



**South Downs**

National Park Authority



**PROTOCOL AND GUIDANCE ON ARRANGEMENTS  
FOR APPOINTMENT OF  
SECRETARY OF STATE PARISH MEMBERS  
(EAST HAMPSHIRE AND WINCHESTER DISTRICTS)**

**September 2016  
Updated January 2022**

## **1.0 Purpose of Guidance**

1.1 This document has been produced to provide guidance on the arrangements for appointing Parish Members to the South Downs National Park Authority (SDNPA).

## **2.0 Legislative Background**

2.1 Schedule 7 of the Environment Act 1995 and the 2010 Defra Circular provide the current framework for the appointment of Parish Members to National Parks and Appendix 1 of this guidance provides relevant details. In summary:

- the choice of Parish Members is made by the parishes themselves although they are then formally appointed to the NPA by the Secretary of State
- there is no prescribed procedure to select Parish Members and the Secretary of State looks to Parish Councils to maintain local mechanisms
- National Park Authorities are encouraged to help ensure that these local mechanisms are widely understood, to assist community engagement
- Parish Members hold office until they cease to be a member of their Parish Council. This term of office comes to an end when Members 'retire' to take part in the next round of elections to their Parish Council
- there is no limit to the number of times that a person can be re-appointed provided that they remain a Parish Councillor.

## **3.0 Arrangements in the South Downs National Park**

3.1 The South Downs National Park Authority (Establishment) Order 2010 provides that six Parish Members will be appointed to the South Downs National Park Authority. One member will be from Parishes in the East Hampshire area of the National Park and one from the Winchester Parishes area of the National Park. The remainder are appointed by parishes in the Sussex areas of the National Park

3.2 In the January of each election year (in the first instance 2018 for Winchester and 2019 for East Hampshire) the Local Associations (East Hampshire and Winchester) should notify the Hampshire Association of Local Councils (HALC) and the SDNPA of the method by which they wish to select their member of the SDNPA (one for each Local Association). If the method chosen is to select their member by election then the guidance set out in this document will be followed. However, it is within the powers of the Associations to select an alternative methodology if they so wish.

3.3 Following notification, HALC will initiate the necessary processes to facilitate an election: including the seeking and verification of nominations; arranging and conducting a ballot of all active Parish Councils and Parish Meetings wholly or partially within the relevant area; and over-seeing the count and notification of election results. Subject to agreement prior to expenditure being incurred, necessary expenditure incurred by HALC in the running of the election process will be reimbursed by the SDNPA.

3.4 The parishes which make up each of the East Hampshire and Winchester Parishes constituency areas are listed in Appendix 2.

#### **4.0 Qualifications for appointment of Parish Members**

- 4.1 To be appointed as a Parish Member a person must be either:
- (a) An elected member of the Parish or Town Council for a parish the whole or part of which is comprised in the National Park or
  - (b) The chairman of the Parish Meeting of a parish which does not have a separate parish council and is wholly or partly within the National Park.
- 4.2 No substitution or deputies are allowed.
- 4.3 The Winchester and East Hampshire Local Associations have agreed that **co-opted members** of Parish or Town Councils<sup>1</sup> (or of Parish Meetings) **cannot be selected** to be Parish Members of SDNPA.
- 4.4 The Secretary of State for the Environment stated in the 2010 National Parks Circular that he does not propose to appoint, as a Parish Member of a National Park Authority, anyone who is a serving Councillor of a County or District / Borough Council. Other legislation, guidance and Codes of Conduct may also impose restrictions or disqualify persons from being a Parish Member.
- 4.5 A Parish Member who, during their term of office with the SDNPA either resigns or is removed from their Parish or Town Council, or becomes a serving County or District Councillor on an authority that appoints a member to the Park Authority, or becomes disqualified for any other reason, will be replaced on the SDNPA. Decisions on the application of this provision will be made by the relevant Local Association in consultation with HALC having regard to the rest of this guidance.
- 4.6 No members of a National Park Authority may act in that office unless they have given a written undertaking to observe the Authority's Code of Conduct.
- 4.7 In addition, Parish Members, like all other NPA members, should be aware that when undertaking Park Authority responsibilities they are expected to represent the whole of the National Park Authority, and not the appointing Parish or Association Area.

