

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.

- (a) the membership of the committee or sub-committee consists at least one local authority member of the Board, one member of the Board appointed by the Secretary of State and one parish member of the Board;
 - (b) subject to sub-paragraph (a), the division of members of the Board who are members of the committee or sub-committee between—
 - (i) local authority members,
 - (ii) members appointed to the Board by the Secretary of State, and
 - (iii) parish members,
 is (as nearly as possible using whole numbers) in the same proportions as required, by virtue of article 4, in the case of the Board themselves; and
 - (c) the quorum of the committee or sub-committee includes at least one local authority member of the Board, one member of the Board appointed by the Secretary of State and one parish member of the Board.
- (4) Paragraph (3) applies to the following committees and sub-committees of the Board except those appointed under section 102(4) or (4A)(9) of the 1972 Act (advisory committees), that is to say—
- (a) any committee or sub-committee of the Board;
 - (b) any joint committee on which the Board is represented; and
 - (c) any sub-committee of such a joint committee.
- (5) The proceedings of a committee or sub-committee to which paragraph (3) applies shall not be invalidated by any failure of the Board to perform their duty under that paragraph.
- (6) Sections 112 to 119 of the 1972 Act (staff of local authorities) and section 30 of the Local Government (Miscellaneous Provisions) Act 1976(10) (power to forgo repayment of remuneration) shall apply in relation to the Board as if the Board were a local authority for the purposes of those sections.
- (7) The following provisions of the 1989 Act shall apply in relation to the Board as if the Board were a relevant authority for the purposes of those provisions—
- (a) section 4 (designation and reports of head of paid service);
 - (b) section 5 (designation and reports of monitoring officer);
 - (c) section 7 (staff to be appointed on merit);
 - (d) section 8 (standing orders with respect to staff) with the omission of subsection (4)(d) (assistants for political groups); and
 - (e) section 12 (conflict of interest in staff negotiations).

Chief officer

- 18.**—(1) There shall be a chief officer of the Board.
- (2) The first appointment of the chief officer shall be made by the Secretary of State after consultation with the Countryside Agency.
- (3) The Board shall, with the approval of the Secretary of State, make all subsequent appointments of the chief officer of the Board.

(9) Section 102(4A) of the Local Government Act 1972 was inserted by the Local Government and Housing Act 1989, Schedule 11, paragraph 25.

(10) 1976 c. 57.

Personal liability of members and staff

19. Section 265 of the Public Health Act 1875⁽¹¹⁾ (personal liability of members and officers of certain authorities) shall apply as if—

- (a) the Board were an authority such as is mentioned in that section;
- (b) the references in that section to a member of the authority included, in relation to the Board, references to any person who is not such a member but for the time being serves as a member of a committee or sub-committee of the Board;
- (c) the references in that section to the purpose of executing that Act and to the purposes of that Act were each, in relation to the Board, references to the purpose of carrying out the functions of the Board; and
- (d) the words “or rate” were omitted.

Liaison with parish councils and parish meetings

20. The Board shall make arrangements with—

- (a) the parish councils for parishes the whole or any part of which is comprised in the Cotswolds Area of Outstanding Natural Beauty, and
- (b) the parish meetings of any of those parishes which do not have separate parish councils,

for the purpose of informing and consulting those councils or meetings about the discharge of the functions of the Board.

Records, access to meetings and documents, notices and documents

21.—(1) The Local Government (Records) Act 1962⁽¹²⁾ shall apply in relation to the Board as if the Board were a local authority for the purposes of that Act.

(2) The following provisions of the 1972 Act—

- (a) Part VA⁽¹³⁾ (access to meetings and documents),
- (b) sections 224 and 225(1) (custody and deposit of documents),
- (c) sections 228 and 229 (inspection of documents and photocopies),
- (d) section 230 (reports and returns),
- (e) sections 231 to 234 (service and authentication of documents), and
- (f) sections 236 to 238 (byelaws),

shall apply as if for the purposes of those provisions the Board were a local authority or, in the case of Part VA and section 224, a principal council, and as if any reference in those provisions to the proper officer of the authority were a reference to the chief officer of the Board.

(3) Section 41 of the Local Government (Miscellaneous Provisions) Act 1976 (evidence of resolutions and minutes of proceedings) shall apply as if the Board were a local authority for the purposes of that Act.

(4) Where the Board have made any byelaws and those byelaws have been confirmed, the Board shall send a copy of the byelaws as confirmed to each local authority specified in Schedule 1.

Reports and returns

22. The Board shall, if so requested by the Secretary of State, forthwith give to—

⁽¹¹⁾ 1875 c. 55.

⁽¹²⁾ 1962 c. 56.

⁽¹³⁾ Part VA of the 1972 Act was inserted by the Local Government (Access to Information) Act 1985 (c. 43), section 1.

- (a) the Countryside Agency,
- (b) each local authority specified in Schedule 1,
- (c) English Nature, and
- (d) each parish council and parish meeting specified in Part IV of Schedule 2,

a copy of any report, return or information which the Board is required to send or give to the Secretary of State in accordance with section 230 of the 1972 Act (reports and returns).

Financial administration and accounts, etc.

23.—(1) Sections 151 (financial administration) and 168 (financial returns) of the 1972 Act shall apply in relation to the Board as if the Board were a local authority for the purposes of those sections.

(2) Subject to paragraphs (3) and (4), the Board shall—

- (a) keep a fund (to be known as the general fund) to which all income of the Board shall be carried, and from which all expenditure discharging liabilities shall be met; and
- (b) keep accounts of income and expenditure of the general fund.

(3) The provisions of paragraph (1) are without prejudice to any provision contained in any enactment or instrument requiring the Board to keep—

- (a) a specific fund or funds in respect of specified income and expenditure of the Board; or
- (b) specific accounts in respect of specified income and expenditure of any funds of the Board.

(4) Nothing in paragraph (2)(a) shall be construed as requiring or authorising the Board to apply or dispose of the surplus revenue arising from any undertaking carried on by them otherwise than in accordance with any enactment or instrument applicable to the undertaking.

