

# **Corporate Governance Manual**

# Corporate Governance Manual

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## **The seven principles of public life**

The Committee on Standards in Public Life (The Nolan Committee) set out seven principles for all those who serve the public in any way. They are key to good corporate governance.

The principles are:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

The Council and officers of English Nature will adhere to these principles at all times.

# Foreword

Corporate governance is defined as the systems and frameworks by which organisations are directed and controlled. It is concerned with standards, systems, processes, controls, accountabilities and decision-making at the heart of, and at the highest levels of, an organisation.

Good corporate governance, and the guidance which should come with it, provides an organisation such as English Nature with clear accountabilities. Individual officers have the confidence to carry out their jobs efficiently and know what standards are expected of them. This in turn leads to increased confidence in, and respect for, our work by both Government and the public.

This manual is written primarily for Council Members and senior staff and provides the primary source of guidance on all aspects of corporate governance including the legislation and statutory guidance under which English Nature operates, the roles and responsibilities of Council Members in fulfilling their duties and the rules governing Council meetings. It also makes clear the accountabilities of Members, Directors and senior staff. It will increase our focus on the results we want to obtain and enhance our ability to achieve them.

Over the past year English Nature has gained a strong reputation for its work in establishing, codifying and developing its corporate governance policies and procedures. The various aspects of corporate governance are becoming embedded in our everyday working and must be kept up to date. Accordingly the contents of the manual are being continually reviewed and revised. The manual is available on English Nature's intranet, and also on our website, where it has been a consistently popular item for those who are interested in the principles on which we base our work.

Andy Brown  
Chief Executive

## Preface

This manual is intended to be the primary source of reference on corporate governance and therefore outlines the main legislation under which English Nature operates; the key processes and systems we use; the roles and accountabilities of Council, its committees, Directors and senior staff as well as our Code of Conduct. It is not intended to be, and being practical cannot be, comprehensive, rather it distils the essential information and points the way to where more detailed information can be found.

To increase the flexibility of the manual, some information may be duplicated between certain chapters, this provides the opportunity for a single chapter to be removed from manual, or printed off from the website or Intranet, to be taken to meetings etc, without the need to take the entire manual or print off several chapters.

The manual is the product of the efforts of many specialist staff who have spent much time in writing chapters or providing information, often in the midst of particularly demanding workloads. I would like to thank them for their help and cooperation.

The manual is designed to be a living, and above all, practical document. It will be regularly revised and updated. I would be particularly grateful for any feedback from readers, particularly suggesting where improvements might be made.

Jonathan Wray  
Editor

# Role of the Corporate Governance Unit

The Corporate Governance Unit is part of the Corporate Business Team, reporting directly to Caroline Wood, Director of Resources. The unit's main role is to provide support and advice to the Council and officers of English Nature on all aspects of corporate governance. This includes:

- Identifying any areas of corporate governance within English Nature that require development. This includes devising and updating the appropriate policies and procedures.
- Ensuring that the Corporate Governance Manual is constantly revised and updated, incorporating best practice.
- Developing the understanding and adoption of risk management within English Nature.
- Identifying key areas of legislation.
- Benchmarking English Nature's Corporate Governance against outside organisations and sharing good practice especially with those with close working relationships with English Nature.

The Corporate Governance Unit consists of:

## **John Creedy, Corporate Governance Manager**

Overall responsibility to Director on governance issues.

Leads on:

- Development/monitoring of risk management process.
- Accountability statements.
- Internal and external reviews.
- Corporate Governance issues and within the Managing the Organisation programme.

## **Jonathan Wray**

Leads on:

- Development and revision of the Corporate Governance Manual.
- Provision of advice about the Human Rights Act.
- Internal Communications.
- Corporate Governance issues relating to Council and its Committees.
- Delegations and decision-making.

## **Karen Mitchell**

- Project management

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# **Part 1**

## **An introduction to English Nature**

# 1. A brief background to English Nature

- 1.1 English Nature is the third incarnation of a statutory nature conservation agency in England. The idea of such a biological service was first mooted in the White Paper *Conservation of Nature in England and Wales*, published in 1947 and commonly referred to as Command 7122. This biological service came to life in 1949, under Royal Charter, as the Nature Conservancy “to provide scientific advice on the conservation and control of the natural flora and fauna of Great Britain; to establish, maintain and manage nature reserves in Great Britain, including the maintenance of physical features of scientific interest; and to organise and develop the scientific services related thereto.”
- 1.2 In the fullness of time the Nature Conservancy became part of the Natural Environment Research Council. In 1973 an independent statutory body was created to provide conservation advice and to manage National Nature Reserves, The Nature Conservancy Council (NCC). Like its predecessor, its geographical remit was that of England, Scotland and Wales.
- 1.3 In 1990, The Environmental Protection Act replaced the NCC with separate organisations for England, Scotland and Wales. In England, the Nature Conservancy Council for England was created to provide nature conservation advice relating to England and became fully operational on 1 April 1991. It became known in everyday use as English Nature, and in 2000 this name was given full legal status by the Countryside and Rights of Way Act.

## **2. Structure chart**

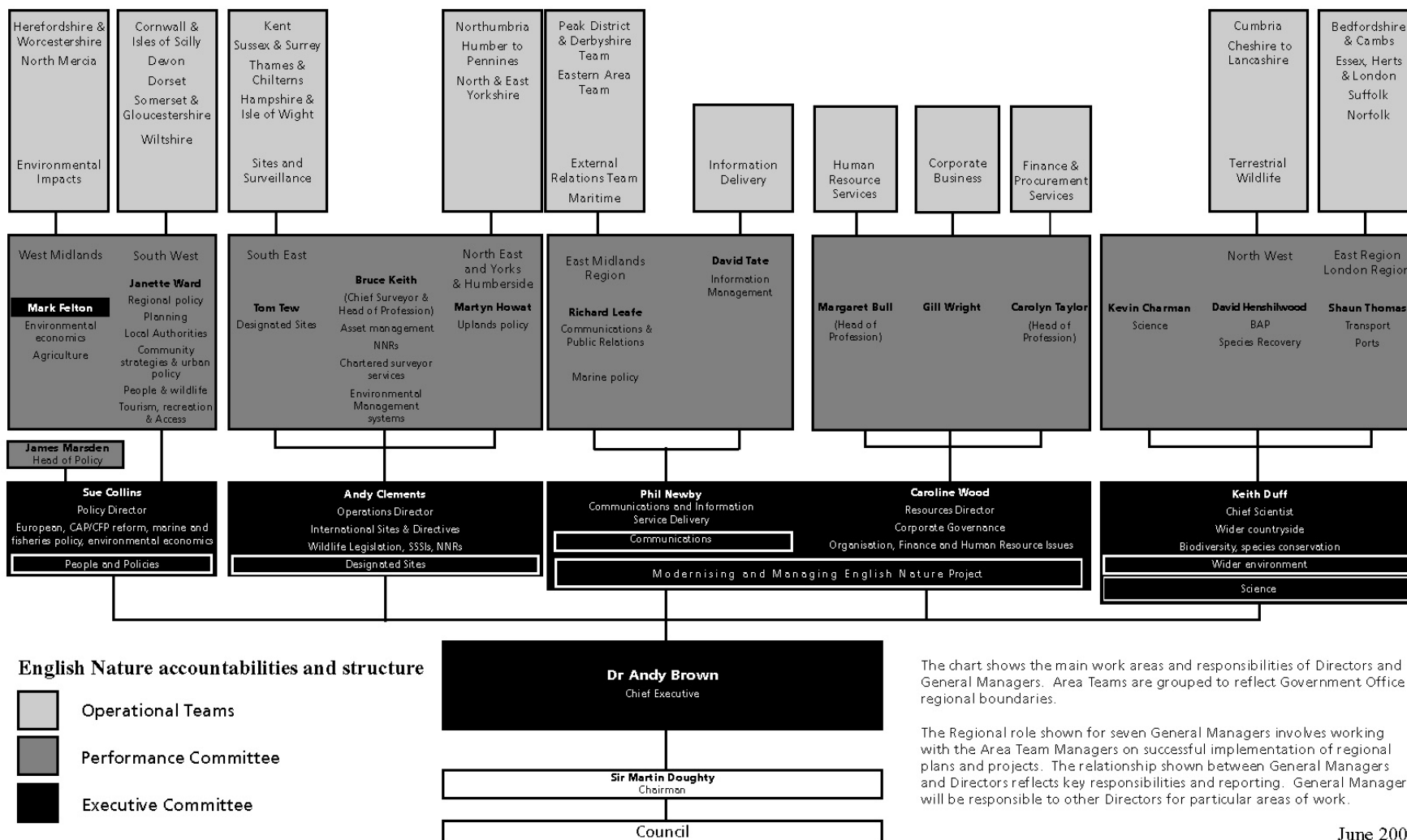
The chart shows the main work areas and responsibilities of Directors and General Managers.

Local Teams are grouped to reflect Government Office regional boundaries. The Regional role shown for 6 General Managers involves working with the Local Team Managers on successful implementation of regional plans and projects.

The relationship shown between General Managers and Directors reflects key responsibilities and reporting.

General Managers will be responsible to other Directors for particular areas of work.

# Organisational structure



The chart shows the main work areas and responsibilities of Directors and General Managers. Area Teams are grouped to reflect Government Office regional boundaries.

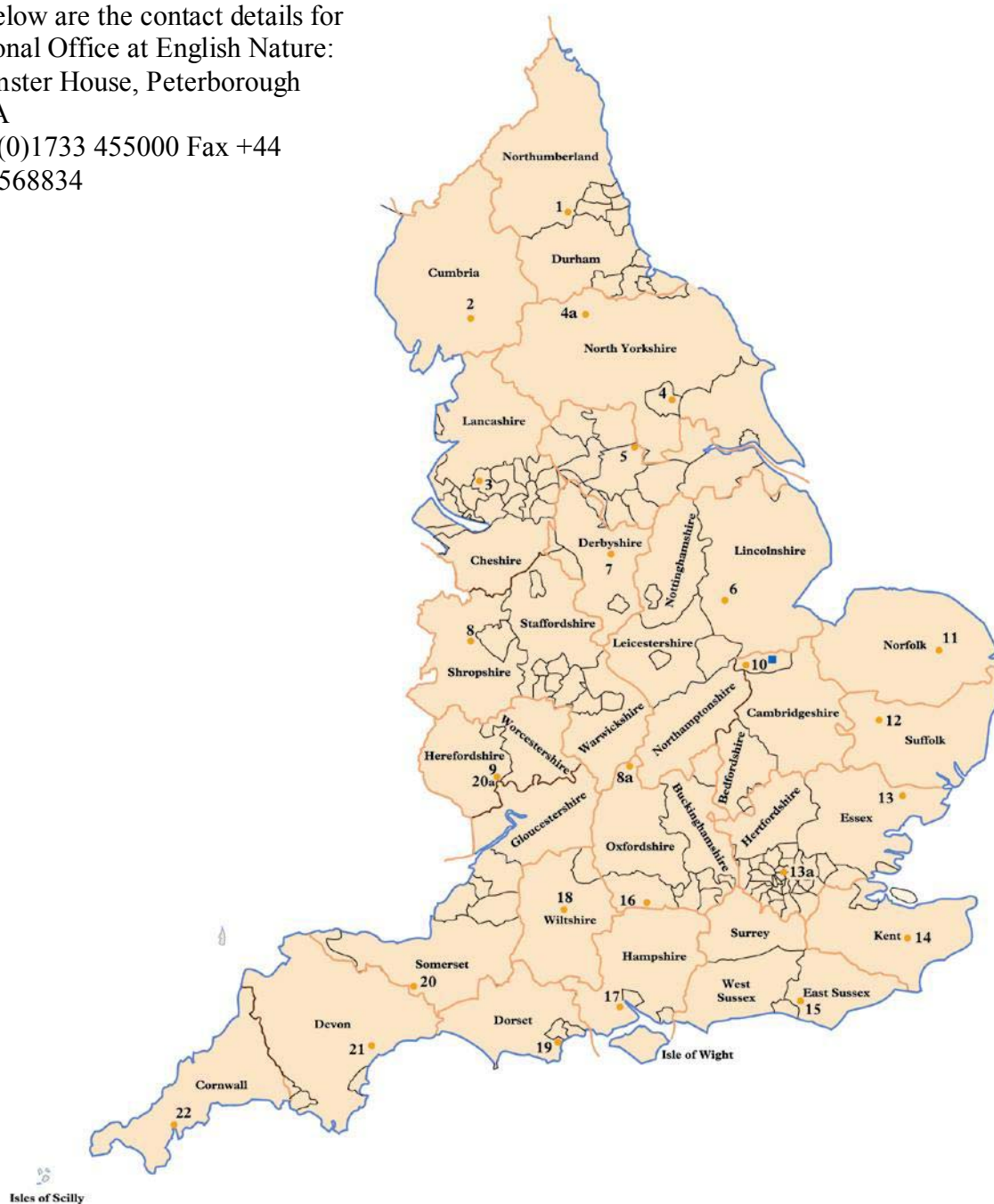
The Regional role shown for seven General Managers involves working with the Area Team Managers on successful implementation of regional plans and projects. The relationship shown between General Managers and Directors reflects key responsibilities and reporting. General Managers will be responsible to other Directors for particular areas of work.

