

EXMOOR NATIONAL PARK AUTHORITY

15 February 2011

REVIEW OF THE GOVERNANCE ARRANGEMENTS FOR NATIONAL PARK AUTHORITIES – AUTHORITY SUBMISSION TO DEFRA

Report of the Chief Executive

Purpose of Report: To seek member approval of a submission by the Authority to Defra setting out proposed changes in governance procedures at Exmoor National Park Authority arising from the review and taking account of the consultation responses

National Park Management Plan Targets: Not applicable

Legal and Equality Implications: Section 65(4) Environment Act 1995 – provides powers to the National Park Authority to *“do anything which in the opinion of the Authority, is calculated to facilitate, or is conducive or incidental to-*

- (a) the accomplishment of the purposes mentioned in s. 65 (1) [National Park purposes]*
- (b) the carrying out of any functions conferred on it by virtue of any other enactment.”*

The legal basis for appointing members to National Park Authorities was originally set out in Schedule 7 of the Environment Act 1995. This legislation contained a specific formula for establishing the proportion of membership from the principal membership categories. However, the legislation did not anticipate the potential for a National Park to fall wholly within the area of a single unitary authority and the basis for deciding the make up of National Park Authority membership is now governed by Section 61 of the Natural Environment and Rural Communities Act 2006 [see Appendix 1].

The processes for the appointment of members to National Park Authorities should comply with the requirements of equalities legislation so that no person is disadvantaged by virtue of protected characteristics.

Financial and Risk Implications: The proposed changes set out in the draft response to Defra have no major financial or risk implications.

RECOMMENDATIONS:

The Authority is recommended to:

1. APPROVE the submission to Defra setting out the proposed changes in Authority governance arrangements arising from the review and taking account of consultation responses – draft submission at Appendix 4
2. AUTHORISE the Chief Executive to commence arrangements for implementation of the governance changes with immediate effect excluding those changes that require prior approval by the Secretary of State. Prior approval will be required for the proposed changes in the composition of Authority membership – Action 1.

1. INTRODUCTION

- 1.1 Following the national election in May 2010, the Conservative and Liberal Democrat parties established a coalition government around a common agenda set out in a Coalition Agreement. Among the many actions set out in this wide ranging document was for the Department of Environment, Food and Rural Affairs (Defra) to “review the governance arrangements of National Parks in order to increase local accountability.”
- 1.2 This was followed on 16 July by the publication by Defra of a Structural Reform Plan (SRP) setting out the Department’s priorities and programme. Included within the SRP was a commitment to "Review the governance arrangements of National Parks by December 2010" and to "Publish proposals to increase the accountability of National Parks" early in 2011.
- 1.3 The launch of the review and publication of the review documents took place in November 2010. A summary of the objectives of the Defra review and the six key questions on which responses were sought is provided at Appendix 2.
- 1.4 The review invited respondents to submit their responses to Defra, where they would be collated to provide a national overview. National Park Authorities were asked to submit to Defra any responses received locally and also to provide notes from any local consultations held on governance issues. All responses received by Defra as part of the review have been copied to all English National Park Authorities and the Broads Authority for consideration by individual Authorities.
- 1.5 From the outset, Defra has made it clear that it is not requiring a uniform approach to governance arrangements across all English National Park Authorities but is inviting individual National Park Authorities to put forward their own proposals for changes in governance arrangements in the light of the review responses and to suit local circumstances. The provisions for the make up of National Park Authority membership, as set out in Section 61 of the Natural Environment and Rural Communities Act 2006, provides a good deal of flexibility over numbers within the three categories of membership – Appendix 1.

2. LOCAL CONSULTATION

- 2.1 In order to seek a range of local views on the appropriate governance arrangements for Exmoor National Park, the Authority facilitated three discussion sessions:
 - Exmoor Consultative & Parish Forum held in Exford on 25 November 2010
 - Parishes meeting held in Lynton on 18 January 2011
 - Parishes meeting held in Winsford on 19 January 2011In addition, the consultation was facilitated by:
 - Publication on the Authority website of the review documentation with a link on the home page.
 - Provision of a link to the relevant Defra web pages for people who wished to communicate directly with the department.
 - Press release regarding the scope of the review with an invitation to communicate thoughts to the Authority via e-mail or in writing.
- 2.2 The notes of the three consultation meetings have been circulated to all Authority members, have been submitted to Defra and are available on the Exmoor National Park website. Members of the Authority have received full copies of all other submissions citing Exmoor National Park in their consultation responses.

- 2.3 Finally, an opportunity was provided for members to consider revised governance arrangements in detail at a member workshop on 1 February 2011 and the draft of the proposed Authority response attached to this report is based on the outcomes of that consideration.
- 2.4 The remaining sections of this report set out the consideration by the Authority of the governance arrangements and consultation responses. The draft submission to Defra is provided at Appendix 4.