Maladministration

24. The Board shall be an authority to which Part III of the Local Government Act 1974⁽¹⁴⁾ (local government administration) applies.

PART III

Concurrent functions of the Board

Concurrent functions

25.—(1) On and after the operative day the functions to which paragraph (2) applies shall be exercisable concurrently by a local authority specified in Schedule 1 and by the Board.

(2) This paragraph applies to the functions of any local authority, so far as relating to the Cotswolds Area of Outstanding Natural Beauty, under the following enactments—

- (i) section 164 of the Public Health Act 1875⁽¹⁵⁾ (places of public recreation) as applied by section 180 of the 1972 Act;
- (ii) sections 1 to 3 of the Commons Act 1899⁽¹⁶⁾ (regulation of commons);
- (iii) section 15 of the Open Spaces Act 1906⁽¹⁷⁾ (byelaws for regulation of open spaces etc.);

⁽¹⁴⁾ 1974 c. 7.

⁽¹⁵⁾ 1875 c. 55.

⁽¹⁶⁾ 1899 c. 30.

⁽¹⁷⁾ 1906 c. 25.

- (iv) section 194 of the Law of Property Act 1925(**18**) (restriction on enclosure of Commons);
- (v) section 12 of the National Parks and Access to the Countryside Act 1949(**19**) (provision for accommodation, refreshments, camping sites, and parking places);
- (vi) section 21 of the National Parks and Access to the Countryside Act 1949 (establishment of nature reserves);
- (vii) section 64 of the National Parks and Access to the Countryside Act 1949 (access agreements);
- (viii) sections 89(1) to 89(4) of the National Parks and Access to the Countryside Act 1949 (tree planting and treatment of derelict land);
- (ix) section 90 of the National Parks and Access to the Countryside Act 1949 (byelaws);
- (x) section 92 of the National Parks and Access to the Countryside Act 1949 (wardens);
- (xi) section 99 of the National Parks and Access to the Countryside Act 1949 (contributions towards expenditure);
- (xii) section 235 of the 1972 Act (byelaws for good rule and government and suppression of nuisances);
- (xiii) section 23 of the Caravan Sites and Control of Development Act 1960(**20**) (power to prohibit caravans on commons);
- (xiv) section 24 of the Caravan Sites and Control of Development Act 1960 (power to provide sites for caravans);
- (xv) section 9 of the Commons Registration Act 1965(**21**) (protection of unclaimed common land);
- (xvi) section 4 of the Countryside Act 1968(**22**) (experimental projects or schemes);
- (xvii) section 7 of the Countryside Act 1968 (provision of country parks);
- (xviii) section 9 of the Countryside Act 1968 (powers over or near common land);
- (xix) section 10(1) to (3) of the Countryside Act 1968 (camping and picnic sites);
- (xx) section 27(1) and (4) of the Countryside Act 1968 (signposting of footpaths and bridleways);
- (xxi) section 41 of the Countryside Act 1968 (byelaws and wardens);
- (xxii) section 43 of the Countryside Act 1968 (general provisions as to powers);
- (xxiii) section 45 of the Countryside Act 1968 (agreements with landowners);
- (xxiv) sections 6 and 8 of the Refuse Disposal (Amenity) Act 1978(**23**) (removal and disposal of certain refuse);
- (xxv) section 11 of the Ancient Monuments and Archaeological Areas Act 1979(**24**) (acquisition of ancient monuments);
- (xxvi) sections 12 to 17 of the Ancient Monuments and Archaeological Areas Act 1979 (guardianship of ancient monuments);
- (xxvii) sections 19 and 20 of the Ancient Monuments and Archaeological Areas Act 1979 (public access to monuments under public control);
- (xxviii) section 21 of the Ancient Monuments and Archaeological Areas Act 1979 (transfer of ownership and guardianship of ancient monuments);

(18) 1925 c. 20.
(19) 1949 c. 97.
(20) 1960 c. 62.
(21) 1965 c. 64.
(22) 1968 c. 41.
(23) 1978 c. 3.
(24) 1979 c. 46.

- (xxix) section 25 of the Highways Act 1980**(25)** (creation of footpath or bridleway by agreement);
- (xxx) section 62 of the Wildlife and Countryside Act 1981**(26)** (appointment of wardens for public rights of way);
- (xxxi) section 5(1), (4) and (7) of the Litter Act 1983**(27)** (litter bins);
- (xxxii) sections 54 and 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990**(28)** (urgent works to preserve unoccupied listed buildings and recovery of expenses);
- (xxxiii) sections 57 and 58 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (grants for repair and maintenance); and
- (xxxiv) section 94 of the 2000 Act (local access forums).

PART IV

Incidental, supplemental, consequential and transitional provisions

Land, enforceability of covenants

26. Section 33 of the Local Government (Miscellaneous Provisions) Act 1982**(29)** (enforceability by local authorities of certain covenants relating to land) shall have effect as if references to a principal council included references to the Board; and for the purposes of this paragraph the reference in subsection (1) of that section to section 111 of the 1972 Act shall have effect as a reference to the powers and functions of the Board.

Agreements as to incidental matters

27.—(1) The Board may from time to time make agreements in consequence of this Order with any public body (within the meaning of section 85(3) of the 2000 Act) with respect to—

- (a) any property, income, rights or liabilities (so far as affected by this Order) of the parties to the agreement; or
 - (b) any financial relations between those parties.
- (2) Such an agreement may provide—
- (a) for the transfer or retention of any property, rights and liabilities, with or without conditions, and for joint use of any property;
 - (b) for the making of payments by any party to the agreement in respect of—
 - (i) property, rights and liabilities transferred or retained;
 - (ii) the joint use of any property; or
 - (iii) remuneration or compensation payable to any person.

(3) In default of agreement as to any disputed matter, the matter shall be referred to the arbitration of a single arbitrator agreed on by the parties or, in default of agreement, appointed by the Secretary of State; and the award of the arbitrator may make any provision which might be contained in an agreement under this article.

