


Cadeirydd Parciau Cenedlaethol Cymru: 

National Parks Wales Chair:

23rd December, 2019

Equality, Local Government and Communities Committee,
National Assembly for Wales,
Cardiff Bay,
Cardiff, CF99 1NA.

Dear Sirs,

Re: Consultation on the Local Government and Elections (Wales) Bill

We write on behalf of the National Park Authorities in relation to the Consultation paper on the Local Government and Elections (Wales) Bill and to the terms of reference set out in the accompanying letter to the said consultation. We accordingly respond as per your Terms of Reference in numbered paragraphs as requested.

Elections

1. National Parks Wales have no comments to make on this part of the Bill as it does not directly impact the functions of National Park Authorities.

General Power of Competence

2. We consider it a missed opportunity not to include National Park Authorities in this section. As part of the family of Local Authorities we would request that you consider including National Park Authorities to the list of a “qualifying local authority” to be found in Section 31 (4) of the Bill.
3. We live in a world where there is greater emphasis on realising more commercially and making the best of the limited resources that are available. Such an inclusion would enable the National Park Authorities to take commercial opportunities when opportunities arise, if of course suitable when one considers National Park purposes. We can readily imagine that a company set up by the National Park Authorities for this purpose would be able to approach matters in a different manner and would be better able to realise the full commercial potential that a National Park has for the benefit of the Authority and of course the National Park itself.
4. Such a power for National Park Authorities would help strengthen our ability to respond positively to Welsh Government priorities as set out in the “Valued and Resilient” report.

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Promoting Access to Local Government

5. We welcome the duty to be placed on principal councils in Section 46 to encourage local people to participate in the making of decisions by National Park Authorities and that the strategy to be prepared in relation thereto should consider National Park Authorities. We consider that this will not only lead to greater input from the local population but should also ensure that the National Parks remain in the forefront of thinking in the preparation by the principal councils of their respective strategies.
6. There is a typographical error to be found in Section 48 (6) where “principal counsel” should read “principal council”.

Local Authority Executives, Members, Officers and Committees

7. We consider on balance that the duty set out in Section 68 that Standard Committees to make an annual report does extend to National Park Authorities. However this is not entirely clear and it would be helpful if the heading could make clear that this applies to both principal councils, National Park Authorities and Fire and Rescue Authorities, or not, as the case may be.

Collaborative Working by Principal Councils

8. Section 77 proposes a power to make regulations to establish a body corporate, where a corporate joint committee application has been made, to exercise functions specified in the regulations in respect of two or more principal areas. The Statement of Policy Intent proposes that regulations made under this power will create a new corporate body for the delivery of specified functions of principal councils.
9. As the Bill is drafted, Corporate Joint Committees (CJCs) appear to be limited in membership to principal councils and suggests that it is not intended for National Park Authorities to be part of any CJCs.
10. If such governance arrangements come into being which may include the geographical area of one or more of the National Parks, the Bill proposes that they will be able consider Transport, Strategic Planning, Economic Development and improving Education. As independent Local Authorities (but not principal Councils) which are also the Local Planning Authorities with land areas within other Local Unitary Authorities there is obvious potential for uncertainty, ambiguity and unintended consequences not only for the management of National Parks and how such will impact on our duties and purposes in terms of strategic planning and economic development but also in the effective delivery of its duties by the CJC’s. One potential solution would be to designate National Park Authorities as principal councils for this purpose only. Alternatively, clarification could be provided in the Bill that if a CJC is established which includes an area designated as a National

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Park, this is not to impact on the statutory functions of the National Park Authority. This would be our preferred option.

11. The list for consultation contained in Section 80 (2) in connection with the establishment of a Corporate Joint Committee should be extended to include National Park Authorities. The reason for this is that of the four potential areas for establishing a Corporate Joint Committee National Park Authorities have a role or a significant input in three of the areas.

These are:

- a. Strategic planning for the development and use of land;
- b. Transport;
- c. Economic development

Performance and Governance of Principal Councils

12. National Parks Wales have no comments to make on this part of the Bill as it does not directly impact the functions of National Park Authorities.

Mergers and Restructuring of Principal Areas

13. We welcome the inclusion of National Park Authorities in the list that principal councils must consult with before making a merger application to be found in Section 121. Such a merger would undoubtedly have an impact on the National Park Authorities in general.
14. Under this scenario where a merger is contemplated the newly merged authority would undoubtedly be a significantly larger authority in purely geographical terms. For this reason it is important that the political balance and appointment to a National Park Authority should be restricted to wards wholly or partially within the National Park. This would avoid the appointment of members to the National Park Authority that have little or no connection to the National Park.
15. Any merger could however also impact on legislation governing National Park Authorities e.g. Paragraph 2 to Schedule 7 of the Environment Act 1995 states that:

“2.—

(1) The local authority members of a National Park authority shall be appointed by such of the councils for the principal areas wholly or partly comprised in the relevant Park as may be specified in or determined under the relevant order.”

16. Whilst this would not entail the modification of the primary legislation in this particular example there would potentially be a need to amend the relevant order. Provision should accordingly be

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inserted into Section 123 enabling Welsh Ministers to make regulations to minimise any impact that a merger would have on regulations governing National Park Authorities.

Local Government Finance

17. National Parks Wales have no comments to make on this part of the Bill other than that National Park Authorities are struggling with greater pressures than ever before with limited resources, fewer staff and yet increasing complexity and additional requirements to deal with.
18. As such staff resilience and burnout is becoming an increasing problem that could be alleviated by structured long term settlements that could assist the National Park Authorities to develop longer term approaches to the real problems facing society as a whole.

Miscellaneous

19. We wholeheartedly welcome the removal of the 2009 Measure in relation to National Park Authorities set out in Section 165.
20. As a matter of drafting however there can be confusion when one compares Section 165 which disapplies part of the Measure in relation to National Park Authorities with the provisions in Section 166 which then repeals the 2009 Measure – presumably in its entirety! Could the Act be simplified by simply stating that the 2009 Measure is repealed in its entirety with the consequences that then follow as set out in Section 166 (2)?

Thank you for the opportunity to take part in the consultation process. We look forward to hearing from you further in due course.

Yours faithfully,

Owain Wyn.
Chairman.

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