Statutory Consultation on Local Authority membership of the New Forest National Park Authority

23 December 2004
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1. Introduction:

On 28 June 2004, the Minister for Rural Affairs, Alun Michael, announced his decision that New Forest will become a National Park and that the Park will be managed by a National Park Authority established under section 63 of the Environment Act 1995. The procedure for establishing the Authority is described in Schedule 7 to the 1995 Act and under paragraph 2 to the Schedule, the Secretary of State is required to consult every local authority with land in the Park on the arrangements for them to appoint members to the Authority. Details of the consultation arrangements are described in the consultation letter. The statutory three-month consultation started on 12 September and finished on 6 December 2004.
2. Consultation letter to Local Authorities

Countryside (Recreation and Landscape) Division
Temple Quay House
2 The Square,
Temple Quay,
Bristol BS1 6EB

Website www.defra.gov.uk

Dear Consultee

LOCAL AUTHORITY MEMBERSHIP OF A NEW FOREST NATIONAL PARK AUTHORITY

Following my announcement on 28 June that there is to be a New Forest National Park Authority, I am writing to consult you on the membership arrangements for that Authority.

Under paragraph 2 of Schedule 7 to the Environment Act 1995, I am required to consult every local authority with land in the Park on three matters, namely:

“(a) the number of members of [the] National Park authority who are to be local authority members;

(b) the councils by whom the local authority members…are to be appointed ;…

(c) the number of members to be appointed by each such Council”

Although I am statutorily required to consult only the district and county councils, I am also sending this letter to other organisations who may have a view and indeed I am happy to receive comments from any source. The closing date for comments is Monday the 6th of December 2004.

I shall now deal with each of those issues in turn.

(a) I propose that there should be 12 local authority members.

Existing National Park Authorities range from 22 to 38 members, with 26 being the commonest number. In accordance with recommendation 22 of the Review of English National Park Authorities, I have decided that 22 members is the optimum size, bearing in mind the budget and responsibilities which the National Park Authorities carry, and the
make-up of their membership. I am taking steps to make 22 members the norm for all the existing National Park Authorities bar two. (The two exceptions are the Broads Authority which has its own legislation and a rather different mix of membership, and for which I propose a future membership of 21; and the Peak District, which has a particularly large number of local authorities within its boundary and where I propose a future membership of 30).

In keeping with that approach I propose an overall membership of 22 for the New Forest National Park Authority.

Once the overall number has been decided, the formula set out in primary legislation (Paragraph 1 of Schedule 7 to the Environment Act 1995) dictates how many members are to be appointed by the local authorities. In the case of a 22 member authority, the legislation requires there to be 12 members appointed by local authorities. (N.B. “local authorities” in this context refers solely to county, district, or unitary authorities. The parish councils have a separate right to nominate four members; the remaining six seats are filled by the Secretary of State through an open recruitment exercise).

(b) I propose that these councils should appoint to the National Park Authority:

Hampshire County Council
New Forest District Council
Test Valley Borough Council

Wiltshire County Council
Salisbury District Council

These are the 5 local authorities who will have land in the Park. Schedule 7 of the Environment Act 1995 makes clear that is the “councils for the …areas wholly or partly comprised in the relevant Park” who are to appoint members [paragraph 2(1)] . In addition the same schedule also makes clear that all those Councils have the right to appoint a member unless they voluntarily give up that right - paragraph (3) states that “the Secretary of State may make provision for excluding the council for any such area from the councils by whom the local authority members are to be appointed...only at the request of that council”

(c) I propose that Hampshire County Council should appoint five members; New Forest District Council should appoint four members; and Wiltshire County Council, Salisbury District Council, and Test Valley Borough Council should each appoint one member

This distribution is meant to broadly reflect the geography of the National Park. Salisbury District Council, Test Valley District and Wiltshire County Council each cover a small proportion of the New Forest National Park area, and so I propose that they each have one member on the National Park Authority. Hampshire County Council and the New Forest District Council have much more of their land (and resident population) within the Park.
Sharing the remaining seats between them on a 5 : 4 ratio means that, in total, each tier of local government will have an equal number of seats.

To best serve the interests of the people who live and work in the Park, local authority members of the National Park Authority must themselves be elected members of their appointed authorities.

Any comment on the proposed local authority membership arrangements of a New Forest National Park Authority may be sent in writing to:-

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before the 6th day of December 2004 and any such comment should state the grounds on which it is made. Unless you indicate otherwise your comments may be made public. All comments may be analysed and included in statistical returns.

Choosing local authority representatives

It is essential that a National Park Authority has members whose knowledge, skills, and expertise enable it to function effectively and to deliver the purposes for which it is created. That applies to all three categories of member – both those appointed by local authorities, those nominated by parish councils, and those who emerge from the open recruitment of Secretary of State members.

When the time comes for you to choose your representatives, I hope you will send to the National Park Authority people who can make a full contribution to the work of the Authority. As well as many local people on the Authority we certainly need to have a mix of members who have expertise and experience over a wide range of New Forest issues.

As background, I attach a guide which has been prepared by the Association of National Park Authorities and describes the role of members and the tasks which face them. This is due for updating but I hope you will find it useful when it come to select your appointees.

I am sending this letter to the leaders of New Forest District Council, Salisbury District Council, Leader of Hampshire County Council, and Wiltshire County Council. Copies are
going to Tony Hams, Chair of the Association of National Park Authorities, Kate Ashbrook, Chairman of the Council for National Parks, Cllr Sir Jeremy Beecham, Chair of the Local Government Association, Cllr. Brian Giles, Chairman of the New Forest Association of Local Councils, Ted Johnson, Chairman of the New Forest Committee and Ted Johnson, Chairman of the New Forest Consultative Panel.

Yours sincerely

Alun Michael

Letters using the above wording were sent to the Leaders of Hampshire County, New Forest District, Salisbury District, and Wiltshire County Councils – Cllr, Ken Thornber, Cllr Mel Kendal, Cllr Kevin Christopher, and Cllr Jane Scott respectively.
3. List of those Consulted

Test Valley Borough Council
Wiltshire County Council
Hampshire County Council
Salisbury District Council
New Forest District Council
4. List of respondents

Hampshire County Council
New Forest District Council
Test Valley Borough Council
5. Summary of responses to the Consultation

Responses were received from Hampshire County Council, New Forest District Council, and Test Valley Borough Council. New Forest District Council is somewhat disappointed that the proposed arrangements will result in the Council being proportionally under-represented on the New Forest National Park Authority, but does not object to the Minister’s proposed membership arrangements. The Council acknowledges the reasons for the Minister’s decision in the last page of their response letter. Test Valley Borough Council and Hampshire County Council also agree with the proposal. As confirmed by e-mail, Wiltshire County Council are content with the arrangements, but have not sent a formal response. This means that the Minister can now go ahead with his proposed membership arrangements without any changes.