

## **Consultation Paper**

### **Consultation on the process for appointing Members to the Welsh National Park Authorities**



**Llywodraeth Cynulliad Cymru  
Welsh Assembly Government**

## Introduction

1. Under the terms of *Schedule 7 to the 1995 Environment Act*, Welsh National Park Authorities are constituted as follows: two thirds local authority members, and one third members appointed by the National Assembly for Wales. In line with this, under *Schedule 2 to the National Park Authorities (Wales) Order 1995 – no. 2803*, the Brecon Beacons National Park Authority has 16 local authority members and 8 members appointed by the National Assembly for Wales; the Pembrokeshire Coast National Park Authority has 10 local authority members and 5 appointed by the National Assembly; and the Snowdonia National Park Authority has 12 local authority members and 6 appointed by the National Assembly.
2. Wales' three National Parks cover over 4,000 sq km, equivalent to approximately 20% of the total area of Wales. They attract over 22 million visitors each year and make a significant contribution to the Welsh economy. They are often referred to as the “jewels in the Welsh crown”, and the Welsh Assembly Government is working closely with the National Park Authorities and partners to ensure that the best possible governance arrangements are in place for these important areas.

## Governance

3. The Review of the Welsh National Park Authorities covered in some detail the issue of their governance and a number of recommendations were made covering areas such as the need for the Park Authorities to engage better with local communities, addressing the issue of social inclusion. It also covered in some detail suggested changes to the appointment and nomination procedures for members and how best to strengthen and widen membership of National Park Authorities.
4. In addition, and as part of the Review, the Minister for Environment, Planning and Countryside, Carwyn Jones AM, announced a series of steps to improve governance and accountability arrangements generally between the National Park Authorities and the Welsh Assembly Government. These included:
  - the preparation of an updated policy statement for the National Park Authorities (as recommended in the Review) setting out the strategic agenda to deliver for the benefit of the people of Wales;
  - the issuing of an annual grant letter to the National Park Authorities setting out key objectives and targets for the year ahead;
  - more regular meetings between the Chairs and Chief Executives of the Park Authorities and the Minister for Environment, Planning and Countryside and senior officials to gauge progress on the key objectives and targets; and

- the preparation of a new annual report by the National Park Authority Chairs on the performance of the Authority against its strategic agenda.

### **Appointment of members – current arrangements**

5. Local Authority members are councillors appointed by local authorities with communities situated within the National Park. *Section 15 of The Local Government and Housing Act 1989* requires that local authority members represent the current political balance on the nominating authority. When appointing members to National Park Authorities, local authorities are required to have regard to the desirability of appointing members who represent wards situated wholly or partly within the Park boundary and are actively encouraged in this respect. National Assembly appointments are made following open competition with the final decision on National Assembly appointments resting with the Minister for Environment, Planning and Countryside.
6. National Park Authority members, whether appointed by the National Assembly or by constituent local authorities, have wholly equal status and voting rights, and with a duty, collectively and individually, to uphold Park purposes. Local authority appointed members reflect the local interest, with National Assembly appointees representing the national interest. All National Park Authority members are responsible, individually and collectively, for providing effective leadership for the National Park, for setting its policy and for ensuring that it meets its objectives within the statutory, policy and financial framework.

The key tasks of members are to:

- provide effective leadership for the National Park Authority, in particular in defining and developing its strategic direction and in setting challenging objectives;
- ensure that the National Park Authority's activities are conducted and promoted in as efficient and effective a manner as possible;
- ensure that strategies are developed for meeting the National Park's overall objectives in accordance with the policies and priorities established by the Welsh Assembly Government;
- monitor the National Park Authority's performance to ensure that it fully meets its aims, objectives and performance targets;
- ensure that the National Park Authorities control, regulate and monitor their activities, secure value for money within a framework of best practice; and
- promote the delivery of the Assembly's Sustainable Development agenda.

### **Review of National Park Authorities**

7. As noted above, the Review of Welsh National Park Authorities made number of commendations on appointing members to the Park

Authorities. Among these were recommendations that the Welsh Assembly Government, with partners, should formalise procedures for the nomination of local authority members with the introduction of a simple selection process; that the Welsh Assembly Government should instruct local authorities to consult with community councils as part of the selection process leading to the nomination of local authority members to the Park Authority; and that the Welsh Assembly Government should consult on proposals to modify existing legislation to allow for the direct election of one-fifth of NPA members or to achieve such representation through a collegiate system.