#### **5.0 Timetable for a Ballot**

- 5.1 In those years when Parish Council elections are scheduled, the following outline timetable will be followed:

**January:** Local Association to notify HALC and SDNPA of the method by which they wish to select their Parish Member.

**February:** HALC to write to all relevant Parish Clerks, alerting them to the appointment process and to the actions that they will need to take (regarding nominations and voting) after the Parish Council elections, setting out the timetable and highlighting that Parish Councils/Meetings need to be mindful of how the deadlines fit in with their scheduled meetings.

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<sup>1</sup> Hereafter, any references to 'Parish Councils' includes Town Councils.

**March/April:** At least one month before the Parish Council elections, HALC will issue one nomination form by post direct to each parish.

**May:** Parish Council Elections (PCE)

**Within 6 weeks after PCE:** completed nomination forms (and candidates' election statements) to be returned by parishes directly to HALC.

**By 8 weeks after PCE:** HALC to have checked and verified nominations and statements; and send ballot papers and candidates' statements to parishes.

**By 13 weeks after PCE:** Poll to have closed, votes to have been counted, HALC to notify SDNPA (and all candidates) of the outcome so that SDNPA can notify Secretary of State.

5.2

This timetable allows each Parish Council sufficient time to consider making a candidate nomination and it also allows each Parish Council sufficient time to consider which candidate to vote for. The timetable also allows sufficient time for the Local Associations to hold a 'hustings' event: potentially scheduled for 9 weeks after the date of the Parish Council Elections.

## **6.0 Arrangements for a Ballot**

6.1 Prior to the date of Parish Council Elections HALC will write to all relevant Parish Clerks, alerting them to the appointment process, to be followed by the posting of one nomination form directly to each parish, at least one month before the elections.

### **6.2 Nominations**

6.2.1 If needed, replacement nomination forms will be available from the HALC up to 5pm on the Friday before the close of nominations. All requests for replacement forms must be made in writing (e-mail is acceptable) stating the name of the person making the request, the Parish Council/Meeting they represent, their position on that council and the reason for requesting a replacement.

6.2.2 All the nomination, eligibility and disqualification rules will be sent out with the nomination form.

6.2.3 Each Parish Council/Meeting can only nominate one candidate. Candidates may, with their consent, be nominated by any eligible parish council or parish meeting. A Parish Council/Meeting may therefore nominate an elected Member of a Parish Council or a Chair of Parish Meeting from another parish as long as it is located within the same constituency. The nomination form must be signed by both a representative of the nominating Parish and the candidate.

6.2.4 Each candidate may include with the nomination form an election statement describing why they think they should be elected. The statement, which must not exceed 150 words, will be reproduced and circulated to voters with the ballot papers. HALC, in consultation with the District Associations, reserves the right not to publish, or to edit, any election statement that exceeds the word limit, is considered factually inaccurate or to contain libellous material.

- 6.2.5 If an election statement is not provided by the close of nominations the words “statement not received” will be published in the space which would have contained the election statement.
- 6.2.6 Completed nomination forms and candidates’ election statements are to be returned by the parishes directly to HALC. The deadline for completed nominations will be 5pm on the first Monday 6 full weeks after the date of the Parish Council Elections. If the Monday falls on a Bank Holiday the deadline will be 5pm on the first Tuesday 6 full weeks after the Parish Council Elections. Nominations received after the deadline will not be accepted.
- 6.2.7 After the close of nominations, HALC will check and verify the nominations and statements. Any significant amendments to the statements will be made by HALC following consultation with the candidates. HALC will also check details of all the relevant parish election results to verify the validity of the candidates nominated.
- 6.2.8 In the event of the number of valid nominations received being equal to the number of places available (i.e. one Member in each constituency) there will be no need for a ballot and HALC will inform SDNPA accordingly so that details of the successful candidate can be passed to the Secretary of State.
- 6.2.9 In the event of no valid nominations being received, HALC will consult with the relevant Association to ask them to nominate individuals to fill the vacancies for a period of time to be determined by the District Association.

