Draft Order laid before Parliament under section 88(2) of the Countryside and Rights of Way Act 2000, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2004 No.

COUNTRYSIDE, ENGLAND

The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004

Made - - - -	*2004*
Coming into force - -	*2004*

The Secretary of State, in exercise of the powers conferred on her by sections 86(1)(a), 86(2), 86(3), 86(5), 87(7), 88(5) to (9) of, and Schedule 13 to, the Countryside and Rights of Way Act 2000(**1**) ("the 2000 Act"), considering it expedient under section 86(3) of the 2000 Act for both of the purposes mentioned in section 87(1) of the 2000 Act, and having under section 86(6) of the 2000 Act consulted the Countryside Agency(**2**) and every local authority whose area consists of or includes any part of the Cotswolds Area of Outstanding Natural Beauty and being satisfied that the majority of those local authorities consent, hereby makes the following Order, a draft of which has been laid before and approved by a resolution of each House of Parliament:

PART I

Introductory

Citation and commencement

1. This Order may be cited as the Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 and shall come into force on the fourteenth day after the day on which it is made.

Interpretation

2. In this Order—

"the 1972 Act" means the Local Government Act 1972(**3**);

(**1**) 2000 c. 37.
(**2**) *See* section 1(1) of the National Parks and Access to the Countryside Act 1949 (c. 97) as amended by the Development Commission (Transfer of Functions and Miscellaneous Provisions) Order 1999, S.I.1999/416, Schedule 1, paragraph 1.
(**3**) 1972 c. 70.

"the 1989 Act" means the Local Government and Housing Act 1989(**4**);

"the 2000 Act" means the Countryside and Rights of Way Act 2000;

"the Cotswolds Area of Outstanding Natural Beauty" means the area designated on 22nd February 1966 by the Cotswolds Area of Outstanding Natural Beauty (Designation) Order 1966 and varied on 28th November 1989 by the Cotswolds Area of Outstanding Natural Beauty (Designation) Variation Order 1989(**5**);

"the Board" means the Conservation Board for the Cotswolds Area of Outstanding Natural Beauty as established by article 3;

"the establishment day" means 14th December 2004; and

"the operative day" means the 1st February 2005.

PART II

Establishment, constitution and administration of the Board

Establishment of the Board

3. On the establishment day there shall be established a conservation board for the Cotswolds Area of Outstanding Natural Beauty to be known as "the Conservation Board for the Cotswolds Area of Outstanding Natural Beauty".

Specified number of Board members

4.—(1) The specified number of local authority members of the Board shall be 17.

(2) The specified number of members of the Board to be appointed by the Secretary of State shall be 15.

(3) The specified number of parish members of the Board shall be 8.

Appointment of local authority members

5. Each local authority specified in Schedule 1 (being collectively the local authorities for the areas wholly or partly comprised in the Cotswolds Area of Outstanding Natural Beauty) shall appoint one member to the Board.

Appointment of parish members

6. The parish members of the Board shall be appointed, in accordance with the provisions of Schedule 2, by the parish councils and parish meetings specified in Part IV of that Schedule (being collectively the parish councils for parishes the whole or any part of which is comprised in the Cotswolds Area of Outstanding Natural Beauty and the parish meetings of any of those parishes which do not have separate parish councils).

First appointment of members

7. Each local authority specified in Schedule 1, the Secretary of State, and the parish councils and parish meetings specified in Part IV of Schedule 2 (acting in accordance with the provisions of

(**4**) 1989 c. 42.
(**5**) The designation order was confirmed on 19th August 1966 and the variation order was confirmed on 21st December 1990. These orders, which were made under section 87 of the National Parks and Access to the Countryside Act 1949 (c. 97), are, as a result of paragraph 16 of Schedule 15 to the 2000 Act, to be taken to have been made under section 82 of the 2000 Act.

Part I of that Schedule), shall appoint their respective first members before the establishment day and those appointments shall take effect on that day; but no appointment shall be treated as invalid by reason only of a failure to make the appointments in accordance with this article.

Resignation of office

8. A member of the Board may at any time resign his membership by giving notice in writing to the chief officer of the Board, and his resignation shall take effect on the receipt of that notice by that officer.

Vacancies

9.—(1) Where a vacancy arises in the membership of the Board, it shall be filled as soon as practicable—

(a) where the vacancy is created by a local authority member, by the authority in whose representation the vacancy arises,

(b) where the vacancy is created by a member appointed by the Secretary of State, by the Secretary of State,

(c) where the vacancy is created by a parish member, by the parish councils and parish meetings referred to in Part IV of Schedule 2,

in accordance with the appropriate provisions of Schedule 13 to the 2000 Act and Parts II and III of Schedule 2 to this Order, as the case may be.

(2) Where, by virtue of paragraph 4(4)(a) of Schedule 13 to the 2000 Act a vacancy arises in the membership of the Board as a result of a local authority member ceasing to be a member of the local authority, that person shall nevertheless continue to be a local authority member of the Board until—

(a) notice is given to the Board under article 10(1)(a) of the appointment of a new local authority member of the Board to fill that vacancy, or

(b) the expiration of 3 months from the day that vacancy arises,

whichever is the earlier.

(3) Where by virtue of paragraph 5(3) or (4) of Schedule 13 to the 2000 Act a vacancy arises in the membership of the Board as a result of a parish member of the Board ceasing to be a member of the parish council or chairman of the parish meeting (as the case may be), that person shall nevertheless continue to be a parish member of the Board until—

(a) notice is given by the Board under paragraphs 22(1)(b) or 25(b) (as the case may be) of Schedule 2 of the appointment of a new parish member of the Board to fill that vacancy, or

(b) the expiration of 3 months from the day that vacancy arises,

whichever is the earlier.