3 SIZE AND COMPOSITION OF EXMOOR NATIONAL PARK AUTHORITY

- 3.1 The first aspect on which Defra is seeking response relates to the size and composition of the membership of National Park Authorities – question (a) in the Defra consultation. Currently on Exmoor the Authority membership comprise 22 members as follows:
- Somerset County Council nominees – 4
 - Devon County Council nominees – 2
 - West Somerset Council nominees – 4
 - North Devon Council nominees – 2
 - Parish Council members appointed by the Secretary of State – 4
 - ‘National’ members appointed by the Secretary of State – 6
- 3.2 In considering the size and composition of Authority membership, there is a need to balance efficiency and effectiveness (which might point to a smaller membership), against representation and engagement, particularly of local communities (which requires sufficient membership to reflect the wide range of interests in the National Park). Currently, on Exmoor, the membership means that there is a near universal representation of all Exmoor parishes on the National Park Authority and a majority of members live in or close to the National Park area:
- | | | |
|---|---------------|-----|
| • Parishes in the National Park that are represented by an elected member nominated by county and/or district council | 40
(of 44) | 91% |
| • Members living inside the National Park boundary | 8 | 36% |
| • Members living outside the National Park boundary but within Devon and Somerset | 10 | 45% |
| • Members living outside Devon and Somerset | 4 | 18% |
- 3.3 Local authority members who represent district or county council wards within the National Park area are clearly accountable to the local residents of the wards they serve. Similarly, parish members are appointed from a local selection process that includes all parish councils with land wholly or partly within the National Park.
- 3.4 Thus, the current arrangements mean that, for planning decisions affecting Exmoor residents, a higher proportion of the National Park Authority planning committee is made up of local residents than would be the case if the decision was being determined by one of the district councils covering Exmoor. For example, Exmoor residents comprise around one in four of West Somerset Council members and considerably fewer for North Devon Council. These proportions are likely to reduce further over time as reviews of the boundaries of council wards

have the overall impact of reducing the number of councillors from more sparsely populated areas such as Exmoor.

3.5 In considering changes to the current make up of the Authority, the consultation responses raised a wide range of considerations including:

- Some respondents have expressed the view that the Authority should be smaller in size to help increase effectiveness, reduce costs and improve accountability – no-one has suggested an increase in size.
- Whilst many respondents have recognised the contribution and supported the retention of ‘national’ members, the majority of responses proposed a reduction in this category of membership.
- A smaller number of responses have proposed that the number of members nominated by district and county councils should reduce.
- No response has suggested that the number of parish members be reduced and one response has proposed a large increase in this category of membership.
- Lynton & Lynmouth Town Council and the parishes workshop held in Lynton expressed a strong view that the community in Lynton & Lynmouth should have a ‘guarantee’ of at least one member on the Authority and not rely on other routes to membership.
- This was also proposed for the other larger settlements of Porlock and Dulverton but not supported at the Winsford parishes workshop where existing representation by district and county councillors for the area was considered sufficient.
- Some responses provided a suggested breakdown for membership of Exmoor National Park Authority as follows:

Category	Current	Suggested alternatives		
SoS ‘national’ members	6	3	5	5
SoS ‘parish’ members	4	14*	3	5
Somerset County Council	4	1	7	3
West Somerset Council	4	1		3
Devon County Council	2	1		1
North Devon Council	2	1		1
Other	-	-		
TOTAL	22	21	18	18

*14 directly voted with 7 members in the National Park and 7 outside in adjacent district areas plus all to have lived at least 20 years in area to be eligible.

- The concept of direct elections has been raised by some respondents and several have indicated that they don’t feel that appointees, even from the local councils, adequately represent the interests of residents. The discussions at the Consultative & Parish Forum and at the Lynton parishes meeting debated the concept of direct elections of a proportion of Authority members but this wasn’t a significant concern at Winsford. Where discussions have taken place, there has been little agreement about how this might operate in practice: e.g. who would make up the electorate and whether there would be wards, etc. The potential costs of running elections were also raised.

- Several responses referred to ensuring that particular sectors should have representation on the Authority, e.g. farming and forestry (e.g. NFU and NBA); recreational (e.g. canoeing).
 - A view from Somerset and Devon County Councils and other nominating councils that they would not wish to see any further reduction in council nominees or any changes in the proportional allocation between councils, particularly as this has only recently been changed when the overall number of members was reduced from 26 to 22 in 2007.
- 3.6 In their consideration of the optimum size and composition of the Authority at the workshop on 1 February, members agreed that their preferred outcome would be:
- *To retain the overall membership at 22 members as any reduction, particularly in nominations from county and district councils, would run the risk of reducing the number of local communities in the National Park that have an elected representative on the Authority. In addition, at 22, the number is considered about right to ensure a wide range of experience and perspectives can be reflected on the Authority.*
 - *To request to Defra that the number of members appointed by the Secretary of State might be 'rebalanced' to 5 'national' and 5 'parish' from the current 6:4 ratio. This would reflect the commonly expressed view that, while the inclusion of national members is supported, the overall number might be reduced. Similarly, the increase in parish members would provide an additional assurance that the National Park Authority has good representation of local interests in touch with local communities.*
- 3.7 The matter of direct elections would require primary legislation and was regarded as principally a matter for Defra. This has been reviewed by Defra within the past two years and is understood not to form part of the current Defra review.
- 3.8 Ensuring that certain interests were adequately reflected on the Authority was also considered. Farming interests have always been well reflected on Exmoor National Park Authority through the current appointments processes and any 'gaps' within the Authority can be addressed within the appointments process for 'national' members.