June 2005

### 3. English Nature Teams

#### National Office contacts

Listed below are the contact details for the National Office at English Nature:  
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## **Area Teams**

### **1. Northumbria Team**

(Darlington, Durham, Hartlepool, Middlesbrough, Northumberland, Redcar & Cleveland, Stockton-on-Tees, Tyne and Wear)

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## **Part 2**

# **Legislation and statutory guidance under which we operate**

## **4. Table of key legislative provisions**

The attached table outlines the key legislation under which English Nature was created and carries out its work. It includes amendments to legislation and appropriate cross references.

<b>Legislation</b>	<b>Section</b>	<b>Provisions</b>	<b>Notes</b>
National Parks and Access to the Countryside Act 1949	15	Definition of Nature Reserve	
	15A	Definition of Nature Conservancy Council	See also Section 132 and Schedule 9, Environmental Protection Act 1990
	16	Power to enter into agreements with owners, lessees and occupiers for land to be managed as a Nature Reserve	
	17/18	Power to compulsory acquire land to establish or maintain a Nature Reserve	See also Regulation 32 Habitats Regulations 1994 and Section 28N Wildlife and Countryside Act 1981 as amended
	19	Declaration of Nature Reserve	See also Section 35 Wildlife and Countryside Act 1981
	20	Power to make byelaws for the protection of Nature Reserves	See also Regulation 28 Habitats Regulations and Section 28R Wildlife and Countryside Act 1981 as amended
	21	Establishment of Nature Reserves by Local Authorities (Local Nature Reserves)	
Countryside Act 1968	15	Power to enter into management agreements with owners, lessees and occupiers of land within an SSSI or any other land.	See also Schedule 9 Environmental Protection Act 1990; Regulation 16 Habitats Regulations 1994, and Section 75 Countryside and Rights of Way Act 2000
	15A	Power to compulsorily acquire land to ensure conservation objectives	See Section 75 Countryside and Rights of Way Act 2000

Legislation	Section	Provisions	Notes
	37	Duty in the exercise of functions under Acts of 1949, 1967 and 1981 to have regard to the needs of agriculture, forestry and the economic and social interests of rural areas	
Wildlife and Countryside Act 1981	1	Protection of birds	See Schedules 1 and 2. Also Schedule 12 Countryside and Rights of Way Act 2000
	3	Areas of Special Protection	Replaced bird sanctuary provisions
	5	Prohibition of certain methods of killing or taking wild birds	
	6	Prohibition on the sale etc of live or dead wild birds, eggs etc	See Schedule 3
	7	Registration etc of certain captive birds	See Schedule 4
	8	Protection of captive birds	
	9	Protection of certain wild animals	See Schedule 5
	11	Prohibition of certain methods of killing or taking wild animals	See Schedule 6
	13	Protection of wild plants	See Schedule 8
	14	Introduction of new species	See Schedule 9
	15	Endangered species (import and export)	See Schedule 10
	16	Power to grant licences in relation to acts prohibited in respect of birds, other animals and wild plants	See Habitats Regulations regulations 44-46
	17-21	Species enforcement provisions	See Section 81 and Schedule 12 of Countryside and Rights of Way Act 2000

Legislation	Section	Provisions	Notes
Wildlife and Countryside Act 1981	22	Power of Secretary of State to vary Schedules in relation to protected species	
	23	The establishment of advisory bodies by the Secretary of State in connection with the protection of birds, or other animals, or plants	
	24	Duty to review Schedules 5 and 8 every five years	
	27	Interpretation of Part I	
	28	Provisions with regards to Sites of Special Scientific Interest (SSSI) as amended	<p>Section 2: Wildlife and Countryside (Amendment) Act 1985 Wildlife and Countryside (Service of Notices) Act 1985</p> <p>Section 4 Water Industry Act 1991 Section 61C Land Drainage Act 1991 Section 8 Environment Act 1995 Schedule 9 Countryside and Rights of Way Act 2000</p>
	28(1)	Duty to notify SSSIs	
	(2)	Publication of notification	
	(3)	Representations and objections	
	(4)	Notification package	
	(5-8)	Confirmation of SSSI notification	
	(9)	Notification being a land charge	
	28A	Variation of SSSI notification	
	28B	Notification of additional land	
	28C	Enlargement of SSSI	

Legislation	Section	Provisions	Notes
Wildlife and Countryside Act 1981	28D	Denotification	
	28E	Notice and consent	
	28F	Appeals in connection with consents	
	28G	Statutory undertakers - general duty	
	28H	Statutory undertakers - duty in relation to carrying out operations	
	28I	Statutory undertakers - duty in relation to authorising	
	28J	Management schemes	
	28K	Management notices	
	28L	Appeals against management notices	
	28M	Payments	
	28N	Compulsory purchase	
	28P	Offences	
	28Q	Change of owner or occupier	
	28R	Byelaws	See also Section 20 1949 Act and regulation 28 Habitats Regulations
	29-31	Nature Conservation Orders	Repealed by Countryside and Rights of Way Act 2000
	32	Duties of Agriculture Ministers with respect to SSSIs	
	33	Ministerial guidance with respect to SSSIs	
	34	Duty to notify limestone pavements of special interest to local planning authorities	See Section 78 Countryside and Rights of Way Act 2000



Legislation	Section	Provisions	Notes
	35	National Nature Reserve declaration provisions including for land held by an approved body	See also Section 19 National Parks and Access to the Countryside Act 1949
	36-37	Marine Nature Reserve provisions	
	51	Powers of entry in respect of SSSIs	See Section 80 Countryside and Rights of Way Act 2000
	67	Application of site designation and protection provisions to the Crown	
Wildlife and Countryside (Amendment) Act 1985	2	Provisions with regards to SSSIs introduction of confirmation process	See Schedule 9 Countryside and Rights of Way Act 2000
Wildlife and Countryside (Service of Notices) Act 1985	1-2	Provisions with regards to the service of notices served under the Wildlife and Countryside Act 1981 (as amended)	
Environmental Protection Act 1990	128	Creation and constitution of the Nature Conservancy Council for England	
	129	Provisions enabling the Secretary of State to make a grant in aid to the Council	
	131	Sets out the nature conservation functions of Council	
	132	Sets out the general functions of Council	
	133	Establishes the Joint Nature Conservation Committee and sets out the special functions of the Councils which must be discharged by the Committee	
	134	Power to make grants and loans	

Legislation	Section	Provisions	Notes
	Schedule 6	Sets out the detailed constitution of the Nature Conservation Council for England	
	Schedule 7	Sets out the membership and constitution of the Joint Nature Conservation Committee	
	Schedule 9	Amendment of existing Nature Conservation legislation	
Badger Act 1992	1-5	Offences	
	6-10	Exceptions and licences	
	11-15	Enforcements and penalties	
Environmental Information Regulations 1992			
The Conservation (Natural Habitats, & C.) Regulations 1994 (as amended) (Habitats Regulations)	3	General duty to implement the requirements of the EC Habitats Directive 1992	
	5	Relevant authorities in relation to marine areas and European marine sites	
	11-15	Register of European sites	
	16-17	Management agreements with owners and occupiers power to enter into in respect of European sites	
	18	Power to change SSSI notifications (citation and use of operations licenced to damage) to meet the requirements of the Habitats Directive	
	19-20	Notice and consent process in respect of European sites	

Legislation	Section	Provisions	Notes
	21	Duty to review existing consents to ensure compatibility with the conservation objectives for the site	
	22-27	Provisions with regards to Special Nature Conservation Orders	
	28-31	Power to make byelaws on land within a European site	
	32	Powers of compulsory acquisition in respect of a European site	See also Sections 17 & 18 National Parks and Access to the Countryside Act 1949
	33-36	Provisions in respect of the identification, protection and management of European marine sites	See also Sections 36-37 Wildlife and Countryside Act 1981
	38-46	Species protection provisions including enforcement and licensing provisions	See also Wildlife and Countryside Act 1981 Sections 1-27
	48-85	Application of Habitats Directive provisions to planning and other controls and includes review requirements	
	90, 95 & 99	Powers of entry in respect European sites	See also Section 80 Countryside and Rights of Way Act 2000
Countryside and Rights of Way Act 2000	26	Rights of Access exclusion or restriction of access for nature conservation and heritage preservation	
	66	Making of traffic regulation orders for the purposes of conserving natural beauty etc. including SSSIs	
	73	The Nature Conservancy Council for England: change of name	

<b>Legislation</b>	<b>Section</b>	<b>Provisions</b>	<b>Notes</b>
	74	Duties in respect of the Conservation of biological diversity	
	75	Sites of Special Scientific Interest	See Schedule 9
	77	Ramsar sites	
	78	Limestone pavements	See also Section 34 Wildlife and Countryside Act 1981
	79	Payments under Section 16 1949 Act and Section 15 1968 Act	
	80	Powers of entry	
	81	Enforcement of wildlife legislation	See Schedule 12
	Schedule 8	Amendments consequential to the change of name to English Nature	
	Schedule 9	Sites of Special Scientific Interest	
	Schedule 10	Consequential amendments to SSSIs	
	Schedule 11	Transitional arrangements relating to SSSIs	
	Schedule 12	Amendments relating to Part I Wildlife and Countryside Act 1981	

## 5. Countryside and Rights of Way Act 2000

### 1. Background

- 1.1 The Countryside and Rights of Way Act (CROW Act) received Royal Assent on 30 November 2000.
- 1.2 It is a portmanteau Act, combining several different aspects of countryside legislation. Of these, the sections dealing with public rights of access across private land were the most contentious, attracting most debate in Parliament and in the media. The Act comprises five parts:
  - I. Access to the countryside
  - II. Public rights of way and road traffic
  - III. Nature conservation and wildlife protection
  - IV. Areas of Outstanding Natural Beauty
  - V. Miscellaneous, including local access forums
- 1.3 The majority of Part III became operative in January 2001, and Part IV will become so in April 2001. Other parts are subject to commencement orders. With some limited exceptions the Act applies to England and Wales only.

### 2. Part I: Access to the countryside

- 2.1 **The Act introduces a public right of entry to specified categories of land (known as access land) in England and Wales. The Act has major implications for English Nature because it is estimated that about 70% of England's terrestrial SSSI area will qualify as access land, and English Nature will need to generate site-by-site advice on the implications of access on nature conservation. Landowners of SSSIs may be concerned about access on their land for a variety of reasons, including nature conservation. It is likely that the Government may encourage public bodies holding land voluntarily to dedicate their estates for public access.**
- 2.2 Through Part I, subject to the restrictions indicated below, people will be allowed to enter and remain on access land on foot (not horseback or bicycles) for the purposes of open-air recreation. The land to which the statutory right of access will apply include (unless they comprise 'excepted land' such as buildings, gardens and cultivated land - even if mapped):
  - a. Open country, comprising mountain, moor, heath and down. The Act allows the Secretary of State to amend the definition of open country in the future to include coastal land 'of any description'.
  - b. Registered common land.
  - c. Land voluntarily dedicated as access land by the owner or long term lessee.
  - d. Land above 600m where no map for the area exists.

