

Date: 26 January 2010

Report: PARISH MEMBER 'SELECTION' PROCESS

### **Purpose of the report**

1. To put forward for members' consideration detailed proposals to 'invigorate' the Parish member selection process.

### **Strategic Planning Framework**

2. The information and recommendation(s) contained in this report are consistent with the Authority's statutory purposes and its approved strategic planning framework.

### **Background**

3. At the Authority's meeting last November, members considered a number of options that had been identified as possible means by which the Parish Member selection process could be invigorated. The decision from the meeting was:

*"That the report and members' comments be noted and a further report be produced expanding on those comments and on Options 2 to 8 set out in the Chief Executive's report, to provide more detailed suggestions on how the Authority can invigorate the parish member selection process."*

4. The "comments" referred to were:

- *asking that the approach adopted by the Peak District NPA be given further consideration;*
- *requesting that an explanation of the role of members be identified in a future paper;*
- *commenting on the process operated within the three Cumbria parishes whereby the three parishes 'manage' the selection process themselves rather than through the local councils' association.*

### **Options for Authority Involvement**

5. Nine options were identified at the Authority meeting last November. Members rejected Option 1 (No change) and Option 9 (that the Authority should undertake the entire Parish Member selection process). Members asked that further consideration be given to

Options 2 to 8 and **Appendix 1** lists these options with recommendations on how the Authority might take them forward.

6. **Appendix 2** summarises the process operated by the Peak District National Park Authority (PDNPA), and provides comments on its applicability to our situation, highlighting that the Yorkshire Local Councils Association (YLCA) also acts for the North York Moors National Park Authority (NYMNPA) as well as ourselves.

## **Other issues raised by members**

### **The Role of Members**

7. The current guidance on the role of members of national park authorities is set out in Circular 12/96 (issued following the 1995 Environment Act, which provided for the establishment of independent National Park Authorities). The Government is currently undertaking a review of that circular and members will be considering the detail of that consultation as a separate agenda item. **Appendix 3** to this report sets out extracts from both Circular 12/96 and from the draft revised circular in respect of the members.

8. Members should be aware that a member / officer working group, currently working on producing a protocol on member / officer relations, has also asked for a separate document to be produced, setting out the role of members in the Authority's governance arrangements. That document should come to the Authority at its March meeting (via the Standards Committee).

### **'The Cumbria Process'**

9. Since 1996, the process for the selection of a Cumbria parish nominee has been managed, and the name of the successful candidate submitted to the Secretary of State, by the three Cumbria parishes themselves, rather than independently as in the North Yorkshire parishes. From the point of view of independence and transparency it would be preferable for the process to be administered independently, perhaps by the Cumbria Association of Local Councils which already manages the selection of parish member nominees for the Lake District NPA.

10. A factor which may also be significant, if not immediately then at some point in the future is the current boundary review. If the western boundary of the park is revised, resulting in more parishes from Cumbria and possibly Lancashire being included in the park, it would be even more appropriate for the current process to be administered independently of the Parish Councils.

## **Conclusions**

11. As detailed in Appendix 1, it is considered that there are improvements that the Authority can make in the way in which it publicises and supports the selection process.

12. In addition, as YLCA also acts for the NYMNPA in the selection of its parish members, there may be benefit in liaising with both NYMNPA and YLCA to try to regularise as far as possible the processes in the two national parks.

## **RECOMMENDATION**

13. That:

(a) the Authority adopts the proposals for supporting the process for the selection of Parish Members as set out in Appendix 1 of this report;

(b) the Authority does not pursue the Peak District 'model' of involvement summarised in Appendix 2; and

(c) notwithstanding the outcome of the boundary review, recommends to the three Cumbria parishes in the national park that an independent organisation such as the Cumbria Association of Local Councils be used to administer their parish member selection process and that the same support as detailed in Appendix 1 be provided.

