

AGENDA ITEM No.4

PEAK DISTRICT NATIONAL PARK AUTHORITY

NATIONAL PARK AUTHORITY MEETING

12 SEPTEMBER 2008

CHIEF EXECUTIVE

PART A

1. AUTHORITY MEMBERSHIP CHANGES – CHESHIRE COUNCILS (EWJ/JBD/A.11)

Proposal

- 1 To consider the options for future membership of the Authority following the introduction of unitary councils in the County of Cheshire in 2009.

2 RECOMMENDATION:

That the meeting agrees a response to the Department of Communities and Local Government on the proposals for future membership of the Authority following the introduction of unitary councils in Cheshire in 2009.

Policy/Legal Background

- 3 The current membership of the Authority is governed by The National Park Authorities (England) Order 2006. The Order specifies the total membership of the Authority as 30 members made up of 16 members appointed by the constituent councils; 14 members appointed by the Secretary of State with 6 of those members being parish members. The allocation of membership to the constituent councils is shown in more detail in the Appendix.
- 4 The Secretary of State for Communities and Local Government has considered options for the introduction of single tier unitary authorities in Cheshire under the Local Government and Public Involvement in Health Act 2007. He has agreed to two unitary authorities to be effective from 1st April 2009. Two new non metropolitan district councils "Cheshire East Council" and "Cheshire West and Chester Council" will be established. Cheshire County Council and Macclesfield Borough Council will therefore be wound up and dissolved on that date. These changes are implemented by The Cheshire (Structural Changes) Order 2008 which is expected to be laid before Parliament as soon after 6 October 2008.
- 5 The proposed changes reflect the informal views expressed by councils, the view expressed by this Authority in May 2008 and also with Defra. The Authority resolved (Minute reference 36/08):
1. That the Authority does not support a reduction in the number of Council Members appointed to the Authority
 2. That the Authority needs to consider in more detail how the vacant place can be allocated.

The CLG proposal, expressed in a letter received 18 August, is that *'from 1 April 2009, Cheshire East Council will appoint 2 members to the Authority, inheriting the seats*

previously occupied by Cheshire County Council and Macclesfield Borough Council, following their abolition on the same date. This maintains the current size of the Park Authority and is consistent with the requirements to Schedule 7 to the Environment Act 1995 (as amended)'.

- 6 The closing date for this consultation is Friday September 12th. Despite representations, the CLG officials were not prepared to extend this date because:

'this is not a formal consultation - therefore the period for responses is only four weeks. We are not required to consult on these changes; however, we have written this letter to ensure that stakeholders were aware of the proposed changes. The changes are the result of conversations that [have] taken place over the past few months between Defra, who wrote to you earlier in the year, and the affected local authorities. Consequently, we are not expecting any substantive comments.

Unfortunately, we will not be able to extend the period for responses. The local authorities undergoing the restructuring process which are affected by several changes to the membership of various public bodies are expecting that the Order will be laid in Parliament as soon as possible following recess on 6 October, and we are consequently working to a tight timetable to meet this.'

Consultations received

- 7 All constituent authorities and MPs and a variety of bodies with an interest in the work of the Authority have been contacted to seek their views on this issue. A summary of responses is provided at annex 1. An update will be provided at the meeting.

Key Issues

- 8 Cheshire County Council and Macclesfield Borough Council both appoint one Member each to the Authority. The current term of office on the Authority of those Members will end on 1st April 2009.
- 9 The Department of Communities and Local Government has requested a response from the Authority on the proposal to change the membership of the Authority on the establishment of the Cheshire East Council in 2009. The options, in line with the previous Authority resolution are:

1. Agree with the CLG proposal that the extra seat should be retained in Cheshire.

This would retain the current overall balance of the Authority and would provide for the continued development of a strong representation in the new unitary council during a period of change. It would also allow for continuing to strengthen the relationship that the Authority wishes to have with the North West region. It would, however, lead to an anomaly with the Cheshire East Unitary Council being the only such council to have two seats and it would also lead to the people of Cheshire having markedly more seats per head of population than other parts of the National Park. Whilst this option is favoured by Cheshire and Staffordshire councils, it is not supported by Derbyshire Districts or by the Peak Park Parishes Forum. It would be contrary to the strong case argued by High Peak Borough Council. This option retains a balance between county and aggregate district representation in Derbyshire. This option is in line with the CLG proposal.

2. Re-allocate the extra seat to High Peak Borough Council.

This would provide an extra seat for the district council with the second largest population (Derbyshire Dales DC has 2 seats and is the largest). It would give

Cheshire East a seat in line with the single seat allocated to all other Unitary councils and allow for weighted seat for a more populous council with a large area of land in the National Park. It would give High Peak Borough Council (17.1% of the population in the National Park) the same number of seats as Derbyshire Dales District Council (65.1%) although it should be noted that both councils have very similar percentage land area and the proposal to allocate to High Peak Borough Council would not necessarily be opposed by Derbyshire Dales District Council who have responded to the consultation by stating that the 'seat should be re-allocated to Derbyshire'. This option would add an additional seat in the East Midlands and would mean only one member representing the new unitary as it establishes. It would create an imbalance between county and aggregate district representation within Derbyshire. It would be strongly supported by High Peak Borough Council and the Peak Park Parishes Forum. This would be contrary to the CLG position and, therefore, to challenge CLG, there would need to be a strongly expressed view by the Authority in favour.

3. Re-allocate the extra seat to another council.

No consultation responses have supported this other than several that have supported re-allocating the seat within Derbyshire without specific reference to High Peak Borough Council.

- 10 It should be noted that this paper is about the representation of local authorities on the Authority within an overall balance and make-up that is set out in statute. Other matters relating to the make-up of the Authority, particularly the Minister's recent consultation on direct elections, will be the subject of a separate and full paper to the Authority 3 October. Whilst this consultation relates solely to local authority representation, all Authority members of all categories of appointment are entitled to take part and vote on the matter.

APPENDIX

Background

1. The number of Members appointed by each constituent council under The National Park Authorities (England) Order 2006 are as follows:

Derbyshire County Council	4	Derbyshire Dales District Council	2
Cheshire County Council	1	High Peak Borough Council	1
Staffordshire County Council	1	North East Derbyshire District Council	1
Barnsley MBC	1	Macclesfield Borough Council	1
Sheffield City Council	1	Staffordshire Moorlands District Council	1
Kirklees MBC	1		
Oldham MBC	1		
		<u>Total</u>	16

2. Further details of the National Park profile is given in annex 2

Resources

3. There are no significant additional resource issues.

Risk Management

4. There are no risks arising out of the report.

Human Rights, Equalities, Health & Safety

5. There are no issues that arise out of the report.

Consultees

6. None internally.

Enclosures

7. None

List of Background Papers (not previously published)

8. None

Report Author

9. Jim Dixon Chief Executive and Eugene Judge Democratic Services Manager.

10. **Publication date**

4 September 2008