Mountain is defined as any land over 600m, and the extent of this category, and of registered common land, is therefore already known. However the other categories (which are not defined within the Act except that they do not include improved or semi-improved grassland) will need to be mapped to establish where the rights apply. This process, which will also be subject to consultation and appeal, is likely to take until 2004-05, and a full statutory right of access is unlikely to apply before this period. However, access could be introduced either regionally as mapping is completed, or to mountain and registered common land in advance of other land becoming available.

- 2.3 There is no protection conferred on land as a consequence of it being shown as access land. Owners will continue to be free to manage their land. In theory some land could be altered to seek to thwart access, but there is little evidence of this. Some landowners may be reluctant to enter into habitat restoration schemes for the same reason. Common land will retain its access land status even if deregistered later.
- 2.4 Mapping is the responsibility of The Countryside Agency in England and they (and the National Park Authorities) also have powers and duties concerning whether there should be local restrictions or exclusions.
- 2.5 Regarding restrictions, people may enter access land provided that they observe various rules, including not damaging hedges or fences, and abiding by general restrictions which apply everywhere such as lighting fires, camping, swimming, or having dogs off leads March-July inclusive. Persons who fail to comply become trespassers, and hence have no right of access.
- 2.6 The CROW Act permits local exclusions or restrictions on access to be made for specific purposes, including at the discretion of landowners and occupiers for up to 28 days/year, and *where necessary* for management reasons, to avoid fire risk or danger to the public, for purposes of defence or national security, and for nature conservation and heritage reasons. In this last case, The Countryside Agency (or National Park Authority ) must have regard to advice from English Nature and English Heritage, and these organisations also have right of appeal if their advice is not followed.
- 2.7 English Nature's approach with respect to Part I is governed by the Position Statement *Access to the Countryside and Urban Greenspace* of February 2000, and the Agreement signed on 10 July 2000 between English Nature and The Countryside Agency, which commits both bodies to working in partnership in the implementation of a statutory right of access. The Agencies have agreed to make nature conservation and access compatible where-ever possible, but have agreed that where they are irreconcilable, nature conservation will prevail.
- 2.8 English Nature's work will proceed regionally, in association with the mapping programme. English Nature teams will need to assess the vulnerability of the introduction of a statutory right of access on sites - mainly SSSIs, NNRs and international sites. This will involve assessing the sensitivity of site features, looking at this alongside information on likely access demand, and where appropriate following through procedures given in the Conservation (Natural Habitats,&c.) Regulations 1994. Where non-statutory solutions cannot be found, the case for formal

exclusion or restriction in association with Section 26 of the Act will need to be considered. On National Nature Reserves English Nature needs to assess the case for exclusions and restrictions for management, fire and health and safety as well as nature conservation reasons, and to determine any new infrastructure and staffing.

### **3. Part II: Public rights of way and road traffic**

**3.1 Part II mainly involves amendments to existing legislation, of tangential relevance to English Nature. However, the Act introduces the ability to divert rights of way to protect Sites of Special Scientific Interest, and covers various issues which will require local staff input periodically.**

**3.2** The main issues relevant to English Nature are:

- a. A new category of highway is introduced, known as a **restricted byway**. This will be open to pedestrians, bicycles, horses and horse-drawn carriages (but not mechanically propelled vehicles). All, so called, 'roads used as public paths' (RUPPS) will be reclassified as restricted byways (except where procedures for the re-classification of RUPPS under earlier legislation have been commenced but remain to be determined).
- b. A cut off date has been established for preparing definitive maps of rights-of-way. All footpaths and bridleways created before 1949 will be extinguished on 1 January 2026 if they are not recorded on the definitive map by that date (subject to a number of exceptions). Regulations may extend to cut-off date up to five years.
- c. Highway Authorities will have a duty to prepare rights of way improvement plans within five years from a date to be approved, and then at every 10 year interval.
- d. The Highways Act 1980 is amended to permit certain highways to be diverted (not closed), following application by English Nature, for the purposes of nature conservation.
- e. The Road Traffic Act 1988 is amended to extend the offence of driving vehicles elsewhere than on roads to cover vehicles such as scrambler and quad bikes (but not invalid carriages). The Act is also amended so that it would be an offence to drive a motor vehicle on a footpath, bridleway or restricted byway unless there was *prima facie* evidence of such a right. The onus will be on the accused to prove such rights exist.

### **4. Part III: Nature conservation and wildlife protection**

**4.1 Schedule 9 of the Countryside and Rights of Way Act 2000 replaces old Section 28 and repeals section 29 of the Wildlife and Countryside Act 1981. Its effect is to strengthen considerably the protection afforded to SSSIs, but in so doing it also increases the safeguards for SSSI owners and occupiers, and includes several new rights of appeal, in some cases to the Secretary of State. The main impacts of these new powers and responsibilities are outlined below. Further**

**details on the legislation and English Nature procedure can be found in the SSSI *Policy and Procedures Manual*.**

- 4.2 English Nature must continue to emphasise working with SSSI owners and occupiers and public bodies through positive partnerships. We must not rely on the new legal provisions to achieve favourable condition on SSSIs; they are there to be used when partnership approaches breakdown, or are unachievable. Many of the new powers are very much powers of last resort, which if exercised inappropriately could embroil us in expensive litigation.
- 4.3 The new legislation, the forthcoming Ministerial *Code of Guidance* and the *Guidelines on Management Agreement Payments* all include the requirement for greater openness and public accessibility to our work, for example the requirement to publish notices in local newspapers of SSSI notifications and denotifications. This will lead to greater interest, which is to be welcomed, but it may also expose us to more media interest and scrutiny, for example letter writing campaigns. English Nature may receive objections to SSSIs from those who are not directly implicated and we will need processes and procedures to deal with these. There is also an expectation that English Nature will make much more information available through its website, and this will need to be updated and maintained on a regular basis.
- 4.4 The duties on public bodies with respect to SSSIs are also considerably strengthened and good relationships are essential. We will need to work with them to ensure that SSSIs are not inadvertently damaged, through, for example, Memoranda of Understanding or other similar protocols. We will also need to provide a greater range of public bodies with SSSI details, again with the website playing a prominent role.
- 4.5 There are a number of safeguards for those affected by the new provisions, including several rights of appeal to the Secretary of State. It is in English Nature's interest to minimise the number of cases which go to appeal since they will be time consuming and the Secretary of State is unlikely to specify or limit the grounds for appeal. Therefore English Nature will need to work hard within the prescribed timescales allowed to reach agreement and wherever appropriate will use alternative dispute resolution procedures including the use of mediation and independent specialists.
- 4.6 Despite our best efforts there will be cases of deliberate damage to SSSIs. In these cases English Nature will be expected to use the new powers to prosecute where appropriate. English Nature will publish an enforcement policy which will set out how we will apply the new powers. Its basis will be an open, consistent and fair approach to all SSSI enforcement work.

## **5. Part IV: Areas of Outstanding Natural Beauty**

- 5.1 **Part IV effectively elevates the status of Areas of Outstanding Natural Beauty (AONBs) and provides opportunities for English Nature to influence policies relevant to the wider environment.**
- 5.2 The significance of AONBs is raised through this Part; the Countryside Agency will have to be consulted with respect to development proposals, development plans, and



access affecting AONBs in the same way that National Parks Authorities have to be consulted in respect of National Parks. Of particular importance is the fact that Local Authorities in whose areas an existing AONB is situated must prepare a Management Plan for that AONB by 2004 (within three years of designation for any new AONB). In addition, all public bodies must have regard to the purpose of conserving and enhancing the natural beauty of AONBs, and the Act re-affirms that any reference to natural beauty includes a reference to the conservation of flora, fauna, geological and physiographical features. English Nature will need to review the level of contribution it can make to AONB Management Plans across the country, possibly seeking to use these as a vehicle to promote the wider environment agenda. English Nature is a statutory consultee for the purposes of adopting and reviewing Management Plans.

## **6. Part V: Miscellaneous, including local access forums**

- 6.1 Part V requires each Highway Authority and National Park Authority to establish a local access forum for their area. These are likely to be highly influential in promoting and managing the provision of increased access into the countryside.**
- 6.2 Local access forums have a function to advise those bodies concerned with access under Part I of the Act on improvements of public access to land for open air recreation, and all these bodies must have regard to their advice. Local Access Forums may advise on any aspect of open-air recreation (not just access on foot) and hence may become involved in access to water, off-road vehicles, hang-gliding, motor-sports or any other aspect concerning access. In critical areas it will be necessary to ensure that conservation interests are adequately reflected in the membership and work of the forums.

## **6. Human Rights Act 1998**

### **1. Background**

- 1.1 The Human Rights Act makes certain human rights part of UK law. The rights protected are taken from the European Convention on Human Rights. For English Nature, the most important rights are the right to peaceful possession of property, the right to a fair trial and, to a lesser extent, the right to a family and private life.
- 1.2 English Nature must ensure that it acts in accordance with the human rights listed in the Act.

### **2. Key sections of the Act**

- 2.1 Human rights are protected under the Act in four main ways:
  - Legislation must be interpreted and given effect to in a way that is compatible with human rights (this will include legislation relevant to English Nature such as the Countryside and Rights of Way Act and the Wildlife and Countryside Act).
  - All new legislation must be ‘vetted’ for compliance with the protected rights by (a Minister of the Crown) The Countryside and Rights of Way Act is considered to be compliant and was declared so by the Secretary of State.
  - Any Court decision involving the protected rights must take into account decisions of the European Court of Human Rights.
  - Public Authorities like English Nature must act in a way that is compatible with human rights. It is unlawful for them not to do so and anyone who is a ‘victim’ of any such unlawful act may bring court proceedings. Their right to damages to include where appropriate the recovery of compensation.

### **3. Convention Rights**

- 3.1 Many of the human rights protected are absolute rights such as the right to life, the prohibition of torture and the right to freedom of thought, conscience and religion. Others are of more relevance to English Nature and the people who are affected by the functions discharged by English Nature.
- 3.2 **The right to a fair trial**
  - 3.2.1 Under the right to a fair trial, when there is a determination of civil rights, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. The right also stipulates that judgement shall be pronounced publicly.
  - 3.2.2 When English Nature is determining civil rights the fair trial requirements must be followed.

3.2.3 The precise application of the right to a fair trial has yet to be established by reference to the functions discharged by English Nature. Where circumstances arise that may indicate the need to provide a fair trial, those circumstances should be reported to the appropriate Director and authority requested for the proposed course of action.

3.2.4 Any owner or occupier who is refused consent to carry out an operation likely to damage or who is served with a Management Notice may appeal to the Secretary of State (Schedule 9 to the Countryside and Rights of Way Act 2000).

### **3.3 The right to peaceful enjoyment of property**

3.3.1 The right provides that everyone is entitled to the peaceful enjoyment of his property and to not be deprived of his possessions except by law and in the public interest. The full extent of this qualified right is as follows:

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or secure the payment of taxes or other contributions or penalties.”

3.3.2 SSSI designations/confirmations and management notices will interfere with the use of property by a landowner. However the European Court of Human Rights has made it clear that protection of nature is an legitimate basis for interfering with the use of property provided that English Nature acts according to law and ‘proportionately’. This means that the impact on the landowner will not be disproportionately harsh when balanced against the importance of the nature conservation interest.

3.3.3 The exercise of the provisions on right of access in the Countryside and Rights of Way Act 2000 (known as the right to roam) are potentially an interference with the rights of landowners. However debate during the passage of the Bill indicated that the public interest of the right of access to access land constitutes minimal interference with the rights of owners and is proportional to the end being achieved.

