

Item 4. Options for size of Conservation Board and representation of seats

1. Summary

This paper sets out options for the size and representation of seats on the proposed Conservation Board.

2. Background

The Countryside & Rights of Way Act Schedule 13

<http://www.legislation.gov.uk/ukpga/2000/37/schedule/13> sets out the three categories of membership in a Conservation Board in the following proportions:

Local authority appointees	at least 40%
Parish & Town Council appointees	at least 20%
Secretary of State appointees	up to 40%

The preferred size of Board and allocation of seats is the most significant variable within the Establishment Order and therefore a key decision in the proposal. Given Defra's intention first to consult and decide on the principle of forming a Board, the exact proposed size and allocation of seats may not need to be part of our imminent submission to Defra. However, it will need due consideration and decision at the appropriate levels. The relevant parts of the Defra 2008 guidance are shown in Appendix 1.

We have previously stated indicatively a preference for a relatively small Board size of 10-14. The maths of the % proportions means that relatively few options are available, especially at the smaller sizes. The main options relating to total Board size of 10-20 are shown below:

Total number of seats on Board	Local authority seats (min 40%)	% LA	Parish seats (min 20%)	% Parish	Sec of State appointee seats	% Sec of State
10	4	40%	2	20%	4	40%
11	5	45%	3	27%	3	27%
12	5	42%	3	25%	4	33%
13	6	46%	3	23%	4	31%
14	6	43%	3	21%	5	36%
14	6	43%	4	29%	4	29%
15	6	40%	3	20%	6	40%
16	7	44%	4	25%	5	31%
17	7	41%	4	24%	6	35%
18	8	44%	4	22%	6	33%
19	8	42%	4	21%	7	37%
20	8	40%	4	20%	8	40%

Sizes of 10 and 15 can give the exact 40:20:40 proportions, while those in between give slightly different proportions. Given that there is no minimum % for Secretary of State appointees, there are some additional options which provide fewer seats in this category, as shown in the second entry for 14 total seats. This may not be desirable however in achieving the expected balance.

In relation to the local authority seats, the allocation of these between Shropshire Council and Telford & Wrekin Council also needs to be decided. The division currently in place on the AONB

Partnership (i.e. one seat for Telford & Wrekin and four for Shropshire Council) provides a precedent which may be useful for this.

A scheme for the appointment of Parish & Town Council seats would also need to be decided. This has been done in the existing two Conservation Board Establishment Orders by creating groupings of Councils for each seat. The very uneven geographical overlap of the Council areas with the AONB may need to be taken into account (see Appendix 2).

3. RECOMMENDATION:

The Transition Board is recommended to comment on the options and consider the appropriate process and timescale for decisions on this.

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Appendix 1 Extract on membership from Defra 2008 Conservation Board guidance

Membership of a Board

35. Membership of an AONB Conservation Board is constructed so that both local and national interests are reflected in its make up. There are three types of appointment, as described in Schedule 13 to the 2000 Act, which provides for local authorities with land in the AONB to appoint at least 40% of the members of the Board and for parishes to appoint at least 20%. The remaining membership (i.e. no more than 40%) would be appointed by the Secretary of State. It is hoped that the final membership of a Board will possess a range of skills and experience needed to tackle the full spectrum of issues likely to confront a Board. However, ultimately, it is for the local authorities, parishes and Secretary of State to decide who is best fitted for membership bearing in mind the personal qualities of the candidates.

36. All Board members are appointees, not representatives of their appointing body whether it be a local authority, a parish council or the Secretary of State. An appointee is expected to participate in Board activities, take part in debates, contribute to decisions and support decisions once made. Whilst considering both local and national interests throughout their appointment, members should bear in mind the functions and purposes of a Board, and champion these in debates. Members are also required to follow a code of conduct.

37. In considering the responsibilities required of, and the skills possessed by, its members, a Board may consider implementation of suitable training.

38. A local authority or parish appointee, whilst taking into account their local government or parish perspective, must nonetheless give primacy to the interests of the AONB and its status as a national designation. Similarly, although Secretary of State appointees are chosen primarily for their ability to represent the national interest (rather than the Secretary of State), when making decisions as a member of the Board they must bear in mind the interests of local communities.

Local Authority Membership

39. All constituent local authorities may have an appointee on a Conservation Board. The simplest approach is for every local authority with land in the AONB to have one seat on a Board. However, in situations where the number of local authorities would lead to a particularly large and cumbersome Board, or a number of local authorities have only a marginal amount of land in the AONB, authorities may consider an arrangement whereby two or more authorities 'share' one

seat, appointing a member on behalf of all the authorities concerned. How this is done must be described in the Board's Establishment Order. In situations where shared appointments exist, the local authorities concerned would be expected to brief their shared member on any issues of concern to that authority. Similarly, the appointed member must keep all of their appointing authorities informed of Board activities. If agreed arrangements result in a large Board (in excess of, say, 20 seats), then Defra will expect the Board to operate an executive committee.