(4) In paragraph 3 “disputed matter” means any matter which might be the subject of provision contained in an agreement under this article.

(25) 1980 c. 66.
 (26) 1981 c. 69.
 (27) 1983 c. 35.
 (28) 1990 c. 9.
 (29) 1982 c. 30.

Borrowing

28.—(1) Subject to paragraph (3), the Board may, with the approval of the Secretary of State, borrow money—

- (a) for any purpose relevant to their functions under any enactment, or
- (b) for the purposes of the prudent management of their financial affairs.

(2) The approval of the Secretary of State under paragraph (1) may be given subject to conditions or limitations.

(3) The Board may borrow by way of temporary loan or overdraft from a bank or otherwise such money as the Board may temporarily require for the purpose of meeting expenses pending the receipt of revenues receivable by them in respect of the period of account in which the expenses are chargeable.

(4) A person lending money to the Board shall not be bound to enquire whether the Board have power to borrow the money and shall not be prejudiced by the absence of any such power.

Miscellaneous transactions and powers

29.—(1) The following provisions of the 1972 Act shall have effect as if the Board were a principal council for the purposes of that Act and as if the Cotswolds Area of Outstanding Natural Beauty were the authority's area—

- (a) section 132 (provision of premises for public meetings);
- (b) section 135 (contracts of local authorities);
- (c) section 136 (contributions towards expenditure on concurrent functions);
- (d) section 139 (acceptance of gifts of property);
- (e) sections 140, 140A and 140C (insurance);
- (f) sections 141 (research and the collection of information) and 142 (provision of information, etc.);
- (g) section 144 (power to encourage visitors and provide conference and other facilities); and
- (h) sections 222 and 223 (conduct of prosecutions and participation in other legal proceedings).

(2) Section 38 of the Local Government (Miscellaneous Provisions) Act 1976⁽³⁰⁾ (use of spare capacity of local authority computers) shall have effect as if the Board were a local authority for the purposes of that Act.

(3) Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 (lost property) shall have effect as if the Board were a local authority for the purposes of that Act.

(4) Section 45 of the Local Government (Miscellaneous Provisions) Act 1982 (arrangements under the Employment and Training Act 1973⁽³¹⁾) shall have effect as if the Board were a local authority to which that section applies.

Supply of goods and services

30. The Local Authorities (Goods and Services) Act 1970⁽³²⁾ (supply of goods and services by local authorities) shall have effect as if the Board were both a local authority and a public body for the purposes of that Act.

⁽³⁰⁾ 1976 c. 57.

⁽³¹⁾ 1973 c. 50.

⁽³²⁾ 1970 c. 39.

Power to execute works outside the Cotswolds Area of Outstanding Natural Beauty

31. Any power to execute works which is conferred on the Board by virtue of this Order or any other enactment shall be taken, except in so far as the contrary intention appears, to include power, for the purposes of the carrying out of the Board's functions, to execute works of the relevant description outside, as well as inside, the Cotswolds Area of Outstanding Natural Beauty.

Power to promote Bills

32.—(1) Subject to paragraph (2), section 239 of the 1972 Act (power of local authority to promote local or personal Bills) shall have effect in relation to the Board as if the Board were a local authority for the purposes of that Act.

(2) The Board shall have no power to promote a Bill for—

- (a) modifying the Cotswolds Area of Outstanding Natural Beauty;
- (b) modifying the Board's own constitution; or
- (c) modifying the status or the electoral arrangements of any of the local authorities, parish councils or parish meetings mentioned, or referred to, in articles 5 and 6.

(3) In sub-paragraph (2) above—

“electoral arrangements” means any electoral arrangements within the meaning of section 14(4) of the Local Government Act 1992⁽³³⁾.

Restrictions on publicity

33. Part II of the Local Government Act 1986⁽³⁴⁾ (restrictions on publicity) shall have effect as if the Board were a local authority for the purposes of that Part.

Contracting out

34. Part II of the Deregulation and Contracting Out Act 1994⁽³⁵⁾ (contracting out) shall have effect as if the Board were a local authority for the purposes of that Part.

Continuity of exercise of functions

35.—(1) The concurrent exercise of functions by the Board under article 25 shall not affect the validity of anything done in relation to any of those functions before the operative day.

(2) Where in relation to any function to which article 25 applies, the Board continue, on or after the operative day, any action or matter commenced by a local authority, anything done by that authority in relation to that action or matter shall, so far as is required for continuing its effect on or after the operative day, have effect as if done by the Board.

(3) Any reference, however framed, to a local authority in any document relating to any of the functions to which article 25 applies shall, so far as is required for giving effect to this article, be construed as a reference to the Board.

Transfer of staff

36. The provisions of Schedule 4 shall have effect.

⁽³³⁾ 1992 c. 19.

⁽³⁴⁾ 1986 c. 10.

⁽³⁵⁾ 1994 c. 40.

Signed on behalf of the Secretary of State

2004

Parliamentary Under-Secretary of State
Department for Environment, Food and Rural
Affairs

SCHEDULE 1

Article 5

SPECIFIED LOCAL AUTHORITIES

Bath and North East Somerset Council
Cheltenham Borough Council
Cherwell District Council
Cotswold District Council
Gloucestershire County Council
North Wiltshire District
Oxfordshire County Council
South Gloucestershire Council
Stratford on Avon District Council
Stroud District Council
Tewkesbury Borough Council
Warwickshire County Council
West Oxfordshire District Council
West Wiltshire District Council
Wiltshire County Council
Worcestershire County Council
Wychavon District Council

SCHEDULE 2

Articles 6 and 9(1)(c)

PROVISIONS FOR APPOINTMENT OF PARISH MEMBERS OF THE BOARD

PART I

APPOINTMENT OF FIRST PARISH MEMBERS

General

1. In this Schedule—
“a completed nomination form” means a form complying with paragraph 5; and
“the start date ” means the date this Order comes into force.
2. The first parish members of the Board shall be appointed in accordance with the election procedures set out in paragraphs 3 to 14.
3. Each of the 8 groups of parishes specified in Part IV of this Schedule shall appoint 1 parish member of the Board in accordance with the election procedures set out in paragraphs 4 to 14.

