



URGENT BUSINESS

Council Business Committee

Thursday, 10 March 2016

The Chairman has agreed to accept the following item of urgent business:-

Agenda Item Number	Page	Title
3	1 - 4	URGENT BUSINESS Defra Consultation on the Yorkshire Dales National Park Authority

COUNCIL BUSINESS COMMITTEE**URGENT BUSINESS: Defra Consultation on the Yorkshire Dales National Park Authority****10 March 2016****Report of the Democratic Services Manager****PURPOSE OF REPORT**

To consider responding to a Defra consultation on the future composition of the Yorkshire Dales National Park Authority in light of the extensions taking effect on 1 August 2016.

This report is public

RECOMMENDATIONS:

- (1) That the Committee considers whether to make a response to the Defra consultation (details attached).

1.0 Background

- 1.1 On 23 October 2015, the Secretary of State confirmed Orders extending the boundary of the Yorkshire Dales National Park to include part of Lancaster District (Leck).
- 1.2 In view of this, Defra has invited the City Council to comment on proposals to increase the size of the Yorkshire Dales National Park Authority from 22 to 25 members to accommodate one new member from each of the newly constituent local authorities; Lancaster City Council, Eden District Council and Lancashire County Council.
- 1.3 The letter seeking views was received after publication of the agenda for this meeting and responses must be received by midnight on 24 March 2016, hence this item has been brought to the Committee as urgent business.

2.0 Draft Comments

- 2.1 Officer observations are that:

- On 2 March 2016 Council resolved that the basis of appointment to the Authority, if a place was granted, would be a Cabinet appointment. The Cabinet Member for Rural Areas is in agreement that the City Council should have a seat and understands that it means a serving member will have to address business throughout the park not just in the area of the district subsumed into it.

- A seat on the board is good in reputational terms for the City Council as it affirms its strong rural role in managing protected landscapes (the Council manages the Arnside Silverdale Area of Outstanding Natural Beauty (AONB) unit and is a partner in the Forest of Bowland AONB Partnership)
- It is understood that parks officers may have an issue about the size of the board but that's a matter for them to respond to if they wish. Officers have no opinion on that.

3.0 Conclusion

3.1 The Committee is asked to determine whether it wishes to make a response to Defra and, if so, to decide the content at this meeting.

**CONCLUSION OF IMPACT ASSESSMENT
(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

None arising from this report.

FINANCIAL IMPLICATIONS

It should be noted that the National Parks Authorities have the power to levy under the National Park Authorities (Levies) (England) Regulations 1996. As the levy is apportioned on the basis of membership of the Authority, potentially this appointment could have had implications for the Council's budget. However, officers have been informed that the Authority has no plans to use the power to levy.

LEGAL IMPLICATIONS

The legal framework for National Park Authority Membership is set out on the back of the letter.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has prepared this report in her role as Democratic Services Manager.

BACKGROUND PAPERS

None

Contact Officer: Debbie Chambers
Telephone: 01524 582057
E-mail: dchambers@lancaster.gov.uk



Department
for Environment
Food & Rural Affairs

T 08459 335577
helpline@defra.gsi.gov.uk
www.gov.uk/defra

To Chief Executives of all principal local authorities
in the Yorkshire Dales National Park, as extended,
and the Chief Executive of the Yorkshire Dales
National Park Authority

24th February 2016

**Consultation on the future composition of the Yorkshire Dales National Park Authority
in light of the extensions taking effect on 1st August 2016**

Further to the confirmation by the Secretary of State on 23rd October 2015 of the Orders extending the boundary of the Yorkshire Dales National Park, I am writing to invite your views on the membership of the Yorkshire Dales National Park Authority when the Orders come into effect on 1st August 2016.

Defra proposes that the Yorkshire Dales National Park Authority should increase in size from 22 to 25 members to accommodate one new member from each of the newly constituent local authorities, i.e. Eden District Council, Lancaster City Council and Lancashire County Council. The number of "national" members (appointed by the Secretary of State) and parish members (chosen by the parish councils collectively and appointed by the Secretary of State) would remain the same.

We welcome your views and comments on this proposal, which should be received by midnight on 24th March 2016. Please send responses to nationalparks.aonbs@defra.gsi.gov.uk or in writing to: Protected Landscapes Team, Department for Environment, Food and Rural Affairs, 1/09 Temple Quay House, Bristol BS1 6EB.

To ensure transparency and inform our decision making, this consultation is not restricted to the principal authorities to whom we are writing (as required in the Act) but also invites comments from any organisation or individual who wishes to respond.

Detail of the legal framework for membership of National Park authorities is set out at Annex 1.

If you have any queries about this letter please email nationalparks.aonbs@defra.gsi.gov.uk

Yours faithfully,

Tom Surrey, Deputy Director, Land Use, for and on behalf of Defra

Annex 1: Legal framework for National Park authority membership

The membership framework of a National Park authority, as set out in Schedule 7 to the Environment Act 1995, comprises:

- members appointed by constituent local authorities (“local authority members”);
- parish councillors nominated by the parish councils, but appointed by the Secretary of State (“parish members”); and
- other members appointed by the Secretary of State (“Secretary of State so-called “national” members”).

All principal local authorities whose administrative area includes land within the boundary of a National Park must have at least one member unless they indicate they do not wish to appoint members to an Authority. Where possible, local authority membership allocations also loosely reflect the proportion of land and population that each local authority has within a Park. Parish members are chosen by the parishes collectively although formally appointed by the Secretary of State. Secretary of State “national” appointees are selected through an open recruitment process which is regulated by the Office of the Commissioner for Public Appointments and having regard to representing the “national” interest in the Parks.

The sum of the local authority and parish members must always exceed the number of Secretary of State “national” members. Membership numbers allocated to each category and to each local authority, for each National Park authority, are specified in the relevant statutory instrument.

It is a statutory requirement under paragraph 2(3) of Schedule 7 to the Environment Act 1995 for the Secretary of State to consult all principal local authorities with an area wholly or partly within the relevant Park about any proposals with regard to:

- the number of local authority members of a National Park authority;
- the councils by whom local authority members are appointed;
- the number of members to be appointed by each council.