4. SELECTION PROCESSES FOR AUTHORITY MEMBERS

- 4.1 Responses to question (b) in the Defra consultation regarding the selection processes for National Park Authority members included:
- A number of respondents indicated that they would welcome a more open process for the appointment of national members without making specific proposals on how this might be achieved. Currently, applications are submitted in confidence and appointments made by a panel comprising a 'public appointments' representative, a Natural England board member and, recently, the National Park Authority Chairman.
 - There was a good deal of discussion in the parish meetings about the process for appointing parish members. This ranged from better publicity about the current process and greater encouragement to parishes to participate, to proposals for parish groupings to ensure the distribution of parish members across the National Park.

- Several respondents felt that eligibility for nomination through the parishes route should not be restricted to people who were members of parish councils.
- For local authority representatives there was a strong view expressed that councillors with wards or divisions ‘wholly or mainly’ within the National Park should be given priority irrespective of the political party they represent. Currently, the legislation requires nominating councils to give a weighting to councillors who represent areas ‘wholly or partly’ in the National Park, subject to political proportionality required by the Local Government Acts.

4.2 In their consideration of the selection processes for Authority members, members agreed that their preferred outcome would be:

- *To request that the Somerset Association of Local Councils works with the Exmoor Association of Parish Councils to review the process for selecting parish members on the National Park Authority, with a view to increasing participation by parish councils and raising the profile of the process amongst the wider public. This will need to take place in sufficient time for the parish elections process to take place in May this year.*
- *To request that Defra reviews the process for the selection of ‘national’ members so that it is more transparent overall with clarification of eligibility for membership and the criteria for selection.*
- *To continue to encourage the nominating councils to give weight to the nomination of members to the National Park Authority from divisions and wards ‘wholly or mainly’ within the National Park area.*

4.3 Currently, nominations for parish membership can only be made for people who are a member of a parish council or chairman of a parish meeting. To alter this to broaden eligibility would require a change of legislation. Given the important role of parish councils in representing the interests of their respective communities, and the increasing expectation of parishes arising from the government’s ‘localism’ agenda and planning reforms, it is considered that the current arrangement for appointment to the National Park Authority is most appropriate at present. A raised profile for this process, and measures to encourage local residents to engage more fully in the nomination of parish councillors for National Park Authority membership and in the voting by parish councils, would be ways in which this level of accountability could be further enhanced.

5. TIME LIMITATIONS ON AUTHORITY MEMBERSHIP

5.1 Responses to question (c) in the Defra consultation regarding time limits for National Park Authority members included:

- There was general agreement that no time limit should apply to people who are on the Authority by virtue of having been elected to a nominating or parish council.
- Some responses suggested reducing the maximum term for national members to 7 or 8 years from 10.

5.2 In their consideration of the time limits for Authority members, members agreed that their preferred outcome would be:

- To place no time limit on members nominated to the National Park Authority by county, district or parish councils.
- *To instigate an overall expectation that ‘national’ members would normally serve two terms of four years only, with the proviso that a third term of up to four years might apply in exceptional circumstances. This would provide sufficient time for new members to engage and contribute to the work of the Authority while giving flexibility over future renewals in exceptional cases.*

6. STRENGTHENING OF CONSULTATIVE COMMITTEES AND OTHER MECHANISMS TO ACHIEVE ‘BIG SOCIETY’ BENEFITS

6.1 Responses to question (d) in the Defra consultation regarding possible improvements to the Authority’s consultation committees, groups and forums included:

- A number of respondents commented positively on the improved engagement in the Consultative & Parish Forum which has increased from two to four meetings a year and provides a better opportunity for those attending to raise and discuss matters of local importance.
- At the Lynton discussion, there was a strong view that the venue for the Consultative & Parish Forum should not be restricted to a single central location but should include a venue more easily accessed from Lynton and North Devon with a request to add a further two meetings a year in the Devon part of the National Park.
- Several respondents commented that the planning committee is too big.
- Several respondents proposed that the terms for Chairman of the Authority and key committees should be time limited, e.g. four years with a gap of at least four years before reappointment.
- There was good support for an ‘Annual General Meeting’ of the Authority, which would be open to the public and which members and senior staff would attend to respond to any questions.
- The submission from the independent members of the Standards Committee asked whether there was a continuing monitoring role for a similar group of independent members.

6.2 In their consideration of ways in which the consultative committees and other mechanisms might be improved, members agreed that their preferred outcome would be:

- *To hold an Annual Open Meeting to which all members of the public are invited and to provide an opportunity to raise any matter relating to the business of the National Park Authority. This meeting would be attended by members who hold positions as chairman or deputy-chairman of the Authority and main committees, and by senior officers. The venue was likely to move around the National Park from year to year and would be away from the Authority’s offices at Exmoor House.*
- *To seek to encourage greater involvement of young people in commenting on and shaping the Authority’s policies and priorities, building on the success of the Mosaic Project’s ‘Young Champions’ initiative.*

