

REPORT OF CHIEF EXECUTIVE

**SUBJECT:
COMMISSION FOR PUBLIC SERVICE GOVERNANCE AND DELIVERY**

Background

In April 2013 the First Minister set up the Commission on Public Service Governance and Delivery under the leadership of Sir Paul Williams, with the following aims:

To:

- gather and provide an objective, authoritative assessment of the extent to which current arrangements for public service governance and delivery in Wales meet the needs and aspirations of people today and provide a sustainable basis for the future;
- propose an optimal model of public service governance and delivery for Wales, that will ensure that efficient, effective and accessible services are provided to the citizen; and support continuous improvement in those services against the background of financial and demand pressures; and
- as part of this, to engage with those who provide and use public services.

The Commission's report was published on Monday, 20th January 2014.

The Commission's recommendations

Three of the report's recommendations relate to National Park Authorities. They are:

- Recommendation 13 - National Park Authorities (NPAs) must develop clear and consistent ways of collaborating with each other, with local authorities, with Visit Wales and with Natural Resources Wales, on the ground, to avoid duplications and maximise the use of resources and scarce expertise (paragraph 2.60)
- Recommendation 14 - The Welsh Government and NPAs should secure national leadership and co-ordination and the most effective use of resources and expertise. The Government should consider doing so through a single authority, whilst retaining the distinctive identities of the three parks (paragraph 2.60)

- Recommendation 15 - Local accountability and decision making must be reinforced; local authority nominated NPA members must represent wards which fall wholly within the Park area or, if that is impossible, partly within the Park area. The Welsh Government should consider whether directly electing NPA members would strengthen such accountability (paragraph 2.60).

Recommendation 13 focuses on collaborative approaches which the Authority has followed for some time. The other two recommendations will be decisions for the Welsh Government to consider.

NPAs and Local Authorities

The Commission's report recommends against merging NPAs with Local Authorities. It states that: "The functions of National Park Authorities (NPAs) are similar to those of local authorities but with a distinctive focus on conserving and promoting sustainable access to National Parks. We believe this focus would be at risk if their functions were transferred to local authorities, as some argued in their evidence to us."

Shared public services across Wales

In addition to the recommendations specifically for National Park Authorities, there are other recommendations that may impact on our work. For example, there are recommendations to have a common set of performance management indicators across all public services in Wales and recommendations suggesting greater collaboration in support services across all public organisations. Currently there is little detail on these, or what impact, if any, they will have.

Further information

The full report and a summary version can be read from this link:

<http://wales.gov.uk/topics/improvingservices/public-service-governance-and-delivery/report/?lang=en>

Annex A includes the relevant sections relating to National Park Authorities.

Recommendation

Members are asked to note the report of the Commission on Public Service Governance and Delivery.

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Williams Commission Report

Extracts of Relevance to National Parks Wales

Relationship complexity: accountability and reporting lines

2.11 This picture of formal accountability will change if and when the Welsh Government makes a so-called 'Designated Persons Order' under the Local Government (Wales) Measure 2011 subjecting more organisations to formal scrutiny by local authorities.

The Welsh Government have consulted¹¹ on proposals which would include the following organisations:

Local health boards;

NHS trusts;

Fire and rescue authorities;

National Park authorities;

Registered social landlords;

Third sector organisations providing services to the public; and

Town and community councils (although the Welsh Government has expressed a Neutral view on whether these should be included).

2.45 Beyond this, the position is less clear. Boundaries of other organisations and consortia are less consistent with those of the main providers. Sometimes this is unavoidable.

The boundaries of National Parks, for instance, are based around the extent of a protected landscape, and have no necessary connection with other administrative boundaries. Communities First areas are defined by the extent of deprivation. And the boundaries of trunk road consortia reflect the layout of the trunk road network and the need for operational efficiency in maintaining it.

2.60 The functions of **National Park Authorities (NPAs)** are similar to those of local authorities but with a distinctive focus on conserving and promoting sustainable access to National Parks. We believe this focus would be at risk if their functions were Commission on Public Service Governance and Delivery | 43 transferred to local authorities, as some argued in their evidence to us. However, there is a need to improve how they work collaboratively, not least because there are obvious risks of small scale in this sector. **We therefore recommend that NPAs must develop clear and consistent ways of collaborating with each other, and with local authorities, with Visit Wales and with Natural Resources Wales, on the ground, to avoid duplication and maximise the use of resources and scarce expertise.** This applies at the national level too, both to maximise the use of resources and to provide national leadership on strategic issues. **We therefore recommend that the Welsh Government and National Park Authorities should secure national leadership and co-ordination and the most effective use of resources and expertise. The Government should consider doing so through a single authority whilst retaining the distinctive identities of the three parks.** The accountability and membership of NPAs also needs reform, in particular to ensure that members of NPAs represent the areas that the parks cover, and are thus democratically accountable for the decisions they make. **To reinforce local accountability and decision-making, we therefore recommend that local authority-nominated NPA members must represent wards which fall wholly within the Park area or, if that is impossible, partly within the Park area. The Welsh Government should also consider whether directly electing NPA members would strengthen such accountability.**