### **3.4 The right to a family and private life**

3.4.1 Under this right, everyone has the right to respect for his private and personal life. Public authorities can only interfere with this on the following established grounds:

“There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

- 3.4.2 This right has featured most prominently in environmental contexts, including the health and environmental impacts on local people of a nearby waste treatment plant and of airport noise.

### **3.5 Prohibition of discrimination**

The Act provides that the rights protected are to be enjoyed without discrimination and is a reminder that English Nature officials should be even-handed in their dealings with individuals and the various interest groups.

### **3.6 English Nature's position**

- 3.6.1 As a public authority English Nature is mindful of its obligation under section 6 of the Human Rights Act 1998 not to act in a way which is incompatible with a Convention right.
- 3.6.2 The staff of English Nature should consider their responsibilities in respect of Human Rights when discharging their duties. We recognise that our statutory functions do, on occasion, impact on private interests, but these are prescribed by Parliament in law in order to achieve an overriding public benefit.
- 3.6.3 In undertaking any action which might impact on an individual's human rights, the interference must be proportional to the aims to be achieved. In such situations it is essential to document the decision-making process to justify the action taken.

## 7. Access to Information Legislation

### 1. Background

1.1 Access to Information is the term used to describe the main legislation regimes that cover the public right of access to information. These are:

- Environmental Information Regulations 2004
- Freedom of Information Act 2000
- Data Protection Act 1998

### 2. Access to Information Statement

2.1 The **Access to Information** statement below sets out our vision of how English Nature will foster its culture of openness, transparency and customer focus. It is a commitment to our staff, stakeholders and the wider public about how we set about creating a more open and transparent public service organisation.

2.2 We do not view the new legislation on access to information as a burden, but as a positive development in line with our own values. We want to engage positively with and enhance our relationships of trust and confidence with our customers and partners.

#### **English Nature's Access to Information Statement**

English Nature is committed to promoting and actively developing a culture of openness, transparency and customer focus. Our policy is aimed at helping the public and our partners to understand and be involved in our work.

#### **English Nature will:**

1. **pro-actively publish and release information.** In addition to our normal publications the Freedom of Information Act 2000 requires us, mainly through our Publications Scheme to pro-actively publish other documents and information. We will review what we publish and take account of demand for information. We will publish information cost effectively in ways appropriate to the needs of the intended audience.
2. **use language appropriate to the intended audience.** Where there are different audiences different approaches will be considered (eg full detail for specialists, summaries for the general reader). As Corporate members of the Plain English Campaign, we will communicate in plain language and avoid the use of jargon where not appropriate and endeavour to obtain Crystal Marks for our publications. We will take account of, and ensure we are well informed about, the special communication needs of our intended audiences.
3. **make it as easy as possible to find information.** In particular we will make material available on our website. We will continue to improve our website to make it as user friendly as possible to enable people to find the information they want quickly and easily, and we will, when necessary, draw attention to publication of information using other media as appropriate.

4. **encourage better information management.** Through the creation and storage of records electronically and using metadata, taxonomies and thesauri
5. **consult openly and widely wherever appropriate and practical.** There may be times when action will need to be taken too quickly for wider public interest reasons to enable this to happen. In such cases, we will inform stakeholders as quickly as is practical about the reasons for our action, keep them fully informed of progress, seek feedback and consult and involve them in the longer term as practical.
6. **encourage those who do scientific research for us to publish their research in peer-reviewed scientific journals** promptly and in line with contractual agreements.
7. **publish our targets and achievements and monitor our performance** against them promptly and openly eg in our Annual Report. We actively seek and welcome feedback from all stakeholders including the general public and continue to look at how we can improve our accessibility to deliver a better service to customers eg through regular customer research programmes.
8. **will strive to answer requests that are reasonable and specific.** We will treat all requests fairly and without prejudice taking into account the public interest in making information available wherever possible.
9. **give a clear explanation of our decision** if information cannot be published or released. We will also tell people how to complain if they do not agree with any decision not to release information.
10. **will not normally charge** for replying to information requests unless in answering the request we would incur large costs for materials or for presenting information in a specifically requested format. Our charges will be determined by the Access to Information legislation and set out in the Publication Scheme or agreed in advance for information released on request.

## Access to whom?

It is important to note that any person or organisation may apply for, and receive, information held by us. They do not need to be UK citizens or bodies, or to be resident in the country, or to prove an interest in obtaining the information.

## Information that cannot be released

There are certain types of information that may remain confidential. The Environmental Information Regulations 1992, the Freedom of Information Act 2000 and the Data Protection Act 1998 set out exceptional circumstances in which a request for information may be refused. For example we cannot release information that affects other legal rights or processes, particularly where personal privacy may be breached. We cannot release information where it is likely that doing so could lead to damage to the environment or sensitive species being harmed. We will only take decisions not to release information after careful consideration and give our reasons clearly in writing.

## Responsibilities

All managers should ensure that

- their staff are aware of this **Access to Information Statement**
- their staff are aware of the law and the guidance available on accessibility issues
- information is managed in accordance with best practice to facilitate retrieval and disclosure

- material for the Publications Scheme and websites is regularly updated and improved
- the content and style of documents produced internally is such that they are suitable for disclosure
- requests for information are dealt with fairly and promptly
- requests for and decisions on release of information are recorded
- decisions not to release information are properly taken and clearly communicated
- complaints about refusal to release are reviewed impartially

The **Director of Communications and Information** is English Nature's Access to Information Champion and is responsible for promoting this statement and ensuring it is consistent with new legislative and other requirements.

**Enquiry Service** will produce and review regularly the English Nature Publications Scheme

**Records Management Unit** will, through the Record Liaison Officers, encourage best practice for records management.

The **External Relations Team** will provide advice on issues surrounding ease of reading and presentation.

**Corporate Business Team** will monitor requests and responses and will process any complaints.

The **Information Management Team** will provide advice on Access to Information issues.

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### 3. Freedom of Information

The Freedom of Information Act 2000 (FOIA) when it came into force in January 2005 and will provide the public with extensive rights of access to information held by public authorities. It applies to an enormous range of public bodies, including agencies and NDPBs.

- 3.1 **Access Rights** - FOIA gives any person of any nationality the right to request information held by English Nature, or other public bodies. The information can be requested for any purpose. The Act is fully retrospective. All English Nature information is covered by the Act, in every format: requests apply to emails, personal notebooks, miscellaneous collections of papers, as well as our registered paper and electronic files.
- 3.2 **Publication Schemes** - As well as providing information when asked to do so, FOIA also requires public bodies to be proactive in the release of official information. As a result, each organisation covered by the Act must produce a Publication Scheme, giving details of what information it already makes available or intends to publish as a matter of course. The English Nature Publication Scheme has been available since November 2002 and is on our website.
- 3.3 The publication scheme is a guide to key information routinely published by or available from English Nature. It focuses on information relating to our key executive,

advisory and promotional duties and also on the standards and guidance by which we make decisions.

- 3.4 Exemptions to this commitment to proactive publication are clearly defined in the Scheme. But this is not the full extent of what we will make available. We will release information on request wherever possible. Further information about English Nature is available by contacting our Enquiry Service, via our website, or our suite of publications.
- 3.5 **Advice and Assistance** – We have a duty under FOIA to provide advice and assistance to people who wish to make, or have made, requests for information.
- 3.6 **Records Management Requirements** - FOIA introduces new standards for records management and changes the basis on which historical records are withheld from The National Archives (TNA). The 30 year rule means that English Nature's records that were transferred to TNA are closed to public scrutiny until they are 30 years old. However, from January 2005 this rule will no longer apply. All the records at the TNA which were closed under the 30 year rule will now be open, subject to any identified exemption(s). Newly created records from January 2005 will be open and those records that we hold will also be open unless an exemption has been identified.

## **4. Environmental Information Regulations**

- 4.1 An access to environmental information regime has been in place since 1992, in the form of the Environmental Information Regulations 1992, as amended by the Environmental Information (Amendment) Regulations 1998.
- 4.2 The introduction of replacement Environmental Information Regulations in January 2005 enables compliance with the UK's commitments under the UNECE Convention on Access to Information, Public Participation in Decision-making, and Access to Justice in Environmental Matters (the "Aarhus" Convention), and with EU Directive 2003/4/EC.
- 4.3 **Differences between the new Regulations and the 1992 regime**
- The definitions of environmental information and the bodies affected are clarified
  - The time limit for response to a request is reduced to 20 working days in most cases
  - A public interest test is introduced. This is the same test as applies under the FOIA
  - As with the FOIA, the Information Commissioner and Information Tribunal will provide a strengthened means of review for applicants
  - Other changes clarify provisions in the 1992 regime.
- 4.4 **Scope**
- 4.4.1 The public has a right of access to environmental information held by public authorities and some other organisations. Requests for information do not need to be



in writing, nor do they need to quote the regulations. However, it usually helps to clarify the nature of the information requested if it is put in writing.

- 4.4.2 The definition of ‘environmental information’ is wide and covers elements of the environment, such as land, water, biological organisms etc., but also measures and activities which may affect these, including economic analysis of such measures and activities.

We can assume therefore that virtually all of English Nature’s activities and information are covered.

## 4.5 Objectives

The Regulations are designed to ensure freedom of access to, and dissemination of, information on the environment. The presumption is that environmental information must be released to any person or organisation unless there are compelling and substantive reasons to withhold it. Public bodies like English Nature must provide information, if they hold it, within 20 working days, this is reduced to 15 working days for English Nature in line with our service standards.

## 4.6 Refusing requests

### 4.6.1 Exemptions from Disclosure under Regulation 12(3).

Information does not have to be disclosed if the information requested includes personal data of which the applicant is not the data subject and:

- a. disclosure would contravene any of the Data Protection principles or
- b. disclosure would contravene the right to prevent processing likely to cause damage or distress or
- c. we could claim an exemption if the person to whom it relates submitted a Subject Access Request.

### 4.6.2 Exemptions from Disclosure under Regulation 12(4).

Information does not have to be disclosed if:

- a. we do not hold that information when an applicant’s request is received;
- b. the request for information is manifestly unreasonable;
- c. the request for information is formulated in too general a manner and we have complied with the code of practice or have asked for more specific details and have provided any necessary assistance to the applicant;
- d. the request relates to material which is still in the course of completion, to unfinished documents or to incomplete data; or
- e. the request involves the disclosure of internal communications.

#### 4.6.3 Exemptions from Disclosure under Regulation 12(5).

Information does not have to be disclosed if the disclosure would adversely affect:

- a. international relations, defence, national security or public safety;
- b. the course of justice, the ability of a person to receive a fair trial or the ability of the Council to conduct an inquiry of a criminal or disciplinary nature;
- c. intellectual property rights;
- d. the confidentiality of our proceedings or any other public authority where such confidentiality is provided by law;
- e. the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest;
- f. the interests of the person who provided the information where that person:
  - i. was not under, and could not have been put under, any legal obligation to supply it to us or any other public authority,
  - ii. did not supply it in circumstances such that we or any other public authority is entitled apart from these Regulations to disclose it, and
  - iii. has not consented to its disclosure; or
- g. the protection of the environment to which the information relates.

To the extent that the environmental information to be disclosed relates to information on emissions, we are not entitled to refuse disclosure of that information under an exception referred to in paragraphs d. to g. above.

## **8. Data Protection Act 1998**

### **1. Background**

- 1.1 The Data Protection Act 1988 which came fully into force on 24 October 2001 replaces and builds on the earlier 1984 Act which arose out of concerns that the power of computers to manipulate information was threatening the privacy of individuals. This perception has grown in the intervening years and European Directive 95/46/EC extended the scope of data protection to include all personal data held about individuals, however it was stored. It also added constraints on transferring data outside the European Union.