Notice of election and nomination of candidates

4.—(1) The Countryside Agency shall, not later than 15 days from the start date, give to each of the parish councils and parish meetings (if any) in each group of parishes specified in Part IV of this Schedule written notice of the election by that group of one parish member of the Board.

(2) The notice of election referred to in sub-paragraph (1) shall—

- (a) be accompanied by a form of nomination by the parish council or the parish meeting, as the case may be, for one candidate for election as a parish member of the Board;
- (b) state that the completed nomination form shall be delivered to the Countryside Agency not later than 57 days from the start date; and
- (c) explain the effect of the provisions of this Part of the Schedule.

5. A completed nomination form shall—

- (a) state the full name of the candidate, placing the surname first;
- (b) state the home address in full of the candidate;
- (c) state that the candidate is—
 - (i) a member of a parish council for a parish the whole or any part of which is comprised in the Cotswolds Area of Outstanding Natural Beauty, or
 - (ii) the chairman of the parish meeting of a parish, which does not have a separate parish council, the whole or any part of which is comprised in the Cotswolds Area of Outstanding Natural Beauty;
- (d) if desired, give a description of the candidate in not more than 300 words in relation to that candidate's appropriateness to be a parish member of the Board;
- (e) be signed—
 - (i) on behalf of a parish council, by the chairman of that parish council or by one of the parish councillors of that council acting on his behalf; or
 - (ii) on behalf of a parish meeting of a parish which does not have a separate parish council, by the chairman of that parish meeting or by one of the local government electors for that parish acting on his behalf; and
- (f) include the consent of the candidate to nomination and that consent shall be signed by the candidate.

Decisions as to validity of nomination papers

6.—(1) Where a completed nomination form is delivered to the Countryside Agency in accordance with paragraph 4(2), the candidate shall be deemed to stand nominated unless and until—

- (a) the Countryside Agency decide that the completed nomination form is invalid;
- (b) proof is given of the candidate's death; or
- (c) the candidate withdraws.

(2) As soon as practicable after a completed nomination form has been delivered, the Countryside Agency shall examine it and decide whether the candidate has been validly nominated.

(3) The Countryside Agency are entitled to hold a nomination invalid only on the grounds that the requirements of paragraph 5 have not been complied with.

(4) Where the Countryside Agency decide that a nomination is invalid, they shall endorse and sign on the completed nomination form the fact and the reason for their decision.

(5) The Countryside Agency shall send notice of their decision that a nomination is valid or invalid to the candidate (at his home address as given in the completed nomination form) and to the parish council or parish meeting on whose behalf the completed nomination form was signed.

Notification of persons nominated

7.—(1) Not later than 79 days from the start date the Countryside Agency shall give to each of the parish councils and parish meetings (if any), within each group of parishes specified in Part IV of this Schedule, a statement of the persons who have been, and stand, nominated to be elected by that group of parishes.

(2) The statement shall show in alphabetical order the names, addresses and descriptions of the candidates as given in the completed nomination papers.

(3) In the case of a candidate nominated by more than one parish council or parish meeting, the Countryside Agency shall take the particulars required by sub-paragraph (2) as the candidate (or in default the Countryside Agency) may select.

Withdrawal of candidates

8. A candidate may withdraw his candidature by notice of withdrawal—
- (a) signed by him and attested by one witness, and
 - (b) given to the Countryside Agency.

Method of election, and notification where election uncontested

9. Where in respect of any group of parishes specified in Part IV of this Schedule—
- (a) one candidate remains validly nominated, that person shall be recorded by the Countryside Agency as being elected in respect of that group and the Agency shall forthwith—
 - (i) give written notice thereof to that candidate and each of the parish councils and parish meetings (if any) within that group; and
 - (ii) give public notice of the name of the candidate elected;
 - (b) more than one candidate remains validly nominated, a poll shall be taken in accordance with paragraphs 10 to 14.

Contested elections: the ballot

10.—(1) Where under paragraph 9(b) a poll is to be taken, the Countryside Agency shall give to each of the parish councils and parish meetings (if any), within the group of parishes in respect of which a poll is to be taken, a ballot paper.

- (2) The ballot paper shall—
- (a) be prepared by the Countryside Agency;
 - (b) include the names of the candidates as shown in the statement of the persons nominated in accordance with paragraph 7; and
 - (c) be given to the parish councils and parish meetings as mentioned in sub-paragraph (1) at the same time as the statement of persons nominated is given in accordance with paragraph 7.

(3) Not later than 42 days from the receipt of the ballot paper, each parish council and parish meeting within that group may record on the ballot paper its vote for one candidate and shall forthwith deliver the completed ballot paper to the Countryside Agency.

Contested elections: counting of votes, equality of votes and recording the result

11. The Countryside Agency shall as soon as possible count the votes recorded in the ballot papers delivered in accordance with paragraph 10(3).

12. Where after the counting of the votes is completed, an equality of votes is found to exist between candidates and the addition of a vote would entitle any of those candidates to be recorded as being elected, the Countryside Agency shall forthwith decide between those candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote.

13. As soon as the result of the poll has been ascertained, the Countryside Agency shall, in respect of each group of parishes specified in Part IV of this Schedule, record the candidate with the greatest number of votes to be elected.

Contested elections: notification of the result

14. As soon as the Countryside Agency have recorded a candidate as being elected the Agency shall—

- (a) give written notice thereof to that candidate and to each of the parish councils and parish meetings (if any) within the group of parishes in respect of which that election was held; and
- (b) give public notice of the name of the candidate elected.

Retention of election papers

15. The Countryside Agency shall retain all documents relating to an election under this Part for a period of six months from—

- (a) in the case of an uncontested election, the giving of the public notice as mentioned in paragraph 9(a)(ii); or
- (b) in the case of a contested election, the giving of the public notice as mentioned in paragraph 14(b).