Annex F: Complexity – Detailed proposals about specific organisations

National Park Authorities

- F.14 Each of the three National Parks in Wales has, since 1995, been governed by a separate National Park Authority (NPA). Two-thirds of the membership of each NPA is nominated by local authorities into which the Park extends significantly²¹⁰ with the remaining third nominated by the Welsh Government. NPAs have two basic duties: conserving and enhancing the area's natural beauty, wildlife and cultural heritage, and promoting opportunities for the understanding and enjoyment of its special qualities by the public; although where the two duties conflict, conservation takes precedence over promotion. They also act as planning authorities within the park, exercising the same range of planning functions as local authorities (which have no responsibility for planning within park areas).
- F.15 Early on in our work, three leaders of local authorities which cover National Park areas called publicly for National Park Authorities to be abolished and for their functions to revert to local authorities,²¹¹ as was the case before 1995. That prompted many strong representations on both sides of the argument.
- F.16 Critics of NPAs tended to see them as unrepresentative, bureaucratic and duplicating and interfering with the roles of local authorities and others. For instance, the Federation of Small Businesses argued that NPAs were unrepresentative and were unable to take business and economic interests into account as they had no functions

²¹⁰ Where a Park extends only marginally into a local authority's area, that authority does not nominate any members. For instance, there are two small areas of Snowdonia in Powys; and small areas of the Brecon Beacons in Neath Port Talbot, Caerphilly and Herefordshire. In almost all cases these consist only of uninhabited tracts of upland.

²¹¹ <http://www.bbc.co.uk/news/uk-wales-23141348>

in those areas. Carmarthenshire County Council (whose area includes part of the Brecon Beacons National Park) argued that NPAs created “unnecessary duplication in terms of planning, promotion, visitor services and countryside management”; Conwy County Borough Council (whose area includes part of Snowdonia National Park) and Pembrokeshire County Council (whose area includes the whole of the Pembrokeshire Coast National Park) equally felt there was needless duplication and complexity in the area of planning.

- F.17 On the other hand, advocates of NPAs stressed their unique value and expertise in conserving the Parks as national assets while also responding to local needs. National Parks Wales, which represents all three NPAs, argued that

A county council, with its wider remit, would not be able to give the same focus and resources to a National Park that an NPA would... There is no evidence to suggest that [abolishing NPAs] would offer better value for public money or that National Park purposes would be delivered more effectively by local authorities, who have a much wider remit and are themselves facing a sustained period of change and significantly reducing resources.

The Campaign for the Protection of Rural Wales, meanwhile, argued that *Anything other than a dedicated Authority responsible for [National Parks] would not provide the necessary degree of integration required to manage the large geographic and often multi Authority areas over which our Protected landscapes extend.*

- F.18 The arguments here are finely balanced. In general, we believe that unnecessary duplication between organisations should be removed, in the interests of simplicity and efficiency, and to prevent scarce capacity from being spread too thinly. Strictly speaking, all of the functions of NPAs are replicated within local authorities. Many local authorities promote conservation, tourism and sustainable access to the countryside, and all of them are also planning authorities. Needless replication of planning functions is particularly concerning given the shortage of planning expertise which we note in Chapter 3. As a particularly visible example of duplication, it was pointed out to us that both Pembrokeshire County Council and the Pembrokeshire Coast NPA operate separate information centres around 200 yards apart in the town of Tenby.

- F.19 Some local authorities also manage Areas of Outstanding Natural Beauty (AONBs²¹²), which are smaller than National Parks but which have exactly the same status as protected landscapes. We heard nothing to suggest that local authorities’

²¹² There are five AONBs wholly or partly in Wales: Anglesey (which extends around the coastline of the island); Llŷn (wholly in Gwynedd); Clwydian Range (mostly in Denbighshire; partly in Flintshire and Wrexham); Gower (wholly in Swansea) and Wye Valley (partly in Monmouthshire but mostly in Herefordshire and Gloucestershire).

management of AONBs was deficient; indeed the National Association of AONBs argued that

The model employed to enable delivery across [AONBs] is shown to be performing well. AONB governance exemplifies partnership working at the local level and each AONB unit is increasingly exploring the benefit of collaboration at a national scale.

This may undermine the claim that local authorities lack the expertise or focus to manage protected landscapes; and that dedicated authorities like NPAs are required.