- *To build on the improving customer service and local engagement on planning matters and to move from an emphasis on ‘development control’ to ‘development management’. This approach would better reflect the government’s increased emphasis on a proactive approach to ‘localism’ and planning that identifies and seeks to meet the needs of local communities by encouraging development.*
- *To seek to address potential negative impression and barrier to involvement that is given by the name of the organisation and emphasise the ‘Service’ that the ‘Authority’ provides. For statutory purposes the name will remain but for communicating the work and role of the organisation greater emphasis should be given to ‘service’ in line with the culture and focus on customer support and community engagement of the organisation, i.e. an ‘Exmoor National Park Service’.*
- *To meet with the Standards Committee to consider the potential for a new ‘Independent Monitoring Committee’ with a non-statutory remit to independently monitor the work of the National Park Service and provide a ‘local ombudsman’ function to which the public could bring any complaints or concerns for effective consideration.*

7. ADDITIONAL MEASURES TO STRINGTHEN ENGAGEMENT WITH LOCAL COMMUNITIES

7.1 Responses to question (e) in the Defra consultation regarding possible additional measures to strengthen links and engagement with local communities included:

- Evening meetings of the main committees would assist working people to attend meetings of the Authority and planning committee, etc.
- Video conferencing facilities might be used to enable people to observe and participate in key meetings without having to travel to Dulverton, e.g. in Lynton. [NB members are required to be present in person to vote on any matter]
- The planning surgeries in Lynton and Porlock were welcomed and suggestion made that this approach might be extended to cover all Authority business.
- Several respondents have commented that they don’t know how to get matters raised and discussed by the Authority.

7.2 In their consideration of measures to strengthen links and engagement with local communities, members agreed that their preferred outcome would be:

- *To explore the potential for coverage of planning meetings via video-conferencing facilities at other locations in the National Park to enable people to observe proceedings and also contribute through the opportunity for public speaking.*
- *To continue with the planning surgeries at Lynton and Porlock and explore whether this can be extended to other venues and whether the scope of the surgeries can expand to include other National Park services.*

7.3 The proposed measures set out in response to other questions, such as the proposal for an Annual Open Meeting and the revised format for Consultative Forums will also assist in local community engagement. It should also be born in mind that the planning services in the National Park have developed over recent years so that applicants and potential applicants benefit from:

- Availability of free and easily accessible pre-application advice – 89% of applicants responding to a questionnaire over the last 18 months had received pre-application advice (63% of this advice is by phone or meeting).
- Well attended Planning Surgeries every week in the outlying communities of Porlock and Lynton with no appointment needed.
- Open access to planning advice with responses to approximately 6,500 requests for advice from local residents, applicants and Parish Councils each year.
- Regular attendance of planning staff at Parish and Town Councils and an on-going programme of workshops which explain how Councils can engage in the planning process and provide planning officers with feedback.
- A decision delegation system which ensures that when a Parish or Town Council disagrees with Planning Officers on a planning application, the application is automatically reported to Planning Committee for decision, enabling representatives of the Parish/Town Council to speak at the meeting. [This is not the case in neighbouring planning authorities]
- A 'Planning Fee Reimbursement Fund' that refunds community groups and Parish/Town Councils their planning fee for community related development.

7.4 The benefits of this increasing emphasis on services to the local communities are reflected in satisfaction ratings from users of the planning service. For example, the results of planning service questionnaires returned over the last 18 months indicate that 92% of applicants in the National Park are satisfied with the planning service they received, with only 3% dissatisfied.

7.5 Similarly, the independently run survey of residents of Exmoor National Park undertaken in January 2010 showed good levels of satisfaction with services provided in the National Park.

8. OTHER WAYS TO IMPROVE EFFECTIVENESS AND ACCOUNTABILITY

8.1 The majority of responses to the consultation have been considered in the previous 5 questions. However, bearing in mind the time demands on members and the need to travel to meetings, consideration has been given to ways in which formal meetings are organised. In particular members proposed:

- *To improve efficiency the business of the Authority might be achieved within 12 'committee days' on the first Tuesday of every month, e.g. Planning Committee followed by either an Authority meeting (5), Resources and Performance Committee (3) or member briefing (4). [A Resources and Performance Committee would also be required at the end of June to approve the accounts for the previous year]*

9. SUBMISSION BY EXMOOR NATIONAL PARK AUTHORITY TO DEFRA IN RESPONSE TO THE REVIEW OF GOVERNANCE IN NATIONAL PARK AUTHORITIES

- 9.1 A draft response to Defra is provided at Appendix 4. The response is based on extracts from this report and aims to be succinct, with a focus on the actions being proposed by Exmoor National Park Authority rather than representing the details of the consideration that are set out in this report. Members are invited to consider the response for submission to the Department by 18 February 2011.

Nigel Stone
Chief Executive
4 February 2011

Background papers on which this report, or an important part of it are based, constitute the list of background papers required by Section 100 D (1) of the Local Government Act 1972 to be open to members of the public comprise:-

Consultation on the Governance arrangements for the National Parks and the Broads. Defra. November 2010

