

CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DECISION

Title: DIRECT ELECTIONS IN THE CAIRNGORMS NATIONAL PARK

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Purpose

To adopt a policy on responding to consultations on direct elections to public bodies, through use of an overview of the experience of direct elections in the Cairngorms National Park.

Recommendations

To approve use of the attached information paper as a response to consultation on direct elections to public bodies.

Executive Summary

From time to time we are asked to provide a response to consultations (or simple enquiries) about proposals to use direct elections to public bodies in place of the more traditional appointment process. Sometimes these consultations can be sensitive, and it is inappropriate for the CNPA to adopt a stance of supporting/not supporting the use of direct elections in particular circumstances, or advising on how to implement them.

However, given that such debates can be dominated by opinions about principle rather than fact, it might be helpful if we were to make available a summary of experience here in the Cairngorms National Park. The attached paper attempts to provide that. The figures are self explanatory and derived from results of the last 3 elections. The explanation of the origins of the detailed arrangements for the elections (i.e. postal ballot, first past the post system) is derived from the (then) Scottish Executive consultation and subsequent conclusions on direct elections, following the insertion into the National Parks (Scotland) Bill of provisions for direct election of a minimum of 20% of the Board members. The text does not make judgements on the merits or otherwise of these arrangements, but merely seeks to explain their origins.

ANALYSIS OF DIRECT ELECTIONS IN THE CAIRNGORMS NATIONAL PARK

A Perspective from the Cairngorms National Park Authority

Background

1. Scottish National Parks are pretty well unique among NDPBs and among UK National Park Authorities in having a proportion of the membership on the Board through direct elections. The founding legislation provides for a mix of Members:
 - a) Directly elected (minimum of 20%)
 - b) Of the remainder, half to be appointed by Ministers on nomination of the local Councils;
 - c) The rest to be appointed by Ministers “directly” (i.e. through the usual open competition process).
 - d) Of the 80% appointed by Ministers, 20% must fit the definition of “local” as specified in the Act.
2. This paper sets out some observations about the rationale underpinning the arrangements for the direct elections. The provision for the direct elections became part of the National Parks(Scotland) Act 2000 as a result of an amendment made to the bill during its passage through the Scottish Parliament, as part of the debate about the importance of ensuring local representation on National Park Authority Boards. The detailed arrangements were determined by the Scottish Government, and approved by the Scottish Parliament through the relevant elections Orders for the two National Parks in 2002 and 2003.
3. There have been three sets of elections since the creation of the CNPA. The elections are governed by their own Elections Order, and handled by the returning officer of Highland Council (for which the CNPA are required to remunerate them to the tune of about £30,000.). The elections are by postal ballot, in light of the sparsely populated rural area covered.
4. This far, none of the fears expressed at the time of the amendment have been realised in practice:
 - a) The elections have not become Party political. A provision was put in the elections order severely limiting election expenses, as a way of dealing with this.
 - b) Directly elected Board members have not become separated off as a group of members, claiming to be the only members with democratic legitimacy.
 - c) Directly elected Board members have not been “single issue” campaigners.

- d) The turnout has been high – around 59% in 2003, 49% in 2007, and 48% in 2011 (see table below).
- e) The number of candidates contesting wards dropped in 2007, but interest seemed to return in 2011, possibly as a result of our putting more effort into awareness raising.

CNP Direct elections – voter turnout and number of candidates

	2003 Turnout	2003 n/o candidates	2007 Turnout	2007 n/o candidates	2011 turnout	2011 n/o candidates	Electorate Per ward*
Ward 1	60.3%	6	49.8%	3	34%	3	2857
Ward 2	48.8%	4	40%	3	No poll	1	2893
Ward 3	54.9%	6	51 %	2	46%	5	4048
Ward 4	66.4%	4	55.8%	2	58%	3	989
Ward 5	64.1%	5	No Poll	1	52%	4	2411

* Small increase in electorate in 2011 due to boundary change – not reflected in these numbers.

- 5. A number of observations are worth noting:
 - a) There are reports of some confusion over the role of the directly elected members among the public. There may be scope for some guidance to clarify the subtleties of the role – on the one hand, directly elected and therefore having a particular role in understanding the issues for their area, and factoring these into Board discussions, while on the other, being able to take account of the best interests of the Park as a whole, and adhering to the principles of collective responsibility to Scottish Ministers.
 - b) There is also potential for confusion in the minds of the public between locally elected Council members and directly elected CNPA members. A good understanding between these members on the NPA Board helps.

Issues Surrounding the Electoral Arrangements

- 6. Prior to making the electoral orders for both NPs, the Scottish Executive conducted a public consultation, which sought views on a number of issues.

Electoral System

- 7. The various systems were considered in some depth. There were calls for some form of PR (bear in mind PR was not in use in Local Government elections at the time). It was clear that consultees wanted a simple and direct link with a representative for their area. First past the post (FPTP) was the simplest and most easily understood means of doing this. Some PR systems were ruled out because they were based on party lists; others were not genuinely proportional but

majoritarian. There appeared to be a genuine concern that a PR system could easily lead to the underpopulated areas having no representation. Various ways were looked at for getting round this, but in the end were considered unwieldy and not particularly effective. So a simple system of wards covering the Park, each returning its own member, was considered the most desirable given the original sentiments behind the provision, and namely the need for local representation on the Board for people living and working in the Park.

Frequency and timing

8. Direct elections are held every 4 years.

Qualification of Voters

9. Set by the National Parks (Scotland) Act as those on the local government electoral role and resident within the boundary of the National park. There have been a few calls to extend the franchise to 16 year olds.

Qualification for Candidacy

10. Candidates are required to be nominated by 10 voters entitled to vote in those elections. No further restriction was placed on candidacy in terms of living or working locally, given that voters would be able to exercise their choice through the ballot box. In other words, people living outside the Park are entitled to stand. If people wish to have local representation they exercise that wish through their voting, not because of a legal restriction which could end up excluding very good and well respected candidates who happen to live 100 yards the wrong side of the boundary.

Postal Ballot

11. Overwhelming support for this in the consultation. Appropriate for a rural area.

Rules Governing Publicity, Expenditure etc

12. The view was widely expressed that the elections should be about selecting a local representative, and that political parties or large pressure groups or special interest groups should not be allowed to influence the process. A balance had to be struck between preventing well-funded groups from dominating the elections (which could happen if election expenses were set high), and yet allowing people enough scope to canvass and state their case (which means allowing nominal expenses). A limit was accordingly placed on election expenses of £250. Published election material is limited to a single sheet of A4 to be circulated with the ballot papers. Candidates are required to complete a return of electoral expenses.

Experience in CNPA

13. The current number of directly elected members is 5 for a population of 17,000, and an electoral role of just over 13,000. Under the current arrangement of 5 members, each has an average electoral base of around 2,600 (with three wards around this, and the other two being 989 and 4048), somewhat below the 3,000 electoral base typical of local government. With a 50% turnout at elections, each Member is elected by around 1300 people (although nearer 500 in the smallest ward, and 2000 in the largest).

Jane Hope

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