**David Butterworth**  
**Chief Executive**

13 January 2010

Background documents: None



	<b>Option (as considered by the Authority in November 2009)</b>	<b>Recommendation</b>
2	Issue Press releases prior to the commencement of the YLCA process. These could identify the parishes and signpost for advice.	Liaise with YLCA to ensure that press coverage raises the awareness of Parish Council elections and the opportunity for membership of the Authority.
3	Publish an article in "Dales" highlighting when and in which parishes elections are to be held and how to get involved.	<p>Include an article in "Dales" encouraging the involvement of residents in the process.</p> <p>"Dales" will be published and distributed in February/March 2010, so we can provide park residents with some information ahead of any elections in early summer 2010 through an 'article' along the lines of:</p> <p><i>"Interested in becoming a member of the Authority? YDNPA has four seats on the Authority that are solely for either a member of a parish council or the Chairman of a parish meeting. In 2010 there will be 'vacancies' for a member from part of Craven and from the Cumbria part of the park. Further details are available from the Authority's website or simply by phoning the Secretariat at Bainbridge (0300 456 0030)."</i></p> <p>Word count is limited in "Dales", so the 'message' needs to be as concise as possible. If the intention is to try to get new people involved, it needs to <u>not</u> read as 'council-speak', but to suggest why people might get involved, e.g. the benefits, challenges, opportunities etc. A parish member 'article' could give a personal view of the work.</p>
4	"Dales" article by existing parish member(s) – not one seeking re-election.	<p>Provide a short article giving the personal perspective of a current parish member on their membership of the Authority, on the lines of:</p> <p><i>"How long have you been a member of the Authority? Was membership what you had expected, if not how did it differ? Would you seek re-appointment and/or recommend membership to others?"</i></p>

	<b><i>Option (as considered by the Authority in November 2009)</i></b>	<b><i>Recommendation</i></b>
5	Organise hustings for candidates in the event that nominations exceed vacancies.	In the event of more than one candidate being nominated for any of the seats, prior to the ballot taking place, a hustings meeting(s) to be organised by officers of the Authority, open to all the parishes within the appropriate area, at which each candidate would have the opportunity to give a short presentation and answer questions. The meetings to be chaired by the Chairman or Deputy Chairman of the Authority (unless he/she is a candidate).
6	Candidates to provide a "Statement" in support of their nomination.	Each candidate be asked, as part of the nomination process, to provide a "statement" which would be circulated to parishes prior to any hustings meeting that might be held.
7	Involve the parishes themselves in publicity about the process – eg give them flyers to put on parish notice boards in the winter prior to a spring election.	All parishes to be provided with copies of the press releases issued which they can use to publicise the process.
8	Publicise the system through YDNPA website, and ask the parish councils to publish it through their websites.	Include general information about the 'selection' process for ALL Authority members on the Authority's website, including detailed information about the process for the selection of Parish members.

	<b>Peak District NPA Process</b>	<b>Comment</b>
1	Election process is handled by Electoral Ballot Reform Services.	YLCA provides our service – no reason to change.
2	PDNPA writes to all Parishes Clerks in early April alerting them to the appointment process and procedures and the action that they will need to take following the May elections in respect of nominations and voting.	YLCA currently does this – no reason to change. However, as YLCA also acts for the NYMNPA as well, it may be worth comparing both NPA processes so that as far as possible YLCA is doing the same for both NPAs.
3	PDNPA receives copies of the nomination forms and candidates' statements to check and verify that the nominations are valid (checked against parish council election results) and that the statements are of the correct length and do not contain any factual inaccuracies or libellous material, any amendments being agreed following consultation with the candidates.	See 2 above.
4	PDNPA checks the proof of the ballot papers and election statements prepared by ERS.	See 2 above
5	PDNPA is consulted by ERS on any requests from parishes for duplicate nomination forms or ballot papers	See 2 above
6	PDNPA receives notification of the vote from ERS on the day of the count, with Defra being informed of the names and addresses of the successful candidates	See 2 above
7	PDNPA informs the successful candidates that they are eligible for appointment. If any decide not to take up the position then or following the appointment letter, it will be offered to the next runner-up	See 2 above
8	PDNPA informs all parishes and all candidates of the results by post the following day, with full details of the votes cast for each candidate in all the constituencies.	See 2 above



## **ROLE OF MEMBERS**

### **1. Circular 12/96**

#### **Local authority appointments**

33. Paragraph 2 of Schedule 7 to the 1995 Act requires local authority appointees to be serving councillors of their appointing local authority, and also requires local authorities to have regard to the desirability of appointing members who represent divisions or wards situated wholly or partly within the relevant Park. They should also have relevant experience and close links to the Park. In determining the overall size of the National Park Authorities, the Secretary of State has taken into account the requirements of the 1995 Act to ensure that every relevant local authority is represented. In areas where two tier principal local authorities exist, the Secretary of State has ensured that the total number of members from each tier is equal. In conjunction with these principles, the Secretary of State believes that the membership numbers of each National Park Authority should be kept as small as possible consistent with effectiveness and an equitable distribution of local representation.

#### **Appointments by the Secretary of State**

34. The Secretary of State will take steps to encourage all those with an interest in the Parks to make nominations for appointments to the National Park Authorities. In making his appointments, the Secretary of State will be concerned to take account of the national purposes for which the Parks have been designated. In selecting, after consultation with the Countryside Commission, persons suitable for appointment, the Secretary of State will look for a capacity to present this wider viewpoint in discussions within the Authority and for experience, preferably in a combination of fields, with direct relevance to the character of the particular National Park and to the responsibilities of the Authority. Wherever possible the Secretary of State will give preference to candidates who combine these qualities with local association to the Park to which they are appointed.