Notes of Parish & Consultative Forum held in Exford on 25th November 2010

Notes of Parishes meeting held in Lynton on 18th January 2011

Notes of Parishes meeting held in Winsford on 19th January 2011

NATIONAL PARK AUTHORITY MEMBERSHIP

1. The legislation that governs the membership of National Park Authorities provides for three categories of member:
 - those nominated by the local authorities that are wholly or partly within the National Park area
 - 'national' members appointed by the Secretary of State to reflect the national interest, and
 - 'parish' members also appointed by the Secretary of State but selected locally.
2. The Environment Act 1995 sets out the requirements for the three categories of membership. The sections of the Environment Act that specified the balance of membership in National Park Authorities has since been superseded by Section 61 of the Natural Environment and Rural Communities Act 2006 which specifies that the combined total of local authority members and parish members must exceed the number of other [i.e. 'national'] members. Thus, within the three categories of membership, the legislation provides a good deal of potential for flexibility over the total number of members and the overall composition.
3. For local Authority nominees, Paragraph 2 of Schedule 7 to the Environment Act 1995 Act requires local authority appointees to be serving councillors of their appointing local authorities. Local authorities are expected to have regard to the desirability of appointing members who represent divisions or wards situated wholly or partly within the relevant Park. In addition, local authorities are also required to observe the rules on political balance under the Local Government and Housing Act 1989 when making appointments.
4. Every local authority with land wholly or partly in a National Park is entitled to appoint at least one member. The principle of each local authority tier being equally represented was adopted when the National Park Authorities were established in the mid 1990s but subsequent restructuring of local government means that this is no longer always the case.
5. National appointees are selected through an open recruitment process which is regulated by the Office of the Commissioner for Public Appointments. In recent years, the recruitment process has been operated on behalf of the Secretary of State by Natural England.
6. The guidance on appointing Secretary of State National Members to the National Park and Broads Authorities states that they are expected to:
 - (a) appreciate the national interest – the views of people not living or near the National Parks and the Broads;
 - (b) understand issues affecting the National Parks and Broads Authorities, and to work to achieve the Parks' and Broads Authorities' purposes;
 - (c) bring experience of wider issues, which could include work with young people,
 - (d) contribute positively to debate within an authority;
 - (e) be ready to make decisions on any aspects of Park and Broads management; and
 - (f) commit a minimum of 2 to 3 days per month, to authority work (this can vary from Park to Park).

- 7 In order to ensure a balance of personal qualities and experience, the Secretary of State seeks a broad range of backgrounds to reflect the social and cultural mix of the country to represent the national interest. Individuals will be selected for their personal qualities and experiences and not as representatives of specific groups or organisations. National members are appointed for terms of between 1 and 4 years and can be re-appointed subject to an overall limit of 10 years.
- 8 Parish members are chosen by the parishes collectively (though formally appointed by Secretary of State), and in accordance with Schedule 7 to the Environment Act 1995 they must be serving councillors of a parish council or the chair of a parish meeting for parishes that are wholly or partly in the National Park.
- 9 The appointment of parish members helps to ensure that local people have a high level of involvement in the running of the National Park Authority. 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 maintain local mechanisms for selecting candidates for appointment to the National Park Authority. The Secretary of State does not appoint as a parish member anyone who is a serving councillor of a county or district council which appoints members to the National Park Authority.

EXTRACT FROM
NATURAL ENVIRONMENT AND RURAL COMMUNITIES ACT 2006

PART 5
NATIONAL PARKS AND THE BROADS

61 Members of National Park authorities

(1) Amend Schedule 7 to the Environment Act 1995 (c. 25) (National Park authorities) as follows.

(2) In paragraph 1, for sub-paragraphs (2) to (6) (constitution of National Park authorities) substitute—

“(2) A National Park authority shall consist of—

(a) a specified number of local authority members,

(b) in the case of a National Park in England, a specified number of parish members to be appointed by the Secretary of State,

and

(c) a specified number of other members to be appointed by the Secretary of State;

and “specified” means specified in the relevant order.

(3) The total number of—

(a) local authority members, and

(b) parish members,

must exceed the number of other members.”

DEFRA CONSULTATION ON THE GOVERNANCE ARRANGEMENTS FOR THE NATIONAL PARKS AND THE BROADS

The purpose of the Review is to:

Look for ways in which the governance of the National Park Authorities can be made more effective

Look for ways in which the National Park Authorities can be more responsive to the concerns of their local communities (whilst still operating within the existing statutory purposes and the Spending Review 2010 budgets); and

Consider the extent to which different arrangements are appropriate for different National Park Authorities

The key questions that the Review should seek responses on:

1. Whether the membership of National Park Authorities, both the size and composition, should be changed
2. Whether the selection process for all categories of members of National Park Authorities can be improved
3. Whether there should be a limit on the length of time which local authority and parish members can serve, and a reduction in the maximum term for the Secretary of State 'national' members (currently 10 years)
4. Whether the current membership and structure of consultative committees, groups and forums can be strengthened so as to better achieve 'Big Society' benefits
5. What additional measures National Park Authorities can take to strengthen the links and engagement with their local communities on a variety of issues including planning
6. Whether there are any other ways in which the National Park Authorities can improve their effectiveness and accountability

APPENDIX 3

Exmoor National Park - Parish populations, number on electoral roll and councillor representation on Exmoor National Park Authority

The figures for population are taken from the national census in 2001 with estimates for the proportion of population in the National Park for split parishes

The figures for electoral roll are based on those provided by West Somerset and North Devon councils in January 2011 with estimates for the proportion in the National Park for split parishes