8. In addition, the Natural Environment and Rural Communities (NERC) Bill currently going through Parliament will effect changes to the legislation governing the balance of membership of National Park Authorities. Broadly speaking, this means that instead of the one third/two thirds split in respect of local authority/National Assembly appointed members, there will instead simply be a requirement for the number of local authority appointed members to exceed the number of other members. It will also extend the terms of appointment for Assembly appointed members from three years to four years bringing parity with local authority appointments to the Park Authorities which are already for four years.
9. The Minister for Environment, Planning and Countryside considers that the existing arrangements have served the Park Authorities reasonably well. However, he has also said that this does not mean that improvements could not be made. This consultation paper invites views on the appointment arrangements generally and on specific options for possible change.

## **Options**

### **1. Need for change?**

#### **Issue**

**Do the current proportions of members (with two thirds of members appointed by constituent local authorities and one third appointed by the National Assembly) strike the right balance or should the proportions be changed?**

#### **Discussion**

The current mix of appointments appears to have worked reasonably well since first introduced in 1996, and provide a reasonable balance of members who represent the local and national interests.

The Review also found broad acceptance of the present balance of membership, but indicated that the National Park Authorities could do more to engage with local communities. In view of the provisions of the NERC Bill

(see paragraph overleaf), which will specify simply that a majority of members shall come from local authorities in the future, the local authority proportion could possibly be made up differently, maybe still retaining the two thirds/one third split, but with a different mix of local appointees to possibly better reflect local representation. Possible options on this are discussed below.

Views are invited on the effectiveness of the current arrangements and what measures could reasonably be introduced to effect improvements.

## **2. Appointment of local authority members and possible greater engagement of community councils.**

### **Issue**

**Local authority members are appointed without formal/external consultation (eg with community councils). Should local authorities consult with relevant community councils and other local key interests as part of the selection process leading to the nomination of local authority members to the NPA, or should community councils within the National Parks should hold elections among their members leading to the appointment of a proportion of community council members to the NPAs?**

### **Discussion**

The Review recommended that the Welsh Assembly Government should instruct local authorities to consult with community councils as part of the selection process leading to the appointment of local authority members to the National Park Authorities.

Currently a significant number of local authority appointed members (8 out of 12 in the Snowdonia National Park Authority 7 out of 16 in the Brecon Beacons National Park and 4 out of 10 in the Pembrokeshire Coast National Park Authority) are both county councillors and community councillors. So, it could be argued that community councils are already well represented on the National Park Authorities.

As noted above, a recommendation was made in the NPA Review that the Welsh Assembly Government, in association with the Countryside Council for Wales, and the Welsh Local Government Association (WLGA) should formalise procedures for the appointment of local authority members with the introduction of a simple selection process, and a requirement that all members should be bound by a code of practice relating to Park purposes.

The Assembly Government would support in principle wider consultation and engagement with community councils, and other local interest groups in the process for appointing local authority members to the National Park Authorities. We consider though that the arrangements should be kept as simple as possible to avoid adding significantly to the work involved for those local authorities.

It could also be argued that adding another category of locally elected Park members could cause confusion over the role of the local authority appointed representatives, and potentially also diminish the level of national representation on the Welsh Park Authorities. Equally, however, community councils form the level of democratically elected community representatives “nearest the ground”, and the Review called for greater local engagement and community ownership, which this move could help to achieve.

Views are invited on ways in which the existing appointment process for local authority members on the Park Authorities could be made more open and secure stronger engagement with local community interests, including the local community councils.

Options might be:

- i. community councils are consulted by the local authorities before determining their nominees for appointment to the National Park Authorities;
- ii. community councils to have a collegiate system and make nominations to the National Assembly for appointment to the National Park Authorities (this would inevitably entail changing the one third/two third split of local authority and National Assembly for Wales appointed members);
- iii. maintenance of the status quo, bearing in mind that a significant number of local authority members are also community councillors.

### **3. Direct Elections**

#### **Issue**

**Should any members be directly elected to the National Park Authorities? If so, what proportion and on what basis?**

#### **Discussion**

The Review made a specific recommendation that the Assembly Government should consult on a proposal to modify existing legislation to allow for the direct election of one-fifth of National Park Authority members, or to achieve such representation through a collegiate system.

Among the issues needing further consideration are: the perceived benefits of change; the reaction of the voting public to them; the added value that the new category of member would bring; the cost of running elections (estimated to be in the region of £30,000 - £40,000 per election; which members would be replaced by the directly elected members (those appointed by the Assembly or those appointed by the local authorities?) and, if a new category

of directly elected members is introduced, would specific community council representation be needed as well?