### **2. Introduction**

- 2.1 The Data Protection Act 1998 (DPA) regulates the processing of data about individuals in particular the protection of privacy. The DPA has an impact on all our lives ranging from our financial and health details to information about the environment in which we live. English Nature requires a huge quantity of data to carry out its day-to-day business and a good proportion of this will not be affected by the DPA. However, a significant amount does lie within the boundaries of the DPA and English Nature as a statutory body has a responsibility to ensure that data is used in compliance with the DPA. An even more compelling reason is that failure to comply with the DPA can result in a criminal prosecution or claims for compensation.

### **3. Definitions and extent**

#### **3.1 Data Controller**

A person who controls the manner and purposes for which, any *personal data* are to be processed. "Person" here means legal person, not necessarily an individual. English Nature has been declared as the Data Controller.

#### **3.2 Data Subject**

An identifiable or identified living individual who is the subject of *personal data*. The data subject need not be a UK resident or a UK citizen. They could be anywhere in the world.

#### **3.3 Information Commissioner**

Commissioner is a public official, independent of government, who has a general duty to promote compliance with the Act, backed by enforcement powers.

#### **3.4 Data**

Data encompasses information, which is or is intended to be processed by computer (electronic data) or processed manually (manual data).

Electronic data extends beyond the databases, spreadsheets and word processing documents to include swipe card systems, CCTV systems etc.

Manual data are covered by the Act if they form "part of a relevant filing system". Broadly speaking this means that they must be structured in such a way as to facilitate the processing of specific information about an individual. English Nature will treat all information as data and will not use the subjectiveness of what defines a "structured filing system" as a reason to not disclose information. This is in anticipation of the Freedom of Information Act 2000, which will extend the definition of data to include all information not already covered by DPA.

### 3.5 **Personal Data**

*Personal data* means data which relates to a living individual who can be identified either from that data or from that data and other information which is in the possession of, or is likely to come into the possession of, the *data controller*. It also includes any expression of opinion about the individual and any indication of the intentions of the *data controller* or any other person in respect of the individual.

### 3.6 **Processing**

Processing means carrying out any operation or set of operations on information or data. This includes obtaining, storing, reading, using, disclosure, destruction etc.

### 3.7 **Notification**

*Processing personal data* without informing the Information Commissioner is an offence. The information about organisations' data processing is provided through a process known as *notification*. In this a number of standard categories are selected to give information on:

- Purposes under which data is processed (eg marketing, staff management);
- Categories of data subjects (eg employees, enquiries, customers);
- The classes of data (eg personal details, financial details, employment details);
- The recipients of the data (eg other government departments, the individuals themselves);
- General description of measures to be taken for the purposes of complying with the requirement as to security

This notification is publicly available from the Information Commissioner's website.

## 4. **English Nature's Responsibilities**

### 4.1 **Legal Liability**

Under the Act the *Information Commissioner* has powers to issue an enforcement notice or an information notice where a *data controller* has contravened any of the data protection principles. The main contraventions are likely to be unauthorised

processing and/or disclosure of data. Failure to comply with such a notice is an offence under the Act.

#### **4.2 Principles of Data Protection**

English Nature respects the right to privacy of its past or present employees and customers, and will take all reasonable steps to protect personal information given to it.

4.3 It is expected that anyone maintaining on computer or on paper, information about individuals will comply with the Eight Principles and requirements of the DPA. The principles require that personal data:

1. Shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met;
2. Shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or purposes;
3. Shall be adequate relevant and not excessive in relation to the purpose or purposes for which they are processed;
4. Shall be accurate and, where necessary, kept up to date;
5. Shall not be kept longer than is necessary for that purpose or those purposes;
6. Shall be processed in accordance with the rights of data subjects under the Act;
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data;
8. Shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

#### **4.4 Confidentiality, Sensitive Personal Data and Disclosure**

English Nature staff must treat as confidential all information of a private or personal nature about an individual, which they may learn in the course of their duties, and must not communicate this to external persons or bodies.

This restriction includes any information about any past or present employee or customer, including their address, telephone number or any other data which is classed as personal by the DPA. This also includes data, which they themselves have provided to English Nature for a particular purpose.

We must make special provision for 'sensitive personal data'. Examples of this are information about physical or mental health, or about political opinions. We cannot disclose such information to a third party without the explicit consent of the individual(s) concerned unless one of a number of other conditions has been satisfied. These include legal objection and where the data subject has made the data public.

This rule of confidentiality does not apply if disclosure is required by law, or for the purpose of English Nature business, or with the consent of the individual concerned as long as this disclosure complies with the DPA. This consent must be active and silence cannot imply consent

#### **4.5 Rights of Individuals**

All living individuals have the right to see and obtain a copy of any information that is held about them by English Nature. This right applies to anyone about whom we hold information – staff, ex-staff, customers, suppliers, contractors – if we hold their data we are required to provide it no matter who they are.

To exercise this right, individuals make a subject access request. We are legally obliged to respond to requests within 40 calendar days. A failure to respond in the time frame is a breach of the Act and could lead to a complaint to the *Information Commissioner*.

#### **4.6 Charging**

An organisation can charge up to £10 when answering an individual's data access request. As it is not economic for English Nature to charge so little, this fee is waived.

#### **4.7 Appeals**

An appeal by an individual, not a member of English Nature staff, against refusal to supply data, or any other conduct in processing personal data should be treated as a complaint and should follow the complaints procedure set out by CBT.

If a member of English Nature staff is dissatisfied with any aspect of the organisation's treatment of their personal data, including refusal to supply it on request, they should invoke the grievance procedure (see Chapter 17 of [ENpower](#)).

## 9. Modernising Government

9.1 The Modernising Government programme as outlined in the White Paper (March 1999 [[www.cabinet-office.gov.uk/moderngov/whtpaper/index.htm](http://www.cabinet-office.gov.uk/moderngov/whtpaper/index.htm)]) will transform the face of public service by:

- a. putting citizens first by ensuring public services are accessible to all;
- b. overcoming barriers by shifting the focus of public services to the user's viewpoint;
- c. joining government up to deliver better policies and seamless, quality services, thanks to public servants working better together;
- d. using information age approaches to do this;
- e. valuing public service at its true worth.

9.2 The Government has identified over 60 commitments under the headings of policy making, responsive public service, quality public service, information age government, and valuing public service which will enable and ensure that aims and objectives of the Modernising Government programme are delivered. All Departments are required to produce progress reports every six months, which will include details of work being done within their Agencies and Non Departmental Public Bodies to meet these commitments.

### 9.3 Commitments for English

9.3.1 Almost all these commitments have implications for the work of English Nature. For example under the five key commitments:

#### 9.3.2 Policy making

- a. Government will consult more widely and at an early stage when developing policies.
- b. Science and research will be used more widely to deliver evidence-based policy making.
- c. Policies will be cross-cutting with Departments working more closely together.
- d. Policy making will take account of the diversity of people's needs.
- e. Regulation will be kept to a minimum within new policies.
- f. Good practice will be promulgated throughout Government.

### 9.3.3 **Responsive public services**

- a. Services will better meet people's needs rather than those of the service provider.
- b. Government organisations will work more closely together when delivering services.
- c. The views of the citizen will be actively sort when assessing how well Government delivers its services.

### 9.3.4 **Quality public services**

- a. All government organizations will be expected to meet centrally set targets for service delivery.
- b. Modernising government will become central to the quinquennial review process.
- c. Electronic service delivery best practice will be promoted throughout government.

### 9.3.5 **Information age Government**

- a. Use new technology to:
  - i. enable Government to better meet the needs of citizens and business;
  - ii. enable the use and sharing of knowledge for more effective Government;
  - iii. make our internal processes more efficient and flexible.
- b. Make all services will be available electronically by 2005.
- c. Ensure by 2004 that all documents are held electronically.
- d. Ensure by 2002 that 90% of low-value procurement transactions are carried out electronically.

### 9.3.6 **Public service**

- a. Encourage staff to move between Government organisations and gain work experience outside government.
- b. Pay should be used more creatively to promote effective incentive.
- c. Encourage innovation, risk taking, cross-cutting thinking, collaborative working and service delivery.



- d. Greater representation of women, ethnic minorities, and people with disabilities.
- e. Investor in People accreditation for all Government organisations.

## **Part 3 Overview of key policies and procedures**

## 10. Schedule of delegations

The following table outlines those powers delegated by Council to officers. It is effective from 1 January 2006.

Act	Power or duty	Lowest level of delegation
S28/1981 (as amended by Schedule 9/2000)	<b>SSSIs</b> a. approval for notification of SSSI or additional land, variation or enlargement b. approval to consult over denotification c. approval to denotify/confirm denotification (contentious cases) d. approval for notification/ confirmation in an emergency e. approval to confirm a notification, variation or enlargement, or notification of additional land (contentious cases) f. approval to confirm a notification, variation or enlargement, or notification of additional land (non-contentious cases) g. approval to confirm any denotification where there are unresolved objections or representations after the expiry of the consultation period h. consents i. retrospective notification of views about management of SSSIs notified before 30 November 2000 j. consideration of representations; confirmation or revision kj. compulsory purchase (para 28N) l. publication of documents, consultations and the serving of notices	Executive Committee  Executive Committee Not delegated Chair of Council, or Acting Chair of Council Not delegated  General Manager, Protected Areas  General Manager, Protected Areas  Conservation Officers or other authorised staff for the area concerned Conservation Officers for the area concerned  Team Manager for the area concerned Not delegated Conservation Officers
S28/1981(A)	Management Scheme a. give approval to serve notice of a proposed Management Scheme Notice to confirm a Management Scheme a. consider objections/representations that remain unresolved and give approval to confirm Management Scheme b. give approval to confirm a Management Scheme where no objections/representations are received, or received but subsequently resolved and withdrawn Management Notice Approval to serve a Management Notice	General Manager, Protected Areas  General Manager, Protected Areas  Team Manager SST  Chief Scientist (wef 01/07/2006)
S28/1981	Prosecutions for offences in relation to SSSIs	Chief Scientist (wef 01/07/2006)
S28/1981	Power to take enforcement action	Conservation Officers

Act	Power or duty	Lowest level of delegation
S31/1981	Restoration orders Application to the Court for a restoration order	Director, Protected Areas
S51/1981	Powers of entry for various purposes.	General Manager, Protected Areas
S51/1981	Power to enter land to ascertain if an offence is being committed.	Team Manager
Countryside Act 1968 S.37	To have due regard to the needs of agriculture and forestry and to the economic and social interests of rural areas (when being considered as part of notification/denotification process)	Delegated to level of officer exercising specific function under 1949 Act, 1968 Act or 1981 Act
S131(2)/1990	Duty to take appropriate account of actual or possible ecological changes in carrying out nature conservation priorities.	Delegated to level of officer exercising specific function
S15(A)/1968	Power to enforce restrictions imposed by agreements under S15.	Chief Surveyor
Schedule 9, Para 28E/2000	Power to issue, refuse or modify consent	Conservation Officers
Schedule 9, Para 28R/2000	Making of bylaws on SSSIs	Not delegated
Schedule 9 Para 28H/2000	Power to refuse assents	Conservation Officers
S16/1949(A) S15/1968(A)	<b>The power to enter into Management Agreements</b> a. over £500,000 capital/£75,000 annual b. £100,000 to £500,000 capital/£50,000 to £75,000 annual c. £40,000 to £100,000 capital/£15,000 to £50,000 annual d. under £40,000 capital/£15,000 annual	Not delegated* Chief Executive Chief Surveyor Team Manager of Area concerned
Sch 9 para 1 S28/2000	Power to enter land, carry out restoration and recover costs as a result of non-compliance with a management notice.	General Manager, Protected Areas
S31/1981 as amended by Sch9 (3) /2000	Power to enter land , carry out restoration and recover costs as a result of non-compliance with a restoration order	General Manager, Protected Areas

\* Defra shall approve annual payments over £75,000 and any agreement over £500,000

