

## YORKSHIRE DALES NATIONAL PARK AUTHORITY

28<sup>TH</sup> November 2006**REDUCTION IN SIZE OF NATIONAL PARK AUTHORITY****Purpose of report**

To provide an update for Members on a change to government proposals in dealing with National Park Authority membership.

**Background**

Members may recall that the Authority has faced difficulties, in recent years, whenever County, District or Parish members stand for election and are then subsequently re-appointed to the Authority by their appointing bodies. The difficulty has been the time sometimes taken, particularly with parish members, in having their re-appointments confirmed. This has led to periods where the Authority has not had its full membership of 26 for various meetings.

Last year it was reported that new provisions within the Natural Environment and Rural Communities (NERC) Act would allow members to continue to serve on National Park Authorities for up to 3 months after an election until replacements were appointed. This would have dealt with the problem identified above.

**New Proposal**

The reduction in the Authority's membership, from 26 to 22, will take effect on 8<sup>th</sup> May 2007. The statutory instrument to achieve this is expected to be before Parliament during November 2006.

One of the current Secretary of State (national) appointments to the Authority terminates on 31<sup>st</sup> March 2007. Unitary, District and Parish Council elections take place on 3<sup>rd</sup> May 2007. The parish ballot process and reappointment is particularly lengthy and could take several weeks/months. In a number of National Park Authorities all parish members are up for election and this clearly creates difficulties in that the Parish, and District, members will not be known until they have been re-appointed by their appointing bodies. However, the membership of the National Park Authority will reduce on the 8<sup>th</sup> May. Who then are to be the members who are 'removed' from the Authority on 8<sup>th</sup> May?

In order to deal with this situation DEFRA are proposing to suspend the provisions of the NERC Act until June 2007 as it is believed to be simpler to make these reductions under the old legislation.

The reasons behind for DEFRA's decision are best illustrated using the following example:-

1. A number of National Park Authorities have all parish seats up for re-election next May.
2. The effect of the statutory instrument will be to reduce the number of parish members from 5 to 4.
3. The least painful way to do this is to allow all of the parish appointees to end spontaneously in the normal way on the 4<sup>th</sup> day after polling day. And then, when the parishes convene after the election, to ask them to put forward 4 names rather than 5.
4. Doing it this way should avoid any difficult/embarrassing decisions about which seat has to go.
5. If the new provisions were enforced, all of the outgoing parish members would have the right to remain on the National Park Authority for up to 3 months. That would immediately put us ultra vires because some NPAs would still have 5 parish members after the date when the statutory instrument said there should only be 4. Therefore the Secretary of State would have to use his powers to remove one of the Parish members, which leave him in the invidious position of choosing which seat had to go.

Of course the situation in the Yorkshire Dales is slightly different in that all 5 parish members are not standing for election. Nonetheless, the above situation does apply to the YDNPA Parish Council appointments as it does to those of Richmondshire District Council.

### **RECOMMENDATION**

Members are asked to note the report.

DAVID BUTTERWORTH  
CHIEF EXECUTIVE

6th November 2006