PART II

APPOINTMENT OF PARISH MEMBERS OF THE BOARD TO FILL A VACANCY

Notice of election and nomination of candidates

16. Where a vacancy in the membership of the Board is created by a parish member of the Board (“the former parish member”), the Board shall, as soon as practicable, give to each of the parish councils and parish meetings (if any) specified in the group of parishes which elected the former parish member written notice of the election by each of those parish councils and parish meetings of one parish member of the Board.

17. The notice of election referred to in paragraph 16 shall—

- (a) be accompanied by a form of nomination by the parish council or the parish meeting, as the case may be, for one candidate for election as a parish member of the Board;

- (b) state that the completed nomination form shall be delivered to the Board not later than 42 days from the receipt of the notice of election; and
- (c) explain the effect of the provisions of this Part of the Schedule.

18. Paragraph 5 (completed nomination form) shall apply to an appointment of a parish member of the Board under this Part as it applies to an appointment of a parish member under Part I.

Decisions as to validity of nomination papers

19. Paragraph 6 (decisions as to validity of nomination papers) shall apply to an appointment of a parish member of the Board under this Part as it applies to an appointment of a parish member under Part I but with the references to the Countryside Agency being construed as references to the Board.

Notification of persons nominated

20. The Board shall, as soon as practicable, give to each of the parish councils and parish meetings (if any) specified in the group of parishes which elected the former parish member a statement showing the persons who have been, and stand, nominated to be elected by that group of parishes.

Withdrawal of candidates

- 21.** A candidate may withdraw his candidature by notice of withdrawal—
- (a) signed by him and attested by one witness, and
 - (b) given to the Board.

Method of election, and notification where election is uncontested

22.—(1) Where one candidate remains validly nominated, that person shall be recorded by the Board as being elected and the Board shall forthwith—

- (a) give written notice thereof to that candidate and to each of the parish councils and parish meetings within the group of parishes in respect of which the election was held; and
- (b) give public notice of the name of the candidate elected.

(2) Where more than one candidate remains validly nominated, a poll shall be taken in accordance with paragraphs 23 to 25.

Contested elections: the ballot

23.—(1) Where under paragraph 22(2) a poll is to be taken, the Board shall give to each of the parish councils and parish meetings (if any), within the group of parishes in respect of which a poll is to be taken, a ballot paper.

- (2) The ballot paper shall—
- (a) be prepared by the Board;
 - (b) include the names of the candidates as shown in the statement of the persons nominated in accordance with paragraph 20; and
 - (c) be given to the parish councils and parish meetings as mentioned in sub-paragraph (1) at the same time as the statement of persons nominated is given in accordance with paragraph 20.

(3) Not later than 42 days from the receipt of the ballot paper, each parish council and parish meeting within that group of parish councils and parish meetings may record on the ballot paper its vote for one candidate and shall forthwith deliver the completed ballot paper to the Board.

Contested elections: counting of votes, equality of votes and recording the result

24.—(1) Paragraphs 11 to 13 (counting of votes, equality of votes and recording the result) shall apply to an appointment of a parish member of the Board under this Part as it applies to an appointment of a parish member under Part I but with the references to the Countryside Agency being construed as references to the Board.

(2) As soon as the result of the poll has been ascertained, the Board shall record the candidate with the most number of votes to be elected.

Contested elections: notification of the result

- 25.** As soon as the Board have recorded a candidate as being elected, the Board shall—
- (a) give written notice thereof to that candidate and to each parish council and parish meeting (if any) within the group of parishes in respect of which that election was held; and
 - (b) give public notice of the name of the candidate elected.

Retention of election papers

26. The Board shall retain all documents relating to an election under this Part for a period of six months from—

- (a) in the case of an uncontested election, the giving of the public notice as mentioned in paragraph 22(1)(b); or
- (b) in the case of a contested election, the giving of the public notice as mentioned in paragraph 25(b).

PART III

ELECTION FAILING TO PROVIDE A CANDIDATE FOR THE POSITION OF A PARISH MEMBER OF THE BOARD

- 27.** Where an election held in accordance with—
- (a) Part I of this Schedule (appointment of first parish members of the Board), or
 - (b) Part II of this Schedule (appointment of parish members of the Board to fill a vacancy),

fails to provide a validly nominated candidate for the post of a parish member of the Board, the resulting vacancy in the parish membership of the Board shall be filled in accordance with paragraphs 28 to 30.

28.—(1) Where an election held in accordance with Part I of this Schedule fails to provide a validly nominated candidate, the Board shall, within three years of the start date, give to each of the parish councils and parish meetings (if any) within the group of parishes which failed to nominate a candidate written notice of the election of one parish member of the Board.

(2) Paragraphs 17 to 26 shall apply to an election required under sub-paragraph (1) as they apply to the election of a parish member of the Board as mentioned in paragraph 16.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 No. 1777

29.—(1) Where an election held in accordance with Part II of this Schedule fails to provide a validly nominated candidate, the Board shall, within three years of giving notice of that election under paragraph 16, give to each of the parish councils and parish meetings (if any) within the group of parishes which failed to nominate a candidate written notice of the election of one parish member of the Board.

(2) Paragraphs 17 to 26 shall apply to an election required under sub-paragraph (1) as they apply to the election of a parish member of the Board. as mentioned in paragraph 16

30.—(1) Where an election in accordance with paragraphs 28, 29 or this paragraph fails to provide a validly nominated candidate, the Board shall, within three years of the previous notice of election, give further written notice of election to each of the parish councils and parish meetings (if any) within the group of parishes which failed to nominate a candidate until such time as the parish member of the Board is appointed.

(2) Paragraphs 17 to 26 shall apply to an election required under sub-paragraph (1) as they apply to an election of a parish member of the Board as mentioned in paragraph 16.