40. Since an AONB Conservation Board has to cover all the area of its AONB, then every local authority in that AONB (and listed in the Establishment Order) would be expected to appoint a member or shared member to the Board, in accordance with the criteria in schedule 13 to the 2000 Act. As democratically appointed bodies, local authorities have an obligation to their constituents to ensure they have a member, or shared member, on the Board and to fully participate in Board business. Any appointment process used by an authority to choose a Board member should be such that it does not cause unnecessary delays resulting in the local authority not being represented on the Board for any significant time. The process for local authorities to appoint members to the Board is entirely for them to decide and cannot be part of a Board's Establishment Order. The duration of local authority appointments are to be fixed by the appointing authorities, providing their appointments comply with Schedule 13 to the 2000 Act.

Parish Membership

41. In drafting an Establishment Order, the Department will consult constituent parishes (i.e. parish councils, parish meetings and town councils) to seek comments on the draft Order, in particular on the parish appointment process which must be contained in the Order. This should enable the process for appointing parish members to a Board to reflect so far as possible the wishes of the parishes involved in the process.

42. Parish and town councils and parish meetings listed in an Establishment Order are expected to participate in the appointment scheme described in the Order. The scheme could be based on administrative units or geographical areas within the AONB.

43. The first round for Parish appointments is run (in the absence of a Board) by Natural England. All subsequent appointment rounds are the responsibility of the Board.

Secretary of State Membership

44. The Secretary of State will appoint members to a Conservation Board to ensure that the wider national interest is reflected in its membership. The Secretary of State encourages all those with an interest in the AONB and issues affecting the broader countryside to apply for appointments. In consultation with Natural England the Secretary of State will seek to appoint individuals with a capacity to reflect the wider viewpoint on a range of issues, including (but not exclusively) land management & farming; conservation; recreation; and community & cultural heritage. Wherever possible the Secretary of State will give preference to candidates who display a depth of knowledge or experience in one or a combination of these areas. However, candidates who might not have fully developed expertise in these fields but who show a willingness to learn and participate will be carefully considered, especially when they could bring a wider perspective to issues than would otherwise be the case.

45. The Secretary of State does not propose to appoint individuals who are serving councillors of a local authority which appoint members to the same Conservation Board. Similarly, the Secretary of State does not propose to appoint individuals who are also members of parish or town councils or chairs of parish meetings within the same AONB.

46. The term of a Secretary of State appointment to a Conservation Board will be for a minimum of a year and up to three years as may be specified in the terms of appointment. The Secretary of State can, at her discretion, re-appoint members at the end of a term of appointment but the duration of an uninterrupted appointment is not expected to exceed 10 years.

Appendix 2 Current Parish/ Town Councils and Parish meetings covering the AONB

Parish/ Town Council	amount within AONB?
Acton Scott Parish Meeting	whole
Bettws-y-Crwyn	whole
Clee St Margaret	whole
Clun	whole
Eaton-under-Heywood & Hope Bowdler	whole
Edgton Parish Meeting	whole
Hopton Cangeford & Stoke St Milborough	whole
Llanfairwaterdine	whole
Newcastle on Clun	whole
Stowe Parish Meeting	whole
Church Stretton Town Council	virtually all
Clunbury	virtually all
Rushbury	virtually all
Abdon and Heath	most
Bedstone and Bucknell	most
Bitterley	most
Cardington	most
Easthope, Shipton & Stanton Long	most
Hopesay	most
Hopton Castle Parish Meeting	most
Lydbury North	most
Mainstone with Colebatch	most
Munslow	most
Myndtown, Norbury, Ratlinghope & Wentnor	most
Stanton Lacy	most
Wheathill	most
Wistanstow	most
Worthen with Shelve	most
All Stretton, Smethcott and Woolstaston	about half
Buildwas	about half
Caynham	about half
Church Preen, Hughley and Kenley	about half
Church Pulverbach	about half
Coreley	about half
Craven Arms Town Council	about half
Cressage, Harley & Sheinton	about half
Diddlebury	about half
Ditton Priors	about half
Farlow	about half
Hope Bagot Parish Meeting	about half
Leighton & Eaton Constantine	about half
Lydham & More Parish Meeting	about half
Little Wenlock (Telford & Wrekin)	about half
Aston Botterell, Burwarton & Cleobury North	about a third
Culmington	about a third

Hopton Wafers	about a third
Onibury	about a third
Whitton Parish Meeting	about a third
Acton Burnell, Frodesley, Pitchford, Ruckley & Langley	small part
Bishop's Castle Town Council	small part
Bromfield	small part
Chirbury with Brompton	small part
Clungunford	small part
Leebotwood & Longnor	small part
Longden	small part
Much Wenlock Town Council	small part
Pontesbury	small part
Wroxeter and Uppington	small part
Minsterley	tiny part
Morville, Acton Round, Aston Eyre, Monkhopton & Upton Cressett	tiny part
Nash	tiny part