

Explanatory Memorandum to National Park Authorities (Wales) (Amendment) Order 2020.

This Explanatory Memorandum has been prepared by the Department for Environment and Rural Affairs and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister/Deputy Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the National Park Authorities (Wales) (Amendment) Order 2020. I am satisfied that the benefits justify the likely costs.

Hannah Blythyn AM
Deputy Minister for Housing and Local Government

5 March 2020

PART 1

1. Description

This instrument makes amendments to Parts I and II of Schedule 2 to the National Park Authorities (Wales) Order 1995/2803 (“the 1995 Order”) to reduce the membership of Brecon Beacons National Park Authority (“BBNPA”) from 24 to 18, coming into force on 1 April 2020.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

None.

3. Legislative background

Powers contained in sections 63(1) and (5) of, and paragraphs 1(2) and (3) and 2(1) and (2) of Schedule 7 (NPAs) to, the Environment Act 1995 (“the Act”) allow for the Welsh Ministers to specify in an Order the number of:

- (i) local authority members, and
- (ii) other members appointed by Welsh Ministers.

The powers conferred on the Secretary of State by sections 63(1) and (5) of, and paragraphs 1(2) and (3), and 2(1) and (2) of Schedule 7 to, the Act were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by Article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999. By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006, the functions conferred on the National Assembly for Wales are now exercisable by the Welsh Ministers. The same powers allow the Welsh Ministers to amend the 1995 Order so as to vary the specified number of local authority and other members.

The subordinate legislation is made under the negative resolution procedure.

Implementing a reduction in the membership requires the drafting and laying of an Order to amend Parts I and II of Schedule 2 to 1995 Order.

Part I of Schedule 2 (Membership of National Park Authorities) to the 1995 Order lists the number of members of each National Park Authority “NPA” and provides that for the BBNPA:

“Brecon Beacons National Park Authority

Local authority members	16
Secretary of State members	8
Total number of members	24”

Part II of Schedule 2 to the 1995 Order lists the number of local authority members of the councils for every principal area part of which is comprised in the Brecon Beacons National Park:

“Brecon Beacons National Park Authority

<u>Council of a principal area</u>	<u>Number of members</u>
Blaenau Gwent County Borough Council	1
Carmarthenshire County Council	2
Merthyr Tydfil County Borough Council	1
Monmouthshire County Council	2
Powys Council	8
Rhondda, Cynon, Taff County Borough Council	1
Torfaen County Borough Council	1”

4. Purpose and intended effect of the legislation

The Future Landscapes Wales programme in 2016-17 considered the governance of Wales’ designated landscapes and recommended harmonising the size of NPA memberships. Reinforcing this priority, the current Welsh Government policy document *Valued and Resilient: The Welsh Government’s Priorities for Areas of Outstanding Natural Beauty and National Parks* (2018) states the following:

“The scale and complexity of governance structures have obvious resource implications. Efficiency should be pursued, consistent with effective governance. The Welsh Government intends to *reduce the administrative costs of National Park Authorities* by removing them from the audit regime of the Local Government (Wales) Measure 2009, **and reducing the size of the BBNPA membership from 24 to 18.**”

The proposed changes are supported by BBNPA. In September 2016 BBNPA met and voted unanimously to support the reduction of the Authority’s membership from 24 to 18 to bring it in line with the other two NPAs in Wales. BBNPA asserted a smaller membership was consistent with maintaining good governance and that they would start a process of increased focus and efficiency on Park Authority business, including a revision of the committee structure. The Authority has estimated that a reduction in the size of the membership could deliver annual savings of £40,000 through a direct saving of the salary paid to members, as well as a reduction in their induction, training and travel expenses.

The BBNPA proposal suggested a reduction of four unitary authority appointees and two Welsh Government appointees, thereby retaining the two-thirds unitary authority and one-third Welsh Minister appointee ratio.

5. Consultation

In 2017 the Welsh Government held a public consultation on reducing the Membership of BBNPA from 24 to 18 members. The consultation commenced on 11 April 2017 and closed on 29 June 2017.

It proposed reducing the number of Local Authority members from 16 to 12, as set out in Table 1, and reducing the number appointed by Welsh Ministers from 8 Members to 6 Members. The proposal retained appointments from each of the existing Local Authorities with representation, while also maintaining the link between the number of members and the area within the Park of each principal Council.

