



Committee and Date Shropshire Hills AONB Partnership 14 June 2016	Item 3
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APPROVAL OF CONSERVATION BOARD AS PREFERRED MODEL FOR INDEPENDENCE

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Summary

This paper sets out the case for a Conservation Board for the Shropshire Hills AONB, and seeks formal support from the Partnership to pursue this structure.

Recommendation

The Partnership is recommended to endorse Conservation Board as the preferred model for an independent AONB structure, and to support a formal request to Defra by the two Councils and the Partnership to initiate the process of creating a Conservation Board for the Shropshire Hills AONB.

Background

The Management Board meeting of 11th May 2016 unanimously supported a recommendation to the Partnership for Conservation Board as the preferred model for an independent AONB structure.

The Management Board minutes state:

"The options for an independent structure were discussed in some detail, and there was unanimous support from the Management Board for Conservation Board as the preferred option. It was agreed to take this as a recommendation to the 14th June Partnership meeting, and to encourage the two Councils to make the formal request to Defra to initiate the process of creating a Conservation Board as soon as possible after the Partnership meeting. It was also agreed to continue the informal dialogue with Defra, hopefully with a face to face meeting before 14th June."

A meeting with Defra is being held in Craven Arms on Thursday 9th June, falling between the circulation of this paper and the Partnership meeting. The progress and outcome from this meeting will be updated verbally.

Key factors around the different options for independent structures were presented in papers for the last Partnership meeting. A case for the Conservation Board model is presented at Appendix 1.

List of Background Papers
Management Board minutes 11 th May 2016, Partnership minutes 18 th April 2016.
Human Rights Act Appraisal
The information in this report is compatible with the Human Rights Act 1998.
Environmental Appraisal
The recommendation in this paper will contribute to the conservation of protected landscapes.

Risk Management Appraisal

Risk management has been appraised as part of the considerations of this report.

Community / Consultations Appraisal

The topics raised in this paper have been the subject of earlier consultations with Partnership members.

Appendices

Appendix 1 Shropshire Hills AONB – case for a Conservation Board

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The Shropshire Hills AONB is believed to be the largest AONB falling almost wholly within one unitary authority. This is dissimilar to the two existing Conservation Boards with many local authorities, but this situation does create its own particular issues of administrative complexity:

- **Vulnerability** to loss of local authority funding (as almost all of this comes from one source) and to potential sudden financial and/or organisational change.
- Longstanding operational issues around **adequate separation from the Council** for the Partnership and team to speak with a strong voice on behalf of the AONB on planning matters (since unusually for AONBs, the vast majority of planning decisions are made by the host authority).
- In the current situation and foreseeably, **being caught up in service cuts and restructuring** within a Council facing a very serious budget situation and potential decommissioning and/or deep cuts in many services. The option of amalgamating the AONB team within broader Council services may perhaps be seen as an efficient form of 'integration', but in all probability would erode the distinctive and dedicated work of the AONB team and lead to reduced delivery for the AONB due to competing pressures in other parts of the county. Transfer of AONB funding to other Council services which have been delivered within the AONB for many years without this funding and are now threatened, may technically be 'eligible' under the rules of Defra AONB funding, but would create no additionality, and would result in corresponding loss of capacity and delivery by the AONB team.
- **Erosion of traditional 'host authority' role.** The Council has over recent years streamlined 'back-office' services and created an internal market in many functions, and can no longer offer the corporate support of many back-office functions without charge. The ability and willingness of the Council to act as accountable body for externally funded projects is also considerably reduced through loss of capacity and continued organisational change. There is a risk that the now significant financial reserves earned by the AONB team towards future delivery for the AONB may at some point no longer be regarded as ring-fenced, and be redirected to other Council purposes. The Council may also increasingly see the AONB team and its significant external funding more as a tool to deliver its own corporate priorities and other statutory duties rather than putting the interests of the AONB area first.

The **established trust of the AONB Partnership team** in the community is a result of continuity of its work and staff, and a **perception of some independence** under the current model. The fact that the team are not perceived to be 'Council staff' is a major contributor to its effectiveness in building relationships.

The strong Partnership structure and engagement has very limited legal status and unfortunately appears to not be valued by the Council or Defra to the extent that would be expected for what is described as the AONB's 'governance structure'. The acute financial pressures facing the Council over coming years may therefore under the current structure result in executive decisions being made by the Council which would alienate the Partnership and its members and as a result significantly undermine future AONB work. On the other hand, the strong engagement of partners does however provide an excellent foundation in which to build a new independent structure. The necessary capacity in the Shropshire Hills for an independent body (in terms of roles and responsibilities of Board members, etc) is clearly present.

At this point, the ability to build on the AONB team's successful work of recent years to diversify income streams, to champion the AONB and to engage local people in delivery is likely to be seriously hampered by the major structural changes and financial reductions going on within Shropshire Council over the coming years.

The Council acknowledge that the views of the Partnership were not sought in developing the proposal of March 2016, and that this should have been handled differently. With the general approach of a 'commissioning authority', the Council is now fully supportive of a move to an independent AONB body. The possible but untested model of an independent charity is judged to be less favourable, due to lack of status in relation to statutory AONB functions, and risk (to the

charity) of being sidelined by possible decisions of local and central government. Instead, the opportunity is seen for a new and fresh approach to application of the Conservation Board model set out in the CROW Act, taking the advantages of the statutory status of this structure but avoiding potential disadvantages. The current public sector reforms make this a highly relevant time to rethink this model for the needs of a new era.

A Conservation Board for the Shropshire Hills AONB would:

- Be a relevant, progressive and locally determined model, supported by both Councils, as well as partner organisations and stakeholders within the AONB, and offering much better long term stability.
- Build on the existing strong engagement of partner organisations and individuals, and indeed energise this through providing greater responsibility and autonomy, and therefore more reason for people to get involved on a voluntary basis.
- Be a simple, streamlined and efficient structure with a relatively small executive Board of 10-14 members. The appointments and administrative processes for this would be simple, while providing strong involvement of the two local authorities and an optimum size for decision making.
- Allow more secure business planning in terms of fund-raising, project bids, trading and development of strategic work strands, due to undistracted organisational focus solely on the needs of the AONB.
- Considerably raise the profile of the AONB and public perception of its importance, also with the benefits of being easier to understand, enhancing the ability to raise funds for the AONB and providing a stronger voice for its interests in decision making, especially planning.
- Provide a long term, secure and appropriate governance solution for an AONB which is the landscape 'jewel in the crown' for Shropshire and the region, and enable the team to continue to perform at a high level in terms of funding, innovation, co-operation and delivery.
- Work effectively alongside a charitable structure currently in development with the simpler purpose of fund-raising for the benefit of the AONB.
- Be better able to collaborate across the AONB Family, due to lack of competing demands from a host organisation with its main priorities outside the AONB area and remit.