Parishes wholly within Exmoor National Park	Population 2001 census	Population in National Park	% of population	No. voters in National Park area	County Councillor on ENPA	District Councillor on ENPA
Brendon	159	159	100.0	132	Y	Y
Brompton Regis	439	439	100.0	388	Y	
Countisbury	66	66	100.0	52	Y	Y
Cutcombe	403	403	100.0	340	Y	Y
Exford	429	429	100.0	348	Y	
Exmoor	204	204	100.0	132	Y	
Exton	220	220	100.0	186	Y	
Luccombe	179	179	100.0	131	Y	Y
Luxborough	192	192	100.0	167	Y	Y
Lynton & Lynmouth	1,513	1,513	100.0	1,327	Y	Y
Martinhoe	104	104	100.0	86	Y	
Minehead Without	60	60	100.0	38	Y	
Oare	75	75	100.0	51	Y	Y
Parracombe	294	294	100.0	265	Y	
Porlock	1,438	1,438	100.0	1,205	Y	Y
Selworthy	477	477	100.0	382	Y	Y
Timberscombe	476	476	100.0	391	Y	Y
Treborough	42	42	100.0	53	Y	Y
Trentishoe	42	42	100.0	46*	Y	
Winsford	314	314	100.0	255	Y	
Withypool & Hawkridge	234	234	100.0	192	Y	
Wootton Courtenay	280	280	100.0	240	Y	Y
Parishes partly within Exmoor National Park	Population	Estimated pop'n in the NP	% of population	Estimated No. of voters in NP area		
Brayford	353	40	11.3	38	Y	Y
Brushford	535	0	0.0	0	Y	
Carhampton	992	34	3.4	26	Y	
Challacombe	130	114	87.7	114		
Combe Martin	2,650	114	4.3	99	Y	
Dulverton	1,486	1,344	90.4	1,077	Y	
Dunster	854	585	68.5	458	Y	
East Anstey	261	6	2.3	5	Y	
Elworthy	60	24	40.0	25	Y	
Kentisbury	266	50	18.8	49	Y	
Minehead	11,699	9	0.1	7**	Y	
Monksilver	109	73	67.0	63	Y	
Molland	203	0	0.0	0	Y	Y
Nettlecombe	199	119	59.8	89	Y	
North Molton	1,047	120	11.5	101	Y	Y
Old Cleeve	1,764	550	31.2	402***	Y	Y
Skilgate	96	12	12.5	11		
Stogumber	608	13	2.1	12		
Twitchen	70	40	57.1	35	Y	Y
Upton	156	30	19.2	24		
West Anstey	160	0	0.0	0	Y	
Withycombe	299	95	31.8	78	Y	
		11,012		8,665		

NOTES:

* Population of Trentishoe must have increased over the past 10 years (more voters than population)

** Split between Alcombe East and Minehead North

*** Old Cleeve (Roadwater Ward) figures used

DRAFT

EXMOOR NATIONAL PARK AUTHORITY

RESPONSE TO DEFRA CONSULTATION ON THE GOVERNANCE ARRANGEMENTS FOR THE NATIONAL PARKS AND THE BROADS

Exmoor National Park Authority welcomes the initiative taken by the Department for Environment, Food and Rural Affairs to undertake a national review of governance arrangements for National Park Authorities. We also welcome the focus of the review on encouraging National Park Authorities to fully engage in the review process and to develop their own responses in a way that recognises the particular circumstances in each National Park area.

As we understand the Department to require, this response focuses on the actions that Exmoor National Park Authority wishes to take in response to the consultation responses that have been elicited by the review, including the detailed consideration through local engagement with parish councils and other organisations in Exmoor National Park. If required, more information can be provided on the rationale for the proposed actions and the link to consultee responses.

This response is set out under the six questions posed by Defra in the review guidance, namely:

- a) Whether the membership of National Park Authorities, both the size and composition, should be changed.
- b) Whether the selection process for all categories of members of National Park Authorities can be improved.
- c) Whether there should be a limit on the length of time which local authority and parish members can serve, and a reduction in the maximum term for the Secretary of State 'national' members (currently 10 years).
- d) Whether the current membership and structure of consultative committees, groups and forums can be strengthened so as to better achieve 'Big Society' benefits.
- e) What additional measures National Park Authorities can take to strengthen the links and engagement with their local communities on a variety of issues including planning.
- f) Whether there are any other ways in which the National Park Authorities can improve their effectiveness and accountability.

a) Whether the membership of National Park Authorities, both the size and composition, should be changed

- a1 This aspect of the consultation received the largest number of comments and has been a key consideration in the three consultation sessions hosted within Exmoor National Park. The discussions reflected the position that there is no 'correct' number of members for a National Park Authority and, inevitably, there is a need to balance the importance of local and national representation with the ability to lead the organisation effectively.
- a2 Some respondents expressed the view that the Authority should be smaller in size to help increase effectiveness, to reduce costs and to improve accountability – no-one has suggested an increase in size. Whilst the majority of respondents

recognised the contribution and supported the retention of 'national' members, many responses have proposed a reduction in this category of membership.