Act	Power or duty	Lowest level of delegation
Enforcement Action	<b>Injunctions</b> To commence proceedings to apply to court to prevent damaging activities on SSSIs	Chief Scientist
	<b>Possession orders</b> To commence proceedings to apply to Court to seek removal of illegal occupation from land owned by English Nature	Chief Scientist
S132(2) and Schedule 6, Para 15(2) 1990	<b>Power to purchase and lease land</b> a. New NNRs b. NNR extensions Purchases (from Grant-in-Aid) - over £500,000 - £100,000-£500,000 - less than £100,000 Purchases (from Bequest funds) Leases - over £500,000 lump sum or £75,000 pa - £100,000-£500,000 lump sum or £50,000-£75,000 pa - Less than £100,000 lump sum or £50,000 pa <b>Power to purchase or lease office accommodation</b> Purchases - over £500,000 - £100,000-£500,000 - less than £100,000 Leases - over £75,000 pa - £50,000 - £75,000 pa - less than £50,000 pa	Not delegated  Not delegated* Chief Executive Chief Surveyor Chief Executive  Not delegated* Chief Executive* Chief Surveyor Chief Surveyor  Not delegated* Chief Executive Chief Surveyor  Not delegated* Chief Executive Chief Surveyor
S17+18/1949	Power to acquire land compulsorily	Not delegated
S34/1981	Notifications of limestone pavements	Team Managers

\* Defra shall approve annual payments over £75,000 and any agreement over £500,000

Act	Power or duty	Lowest level of delegation
S35/1981	<b>National Nature Reserves</b> Declaration of National Nature Reserves	Not delegated
S20/1949	Making of byelaws on NNRs (approved by SoS)	Not delegated
S19/1949	Duty to de-declare where land is no longer managed as a nature reserve. Duty to publish declaration and de-declaration notices.	Not delegated Team Manager
S20(3)/1949	<b>Byelaws on NNRs</b> Duty to pay compensation where existing right is hindered by the byelaws coming into force.	Chief Surveyor
S36/1981	<b>Marine Nature Reserves</b> Application to SoS for designation of Marine Nature Reserves	Not delegated
S37/1981	Making of byelaws on MNRs	Not delegated
S36(2)/1981	Power to install markers indicating the existence and extent of MNRs.	Team Managers
S132(1)(e)/1990 and S132(2)/1990	<b>Power to commission, support, initiate and carry out research</b> a. £500,000 or more in total on any new project b. Up to £500,000 in total on any new project c. Up to £100,000 in total on any new project d. Up to £50,000 in total on any new project e. Up to £30,000 in total on any new project	Not delegated** Chief Executive Relevant Programme Board Director or Resource Director Relevant Director Other allocation holders
Part I/1981	Species prosecutions	Chief Scientist
S16/1981 S11/1963 S9/1973 Protection of Badgers Act 1992 Part 1/1981 S9/1970	<b>Licences</b> a. Issue of licences b. Advice to MAFF and Secretary of State on their licensing function c. Prosecution for a breach in licence provisions	Licensing Officers Licensing Officers Chief Scientist
Protection of Badgers Act 1992	Power to issue licences.	Licensing Officers
S132(2)/1990	Power to accept gifts or contributions	Team Manager, Finance and Procurement Services Team
S24/1981	a. Duty to advise Secretary of State on Schedules of animals and plants b. Provision of advice on the enforcement of Part 1 of the Act	Not delegated (through JNCC) All staff competent to advise on the relevant issues

\*\* Defra shall approve any project costing over £500,000

Act	Power or duty	Lowest level of delegation
132(1)(c)/1990	Provision of advice to Secretary of State or any other Minister on the development or implementation of policies for or affecting nature conservation.	Substantive Sector Lead General Manager or Head of Policy.
132(1)(d)/1990	Provision of advice and dissemination of knowledge to any persons about nature conservation.	All staff competent to advise on the relevant topic/policy area
S134/1990	<b>Power to make grants</b> <b>Land Purchase</b> a. £75,000 or more b. Less than £75,000 <b>Aggregates Levy Sustainability Fund Grant Scheme</b> a. Grants over £75,000 b. Grants up to £75,000 c. English Nature grants over £75,000 d. English Nature grants up to £75,000 but over £10,000 e. English Nature grants up to £10,000 <b>Land Purchase</b> f. £75,000 or more g. Less than £75,000	Chair of Council or Chief Executive Chief Surveyor  Aggregates Levy Sustainability Fund Partnership Grants Scheme Grants Panel Project Manager Aggregates Levy Sustainability Fund Partnership Grants Scheme Grants Panel Nominated Aggregates Levy Sustainability Fund Partnership Grants Scheme Grants Panel Member Project Manager  Aggregates Levy Sustainability Fund Partnership Grants Scheme Grants Panel Project Manager
	<b>Wildspace Grants Scheme</b> a. Grants over £10,000 or representing more than 75% of project costs b. Grants up to £10,000 and representing less than 75% of project costs	Wildspace Grants Panel  Programme Manager
	<b>Other grants</b> a. £500,000 or more b. Up to £500,000 c. Up to £100,000 d. Up to £50,000 e. Less than £30,000	Not delegated* Chief executive Relevant Programme Board Director or Resource Director General Managers or Acting General Managers Grants allocation holders
Sch 6 para 14/1990	Power to appoint Committees	Not delegated



Act	Power or duty	Lowest level of delegation
Sch 6 para 19/1990	To furnish the Secretary of State with accounts and other information as regards property, activities as required and with facilities for verification.	Chief Executive
Sch 6 para 20/1990	Produce an annual report.	Chief Executive
Sch 6 para 21/1990	Keep proper accounts and other records, prepare for each financial year a Statement of Account. Authorisation of gifts to third parties	Chief Executive Chief Executive
Sch 6 para 10/1990	<b>Appoint employees</b> 1. Band F and below 2. Band C and below	Director Resources Head of Profession Human Resources
Sch 6 para 11/1990	Council shall determine pensions etc.	Director Resources
Sch 6 para 14/1990	Establish any committees, make appointments to committees, and pay such appointees.	Not delegated.
Sch 6 para 15(2)/1990	Sealing of documents Signing under seal of all appropriate documents	Chief Executive, Directors or Chief Surveyor
	<b>Access to the Countryside</b>	
S22 & 23/2000	Discretionary exclusions/restrictions on NNRs	Team Manager
S24 & 25/2000	Formal applications for exclusions or restrictions to enable land management, or reduce fire or safety risk on NNRs.	Team Manager
S29/2000	Appeal to appropriate Minister for failure of relevant authority to approve exclusions or restrictions.	Director, Protected Areas
S26/2000	Formal advice to relevant authority on need to exclude/restrict access to protect nature conservation interests on access land.	Team Manager
S30/2000	Appeal to appropriate Minister for failure of relevant authority to comply with formal advice under S26.	Director, Protected Areas
119D/Highways Act 1980 (as amended by S57, Schedule 6/2000)	<b>Rights of Way</b> a. Application for SSSI Diversion Order. b. Power to enter site compensation agreements Over £50,000 £10,000 to £50,000 Less than £10,000	Chief Surveyor  Not delegated Chief Executive Chief Surveyor
S106 Town and Country Planning Act 1990	<b>Planning and Development</b> Signing a planning agreement when English Nature is a co-signatory	Team Manager of the Area concerned

Habitat regulation	Power or duty	Lowest level of delegation
12	Hold register entries for European sites and make available for public inspection at all reasonable hours and free of charge.	Team Manager
13	Register entries - give notice to owners and occupiers, local planning authority and others as directed by Secretary of State.	Conservation Officer
16(1)	Enter into management agreements on or adjacent to a European site.	Team Manager.
(4)	Duty to enforce management agreements.	Chief Surveyor
18(2)	Power to amend SSSI notification for the purpose of securing compliance with a Directive.	Refer to SSSI designation processes delegations under S28/1981
18(3)	Notice of amendment to be served on owners and occupiers, local planning authority.	Conservation Officer
19(2)	Written consent to OLDs.	Conservation Officer
(6)	Prosecuting authority.	Director, Protected Areas
20(1)	Duty to make an appropriate assessment of implications of a plan or project.	Conservation Officer
20(2)	May give consent for operations having concluded no adverse effect.	Conservation Officer
20(4) & (5)	Notification to the Secretary of State where there is risk that the operation may be carried out at least one month before the expiry of the notice.	Chief Surveyor
21(2)	Duty to review consents given under S28(6)(b) as regards compatibility with the conservation objections of the site - may modify or withdraw consents.	Review undertaken by Conservation Officers. Power to withdraw or modify held by Council.
(3)	Duty to notify owners and occupiers of modification/withdrawal.	Conservation Officer
22	Apply to Secretary of State for a Special Nature Conservation Order.	General Manager
23(2)	Consent to notice under 23 (within SNCO)	Conservation Officer
24(1)	Duty to make appropriate assessment (plan or project on SNCO land) where likely to have a significant effect and not directly connected with or necessary for the management of the site.	Conservation Officer
24(2)	May give consent having ascertained no adverse effect.	Conservation Officer
24(3)	Give reasons for refusal of consent	Conservation Officer
24(4)	Reference to Secretary of State if required by owner/occupier where there is a refusal of consent.	Conservation Officer
25	Pay compensation where a SNCO is made	Any Director
27	Review consents given under S29 which are within European sites	Not delegated
28	Make bylaws for the protection of a European Site	Not delegated
30	Pay compensation for effect of bylaws	Any Director

Habitat regulation	Power or duty	Lowest level of delegation
32	Compulsory Acquisition where English Nature is unable to conclude a reasonable management agreement within a European Site, or where such an agreement is breached which prevents or impairs the satisfactory management of the European site.	Not delegated
33	European marine sites 1. install markers	Team Managers
	2. advise other relevant authorities as to the on conservation objectives and operations which may cause deterioration of natural habitats or habitats of species or disturbance of species for which the site is designated (cases with significant issues)	Not delegated
	3. to advise other relevant authorities as to the conservation objectives of that site and the operations which may cause deterioration of natural habitats or habitats of species, or disturbance of species for which the site is designated (cases with no significant issues)	Director, Protected Areas and a designated Council Member
34	European marine sites - As a relevant authority has the power to establish a management scheme	Director, Protected Areas
36	European Marine Sites - power to make byelaws	Not delegated
44	Power to grant licence for various purposes.	Licensing Officers
(5)	Provision of advice to agriculture Minister about the granting of licences	Licensing Officers
(5)	Provision of advice to agriculture Minister about the granting of licences	Licensing Officers
48(3)	To give advice as to the impact of a plan or project which is the subject of an appropriate assessment.	Conservation Officer
61	Consideration of GDO impact	Conservation Officer
87	Power to extend by agreement the four months notice period see 19(2)(c)	Conservation Officer
90	Power of entry in respect of SNCO to ascertain whether an order should be made or an offence has occurred or the amount of compensation payable.	Chief Surveyor or General Manager, Protected Areas
98	Must seek authorisation from Secretary of State before exercising CPO	Not delegated
99	Powers of entry for survey in connection with CPO	Chief Surveyor or General Manager, Protected Areas

## Statutory consultation rights – UK statutes

Act	Section	Provision	Notes	Lowest level of delegation
Agriculture Act 1986	18	Designation and management of environmentally sensitive areas	Requirement to consult with English Nature	Team Manager, Terrestrial Team
Animal Health Act 1981	21	Destruction of wildlife on infection other than by rabies	Requirement to consult with English Nature	Team Manager, Terrestrial Team
Channel Tunnel Act 1987	5	Use of lagoon for drainage	Requirement to consult with English Nature on rates of discharge and conditions imposed in connection with the regulation of water flows	Conservation Officer
	17	Authorised development plans	The planning authority to consult with English Nature where nature conservation may be affected	Conservation Officer
Channel Tunnel Rail Link Act 1996	27	Request for planning approvals in Greater London and Essex or Kent	The planning authority to consult with English Nature where its request for approval relates to matters which may affect nature conservation	Conservation Officer
	Schedule 14	Consent for overhead lines	Requirement to consult with English Nature on matters which affect nature conservation	Conservation Officer
Conservation of Seals Act 1970	10	Power to grant licences	The Secretary of State to consult with English Nature	Licensing Officer
Electricity Act 1989	Schedule 9	Preservation of amenity and fisheries	Licence-holder or exempt person to consult with English Nature before preparing or modifying statement of environmental principles	Conservation Officer
Environment Act 1995	8	Environmental duties with respect to Sites of Special Scientific Interest	The Environment Agency to consult with English Nature before carrying out or authorising works likely to destroy or damage SSSIs	Conservation Officer
	9	Codes of Practice with respect to environmental and recreational duties	Ministers to consult with English Nature before approving any Code of Practice giving practical guidance to the Environment Agency	Head of Water and Wetlands, EIT
	66	National Park Management Plans	National Park Authority to consult with English Nature in connection with the publication, adoption or review of National Park Management Plans	Conservation Officer