### 6.3 Ballot

- 6.3.1 If more than one valid nomination is received for a constituency, a ballot will be held to determine which of the candidates will be appointed.
- 6.3.2 The ballot will take the form of a postal ballot with one ballot paper and one set of candidates’ statements sent to each parish 2 weeks following the close of nominations at the latest.
- 6.3.3 The ballot paper will include the names of all eligible candidates whose nominations were received before the close of nominations. Candidates will be listed in alphabetical order by surname on the ballot paper. A candidate’s first name will also be listed.
- 6.3.4 Each Parish Council/Meeting will have one vote regardless of the number of candidates.
- 6.3.5 Ballot papers will be accompanied by the candidates’ statements and the following information:
1. Title (Mr, Mrs, Ms, Dr etc.)
  2. Name of Candidate
  3. Name of the candidate’s Parish Council or Parish Meeting
  4. Name of the Parish Council or Meeting whose nomination for that candidate is first received.

The candidates’ statements will be presented in the same order as they appear on the ballot paper.

6.3.6 The date for completed ballot papers will be 7 weeks after the close of nominations (5 weeks after ballot papers are issued). Ballot papers should be returned to HALC in the free post envelope supplied. On receipt by HALC the envelopes will not be opened but will be placed into a sealed ballot box.

6.3.7 If ballot papers are lost or spoiled, replacement ballot papers will be issued up to the close of the poll but any requests must be made in writing to HALC.

#### 6.4 Count

6.4.1 HALC will make arrangements so that the count will take place on the day following the close of poll. Details of the count will be provided no later than 4 weeks before the date of the Count and all candidates will be invited to attend and observe the process.

6.4.2 At the count, HALC will open the ballot box and arrange for the ballot papers to be counted in the presence of any candidates and the following:

- A representative of each relevant District Association of local councils
- The Chair of the National Park Authority or their nominee.

6.4.3 The candidate with the highest number of votes in each constituency will be appointed. In the event of there being a tied vote, the successful candidate will be selected by drawing lots. The drawing of lots will take place immediately after the count.

6.4.4 Following the count HALC will notify SDNPA of the outcome and SNDPA will advise the Secretary of State. HALC will also advise all candidates of the outcome and if they were not at the count, contact the successful candidate by telephone on the same day where possible. If they should decide not to take up the position then, or following the appointment letter, it will be offered to the runner up.

6.4.5 The results of the election will also be sent to all candidates and Clerks to Parish Councils/Meetings and published on the HALC and SDNPA websites.

#### **7.0 Casual Vacancies**

7.1 There will be circumstances where a casual vacancy may arise between the normal four-year Parish Council Elections.

7.2 If a vacancy arises within one year of any parish ballot for the relevant constituency (including a by-election), the candidate with the next highest number of votes will be offered a position on the Authority provided he or she received at least 50% of the vote of the winning candidate. If the vote was tied the candidate with the highest number of votes will be determined by drawing lots. If the next candidate does not accept the offer, the person with the next highest number of votes will then be offered the position and so on. In the event of there being no other candidate willing or qualified under the 50% rule to be appointed, a fresh election will be conducted following the process set out earlier.

7.3 If a vacancy arises after one year of any parish ballot for the relevant constituency, a fresh election will take place (following the process set out earlier) unless the vacancy arises within six months of a normal Parish Council Election in which case the vacancy would not be filled.

## **8.0 Status of these arrangements**

8.1 Any changes to these arrangements, including any made necessary by changes to legislation, are the responsibility of the District Associations in consultation with HALC.

## **9.0 List of Appendices**

Appendix 1: Legislative background

Appendix 2: Allocation of Parishes to each constituency

## **10.0 Additional Help**

If you have difficulty reading this document, we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010.