In Scotland, elections have already been held to elect five of the 25 members to both the two new National Park Authorities (Loch Lomond and the Trossachs National Park and the Cairngorms National Park). 10 members are appointed there by Ministers in accordance with the rules of the Office of the Commissioner for Public Appointments, while the other 10 are appointed by Ministers following nominations by the appropriate local authorities, with the remaining five elected by a postal ballot of the local electorate. The experience there has been that this has worked quite well, with a good response to the postal ballot with 58% of the Loch Lomond electorate having voted. The elections in Scotland were run by the returning officer of the lead local authority concerned. It is argued in some quarters, though, that the relative success of direct elections in Scotland has been achieved largely due to the novelty value of the public engaging in a new concept, with both National Parks having only been designated in the past five years.

Views are invited.

#### **4. Size of National Park Authorities**

##### **Issue**

**Should the size of the Authorities be reconsidered?**

##### **Discussion**

The Review suggested that while the Snowdonia National Park Authority with 18 members is about the right size, Pembrokeshire Coast is possibly too small with 15, and Brecon possibly too large with 24.

Consideration of any possible change which could be implemented using the Assembly's secondary legislative powers, needs to bear in mind the situation in England. There, in support of the commitment to reduce the size of some relatively un-wieldy authorities, DEFRA is reducing by statutory instrument the maximum number of members to 22. The current arrangements have appeared to work quite well in Wales, except occasionally in Pembrokeshire Coast National Park Authority where problems over securing a quorum for some meetings have occurred. Given the move to a maximum of 22 members in England, there may also be a case for reviewing the size of the Brecon Beacons National Park Authority, although there are special reasons for this in that the Park area stretches over the administrative boundaries of seven appointing authorities.

On balance, the Assembly Government does not believe that any significant changes are required here. We would, however, welcome views on the

possibility of increasing the Pembrokeshire Coast National Park Authority to 18.

## **5. Co-opting of additional members?**

### **Issue**

**Should National Park Authorities be able to co-opt additional members onto the Authority, although without voting rights.**

### **Discussion**

The Snowdonia National Park Authority has co-opted additional members for one of its committees but without voting rights. This was the Plas Tan y Bwlch Committee where the Park Authority required expertise in the leisure sector and/or educational training. Apparently it worked well and offered the Park Authority the opportunity to obtain an impartial and external perspective.

A similar arrangement could be effected relatively easily in the other two Park Authorities, and could help bring a useful external perspective to the work of the Park Authority in certain circumstances.

Before opting to introduce this arrangement on a more regular and formal basis, careful consideration would need to be given to the sensitivities surrounding the statutory rights and responsibilities of existing appointed members, the political balance, and wider representational issues.

Views are invited.

## **6. Social inclusion**

### **Issue**

**What more can be done to encourage members of disabled, disadvantaged and other under represented groups to apply for membership of Welsh National Park Authorities?**

### **Discussion**

The Welsh Assembly Government is keen for the Welsh National Park Authorities to help promote the social inclusion agenda, by doing more to reach out to communities outside their areas and to engage more with socially disadvantaged and ethnic minority groups.

As part of this, the Assembly Government would like to see more people from under represented groups appointed to the National Park Authorities, where such groups are currently under-represented. To this end, we are working closely with organisations representing ethnic minority and disadvantaged groups to encourage them to put forward people for National Park



membership. All Assembly vacancies on the National Park Authorities are already advertised in the press and we work with organisations such as the Black Environment Network and Disability Wales to ensure that their members are aware of the vacancies. One idea currently being explored is for “shadowing” opportunities to be made available to members of ethnic and other minority groups on Welsh National Park Authorities. The aim of this is to encourage, in the short term, the engagement of such groups in the work of the National Park Authorities, and in the longer term to help representatives of these groups to apply to become full members of the Park Authorities.

The Review found that in the interests of representation that reflects the community at large, and in pursuit of the social inclusion agenda, attempts must be made to broaden the Park Authorities’ membership base, seeking more women, a wider age range, and reflecting a broad section of the community. Among the measures suggested to help make this a reality are a review of the timing and location of meetings to make them more accessible to a wider range of people, not least those with family commitments, and that a basic remuneration should be provided for those who would suffer a demonstrable financial loss through attendance at meetings. At the moment, under the existing allowance regime, travel and other reasonable expenses that might be incurred in carrying out work for the National Park Authorities can be claimed by members. Members can also be eligible to claim reimbursement for costs in relation to child care/care of the elderly/assistant carer.

Views are invited on what more can be done in this area and how the wider community, including young people, can become better engaged.

### **Responses to this consultation paper**

We would welcome your views on the various options included in this paper. Please send comments by..... to:

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Further copies of this paper (and the Report of Review of the Welsh National Park Authorities) can be obtained from Lindsey Powles at the above address - telephone no. 029 20823169. The text is also published on the National Assembly’s website at ....