35. Individuals will be selected for their personal qualities and experience and not as representatives of specific groups or organisations. Whilst the Secretary of State expects his members to have regard to the interests of all those concerned with a specific Park, his primary concern is that they should bring to the Authorities' deliberations the wider national viewpoint.

36. Secretary of State members are usually appointed for a three year term, although the Secretary of State has discretion to appoint his members for shorter periods. Members are eligible for reappointment but are not usually expected to serve more than three successive terms. Nominations for appointment will be invited each year by the Department of the Environment. It should be borne in mind that very few vacancies arise each year. Nominees will remain on the list of potential candidates for appointment for three years and, unless a fresh nomination is received, will be removed at the end of that period. Those putting forward nominations should inform nominees that they have done so. The Countryside Commission has a statutory role in advising on National Park

appointments and will continue to be asked to interview those candidates shortlisted by Ministers for appointment prior to a final selection by the Secretary of State.

37. The Secretary of State does not propose to appoint as a Secretary of State member anyone who is a serving councillor of a county or district council appointing members to the National Park Authority, or anyone employed by such a council.

### **Parish members**

38. Paragraph 3 of Schedule 7 to the 1995 Act enables the Secretary of State to appoint parish members to the National Park Authorities. Parish members must either be members of a parish council or the chairman of the parish meeting of a parish which does not have a separate parish council, wholly or partly situated within the National Park. Parish members of a National Park Authority are to hold office from the time of their appointment until they cease to be a member of the parish council or chairman of the parish meeting. The need to stand for re-election to the parish council or as chairman of the parish meeting will terminate their appointment to the National Park Authority, but they will be eligible for re-appointment if they are re-elected. Parish members will be appointed on the same terms and conditions, and subject to all the usual rules on conduct, as local authority and Secretary of State members of the National Park Authorities.

39. The appointment by the Secretary of State of parish members to the National Park Authorities is to ensure that local people have a greater involvement in the running of the National Parks and in the management of Park affairs. It enables a proper balance to be achieved between the wider national interest, that of local authorities and the truly local concerns of those who live and work in the Parks.

40. Parish members are appointed to represent the wider Park view and not just the interest of their own parish, and are representatives rather than delegates of the grouping of parishes nominating them. The Secretary of State looks to parishes in each National Park to maintain a local mechanism to select candidates commanding general support whom he can appoint to the Authority. He does not propose to determine the mechanism, but will look to a result which will enable the full range of areas within the Park to be represented. Where the requisite number of parish members comes forward the Secretary of State would propose generally to appoint them. In default of such agreement, the Secretary of State would select candidates from amongst the local nominees.

41. The Secretary of State does not propose to appoint as a parish member anyone who is a serving councillor of a county or district council appointing members to the National Park Authority, or anyone employed by such a council.

## **2. Draft revised Circular**

### **8.1 Membership**

138. The membership arrangements set out in the National Park Authorities (England) Order 1996 (SI 1996 No.1243), made by the Secretary of State under Section 63 of the 1995 Act, have been amended by the National Park Authorities (England) Order 2006 (SI 2006 No. 3165). New Forest membership continues to be provided for by the New Forest National Park Authority (Establishment) Order 2005 (S.I 2005 No 421) The National Park Authorities (Amendment) (England) Order 2009 (SI 2009 No.557) made amendments to the membership of the Northumberland National Park Authority consequent upon unitary local government changes.

139. As a result, the Peak District National Park Authority has 30 members; and all the other NPAs have 22 members.

140. Paragraph 1 of Schedule 7 to the 1995 Act makes provision about the composition of NPAs, and was amended by the 2006 Act to allow the Secretary of State greater freedom, after consulting the local authorities, in setting the membership balance and total membership for individual NPAs. This does not remove the right of each local authority with land in the National Park to appoint at least one member if it chooses.

141. Before making an order to vary the membership of a National Park authority, the Secretary of State is required to consult the principal local authorities about their individual representation on the Authority, and on the overall number of local authority members. The Secretary of State believes that the membership numbers of each National Park authority should be kept as small as possible consistent with effectiveness. Paragraph 2(3) of Schedule 7 to the 1995 Act makes provision for the Secretary of State to exclude a council from membership of the National Park authority only at the request of that council. Mid Devon District Council has been so excluded in respect of Dartmoor.

142. For the Broads Authority, membership is governed by the 1988 Act, as amended by the 1988 Act (Alteration of Constitution of the Broads Authority) Order 2005 (S.I. 2005/1067). It has 21 members which includes two members appointed from the Navigation Committee. In the last round of appointments the Authority followed an open recruitment process including a maximum service of ten years.