## **11.0 Contact information**

11.1 If you need more information on the appointment of National Park Authority Members or on meetings of the Park Authority and its Committees you can contact the Authority as follows:

Governance and Support Services  
South Downs National Park Authority  
North Street  
Midhurst  
West Sussex, GU29 9DH

Email [committee.officer@southdowns.gov.uk](mailto:committee.officer@southdowns.gov.uk)  
Telephone 01730 814810

Hampshire Association of Local Councils  
Floor 2, Eastleigh House  
Upper Market Street  
Eastleigh  
Hampshire. SO50 9NY

Email [admin@hampshirealc.org.uk](mailto:admin@hampshirealc.org.uk)

Telephone 02380 688061

## **APPENDIX 1: LEGISLATIVE BACKGROUND**

### Schedule 7 of the Environment Act 1995

Schedule 7 of the Environment Act 1995 provides the current framework for the status and constitution of National Park Authorities. Within the schedule two main categories of members are identified; members appointed by local authorities and members appointed by the Secretary of State. In both cases the act states that the number of members to be appointed to each category will be set out in the relevant order. Schedule 7 then goes on to state that the relevant order should also set out the number of members appointed by the Secretary of State as Parish Members.

For the SDNPA the current relevant order is the South Downs National Park Authority (Establishment) Order 2010 in which it is determined that the Authority be made up of 27 Members, comprising of 14 Local Authority Members and 13 Secretary of State Members. 6 of the Secretary of State Members are to be appointed as Parish Members.

Although Schedule 7 of the 1995 Act does set out qualifications for an individual being appointed as a Parish Members neither it nor the Order are prescriptive about the arrangements for making the appointment.

The term of office for Parish members is set out in the Environment Act 1995 (and amended by Natural Environment and Rural Communities Act 2006).

If a Parish Member is appointed as a Member of the Authority because of their membership of a Parish Council they are appointed as a Member from the time of appointment until they cease to be a member of their Parish Council. This is normally for four years, when the next Parish Council elections take place and their appointment ends.

If a Parish Member is appointed as a Member of the Authority because they are Chair of a Parish Meeting they hold office until they cease to be chairman of that meeting. This means that if a Chair of a Parish Meeting is appointed to the Authority the Secretary of State will automatically make an annual appointment once he has received confirmation that the relevant Member has been reappointed as Chair of their Parish meeting. The Secretary of State will not reappoint in the year of a parish ballot until the outcome of the ballot is known.

Following a normal Parish Council Election a person who is appointed as Parish Member of the Authority continues to be a Member for either three months after retiring as or, if earlier, when the Authority receives notice of a proposed replacement appointment. This means that, even if they are not subsequently reappointed as a Parish Councillor or Chair of a Parish Meeting, Parish Members can continue as active Members of the Authority until the outcome of the parish ballot is known and the Secretary of State has confirmed the new appointments (providing this is within 3 months of the election date).

The Environment Act allows the Secretary of State to terminate a Parish Member appointment earlier but only in certain circumstances – This would usually be due to either an order which alters the composition of the Authority or its boundaries or because of the terms of a Member's appointment as set out in a National Park Circular or other guidance from the Secretary of State. An appointment would also end early if a Member's circumstances changed so that they became disqualified from being a Member of the Authority.

In accordance with the provisions of section 85 of the Local Government Act 1972 a Parish member would cease to be a member of the Authority if they failed to attend any meeting of the Authority or its Committees within a period of 6 months. In addition the SDNPA standing Orders



set out an expectation that Members will attend at least 75% attendance at meetings of the Authority and committees to which they are pointed.

#### Government Circular 12/96

This circular drew attention to the action necessary to implement provisions of Part III of the Environment Act 1995 relating to national parks. In the Circular the Secretary of State stated that he looked to parishes to maintain a local mechanism to select candidates commanding general support. While the circular did not propose to determine a mechanism it suggested that the Secretary of State would look to a result which engaged the full range of areas within the Park to be represented. This approach was supported again in the 2010 National Parks Circular which suggested that parish councils should continue to maintain local mechanisms to select Parish Members to National Park Authorities.