Act	Section	Provision	Notes	Lowest level of delegation
	99	Consultation before making or modifying certain subordinate legislation for England	Requirement to consult with English Nature before passing regulations on subordinate legislation, such as ( <i>inter alia</i> ) Countryside Stewardship Regulations	Team Manager, Terrestrial Team
Environmental Protection Act 1990	6 and Schedule 1	Consultation on the grant and variation of Part 1 authorisations	Licensing authority to consult with English Nature in cases involving releases of substances affecting SSSIs within authority's area	Conservation Officer
	36	Grant of waste management licences	The Environment Agency to consult with English Nature where any part of the land to be used, in connection with the grant of the waste management licence, is a SSSI	Conservation Officer
Greater London Authority Act 1999	352	The Mayor's Biodiversity Action Plan	The Mayor to consult with English Nature in preparing or revising the London Biodiversity Action Plan	Conservation Officer
Highways Act 1980	105B	Environmental impact assessment for relevant projects	The Secretary of State to consult with English Nature	Conservation Officer
Import of Live Fish (England and Wales) Act 1980	1	Power to limit the import, etc of fish and fish eggs	Minister to consult with English Nature prior to making an order forbidding the import of foreign species (for examples of provisions made see the Prohibition of Keeping of Live Fish (Crayfish) Order 1986 (as amended) and the Prohibition of Keeping or Release of Live Fish (Specified Species) Order 1998)	Freshwater fisheries/species adviser, EIT
Land Drainage Act 1991	61C	Duties with respect to Sites of Special Scientific Interest	Internal drainage board or local authority to consult with English Nature prior to carrying out works likely to destroy or damage a SSSI	Conservation Officer
	61E	Codes of Practice	Ministers to consult with English Nature before approving Codes of Practice issued for the purpose of giving practical guidance to the internal drainage board and local authorities	Conservation Officer

<b>Act</b>	<b>Section</b>	<b>Provision</b>	<b>Notes</b>	<b>Lowest level of delegation</b>
Norfolk and Suffolk Broads Act 1988	4	Conservation of areas of natural beauty	Authority to consult with English Nature before preparing or varying any maps showing areas of natural beauty	Conservation Officer
	Schedule 3, paragraph 33	Land drainage Codes of Practice	Norfolk Broads Authority to consult with English Nature before preparing and issuing Codes of Practice for the construction or alteration of drainage works within the Broads	Conservation Officer
Sea Fisheries Regulation Act 1966	5A	Bye-laws under Section 5 for marine environmental purposes	Requirement to consult with English Nature before making appropriate bye-laws	Sea Fisheries Liaison Officer
Transport and Works Act 1992	6	Applications for orders under Sections 1 and 3	Requirement to consult with English Nature for purposes of environmental impact assessment procedure (see also Transport and Works (Assessment of Environmental Effects) Regulations 1998 and Transport and Works (Applications and Objections Procedure) Rules 2000)	Conservation Officer
Water Industry Act 1991	4	Environmental duties with respect to Sites of Special Scientific Interest	Statutory undertakers to consult with English Nature before carrying out any works, operations or activities likely to endanger such sites	Conservation Officer
	5	Codes of Practice with respect to environmental and recreational duties	The Secretary of State to consult with English Nature before making an order approving any Code of Practice	Head of Water and Wetlands, EIT
	156	Restriction on disposals of land	A relevant water/sewerage undertaker to consult with English Nature before making a disposal of land situated in a National Park, in the Broads or in an Area of Outstanding Natural Beauty or Site of Special Scientific Interest	Conservation Officer

### Statutory consultation rights: UK statutory instruments

Legislation	Regulation or schedule	Provision	Notes	Lowest level of delegation
Control of Pesticides (Amendment) Regulations 1997	Schedule 4	Conditions relating to the consent to the use of pesticides by aerial application	Requirement to consult with English Nature	Conservation Officer
Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000	7, 8 and 11	Application for grant of consent by Secretary of State to construction of generating station or overhead power lines	The Secretary of State to consult with English Nature where the application relates to a site in England	Conservation Officer
	15	Duty to provide information relevant to preparation of environmental statement	English Nature to provide certain information where requested by applicant (English Nature may also volunteer information) (unless covered by Environmental Information Regulations 1992)	Conservation Officer
Environmental Impact Assessment (Fish Farming in Marine Waters) Regulations 1999	4-9 and Schedule 3	Certain bodies may be consulted by Crown Estate Commissioners for purposes of giving screening opinion and scoping opinion	Such bodies include English Nature where the proposed development is to be situated in an area of marine waters adjoining England	Conservation Officer
	7	Duty to provide information relevant to preparation of environmental statement	English Nature to provide certain information where requested by applicant (English Nature may also volunteer information) (unless covered by Environmental Information Regulations 1992)	Conservation Officer

<b>Legislation</b>	<b>Regulation or schedule</b>	<b>Provision</b>	<b>Notes</b>	<b>Lowest level of delegation</b>
Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999	9	Request as to the information to be included in an environmental statement	The Commissioners to consult with English Nature where the land is situated in England	Conservation Officer
	12	Duty to provide information relevant to preparation of environmental statement	English Nature to provide certain information where requested by applicant (English Nature may also volunteer information) (unless covered by Environmental Information Regulations 1992)	Conservation Officer
Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999	5, 8 and 10	Consultation and request as to the information to be included in an environmental statement	The drainage body to consult with English Nature in relation to improvement works to be carried out in England. DEFRA to consult with English Nature as to information to be included in environmental statement. English Nature to provide certain information where requested by applicant (English Nature may also volunteer information) (unless covered by Environmental Information Regulations 1992)	Conservation Officer
Farm Woodland Premium Scheme 1992	5	Restrictions on approval of applications	The appropriate Minister to procure a statement from English Nature before approving an application which relates to any land to be converted to woodlands and intended to be managed as a coppice	Conservation Officer



<b>Legislation</b>	<b>Regulation or schedule</b>	<b>Provision</b>	<b>Notes</b>	<b>Lowest level of delegation</b>
Highways (Assessment of Environmental Effects) Regulations 1999	105B	Consultation	The Secretary of State to consult with English Nature on any project for constructing or improving a highway of area in excess of 1 hectare or affecting a sensitive area	Conservation Officer
Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999	6	Pre-application opinion as to the content of the environmental statement to be prepared for the purposes of obtaining a consent to dismantle or decommission nuclear power stations/reactors	The Health and Safety Executive to consult with English Nature	Conservation Officer
Planning (Hazardous Substances) Regulations 1992	10	Consultation before the grant of hazardous substances consent	The relevant authority to consult with English Nature before determining an application for hazardous substances consent where the application relates to land in certain sensitive areas	Conservation Officer
Plant Protection Products (Basic Conditions) Regulations 1997	Schedule 4	Conditions relating to the consent to the use by aerial application of prescribed plant protection products	Requirement to consult with English Nature	Conservation Officer
Public Gas Transporter Pipe-Line Works (Environmental Impact Assessment) Regulations 1999	3 and 7	Requirement for environmental impact assessment before gas transporter may carry out pipe-line works	The Secretary of State to consult with English Nature in the case of proposed pipe-line works in England before giving opinion on information required to be included in an environmental statement	Conservation Officer
Town and Country Planning (Development Plan) (England) Regulations 1999	10	Pre-deposit consultation	The local planning authority to consult with English Nature when preparing proposals for the alteration or replacement of a structure plan under S33(1)	Conservation Officer

Legislation	Regulation or schedule	Provision	Notes	Lowest level of delegation
Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999	10, 11	Scoping opinions to be provided by the local planning authority or Secretary of State as part of procedure relating to determination of planning applications	Planning authority and Secretary of State to consult with English Nature before adopting a scoping opinion as to the information to be provided in an environmental statement	Conservation Officer
	12	Provision of information	Consultation on information to be provided by English Nature (English Nature obliged to provide unless covered by Environmental Information Regulations 1992)	Conservation Officer
	22	Development by local planning authority	Duty to consult with English Nature	Conservation Officer
	25	Unauthorised development	Planning authority to: <ol style="list-style-type: none"> <li>1. send copy of enforcement notice to English Nature where unauthorised development “constitutes” EIA Development</li> <li>2. consult on information to be provided by English Nature (English Nature obliged to provide unless covered by Environmental Information Regulations 1992)</li> <li>3. and, on appeal, to consult English Nature</li> </ol>	Conservation Officer

Legislation	Regulation or schedule	Provision	Notes	Lowest level of delegation
Town and Country Planning (General Development Procedure) Order 1995	10	Consultations before the grant of permission	The local planning authority to consult with English Nature before granting planning permission for a development which affects SSSIS	Conservation Officer
Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2000	5	Preliminary notices	The applicant for an order (under the Transport and Works Act 1992 authorising the carrying out of specified works) to serve a notice on English Nature advising of the proposals	Conservation Officer
	6	Request for information	English Nature obliged to provide information to the applicant (unless covered by Environmental Information Regulations 1992)	Conservation Officer
	7	Request for screening decision (as to whether environmental impact assessment required)	English Nature to give opinion on whether environmental impact assessment is required	Conservation Officer
	7	Request for Scoping opinion (as to information to be included in environmental statement)	Duty to consult with English Nature before Secretary of State issues scoping opinion	Conservation Officer

# 11. The financial control system

## 1. Overview

- 1.1 English Nature as a Non Departmental Public Body has a duty to safeguard the public finances. It receives advice and direction from a number of sources on how to perform this duty adequately.
- 1.2 **The Financial Memorandum** is agreed between English Nature and the Department for Environment, Food and Rural Affairs (DEFRA) and approved by the Treasury. It provides a financial framework within which the Council Members and staff of English Nature must work.
- 1.3 **The Chief Executive** is the designated Accounting Officer and carries ultimate personal responsibility for the finances of English Nature. The Accounting Officer must ensure:
  - a. propriety and regularity of the public finances for which he or she is answerable;
  - b. the keeping of proper accounts;
  - c. prudent and economical administration;
  - d. the avoidance of waste;
  - e. the efficient and effective use of all the available resources.

A series of controls help the Accounting Officer achieve this.

- 1.4 **The Accounting Officer's** review of the effectiveness of internal financial control is aided by:
  - a. the internal auditors;
  - b. the Audit and Risk Management Committee, whose remit includes overseeing the work of the internal auditors;
  - c. the senior managers within English Nature who have responsibility for the development and maintenance of the financial controls;
  - d. the external auditors.
- 1.5 **The Finance Guidelines** are detailed instructions to all staff stating how financial transactions must be dealt with and by whom. They are governed by:
  - a. the Financial Memorandum;
  - b. Dear Accounting Officer Letters received from HM Treasury;

- c. the *Government Accounting Manual*;
- d. all current accounting standards set by the professional accountancy bodies.

The Finance Guidelines allow delegation of financial responsibility to the lowest level of management within English Nature. With a low level of delegation, effective guidelines must be adhered to.

