the Government is of the view that it wishes to bring forward changes to the membership of National Park Authorities, then we believe it needs to identify clear criteria on which to judge whether a change is needed. In our view, such criteria would need to include:

- would the change help to deliver National Park purposes more than current arrangements;
- would the change improve the governance of National Parks; and
- would the change overcome a clear identified problem which needs resolving?

6. ENPAA does not take a view on the principle of direct elections *per se*. We have considered the principle in relation to National Park Authority membership specifically and can see little value in introducing it; but a number of risks which could threaten to undermine the achievement of National Park purposes. Overall, we can find no evidence to suggest that the introduction of direct elections would lead to an advancement in the achievement of National Park purposes, or the operation of the NPAs compared to the current situation. On that basis we would not support their introduction to NPAs. It is our understanding that this view is shared by a wide range of stakeholders including Natural England, the Local Government Association (LGA) and the Campaign for National Parks (CNP).

7. ENPAA sees no reason or evidence to support the introduction of direct elections for local authority or 'national' members. This is because we believe this would undermine our links with constituent local authorities and undermine the commitment Ministers have made not to reduce the national dimension. The current model, in which national interests are considered alongside those of more local resident needs works well. If this were replaced wholly or largely by members who were directly elected there is a real risk that local considerations would outweigh

national concerns. Concern has been expressed too in some quarters about the potential to introduce party politics into National Parks through the introduction of direct elections.

8. Given the impracticability of giving the entire nation (or, indeed future generations) the opportunity to vote for their interests, it is essential that nationally *appointed* members remain and that their role, alongside other categories of members must be carefully balanced.

9. During the Parliamentary debate on the Broads Bill the then Minister, Jonathan Shaw MP, said 'it is important that we respond to the concerns and the accountability wishes of the people of this country'. ENPAA recognises the need for accountability, but would point to a coherent package of safeguards which ensures that accountability is achieved. Annex I of our response sets out the various ways in which NPAs are currently accountable. ENPAA also believes that the only practicable way of ensuring National park Authorities are accountable for their national significance is through the appointment by national Ministers of members not dependent on local elections.

10. We believe that a higher priority should be for Defra to work on ensuring the smooth transition for those NPAs affected by changes in Unitary Government.

Response to the detailed questions in the consultation paper

Question 1: Do you agree/ disagree or support/object with/ to the principle of Direct Elections?

11. The issue of Direct Elections has been raised and rejected during the reviews of National Park Authorities in both England and Wales. While ENPAA adopts a neutral position on the principle of direct elections, we find no evidence that demonstrates that their introduction to NPAs would significantly assist in the achievement of National Park purposes. This is because the current system is working well. We therefore see no reason or evidence to support the introduction of direct elections for NPAs.

12. Our starting point is to ensure that the NPA is best able to further National Park purposes with its partners. This means working closely with local authorities, parish councils and a host of partner organisations. NPAs value greatly these relationships. In addition the breadth and experience of the membership also ensures that the National Park Authority can play a wider role in the development of the National Park on a national, regional and local stage. We believe this is critical to the well being of the National Park and its resident population.

13. The Scottish model is sometimes quoted in support of the introduction of direct elections. While we retain links with the NPAs in Scotland and have discussed their arrangements, this has demonstrated the distinct differences between the NPAs north and south of the border. This includes:

- the independence of the NPAs within England;
- the scope for establishing deep formal and informal networks with local communities when you have been in existence for 50 years compared to five or six;
- the different governance arrangements that exist; and
- the different local government frameworks that exist.

14. We also note that despite some encouraging turnout figures when direct elections were first introduced, these have subsequently reduced in all Wards. There has also been a reduction (by as much as 60%) in the number of people standing for election to the Scottish NPAs after only one cycle. The long term sustainability of any perceived benefits therefore also need to be considered seriously.

15. If the Government were minded to introduce direct elections for a proportion of the NPA membership, then we believe this should be informed by the guiding principles outlined above in paragraph 4. Furthermore, we would expect the Government to:

- consult NPAs on the specific details of an election;
- explain how any new arrangements would complement those proposed as a consequence of the introduction of Unitary Authorities;
- explain how it would address the instability created before new legislation could be enacted; and
- set out how it would pay for the additional costs incurred by their introduction.

Question 2: Do you agree with direct elections resulting in larger authorities?