#### Defra Circular 2010: English National Parks and the Broads UK Government Vision

This circular provided updated guidance on the English National Parks and the wording of the following paragraphs is particularly relevant to the appointment of Parish Members:

Para 175: The choice of parish members is made by the parishes themselves and there is no prescribed procedure – local arrangements have been made in each National Park

Para 176: Parish members are formally appointed to the NPA by the Secretary of State. .... (they) serve for as long as they are a member of the parish council, or chair of the parish meeting, from which they were appointed – ordinarily this means they will serve for the four years until the next parish elections (or for one year in the case of chairs of parish meetings) after which, (if they are re-elected ..... ) they may be re-appointed to the NPA. There is no limit on the number of re-appointments .....

Para 177: The Secretary of State looks to parish councils in each National Park to continue to maintain the local mechanism for selecting candidates whom he can appoint to the NPA

Para 178: NPAs are encouraged to make greater efforts to see that the timing and manner of making parish appointments is more widely known and understood in their areas so as to increase community engagement.

**APPENDIX 2: PARISH & TOWN COUNCILS WITH THE SOUTH DOWNS NATIONAL PARK AUTHORITY**

<b>Council Name</b>	<b>District</b>	<b>Council Name</b>	<b>District</b>
Binsted Parish Council	East Hampshire	Beauworth Parish Meeting	Winchester
Bramshott and Liphook Parish Council	East Hampshire	Bishop's Sutton Parish Council	Winchester
Buriton Parish Council	East Hampshire	Bishops Waltham Parish Council	Winchester
Chawton Parish Council	East Hampshire	Boarhunt Parish Council	Winchester
Clanfield Parish Council	East Hampshire	Bramdean and Hinton Ampner Parish Council	Winchester
Colemore and Priors Dean Parish Meeting	East Hampshire	Cheriton Parish Council	Winchester
East Meon Parish Council	East Hampshire	Chilcomb Parish Meeting	Winchester
East Tisted Parish Council	East Hampshire	Colden Common Parish Council	Winchester
Farringdon Parish Council	East Hampshire	Compton and Shawford Parish Council	Winchester
Four Marks Parish Council	East Hampshire	Corhampton and Meonstoke Parish Council	Winchester
Froxfield & Privett Parish Council	East Hampshire	Denmead Parish Council	Winchester
Greatham Parish Council	East Hampshire	Exton Parish Meeting	Winchester
Hawkley Parish Council	East Hampshire	Hambledon Parish Council	Winchester
Horndean Parish Council	East Hampshire	Headbourne Worthy Parish Council	Winchester
Itchen Valley Parish Council	East Hampshire	Itchen Stoke and Ovington Parish Council	Winchester
Kingsley Parish Council	East Hampshire	Kilmeston Parish Council	Winchester
Langrish Parish Council	East Hampshire	Otterbourne Parish Council	Winchester
Liss Parish Council	East Hampshire	Owslebury Parish Council	Winchester
Newton Valence Parish Council	East Hampshire	Shedfield Parish Council	Winchester
Petersfield Town Council	East Hampshire	Soberton Parish Council	Winchester
Rowlands Castle Parish Council	East Hampshire	Swanmore Parish Council	Winchester
Selborne Parish Council	East Hampshire	Tichborne Parish Council	Winchester

<b>Council Name</b>	<b>District</b>	<b>Council Name</b>	<b>District</b>
Sheet Parish Council	East Hampshire	Twyford Parish Council	Winchester
Steep Parish Council	East Hampshire	Upham Parish Council	Winchester
Stroud Parish Council	East Hampshire	Warnford Parish Meeting	Winchester
West Tisted Parish Meeting	East Hampshire	West Meon Parish Council	Winchester
Whitehill Town Council	East Hampshire	Wickham Parish Council	Winchester
Worldham Parish Council	East Hampshire		