- a3 A smaller number of responses have proposed that the number of members nominated by district and county councils should reduce. However, based on the views expressed by Somerset and Devon County Councils and other nominating councils, they would not wish to see any further reduction in council nominees or any changes in the proportional allocation between councils, particularly as this was only recently changed when the overall number of members was reduced from 26 to 22 in 2007.
- a4 No response has suggested that the number of parish members be reduced and one response proposed a large increase in this category of membership. Several responses referred to ensuring that particular sectors should have representation on the Authority, e.g. farming and forestry (e.g. NFU and NBA); recreational (e.g. canoeing).
- a5 Having considered the responses regarding the optimum size and composition, Exmoor National Park Authority is proposing:
- ***To retain the overall membership at 22 members as any reduction, particularly in nominations from county and district councils, would run the risk of reducing the number of local communities in the National Park that have an elected representative on the Authority. In addition, at 22, the number is considered about right to ensure a wide range of experience and perspectives can be reflected on the Authority.***
 - ***To request to Defra that the number of members appointed by the Secretary of State might be 'rebalanced' to 5 'national' and 5 'parish' from the current 6:4 ratio. This would reflect the commonly expressed view that, while the inclusion of national members is supported, the overall number might be reduced. Similarly, the increase in parish members would provide an additional assurance that the National Park Authority has good representation of local interests in touch with local communities.***
- a6 No changes in number or category are proposed in response to suggestions regarding the importance of key interests on the Authority. Farming interests have always been well reflected on Exmoor National Park Authority through the current appointments processes and it is felt that any gaps within the Authority can be addressed within the appointments process for 'national' members.
- b) Whether the selection process for all categories of members of National Park Authorities can be improved**
- b1 There has been a good deal of discussion in the parish meetings about the process for appointing parish members and several respondents felt that eligibility for nomination through the parishes route should not be restricted to people who were members of parish councils.
- b2 For local authority representatives there was a strong view expressed that councillors with wards or divisions '*wholly or mainly*' within the National Park should be given priority irrespective of the political party that they represent. Currently, the legislation requires nominating councils to give a weighting to councillors who represent areas '*wholly or partly*' in the National Park, subject to political proportionality required by the Local Government Acts.

- b3 A number of respondents indicated that they would welcome a more open process for the appointment of national members without making specific proposals on how this might be achieved.
- b4 Having considered the responses regarding selection processes for Authority members, Exmoor National Park Authority is proposing:
- *To request that the Somerset Association of Local Councils works with the Exmoor Association of Parish Councils to review the process for selecting parish members on the National Park Authority, with a view to increasing participation by parish councils and raising the profile of the process amongst the wider public. This will need to take place in sufficient time for the parish elections process to take place in May this year.*
 - **To request that Defra reviews the process for the selection of ‘national’ members so that it is more transparent overall with clarification of eligibility for membership and the criteria for selection.**
 - *To continue to encourage the nominating councils to give weight to the nomination of members to the National Park Authority from divisions and wards ‘wholly or mainly’ within the National Park area.*
- b5 The Authority does not support any moves to extend eligibility for parish members beyond members of parish councils. It is our view that a raised profile for the parish selection process and measures to encourage local residents to engage more fully in the nomination of parish councillors for National Park Authority membership can help to enhance this level of accountability.
- c) Whether there should be a limit on the length of time which local authority and parish members can serve, and a reduction in the maximum term for the Secretary of State ‘national’ members (currently 10 years)**
- c1 There was general agreement in consultations that no time limit should apply to people who are on the Authority by virtue of having been elected to a nominating county, district or parish council. Some responses suggested reducing the maximum term for national members to 7 or 8 years from 10.
- c2 Having considered responses on the term of membership, Exmoor National Park Authority is proposing:
- *To place no time limit on members nominated to the National Park Authority by county, district or parish councils.*
 - *To instigate an overall expectation that ‘national’ members would normally serve two terms of four years only, **with the proviso that a third term of up to four years might apply in exceptional circumstances.** This would provide sufficient time for new members to engage and contribute to the work of the Authority while giving flexibility over future renewals in exceptional cases.*
- d) Whether the current membership and structure of consultative committees, groups and forums can be strengthened so as to better achieve ‘Big Society’ benefits**
- d1 In local consultations, respondents commented positively on the improved engagement in the Consultative & Parish Forum that has been achieved following changes instigated by the Authority this year. The changes have included

increasing from two to four meetings a year and changing the format of the meetings to provide better opportunity for those attending to raise and discuss matters of local importance.

d2 There has been general support for an 'Annual General Meeting' of the Authority, which would be open to the public and which members and senior staff would attend to respond to any questions. In addition, the submission from the independent members of the Standards Committee asked whether there was a continuing monitoring role for a similar group of independent members.

d3 Having considered responses on ways in which the consultative committees and other mechanisms might be improved, Exmoor National Park Authority is proposing:

- *To hold an Annual Open Meeting to which all members of the public are invited and to provide an opportunity to raise any matter relating to the business of the National Park Authority. This meeting would be attended by members who hold positions as chairman or deputy-chairman of the Authority and main committees, and by senior officers. The venue was likely to move around the National Park from year to year and would be away from the Authority's offices at Exmoor House.*
- *To seek to encourage greater involvement of young people in commenting on and shaping the Authority's policies and priorities, building on the success of the Mosaic Project's 'Young Champions' initiative.*
- *To build on improving customer service and local engagement on planning matters and move from an emphasis on 'development control' to 'development management'. This approach would better reflect the government's increased emphasis on a proactive approach to 'localism' and planning that identifies and seeks to meet the needs of local communities by encouraging development.*
- *To seek to address the potential negative impression and barrier to involvement that is given by the name of the organisation and emphasise the 'Service' that the 'Authority' provides. For statutory purposes the name will remain but for communicating the work and role of the organisation greater emphasis will be given to 'service' in line with the culture and focus on customer support and community engagement of the organisation. I.e. an 'Exmoor National Park Service'.*
- *To meet with the outgoing Standards Committee to consider the potential for a new 'Independent Monitoring Committee' with a non-statutory remit to independently monitor the work of the National Park Service and provide a 'local ombudsman' function to which the public could bring any complaints or concerns for effective consideration.*

e) What additional measures National Park Authorities can take to strengthen the links and engagement with their local communities on a variety of issues including planning

e1 Responses to the question regarding possible additional measures to strengthen links and engagement with local communities included holding evening meetings of the main committees and providing video conferencing facilities to enable people to observe and participate in key meetings without having to travel to Dulverton. Several respondents have commented that they don't know how to get matters raised and discussed by the Authority.

- e2 The existing planning surgeries in Lynton and Porlock were welcomed and suggestion made that this approach might be extended to cover all Authority business.
- e3 Having considered responses on possible measures to strengthen links and engagement with local communities, Exmoor National Park Authority is proposing:
- *To explore the potential for coverage of planning meetings via video-conferencing facilities at other locations in the National Park to enable people to observe proceedings and also contribute through the opportunity for public speaking.*
 - *To continue with the planning surgeries at Lynton and Porlock and explore whether this can be extended to other venues and whether the scope of the surgeries can expand to include other National Park services.*
- e4 The proposed measures set out in response to other questions, such as the proposal for an Annual Open Meeting and the revised format for Consultative Forums will also assist in local community engagement. It should also be born in mind that the planning services in the National Park have developed over recent years so that applicants and potential applicants benefit from:
- Availability of free and easily accessible pre-application advice – 89% of applicants responding to a questionnaire over the last 18 months had received pre-application advice (63% of this advice is by phone or meeting).
 - Well attended Planning Surgeries every week in outlying communities of Porlock and Lynton with no appointment needed.
 - Open access to planning advice with responses to approximately 6,500 requests for advice from local residents, applicants and Parish Councils each year.
 - Regular attendance of planning staff at Parish and Town Councils and an on-going programme of workshops to explain how Councils can engage in the planning process and to provide planning officers with feedback.
 - A decision delegation system which ensures that when a Parish or Town Council disagrees with Planning Officers on a planning application, the application is automatically reported to Planning Committee for decision, enabling representatives of the Town/Parish Council to speak at the meeting. [This is not the case in neighbouring planning authorities]
 - A 'Planning Fee Reimbursement Fund' that refunds community groups and Parish/Town Councils their planning fee for community related development.
- e5 The benefits of this increasing emphasis on services to the local communities is being reflected in satisfaction ratings from users of the planning service. For example, the results of planning service questionnaires returned over the last 18 months indicate that 92% of applicants in the National Park are satisfied with the planning service they received, with only 3% dissatisfied.
- e6 Similarly, the independently run survey of residents of Exmoor National Park undertaken in January 2010 showed good levels of satisfaction with services provided in the National Park.

f) **Whether there are any other ways in which the National Park Authorities can improve their effectiveness and accountability**

f1 The majority of responses to the consultation have been considered in the responses to the previous 5 questions. However, bearing in mind the time demands on members and the need to travel to meetings consideration has been given to ways in which formal meetings are organised. In particular, Exmoor National Park Authority is proposing:

- *To improve efficiency the business of the Authority might be achieved within 12 'committee days' on the first Tuesday of every month, e.g. Planning Committee followed by either an Authority meeting (5), Resources and Performance Committee (3) or member briefing (4). [NB - A Resources and Performance Committee would also be required at the end of June to approve the accounts for the previous year]*

Concluding statement

Exmoor National Park Authority looks forward to receiving the response from the Department to the proposed actions set out in this document. In particular, we would welcome specific responses from the Department regarding the following proposals:

- ***To confirm that Exmoor National Park Authority may retain the overall membership at 22 members.***
- ***To confirm that the number of members appointed by the Secretary of State to Exmoor National Park Authority can be 'rebalanced' to 5 'national' and 5 'parish' from the current 6:4 ratio. This would be implemented progressively with the appointment of an additional parish member in May 2011 and an understanding that the next vacancy that arises for a 'national' appointment will not be filled. Thus, there is a potential for the National Park Authority to operate with 23 members for 1 or 2 years during the transition to the new arrangements. Clearly, increasing the number of parish members in the current round of appointments will require Defra to make the required statutory provisions in time – i.e. by the end of April 2011. Otherwise the next available opportunity to increase parish membership would be in May 2015.***
- ***To confirm that there will be an internal review of the process for the selection of 'national' members to National Park Authorities so that the process is more transparent overall, with clarification of eligibility for membership and the criteria for selection.***
- *To confirm that 'national' members would normally serve two terms of four years only, with the proviso that a **third term of up to four years** might apply in exceptional circumstances. This would provide sufficient time for new members to engage and contribute to the work of the Authority while giving flexibility over future renewals in exceptional cases.*
- *To confirm that all other actions set out in this response are acceptable to the Department.*