Notice of appointment, etc.

10.—(1) Where a member is appointed to the Board, or a vacancy arises in the membership of the Board, for any reason other than resignation—

(a) where the member, or the member giving rise to the vacancy, is, or was, a local authority member, the council by whom he was appointed,

(b) where the member, or the member giving rise to the vacancy, was appointed by the Secretary of State, the Secretary of State,

shall as soon as practicable give notice in writing to the Board and that notice shall state the date of his appointment or, as the case may be of the occurrence of the vacancy.

(2) Where a vacancy arises in the membership of the Board for any reason other than resignation and the member giving rise to the vacancy was a parish member, the parish council of which he was a member or the parish meeting of which he was chairman (as the case may be), shall as soon as practicable give notice in writing to the Board and that notice shall state the date of the occurrence of the vacancy.

(3) As soon as practicable after receiving notice under article 8 (resignation) or this article, the Board shall give public notice of—

(a) the appointment, or as the case may be, the resignation, termination or vacancy, and

(b) the name of the person concerned.

Removal of members appointed by the Secretary of State

11. The Secretary of State may remove from office any member of the Board appointed by her either—

(a) by giving that member three months' written notice of the termination of the appointment; or

(b) in such other manner as may be provided for in the terms of that member's appointment.

Disqualification of members

12.—(1) A person is disqualified from becoming or remaining a member of the Board if he holds any paid office or employment, appointments to which are, or may be, made or confirmed by—

(a) the Board or any council by whom a local authority member of the authority is appointed;

(b) any committee or sub-committee of the Board or of any such council;

(c) any joint committee on which the Board or any such council is represented;

(d) any parish council for, or parish meeting of, a parish the whole or any part of which is comprised in the Cotswolds Area of Outstanding Natural Beauty;

(e) any committee or sub-committee of any such parish council or parish meeting;

(f) any joint committee on which any such parish council or parish meeting is represented; or

(g) any person himself holding an office or employment which disqualifies him from becoming a member of the Board.

(2) A person is also disqualified from becoming or remaining a member of the Board if he holds any employment in a company which, in accordance with Part V of the 1989 Act other than section 73, would be under the control of the Board.

(3) Section 92 of the 1972 Act (proceedings for disqualification) shall apply in relation to a person who acts or claims to be entitled to act as a member of the Board as it applies in relation to a person who acts or claims to be entitled to act as a member of a local authority, but as if—

(a) references in that section to a local government elector for the area concerned were references to a local government elector for any area the whole or any part of which is comprised in the Cotswolds Area of Outstanding Natural Beauty, and

(b) in subsection (6)(b) of that section (failure to deliver declaration of acceptance of office), the words from "of failure" to "or by reason" were omitted.

(4) Sections 1 to 3 of the 1989 Act (disqualification of persons holding politically restricted posts) shall have effect as if the Board were a local authority for the purposes of Part 1 of that Act.

Vacation of office for failure to attend meetings

13. Section 85 of the 1972 Act (failure to attend meetings) shall apply in relation to the Board as if the Board were a local authority for the purposes of that section.

Conduct of members and staff

14.—(1) Part III of the Local Government Act 2000(**6**) (conduct of local government members and employees) shall apply in relation to the Board as if the Board were a relevant authority within the meaning of section 49(6) of that Act.

(2) Until such time as the Board pass a resolution adopting a code as regards conduct in accordance with section 51(1) of the Local Government Act 2000, the following provisions shall apply in relation to the Board as if the Board were a local authority—

(a) section 31 of the 1989 Act (code of conduct);

(b) sections 94 to 98 and 105 of the 1972 Act (restrictions on voting on account of interests); and

(c) section 19 of the 1989 Act (members' interests).

(3) Where the Board have passed a resolution adopting a code as regards conduct in accordance with section 51(1) of the Local Government Act 2000, the following provisions shall, where applicable to the Board, be disapplied as respects the Board—

(a) section 17(1)(b), (3), (5)(b), (7) and (8) of the Audit Commission Act 1998(**7**);

(b) in section 17(2) of that Act, the words "subject to subsection (3)" and paragraphs (a) and (b); and

(c) section 18 of that Act.

Allowances and time off for members

15.—(1) Until such time as the Board shall make a scheme in accordance with Parts 2 and 3 of the Local Authorities (Members' Allowances) (England) Regulations 2003(**8**), the Board shall be a body to which sections 174 to 176 of the 1972 Act (allowances for travelling, conferences and visits) shall apply.

(2) Section 10 of the 1989 Act (limit on paid leave for local authority duties) shall apply in relation to the Board as if the Board were a relevant council for the purposes of that section.

Meetings and proceedings of the Board

16. Schedule 3 shall have effect in relation to the meetings and proceedings of the Board.

Discharge of functions, committees and sub-committees, and staff

17.—(1) Sections 101 to 104 and 106 of the 1972 Act (arrangements for committees and sub-committees) shall apply in relation to the Board as if the Board were a local authority for the purposes of those sections.

(2) Accordingly, section 13 of the 1989 Act (voting rights of members of certain committees) shall apply as if the Board were a relevant authority for the purposes of that section.

(3) It shall be the duty of the Board in relation to any committee or sub-committee to which this paragraph applies, to secure that—

(**6**) 2000 c. 22.
(**7**) 1998 c. 18.
(**8**) S.I. 2003/1021; regulation 3(1)(j) applies those Regulations to a conservation board of an area of outstanding natural beauty.