16. No. As the consultation paper indicates, the size of NPA membership was considered during the Review of English National Park Authorities 2002. This concluded that the size of the NPAs should be reduced from their original size. ENPAA further considered the issue of size of NPA membership during the discussions over the introduction of Unitary Local Government. We came to the view that the current size of NPA membership should neither increase, nor decrease. This remains our view. We believe the current number provides the right balance for membership composition; the active involvement of members; the efficient running of a public body; whilst recognizing the time commitment and availability of members.

Question 3: If authorities were to remain the same size, which members should be replaced in favour of directly elected members?

17. Were Ministers minded to introduce direct elections, then the issue arises which members would be replaced. ENPAA welcomes the recognition within both the Minister's Foreword and the consultation paper that the principle of direct elections for nationally appointed members is an unrealistic proposition. We agree. Those members appointed by the Secretary of State do so following a rigorous process which ensures that they contribute significantly to the workings of the NPA. For the majority of NPAs within England, the proportion of 'national' members are less than in either Scotland or Wales.

18. We are concerned that replacing local authority members with those that are directly elected would have the effect of dis-enfranchising the local authorities with whom NPAs work with. This could have serious consequences for joint work eg. on affordable housing; strategic planning; transport provision; and links to education authorities and community engagement. The achievement of National Park Management Plans requires the active involvement of the local authorities both directly within the National Park boundary, as well as beyond.

19. ENPAA is aware of strong feelings by those Members who have been appointed by their local authority – that they are already elected. This is referred to in page 4 of the consultation paper. Rather than members who had been appointed to serve on the NPA for the best interests of the National Park; the danger of

introducing directly elected members would be that they would feel they need to act as a representative for their electorate. This has been documented as a problem for the Scottish NPAs.

20. We would also wish to highlight the positive experience of parish members working on NPAs. They bring a practical understanding of community life within a National Park; can bring a challenge to nationally driven agendas and so help in the practical implementation of these; and in strengthening the link with local communities. They can also act as strong champions for national agendas.

21. Although reference is made to planning committees within the consultation paper, this is an area which is highly regulated and to avoid a member having a direct representational role with their electorate on most matters would seem to undermine the main stated benefit of direct elections. It should also be noted that NPAs are the *only* type of local planning authority where the membership is drawn directly from parish councils.

Question 4: 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?

22. ENPAA exists to provide a collective voice for the nine NPAs. Since this question relates to one NPA only, we do not intend to comment.

Do you have any outstanding issues?

23. While we recognise that the Government is currently consulting only on the principle of direct elections, ENPAA does believe that the costs of the process should be proportionate to the benefits, with any additional expenditure funded by central Government. Were the Scottish experience to be replicated within England on a per capita basis, we believe an extra £361,000 would need to be found on a periodic basis, say every 4-5 years. The figure using the Welsh Assembly Government estimate (which is calculated differently) comes to between £270,000 and £360,000. Additional work would be required to establish whether these are realistic figures given that to introduce this for English NPAs would be a significantly bigger proposition. It should be noted that current electoral costs for selecting members of parish councils are considerably lower, by about one order of magnitude, than these estimates.

24. ENPAA would expect any additional expenditure to be met by central Government – rather than reducing NPA budgets for work programmes that are making a positive contribution to the achievement of Defra's Natural Environment PSA and those of a range of other government departments.

ENPAA

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Annex I

Methods by which National Park Authorities are currently accountable for their activities and decisions

National Park Authorities are public sector bodies, and therefore, accountable to the public and (through Defra) to Parliament. This is achieved through:

- NPA meetings being held in public, with the papers made available, including on websites
- Formal NPA Performance Appraisals being undertaken which includes independent scrutiny
- A commitment to public participation which goes beyond statutory public consultation on the preparation of the National Park Management Plan and subsequent publication and monitoring
- Publication of NPA Corporate Plans and other strategies
- Undertaking resident and visitor surveys to test opinion and receive feedback on services and priorities
- Publication of newsletters to both residents and to visitors from beyond the National Park boundary
- Regular Ministerial visits to National Parks
- Annual meetings between NPAs, Defra officials and other interested parties
- Running Community and Stakeholder Forums to gather views
- Public scrutiny through NPA involvement and presence at community events and meetings
- As formal partners in a range of Local Area Agreements
- Through the application of the new 'Duty to Involve'
- Scrutiny by local media