Table 1: Proposed reduction of Local Authority Members

Name of Council	Current	Proposed	Change
Blaenau Gwent County Borough Council	1	1	-
Carmarthenshire County Council	2	1	-1
Merthyr Tydfil County Borough Council	1	1	-
Monmouthshire County Council	2	1	-1
Powys Council	8	6	-2
Rhondda Cynon Taff County Borough Council	1	1	-
Torfaen County Borough Council	1	1	-
Total	16	12	-4

Welsh Government's subsequent 2017 consultation, *Taking forward Wales' Sustainable Management of Natural Resources*, also set out a number of proposals relating to National Parks, including their governance. Responses to this consultation did not contain any substantive reasons for not proceeding with the membership reduction.

6. Regulatory Impact Assessment (RIA)

In line with Section 76 of the Government of Wales Act 2006, a Regulatory Impact Assessment (RIA) has been developed to accompany this Order (see part 2 below).

PART 2 – REGULATORY IMPACT ASSESSMENT

6. Options

The policy objective is to streamline the Authority by reducing the number of members, to bring into line with other National Park Authorities and to make substantial cash savings.

The RIA considers two alternative options:

- Option One: Business as Usual
- Option two: Introduce a Statutory Instrument to reduce the size of the BBNPA Committee

It is considered there are no feasible alternative legislative or non-legislative options for achieving the objectives.

There will be no issues of equity or fairness arising out of the range of options considered.

7. Costs and benefits

Option 1: Business as Usual

This is the baseline option and as such there are no additional costs or benefits associated with this option. Under this option, the existing membership would be retained and none of the anticipated cost-savings or other benefits would be realised.

Option 2:

Under this option, the size of Brecon Beacons National Park Authority's committee would be reduced from 24 members to 18 members.

The Authority has estimated that a reduction in the size of the membership could deliver annual savings of £40,000 through a direct saving of the salary paid to members, as well as a reduction in induction, training and travel expenses. BBNPA will review the committee structure to ensure decision making and accountability is not compromised. These costs have been provided by the Democratic Services manager in BBNPA.

Table 1: Projected Savings of reduction to BBNPA membership size

	Current annual cost (24)	Savings through reduced membership (18) (recurring, per annum)
Basic Salary	£86,400	£21,600
Induction (actual and staff costs)	£34,472	£8,572

Travel costs (based on average mileage for 30 meetings p.a.)	£16,000	£9,720
Total	£136,872	£39,892

BBNPA has also asserted that a smaller membership was consistent with maintaining good governance and that they would initiate a process of increased focus and efficiency on Park Authority business, including a revision of the committee structure.

For these reasons, option 2 is the preferred option.

8. Consultation

In March 2017 the then-Cabinet Secretary agreed officials' request to carry out a public consultation on reducing the Membership of BBNPA from 24 to 18. This would be achieved by reducing the number of Local Authority members from 16 to 12, as set out in Table 2, and reducing the number appointed by Welsh Ministers from eight Members to six Members.

A total of five responses were received. These were from Pembrokeshire Coast National Park Authority, Carmarthenshire, Monmouthshire and Powys County Councils, and an individual who submitted a response after the consultation closed.

The consultation asked the following questions:

Question 1: What are your views on the proposal to reduce the membership of the Brecon Beacons National Park Authority from 24 to 18?

Question 2: What are your views on the proposed distribution of members of the Brecon Beacons National Park Authority between the seven principal authorities and the Welsh Ministers?

Question 3: We would like to know your views on the effects that reducing the membership of the Brecon Beacons National Park Authority would have on the Welsh language, specifically on

- i) opportunities for people to use Welsh and
- ii) on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Question 4: Please also explain how you believe the proposed actions could be formulated or changed so as to have

- i) positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and

- ii) no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Question 5: We have asked two specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

The main findings of the summary of responses to the consultation were:

Four respondents supported a reduction in the size of the Authority although they differed in their opinion of how the reduction should be achieved. Only the individual opposed a reduction, on the grounds of members' workload and providing stability.

The consultation ran for a full 12 week period. A summary was published on the Welsh Government website.

9. Competition Assessment

This is not considered applicable as the proposed legislation does not affect business, charities and/or the voluntary sector.

10. Post implementation review

Officials will ask that BBNPA report on financial savings after Year 1 of the implementation to ensure that anticipated savings have materialised and to advise of any governance issues.