### **8.2 The Role of Authority Members**

143. All Authority members, no matter how they are appointed, have a primary responsibility to seek to ensure that the Authority furthers the statutory Park purposes, as set out in the respective Acts. In doing so, they should remember their wider duties such as the socio-economic duty for NPAs and those under section 2(4) of the 1988 Act for the Broads Authority. They should regard themselves first and foremost as members of the Authority, with a duty to act in the best interests of the Authority and of the Park, rather than as representatives of any interest group. Of course, all members will bring different perspectives to their work on the Authority, and ensuring that there is a diverse range of knowledge and outlook is the main reason for having the different types of appointments. Where any member has special knowledge of the views or needs of local people, it is important that they draw attention to those matters when relevant decisions are being

taken. However, all members should also acknowledge a corporate responsibility, as part of the Authority, to explain its purposes, procedures and policies. Each Authority should agree the mechanisms by which its members are to speak for it, both locally, regionally and nationally.

144. Authorities should value diversity amongst those who play a role in governance and should strive to ensure that no sector of society is excluded from playing a role as members of an Authority and amongst officers of those Authorities. Employment policies should be consistent with equal opportunities and Authorities should strive to achieve progress on the Equality Standard for Local Government. Defra and the Authorities have jointly drawn up model job descriptions for the members and Chairs of Authorities. Individual Authorities may choose to add to this job description, so long as any additions are consonant with the spirit of the model, and this may help to develop local ownership of the job description, which applies to all members, and will provide guidance for the individuals occupying these positions.

### **8.3 Local authority appointments**

145. Paragraph 2 of Schedule 7 to the 1995 Act and section 1(4) of the 1988 Act require local authority appointees to be serving councillors of their appointing local authority. The 1995 Act also requires local authorities to have regard to the desirability of appointing members who have divisions or wards situated wholly or partly within the relevant National Park (s.2(4)).

### **8.4 Appointments by the Secretary of State**

146. The 'national' members are chosen through an open recruitment exercise run under the oversight of Commissioner for Public Appointments (The Commissioner's guidance on handling public appointments is at [http://www.publicappointmentscommissioner.org/Code\\_of\\_Practice/](http://www.publicappointmentscommissioner.org/Code_of_Practice/)). The Secretary of State will take steps to encourage all those with an interest in the Parks to make nominations for appointments to the Authorities. The Secretary of State is required to consult Natural England before making National Park authority appointments (para 4 (1) of Schedule 7 to the 1995 Act), and various interests before making appointments to the Broads Authority (s.1(5) of the 1988 Act). In making appointments the Secretary of State will continue to take account of the purposes for which the Parks have been designated.

147. In selecting persons suitable for appointment as a 'national' member, the Secretary of State will look for a capacity to appreciate and present a national perspective in discussions within the Authority and for experience, preferably in a combination of fields, with direct relevance to the character of the particular Park and to the responsibilities of the Authority. Members are selected for their personal abilities and experience and not as representatives of specific groups or organisations. In some cases preference will be given to those who have a particular expertise which an individual Authority may be lacking.

148. The 2006 Act amended paragraph 4 of Schedule 7 to the 1995 Act, which now enables the Secretary of State to appoint members for between one and four years at a time. Members are eligible for reappointment for up to a maximum of 10 years in total.

149. The Secretary of State does not propose to appoint as a Secretary of State member anyone who is a serving councillor of a local authority appointing members to the Authority.

### **8.5 Parish members (National Parks only)**

150. Paragraph 3 (2) of Schedule 7 to the Environment Act 1995 requires parish members to be either a member of a parish council, or chair of a parish meeting, for a parish with land in the National Park. The choice of parish members is made by the parishes themselves and there is no prescribed procedure – local arrangements have been made in each National Park to enable an electoral process to take place.

151. Parish members are formally appointed to the National Park authority by the Secretary of State. Parish members serve for as long as they are a member of the parish council, or chair of the parish meeting, from which they were appointed – ordinarily this means they will serve for the four years until the next parish elections (or for one year in the case of chairs of parish meetings), after which (if they are re-elected as parish / town councillor / chair of parish meeting) they may be re-appointed to the National Park authority. There is no limit to the number of re-appointments provided only that they remain a parish councillor / chair of a parish meeting.

152. The appointment of parish members helps to ensure that local people have full involvement in the running of the National Park. Parish members are appointed to represent the wider National Park view and not just their own parish or group of parishes. The Secretary of State looks to parish councils in each National Park to continue to maintain the local mechanisms for selecting candidates whom he can appoint to the National Park authority. If a situation ever arose in which local agreement could not be reached, the Secretary of State would select candidates from amongst the local parish council nominees. The Secretary of State does not propose to appoint as a parish member anyone who is a serving councillor of a county or district council appointing members to the National Park authority.