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| Signed off by | Strategic Head of Legal and Governance |
| Author | Liane Dell, Democratic Services Officer, Alex Vine, Democratic and Electoral Services Manager |
| Telephone | Tel: 01737 276865, Tel: 01737 276067 |
| Email | Liane.Dell@reigate-banstead.gov.uk, alex.vine@reigate-banstead.gov.uk |
| To | Executive |
| Date | 21 March 2024 |
| Executive Member | Portfolio Holder for Environment and Sustainability |

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|------------------------------|---|
| Key Decision Required | N |
| Wards Affected | Banstead Village; Lower Kingswood, Tadworth and Walton; Nork; Tattenham Corner and Preston; |

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| Subject | Appointment to the Board of Banstead Commons Conservators (2024) |
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| Recommendations |
| <p>i. To consider each of the nominations to the Banstead Commons Conservators and elect two Conservators for the period April 2024 to March 2027.</p> |
| Reasons for Recommendations |
| <p>To ensure that positions on the Board of the Banstead Commons Conservators are suitably filled.</p> |
| Executive Summary |
| <p>This report covers the annual appointment of representatives to serve on the Banstead Commons Conservators. Officers have delegated authority to accept those nominations (paragraph 1.14 of Officer Scheme of Delegation). In the event that the number of</p> |

nominations received exceed the number of vacancies, or where nominations come from non-members the matter is passed to the Executive for determination.

Executive has authority to approve the above recommendations

Statutory Powers

1. Representation on outside bodies is made in accordance with Local Government Acts 1972 and 2000.
2. The appointment of Banstead Commons Conservators is laid down by the Scheme set out in the Schedule to the Metropolitan Commons (Banstead) Supplemental Act 1893.

Background

The role of the Council and Banstead Commons Conservators

3. The Council works with several bodies to ensure high standards of care and ensuring effective access to public open space owned by the Council. The Banstead Commons Conservators (BCC) carries out an important role in one of the largest areas being 1350 acres of Metropolitan Common land in the Borough (Banstead Heath, Banstead Downs and Park Downs).

The Commons

4. These areas form a strategically important part of the Green Belt, separating North Surrey from Greater London and make up almost 50% of total Reigate and Banstead Borough Council public open space. They provide recreation for both the local population and visitors from farther afield and are widely used for dog walking, horse riding etc. They form an important part of the local landscape and are acknowledged as an important wildlife habitat with nationally rare and unusual species of plants and animals.

Duties and objectives of the Conservators

5. The primary and statutory duties of the Banstead Commons Conservators are to ensure the integrity of the Commons and free legal access to all. Site management includes general amenity management, maintaining rights of way and ensuring the various wildlife habitats are maintained and improved.
6. Management objectives fall into two distinct categories. Firstly, those demanded by statute:
 - To maintain and protect the integrity of the Banstead Commons,
 - To ensure the free, legal, and safe access of all to the Commons,
 - To provide safe and healthy working environment for employees.

Secondly, those related to recognition of the commons as important amenity and activity areas for residents and visitors from farther afield, together with recognition of the diversity of wildlife in these areas:

- To maintain and improve the Commons as an amenity for all,

- To maintain and improve the Commons as a wildlife habitat.

Key Information

Board membership and meetings

7. The board consists of eight conservators appointed on a rolling basis and each serving a three-year term of office.
8. Two of the eight positions are appointed by the Council to represent the Council as landowner. The appointed landowner representatives should be the liaison between the Conservators and the landowner to support environmental and land management objectives.
9. The remaining six positions are elected in accordance with the criteria listed at paragraph 13. However, both the appointed and elected Conservators have the same statutory responsibilities and their function as a conservator should not therefore be influenced by public opinion.
10. Board meetings are held on a quarterly basis.
11. The posts are voluntary and unpaid. Whilst the bodies nominating conservators has changed over the 125 years since the Commons areas were defined, the position has now settled so that all appointments are made by the Council.
12. Advertisements were placed around the Common seeking applications for the 2 elected conservator positions from the 18 January 2024, with a closing date for applications on 18 February 2024.

Suggested selection criteria

13. Elected representatives should ideally demonstrate the following criteria:
 - A local person with knowledge and interest in local community development matters
 - A regular user of one or more of the commons with an interest in habitat and access preservation and improvement
 - Ability to attend regular evening/weekend meetings
 - Existing knowledge, and prior experience of land management or ecology/botany would be a distinct advantage
 - Professional competencies that would support the Conservators in delivering their objectives, such as:
 - Legal
 - Financial
 - Marketing
 - Public Relations

Nominations

14. Two of the Conservators terms conclude at the end of May 2024. The nominations received are set out below:

| Representative | Term ends | Role | Nominees |
|-----------------------|------------------|---------------------|-----------------------------------|
| Mr V W Broad | May 2024 | Elected Conservator | 1. Mr V W Broad 2. Mr J C Mill |
| Mr J C Mill | May 2024 | Elected Conservator | 3. Ms K Farmer |

15. The nominees' expressions of interest are attached as an exempt report to the agenda.

Recommendations from Banstead Commons Conservators

16. Banstead Commons Conservators would like to recommend that Mr V.W Broad and Mr J.C Mill are reappointed as a Conservators due to their wealth of knowledge on Banstead Commons and common land legislation and to ensure continuity on the board.

Options

Option 1: The Executive have the authority to appoint a nominated person.

Option 2: The Executive may ask officers to seek new nominations.

Legal Implications

17. Representation on outside bodies is made in accordance with Local Government Acts 1972 and 2000.

18. The appointment of Banstead Commons Conservators is laid down by the Scheme set out in the Schedule to the Metropolitan Commons (Banstead) Supplemental Act 1893.

19. The provisions of the Act make it clear that the Council may appoint such persons as it sees fit. There is no stipulation restricting who may be appointed except that someone who is bankrupt or has compounded with his creditors is not eligible.

Financial Implications

20. There are no financial implications relating to the appointments.

Equalities Implications

21. The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share those protected characteristics and people who do not

- Foster good relations between people who share those characteristics and people who do not.

22. The three parts of the duty applies to the following protected characteristics: age; disability; gender reassignment; pregnancy/maternity; race; religion/faith; sex and sexual orientation. In addition, marriage and civic partnership status applies to the first part of the duty.

23. The method of nominations for this position will comply with all necessary equality legislation and duties.

24. It is important that appointments to outside bodies are made by the Council in a fair and representative way best suiting the interests and diversity of Borough residents.

Communication Implications

25. A public notice inviting applications was posted on notice boards across the Commons.

26. The appointments will be publicised on noticeboards across the Banstead Commons and nominees notified of the outcome of the Executive decision.

Environmental Sustainability Implications

27. The Conservators play an important role in maintaining and protecting the Commons as a wildlife habitat.

28. Banstead Downs and Park Downs are designated as Sites of Special Scientific Interest (SSSI) and Burgh Heath and Banstead Heath are Sites of Nature Conservation Interest (SNCI).

Risk Management Considerations

29. None.

Human Resource Implications

30. There are no Human Resource Implications.

Consultation

31. The positions have been notified to all Members through Group Leaders.

32. The Board's clerk notified the current representatives whose terms were expiring to determine whether they would stand for re-appointment.

Policy Framework

33. There are no policy framework implications.

Background Papers

None