PART IV PARISHES

GROUP 1

Parish Councils

Admington Parish Council
Avon Dassett Parish Council
Barton-On-The-Heath Parish Council
Bourton-On-The-Hill Parish Council
Brailes Parish Council
Broadway Parish Council
Cherington and Stourton Parish Council
Chipping Campden Town Council
Ebrington Parish Council
Epwell Parish Council
Evenlode Parish Council
Great Wolford Parish Council
Ilmington Parish Council
Little Compton Parish Council
Long Compton Parish Council
Mickleton Parish Council
Quinton Parish Council
Radway Parish Council
Ratley And Upton Parish Council
Rollright Parish Council
Shenington With Alkerton Parish Council

Sibford Gower Parish Council
Snowhill Parish Council
Stourton Parish Council
Tysoe Parish Council
Warmington Parish Council
Weston Subedge Parish Council
Whichford Parish Council
Willesley Parish Council

Parish Meetings

Aston Subedge Parish Meeting
Barcheston & Willington Parish Meeting
Batsford Parish Meeting
Chastleton Parish Meeting
Compton Wynyates Parish Meeting
Honington Parish Meeting
Little Wolford Parish Meeting
Saintbury Parish Meeting
Sutton-Under-Brailes Parish Meeting

GROUP 2

Parish Councils

Ascott-Under-Wychwood Parish Council
Asthal Parish Council
Barrington Parish Council
Bledington Parish Council
Chadlington Parish Council
Charlbury Town Council
Chipping Norton Town Council
Churchill & Sarsden Parish Council
Combe Parish Council
Crawley Parish Council
Finstock Parish Council
Fulbrook Parish Council
Great Rissington Parish Council
Hailey Parish Council
Hanborough Parish Council
Kingham Parish Council
Leafield Parish Council
Milton-Under-Wychwood Parish Council

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 No. 1777

Minster Lovell Parish Council
North Leigh Parish Council
Over Norton Parish Council
Ramsden Parish Council
Salford Parish Council
Shipton-Under-Wychwood Parish Council
Spelsbury Parish Council
Stonesfield Parish Council
Swinbrook And Widford Parish Council
Wootton Parish Council

Parish Meetings

Blenheim Parish Meeting
Bruern Parish Meeting
Chilson Parish meeting
Cornbury And Wychwood Parish Meeting
Cornwell Parish Meeting
Fawler Parish Meeting
Fifield Parish Meeting
Lyneham Parish Meeting
Taynton Parish Meeting

GROUP 3

Parish Councils

Aldsworth Parish Council
Blockley Parish Council
Bourton-On-The-Water Parish Council
Burford Town Council
Cold Aston Parish Council
Condicote Parish Council
Cutsdean Parish Council
Guiting Power Parish Council
Hawling Parish Council
Little Rissington Parish Council
Longborough Parish Council
Lower Slaughter Parish Council
Lower Swell Parish Council
Maugersbury Parish Council
Moreton-In-MarshTown Council
Naunton Parish Council

Northleach With Eastington Town Council
Oddington Parish Council
Sherborne Parish Council
Stanway Parish Council
Stow-On-The-Wold Town Council
Temple Guiting Parish Council
Upper Rissington Parish Council
Upper Slaughter Parish Council
Wyck Rissington Parish Council

Parish Meetings

Adlestrop Parish Meeting
Broadwell Parish Meeting
Clapton on the Hill Parish Meeting
Compton Abdale Parish Meeting
Donnington Parish Meeting
Farmington Parish Meeting
Hazleton Parish Meeting
Icomb Parish Meeting
Idbury Parish Meeting
Notgrove Parish Meeting
Sezincote Parish Meeting
Turkdean Parish Meeting
Westcote Parish Meeting
Windrush Parish Meeting

GROUP 4

Parish Councils

Ampney Crucis Parish Council
Andoversford Parish Council
Bagendon Parish Council
Baunton Parish Council
Bibury Parish Council
Chedworth Parish Council
Coln St Aldwyns Parish Council
Coln St Dennis Parish Council
Cranham Parish Council
Daglingworth Parish Council
The Duntisbournes Parish Council
Eastleach Parish Council

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 No. 1777

Elkstone Parish Council
Hatherop Parish Council
Langford Parish Council
Miserden Parish Council
North Cerney Parish Council
Preston Parish Council
Quenington Parish Council
Rendcomb Parish Council
Shipton Parish Council
Southrop Parish Council
Winstone Parish Council
Withington Parish Council

Parish Meetings

Ampney St Mary Parish Meeting
Barnsley Parish Meeting
Colesbourne Parish Meeting
Edgeworth Parish Meeting
Hampnett Parish Meeting
Winson Parish Meeting
Syde Parish Meeting
Yanworth Parish Meeting

GROUP 5

Parish Councils

Acton Turville Parish Council
Avening Parish Council
Badminton Parish Council
Beverstone Parish Council
Biddestone Parish Council
Box Parish Council
Boxwell With Leighterton Parish Council
Brokenborough Parish Council
Castle Combe Parish Council
Cherington Parish Council
Cirencester Town Council
Coates Parish Council
Colerne Parish Council
Corsham Parish Council
Crudwell Parish Council

Easton Grey Parish Council
Grittleton Parish Council
Hullavington Parish Council
Long Newton Parish Council
Malmesbury Parish Council
Minchinhampton Parish Council
Norton Parish Council
Rodmarton Parish Council
Sapperton Parish Council
Sherston Parish Council
Shipton Moyne Parish Council
Sopworth Parish Council
St Paul Malmesbury Without Parish Council
Tetbury Town Council
Tetbury Upton Parish Council
Westonbirt With Lasborough Parish Council
Wotton-Under-Edge Parish Council
Yatton Keynell Parish Council

Parish Meetings

Ashley Parish Meeting
Owlpen Parish Meeting
Ozleworth Parish Meeting

GROUP 6

Parish Councils

Bathampton Parish Council
Batheaston Parish Council
Bathford Parish Council
Bitton Parish Council
Bradford-On-Avon Town Council
Charlcombe Parish Council
Claverton Parish Council
Cold Ashton Parish Council
Combe Hay Parish Council
Dodington Parish Council
Doynton Parish Council
Dyrham And Hinton Parish Council
Freshford Parish Council
Hawkesbury Parish Council