- F.20 On the other hand, we agree with National Parks Wales that NPAs have a focus and a level of expertise in conservation and sustainable access that could be fragmented and lost if responsibility were transferred to local authorities. National Parks are – as the name suggests – national assets, not just local ones. They generate an estimated £557 million in tourist revenue through visits which are on average significantly longer than those to parks in England or Scotland²¹³. It is hard in light of this to conclude that NPAs are under-performing. While some local authorities may have shown they are capable of managing AONBs, only one local authority (Gwynedd) which includes part of a national park also includes all or most of an AONB. We cannot conclude from this that the others would have the capacity or expertise to assume management of National Parks. Indeed, the concerns expressed elsewhere about specialised capacity in local authorities means we doubt that they would. We would also be concerned that the value of the National Park brand and the promotion of the parks as tourist destinations would equally be fragmented.
- F.21 Overall, we do not believe there is a convincing case for abolishing NPAs and transferring their functions to local authorities, as some argued. However, nor do we believe they should remain exactly as they are. We understand that the Welsh Government intends to review the governance of NPAs in light of our report, and would urge it to consider the following matters in particular.

Collaboration and synergy

- F.22 There is very probably scope to improve the efficiency and co-ordination of NPA functions. That is all the more pressing since, as small organisations, they may suffer disproportionately from financial austerity in general and many of the problems of small scale which we discuss in Chapter 3. However, the solutions we propose there are not as applicable here. NPAs' boundaries are driven by the quality of the landscapes they protect, so it is clearly not possible to enlarge them to address scale problems. The solution must lie instead in better joint working between NPAs and others.

²¹³ Evidence from National Parks Wales

F.23 National Parks Wales set out several ways in which the NPAs themselves were working well together. This included sharing both ‘back-office’ functions and service delivery capacity. We commend them for that, and urge them to go further. We also believe there is scope for greater alignment between the NPAs’ work and that of other organisations. All local authorities are also planning authorities; and there is a clear overlap between their role and NPAs, for instance in considering planning applications which adjoin or straddle Park boundaries. Both local authorities and, at the national level, Visit Wales promote tourism and provide facilities for visitors. While it is perfectly reasonable for NPAs to do so within the Parks, all such activity needs to be properly co-ordinated and integrated. Equally, NPAs’ role in conservation and warden services appears to overlap with that of Natural Resources Wales. We are concerned that these overlaps merely replicate the need for scarce resources and cause confusion for residents and visitors. **We therefore recommend that NPAs must to develop clear and consistent ways of collaborating with each other, with local authorities, with Visit Wales and with Natural Resources Wales on the ground to avoid duplications and maximise the use of resources and scarce expertise.**

F.24 As we and they noted, National Parks are national assets; and aspects of their management (such as the promotion of sustainable access and tourism) need to reflect that and will demand very scarce expertise which is unlikely to be available within one NPA alone. Addressing this could and should include formalising the current arrangements to create clear national leadership on such issues, and to ensure that expertise in Park management is consistently and effectively shared between the three Parks. This could include arrangements for formally combining the NPAs as decision- and policy-making bodies for national-level purposes, and/or creating a single administrative and operational structure to support all three Parks and NPAs. We note that some possibilities in this area were also included in the Welsh Government’s current consultation on a proposed Planning Bill²¹⁴. **We therefore recommend that the Welsh Government, and the NPAs should secure national leadership and co-ordination to yield the most effective use of resources and expertise. The Government should consider doing so through a single authority whilst retaining the distinctive identities of the three parks.**

Accountability

F.25 Finally, we are concerned about the accountability of NPAs. While the majority of their membership comprises councillors nominated by their constituent local authorities, there is no guarantee that residents of a Park are represented by a councillor who is also a member of the NPA. There is not even a requirement that

²¹⁴ Welsh Government December 2013. *Positive Planning: Proposals to reform the planning system in Wales*. Consultation document WG20088

local authority members of NPAs represent wards within the Park. In practice, while many NPA members do represent Park areas, all three NPAs currently contain some members who do not.

- F.26 These members have all been properly nominated by their local authorities and we do not doubt their competence or commitment. But none of their wards include any part of the Park area, and in some cases are a significant distance away. Such members are not democratically accountable for the decisions they make about the Park, because their electorate does not live in the Park. That in turn compromises the accountability of the NPAs as a whole.
- F.27 Equally, many councillors who do represent areas of each Park are not members of the NPA. This means that residents of the Parks who wish to influence or complain about NPA decisions – most obviously in relation to planning matters – have weaker and more indirect channels for doing so than those who live outside the Parks. They cannot just approach their councillor if s/he is not an NPA member. Nor can they express their views about such decisions at the ballot box.
- F.28 The rationale for having local authority nominees on NPAs is precisely to secure local representation and democratic accountability. While that is entirely right in principle, it is frustrated by nominating members who do not represent Park areas. In turn this means that NPAs' overall democratic accountability is unduly limited. We agree with National Parks Wales that change is needed in this area. The ultimate solution would be for the NPAs to be directly elected by Park residents, although we heard no conclusive evidence on this. **To reinforce local accountability and decision-making, we therefore recommend that local authority-nominated NPA members must represent wards which fall wholly within the Park area or, if that is impossible, partly within the Park area²¹⁵.** The overall aim should be to ensure that the nominated membership of each NPA should represent wards with the maximum possible coverage of the Park's population. **The Welsh Government should also consider whether direct elections would strengthen such accountability.**