

THE BOARD'S CONCURRENT FUNCTIONS

Summary: To review the Board's concurrent functions, which are shared with the local authorities.

Recommendations:

- (a) To note the Board's concurrent functions;**
- (b) the Board should continue to promote its potential to deliver services to and on behalf of the local authority partners and agencies;**
- (c) the Executive Committee should invite the Board's local authority appointees to consider how the concurrent functions might operate in future and identify if the Board could be better placed to lead on some concurrent functions and pilot different approaches.**

Officer Ref: Martin Lane, Director

Background

1. The Conservation Board secures its general purposes and powers through the Countryside and Rights of Way (CROW) Act 2000 and in particular Section 87 of the Act.
2. The Act specifies the Board's two purposes;
 - to conserve and enhance the natural beauty of the area of outstanding natural beauty,
 - to increase the understanding and enjoyment by the public of the special qualities of the area of outstanding natural beauty.
3. The Act also specifies the Board's socio economic duty, as amended by the Natural Environment and Rural Communities, (NERC) Act of 2006.
4. In addition the NERC Act enables the Secretary of State at Defra to authorise certain Defra associated / designated bodies (the Board is one such body) to perform a wide range of eligible functions on Defra's behalf. It also enables Defra associated /designated bodies to delegate their own functions to each other.
5. It was envisaged that most of what the Board wished to be able to achieve in the immediate years following its establishment could be enabled through the relevant sections of the CROW Act 2000.
6. During the drafting of the Establishment Order Defra lawyers advised that the wording of Section 87 of the CROW Act 2000 was too general for some of the activities that the Board may wish to undertake. The Establishment Order was therefore more specific in terms of the local authority functions enabled through other legislation that should also apply to the Board in order for it to be able to deliver its desired range of activity. The Order therefore provides for a series of functions to be held concurrently with the 15 local authorities (**Appendix 'A'**).

7. The concurrent functions provide for a range of activity looking to the longer term. From 1st February 2005 the functions were exercisable concurrently by a local authority and the Board, i.e. both parties can legally operate the concurrent functions.
8. Since the Board's establishment the Executive Committee and Board has occasionally reviewed the need to operate the concurrent functions and concluded that the delivery of its Business Plan does not require their operation. The Executive Committee in particular has acknowledged that the Board is not sufficiently resourced (financially or staff numbers) to be able to operate the functions consistently and effectively.
9. The Board does currently need to operate any of the concurrent functions in order to successfully deliver its current Business Plan.
10. In terms of implementing the concurrent functions the Board has previously suggested to Gloucestershire County Council that it might be contracted to deliver rights of way management within and possibly adjacent to the AONB, particularly given the County Council's current reliance on the work of the Board's voluntary wardens. The County Council has rejected this suggestion to date.
11. Similarly the Board has suggested that it might deliver advisory services for one or more local authorities within the AONB or manage sites on behalf of a government agency e.g. English Heritage / Historic England. However, these suggestions have not secured support to date.
12. The Board should continue to promote its potential to deliver services to and on behalf of the local authority partners and agencies.
13. The Executive should invite the Board's local authority appointees in particular to consider how the concurrent functions might operate in future and identify if the Board could be better placed to lead on some concurrent functions and pilot different approaches.

Supporting Paper(s):

Appendix 'A' - Part III of the Board's Establishment Order 'Concurrent Functions of the Board'