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 No. 1777

Hillesley And Tresham Parish Council
Hinton Charterhouse Parish Council
Horton Parish Council
Limpley Stoke Parish Council
Little Sodbury Parish Council
Luckington Parish Council
Marshfield Parish Council
Monkton Combe Parish Council
Monkton Farleigh Parish Council
Nettleton Parish Council
North Stoke Parish Council
North Wraxall Parish Council
Norton St Philip Parish Council
St Catherine Parish Council
Sodbury Town Council
South Stoke Parish Council
Swainswick Parish Council
Tormarton Parish Council
Wellow Parish Council
Westwood Parish Council
Wick And Abson Parish Council
Winsley Parish Council

Parish Meeting

Kelston Parish Meeting

GROUP 7

Parish Councils

Alderley Parish Council
Bisley-With-Lypiatt Parish Council
Brimpsfield Parish Council
Brookthorpe-With-Whaddon Parish Council
Cainscross Parish Council
Cam Parish Council
Chalford Parish Council
Coaley Parish Council
Didmarton Parish Council
Dursley Parish Council
Frocester Parish Council
Harescombe Parish Council

Haresfield Parish Council
Horsley Parish Council
Kingscote Parish Council
King's Stanley Parish Council
Leonard Stanley Parish Council
Nailsworth Parish Council
North Nibley Parish Council
Nymphsfield Parish Council
Painswick Parish Council
Pitchcombe Parish Council
Randwick Parish Council
Rodborough Parish Council
Standish Parish Council
Stinchcombe Parish Council
Stonehouse Parish Council
Stroud Parish Council
Thrupp Parish Council
Uley Parish Council
Upton St Leonards Parish Council
Whiteshill And Ruscombe Parish Council
Woodchester Parish Council

GROUP 8

Parish Councils

Alderton Parish Council
Ashton Under Hill Parish Council
Badgeworth Parish Council
Beckford Parish Council
Birlingham Parish Council
Bredon Parish Council
Bredon's Norton Parish Council
Bricklehampton Parish Council
Brockworth Parish Council
Buckland Parish Council
Charlton Kings Parish Council
Coberley Parish Council
Conderton Parish Council
Cowley Parish Council
Dowdeswell Parish Council
Dumbleton Parish Council

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 No. 1777

Eckington Parish Council
Elmley Castle Parish Council
Gotherington Parish Council
Great Comberton Parish Council
Great Witcombe Parish Council
Gretton Parish Council
Hinton On The Green Parish Council
Kemerton Parish Council
Leckhampton Parish Council
Little Comberton Parish Council
Overbury Parish Council
Oxenton Parish Council
Prescott Parish Council
Prestbury Parish Council
Sedgeberrow Parish Council
Sevenhampton Parish Council
Shurdington Parish Council
Southam Parish Council
Stanton Parish Council
Sudeley Parish Council
Teddington Parish Council
Toddington Parish Council
Winchcombe Parish Council
Woodmancote Parish Council

Parish Meeting

Whittington Parish Meeting

SCHEDULE 3

Article 16

MEETINGS AND PROCEEDINGS OF THE BOARD

First meeting of the Board

1.—(1) The first meeting of the Board shall be convened by the chief officer as soon as practicable and, in any event, within 80 days beginning on the establishment day, and shall be held at such place and hour as may be fixed by him.

(2) Until completion of the election of a chairman of the Board at that meeting (as provided for at paragraph 5(1)), the chief officer shall exercise any functions falling to be exercised by the chairman and the deputy chairman of the Board.

(3) The following provisions of this Schedule, in so far as they relate to the calling and conduct of meetings, shall apply to the calling and conduct of the first meeting of the Board.

Annual general meetings and other meetings of the Board

2.—(1) The first meeting of the Board, as provided for by paragraph 1(1), shall be the annual general meeting of the Board for 2004.

(2) In 2005 and each subsequent year the Board shall hold an annual general meeting.

(3) An annual general meeting shall be held at such hour as the Board may fix or, if no hour is so fixed, at twelve noon.

3.—(1) In 2005 and in each succeeding year the Board shall hold, in addition to the annual general meeting for that year, at least two other meetings for the transaction of business.

(2) Every such additional meeting shall be held at such hour and on such day as the Board may determine but shall be held as near as may be at regular intervals.

4.—(1) The chairman of the Board or, if the office of chairman is vacant, the deputy chairman of the Board may call an extraordinary general meeting of the Board at any time.

(2) If the offices of chairman and deputy chairman are vacant, the chief officer of the Board may call an extraordinary general meeting of the Board at any time.

(3) Not less than five members of the Board may requisition an extraordinary general meeting of the Board.

(4) The requisition referred to in sub-paragraph (3) shall be in writing and shall be presented to the chairman of the Board or, if the office of chairman is vacant, to the deputy chairman of the Board or, if the offices of chairman and deputy chairman are vacant, to the chief officer of the Board.

(5) Where the chairman, deputy chairman or chief officer (as the case may be) have not called an extraordinary general meeting within seven days of the presentation of a requisition as mentioned in sub-paragraphs (3) and (4), any five members of the Board may forthwith call an extraordinary general meeting of the Board.

Chairman and deputy chairman

5.—(1) The first chairman and deputy chairman of the Board shall be elected by the members of the Board (in accordance with paragraph 7 of Schedule 13 to the 2000 Act) at the first meeting of the Board as provided for at paragraph 1(1) above.

(2) Subsequent chairmen and deputy chairmen of the Board shall be elected by the members of the Board (in accordance with paragraph 7 of Schedule 13 to the 2000 Act) at a meeting of the Board.

(3) A person elected as a chairman or deputy chairman of the Board may at any time resign his office by notice in writing given to the chief officer of the Board.

(4) Where a casual vacancy in the office of chairman or deputy chairman of the Board is filled the person so appointed shall hold office until the date upon which the person in whose place he is elected would regularly have retired.

(5) Where necessary, the meeting at which such a casual vacancy is to be filled shall be convened by the chief officer of the Board.

Calling of meetings

6.—(1) Meetings of the Board shall be held at such place, either within or outside the Cotswolds Area of Outstanding Natural Beauty, as the Board may direct.

(2) At least three clear days (excluding any day which is a Saturday, Sunday, bank holiday, Christmas Day or Good Friday) before a meeting of the Board—

- (a) notice of the time and place of the intended meeting shall be published at the principal offices of the Board and, where the meeting is called by members of the Board, the notice shall be signed by those members and shall specify the business proposed to be transacted; and
- (b) a summons to attend the meeting, specifying the business proposed to be transacted and signed by the chief officer of the Board shall, subject to sub-paragraphs (3) and (4) be left at or sent by post to the usual place of residence of every member of the Board with a copy given to the proper officer for each local authority specified in Schedule 1, the Countryside Agency and the Secretary of State.

(3) If a member of the Board gives notice in writing to the chief officer of the Board that he desires summonses to attend meetings of the Board to be sent to him at some address specified in the notice other than his usual place of residence, any summons addressed to him and left at or sent by post to that address shall be deemed sufficient service of the summons.

(4) Where a member and the chief officer agree in writing, summonses to attend meetings of the Board may be given to that member by electronic communication.

(5) Want of service of a summons on any member of the Board shall not affect the validity of such a meeting.

(6) Except in the case of business required by or under this Order or any other statutory provision to be transacted at the annual general meeting of the Board and other business brought before that meeting as a matter of urgency in accordance with the Board's standing orders, no business shall be transacted at a meeting of the Board other than that specified in the summons relating thereto.

Conduct of meetings

7.—(1) At a meeting of the Board the chairman, if present, shall preside.

(2) If the chairman is absent from a meeting of the Board the deputy chairman, if present, shall preside.

(3) If both the chairman and the deputy chairman of the Board are absent such other member of the Board as the members present shall choose shall preside.

(4) Subject to the provisions of paragraph 45 of Schedule 12 to the 1972 Act (quorum), no business shall be transacted at a meeting of the Board unless—

- (a) at least one third of the whole number of members of the Board are present; and
- (b) of those present at least one is a local authority member, one a member appointed by the Secretary of State, and one, a parish member.

(5) The following provisions—

- (a) Part VI of Schedule 12 to the 1972 Act (proceedings and meetings of local authorities) and section 99 of that Act so far as it relates to that Part of that Schedule; and
- (b) section 100 of that Act (admission of the public and press),

shall have effect as if the Board were a local authority for the purposes of those provisions.

(6) Section 20 of the 1989 Act (duty to adopt certain procedural standing orders) shall have effect as if the Board were a relevant authority for the purposes of that section.

(7) The validity of any proceedings of the Board shall not be affected by a vacancy amongst their members, by any defect in the appointment of a member of the Board or by the want of qualification, or the disqualification, of any such member.

Minutes of proceedings of meetings

8. A copy of the minutes of the proceedings at each meeting of the Board shall be sent to—
- (a) the proper officer for each local authority specified in Schedule 1;
 - (b) each parish council and parish meeting specified in Part IV of Schedule 2;
 - (c) the Countryside Agency; and
 - (d) English Nature.

SCHEDULE 4

Article 36

TRANSFER OF STAFF

Interpretation

1. In this Schedule—

“contract of employment” means any agreement between an employee and his employer determining the terms and conditions of his employment;

“employee” means any individual who works for another person whether under a contract of service or apprenticeship or otherwise but does not include anyone who provides services under a contract for services; and

“list of staff” means a list marked with the name of Cotswold District Council followed by the words “List of Staff” which is signed by the Secretary of State, one copy of which is deposited with Cotswold District Council and one with the Board.

Transfer of staff

- 2.—(1) This paragraph applies to any person—

- (a) who immediately before the operative day was employed by Cotswold District Council under a contract of employment; and
- (b) whose name is set out in a list of staff.

(2) The contract of employment of a person to whom this paragraph applies shall not be terminated on the operative day but shall have effect as if originally made between that person and the Board.

(3) This paragraph is without prejudice to any provision of the Transfer of Undertakings (Protection of Employment) Regulations 1981⁽³⁶⁾.

⁽³⁶⁾ S.I. 1981/17934, amended by the Trade Union Reform and Employment Rights Act 1993 (c. 19) and S.I.1995/2587; there are other amending instruments but none is directly relevant to this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

The Cotswolds Area of Outstanding Natural Beauty was designated by order under section 87 of the National Parks and Access to the Countryside Act 1949 on 22 February 1966; that order was varied on 28 November 1989. The designation and variation orders may be inspected at all reasonable times at the offices of the Countryside Agency, John Dower House, Crescent Place, Cheltenham GL50 3RA.

This Order, which is made under Part IV of the Countryside and Rights of Way Act 2000, establishes the Conservation Board for the Cotswolds Area of Outstanding Natural Beauty (“the Board”) (article 3).

Part II of this Order (articles 3 to 24) makes provision for the constitution and administration of the Board, including provision concerning: membership of the Board (articles 4 to 15), meetings and proceedings of the Board (article 16 and Schedule 3), committees, sub-committees, and staff (article 17) and the chief officer (article 18).

Part III of the Order (article 25) provides for certain countryside functions of local authorities, so far as relating to the Cotswolds Area of Outstanding Natural Beauty, to be exercisable concurrently by the local authority concerned and by the Board. These functions include provisions relating to: the regulation of commons, the making of byelaws for the regulation of open spaces and for the preservation of order and prevention of damage, the establishment of nature reserves, the provision of country parks camping and picnic sites, the signposting of footpaths and bridleways, and the protection of ancient monuments.

Part IV of the Order (articles 26 to 36) provides for incidental, supplemental, consequential and transitional provisions including the transfer of staff (Schedule 4).

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the cost of business.