- 1.6 The Finance Guidelines are issued to each team. The Guidelines are regularly reviewed for completeness and validity by the Finance and Procurement Services Team who issue any amendments as necessary.
- 1.7 All staff should adhere to the Finance Guidelines but, being human, they do not always do so. Discrepancies are not necessarily deliberate, they may be due to lack of knowledge. A regular review of the day-to-day working of both financial and non-financial procedures is carried out by the internal auditors. The internal auditors are independent and are employed by English Nature under contract.
- 1.8 **The internal auditors** assess the risk of different areas of the organisation to exposure. Where the internal auditors have concerns about current practices they make recommendations to improve the situation. It is not mandatory for English Nature to accept all their recommendations but it is expected that reasons why suggestions have not been implemented will be given. Annually the Head of Internal Audit provides the Accounting Officer a with report giving an independent opinion on the adequacy and effectiveness of English Nature's system of internal financial control.
- 1.9 **The system of internal financial control** is based on a framework of regular management information, administrative procedures including the segregation of duties, and a system of delegation and accountability. In particular, it includes:
  - a. comprehensive budgeting systems with an annual budget which is reviewed and agreed by the Directors and General Managers;
  - b. regular reviews by the Directors and General Managers of periodic and annual financial reports which indicate financial performance against the forecasts;
  - c. setting targets to measure financial and other performance;
  - d. clearly defined capital investment control guidelines;
  - e. as appropriate, formal project management disciplines.

## 2. Financial Control System

- 2.1 English Nature has developed a system of financial controls which are able to provide the Accounting Officer with assurance that he/she is fulfilling his/her duties to:
  - a. ensure the propriety of and regularity of English Nature's finances;

- b. ensure prudent and economical administration of English Nature's expenditure;
- c. sign the annual accounts of English Nature which indicates his/her acceptance of his/her personal responsibility for financial conduct of English Nature over the stated period;
- d. be cost conscious and seek to obtain the best value for money. He/she must ensure that proper economies are made where valid and should avoid wasting money and resources.

2.2 The financial control system encompasses the following features:

- a. segregation of duties to ensure that no one person is in a position where they can initiate, authorise and make payments;
- b. witnessing of all valuables received by two persons to ensure that disputes do not arise;
- c. delegation to lower levels with strict financial limits to ensure that only suitable levels of authority are placed on employees;
- d. required authorisation of all transactions to ensure validity;
- e. a system to ensure that all new users of the Financial Management System are provided with training to ensure proper use of the system and awareness of Finance Guidelines;
- f. a system to ensure that all new Team Managers are given financial training to ensure that they are aware of their responsibilities and accountability, even though they have delegated many of the tasks to their staff;
- g. a system to ensure that senior Financial Services Team staff are appropriately qualified and that they keep up to date with changes in all areas which affect the finances of English Nature. Those staff are then expected to inform and advise all relevant employees of such developments;
- h. a list of key contacts for employees to use when they have queries on any aspect of financial accounting, management or procurement;
- i. procurement regulations to ensure that contracts of certain values are subject to appropriate levels of competition;
- j. a system of delegated budgets to ensure that Teams can verify that detailed expenditure has in fact been incurred;
- k. a system of reporting against budgets to the Executive Committee to ensure that English Nature as a whole is performing in accordance with expectations. By reporting throughout the year any need for corrective action can be identified and implemented in time to have an effect;

- l. an internal audit contract to ensure that guidance is adhered to and to identify any areas of operation which would benefit from new guidance;
- m. formal project management to ensure that best value is obtained.

## 12. Financial approval process for Council

### 1. Introduction

This process ensures that all financial cases submitted to Council for approval have been properly completed and include all the information Council to make a properly informed decision.

### 2. Projects and proposals subject to Council approval

2.1 The English Nature Management Statement issued by DETR which powers and duties have been delegated to English Nature's Council and officers.

2.2 English Nature's Council according to the powers and duties laid out in the Management Statement should give its consideration and approval to the following categories of financial cases:

- |           |  |  |
|-----------|--|--|
| <b>a.</b> | <b>Management Agreements</b>   | Over £250,000 capital or £50,000 per annum   |
| <b>b.</b> | <b>Power to purchase and lease land</b>                              |  |
| i.        | New NNRs   |  |
| ii.       | NNR Extensions (purchase from Grant-in-Aid)                          | Over £250,000                                |
| iii.      | Leases   | Over £250,000 lump sum or £100,000 per annum |
| <b>c.</b> | <b>Power to purchase or lease office accommodation</b>               |  |
| i.        | Purchase from Grant-in-Aid   | Over £250,000                                |
| ii.       | Leases   | Over £100,000 per annum                      |
| <b>d.</b> | <b>Power to commission, support, initiate and carry out research</b> | £250,000 or more in total on any new project |
| <b>e.</b> | <b>Power to make grants and loans</b>                                |  |
| i.        | Land Purchase ( Chairman or Chief Executive)                         | £50,000 or more                              |
| ii.       | Other grants and loans   | £50,000 or more                              |



### 2.3 Single projects over £250K

In addition Council should consider and recommend for approval by Defra any single project which will incur expenditure in excess of £250K. Schedule 5 of the Financial Memorandum states that such projects are not delegated for approval by English Nature's Council or officials. Examples of projects might include large scale expenditure on IT equipment or in relation to engaging Professional Services for work on Public Inquiries.

## 3. Issues for Council to consider when approving financial cases

Council in considering financial cases brought before it for approval may wish to consider the following areas before reaching a decision:

- a. The extent to which the proposal fits in with English Nature's corporate objectives and priorities.
- b. The long term resource and other implications of the proposal for English Nature.
- c. The risks and uncertainties associated with the proposal.
- d. The appropriateness of the level of resources being committed in relation to other English Nature priorities.
- e. Identify and comment on an areas of the proposal that the Council feels to be contentious, novel or unusual. Such areas may have implications, which could result in changes to policy, or practice, which have wide financial implications or may affect the future level of funding required.

## 4. The process

Any projects or proposals requiring Council's approval must adhere to the following requirements:

- a. **The submission of a business case** produced in accordance with the English Nature's Financial Guidelines Chapter 9 and the Treasury Green Book. The business case should state the objectives and rationale of the proposal, include a cost and benefit analysis, indicate the likely resource requirements, highlight any risks and uncertainties and set out how the success of the project will be measured.
- b. All projects must have the **written approval of the Finance Officer** or his appointed representative within the Finance and Procurement Services Team. The Finance Officer or his representative should confirm the availability of resources to fund the project.
- c. If there are any other specialist areas covered appropriate support should be sought. For example, the Chief Surveyor's written recommendation should be secured in proposals for the purchase of land or the lease or purchase of office accommodation.

- d. **Approval** should be given **by the relevant Programme Director**. Once all the papers have been collated and approved they should be sent to Caroline Wood, Director of Resources, who will present them to Council at the earliest opportunity.

## **5. Other considerations: Employment of consultants (incorporating the Heiser Rule)**

- 5.1 On grounds of propriety the procurement of the services of former Council members or employees of English Nature (ie casuals whose employment ceased within the last 2 years and all permanent and FTA staff) who have set themselves up as *bona fide* consultants shall be by competitive tender. ‘*Abona fide consultant*’ means a person (including a former employee of English Nature) who has set up in business (or is a partner in, or employee of a business) which advertises services. Such a consultant will generally have a business or trading name, headed writing paper and a business address and, where appropriate, be registered for VAT purposes. A former employee or Council member who is not a *bona fide* consultant shall only be engaged on a fee paying basis with Council approval on tasks for which it would normally be inappropriate to appoint a *bona fide* consultant.
- 5.2 Single tender action is only justified where there is no reasonable alternative (for example, for certain specialist services) or in cases of extreme urgency outside English Nature’s control (for example to remove a risk to the public).
- 5.3 Any cases requiring Council’s approval to proceed, should be submitted in writing, offering a full explanation and presented by the Director of Resources. Submission of a full formal business case would not be required in such circumstances.

## **13. Approving extra paid days for Council Members**

### **1. Introduction**

- 1.1 Council Members are appointed, as individuals, because they have specific experience and skills that can benefit English Nature and its work. There will be times when English Nature needs to call on these skills to supplement the experience and expertise of staff. These periods can involve extensive involvement from Council Members well over and above that for which they are normally contracted. The area of work is likely to be of priority to English Nature and the need for involvement by a Council Member will have been identified by the appropriate Director.
- 1.2 The process outlined below formalises the approval process.

### **2. Approving extra paid days**

- 2.1 The Director responsible for the area of work will make a case to the Chief Executive to involve the appropriate Council Member.
- 2.2 The case will identify the particular skills/experience of the Council Member, an estimate of the amount of extra time needed and an estimate of a project end date or date for reviewing if the Council Member's involvement is still required.
- 2.3 Chief Executive will, if he agrees, submit the case for signing off by the Chair.
- 2.4 To ensure transparency the matter will be formally recorded in the minutes of the next meeting of the General Committee of Council.

## **14. Audit and risk management**

### **1. Overview**

- 1.1 English Nature as a Non Departmental Public Body has a duty to measure and evaluate the effectiveness of its internal control systems and to ensure that these are operating efficiently, effectively and economically in support of the organisation's goals.
- 1.2 Following publication of the Turnbull Report, English Nature have also recognised the need for the systematic evaluation of risk and to embed risk management into existing management processes.

### **2. The role of the internal audit and risk management service**

- 2.1 The role of the internal audit and risk management service is to provide management with an objective assessment of whether systems and controls are working properly. It is a key part of an organisation's internal control system because it measures and evaluates the adequacy and effectiveness of other controls so that:
  - a. non-executive directors and senior management can know the extent to which they can rely on the whole system; and
  - b. individual managers can know how reliable the systems and controls are for which they are responsible.
- 2.2 The internal control system comprises the whole network of systems and controls established to manage the organisation to ensure that its objectives are met. It includes financial and other controls, and also arrangements for ensuring that the organisation is achieving best value from its activities.
- 2.3 English Nature's internal control and risk management systems encompass the following features:
  - 2.3.1 establishment of an Audit and Risk Management Committee
  - 2.3.2 assignment of specific roles and responsibilities in managing, monitoring and arbitrating the audit and risk management systems
  - 2.3.3 establishment of an internal audit and risk management contract and formal processes relating to this to ensure that guidance is adhered to and to identify any areas of operation which would benefit from new guidance.
  - 2.3.4 establishment of formal reporting procedures to provide the Accounting Officer and Audit and Risk Management Committee with assurance on the adequacy, effectiveness and reliability of English Nature's internal control systems.

### **3. The role of the Audit and Risk Management Committee**

- 3.1 English Nature has an Audit and Risk Management Committee whose role is to assist the Accounting Officer in meeting his/her responsibilities in the provision of an efficient and effective audit and risk management service. The Audit and Risk Management Committee meets three times per year to approve audit plans; to discuss the results of particular audits and any issues arising from those audits; and to monitor the performance of the auditors. In addition, the Audit Committee reports annually to Council. The Terms of Reference of the Audit and Risk Management Committee are found at Paragraph 7.

### **4. The audit and risk management contract and processes**

- 4.1 English Nature has appointed PKF on contract for the provision of the internal audit and risk management service. This appointment is expected to be for a three year period from December 1999, with a possible extension for a further two years.
- 4.2 The core contract provides for the planning, undertaking and management of the internal audit process, as outlined at in Paragraph 8.
- 4.3 In order to ensure that risk management is effective and does not lead to an over controlled organisation, English Nature has also contracted PKF to assist with putting in place a framework which:
- provides consistent, organisation-wide definitions and agreement on the materiality of risks ie. what is material to the attainment of the business objectives;
  - has clear allocation of responsibilities;
  - builds on existing planning and management processes;
  - provides ongoing early warning mechanisms;
  - links with performance targets and objectives;
  - balances risks and controls.

English Nature's risk management process is outlined at Paragraph 9.

### **5. Roles and responsibilities**

- 5.1 **The Chief Executive** is the designated Accounting Officer and as such, carries ultimate responsibility for the propriety of English Nature.
- 5.2 **The nominated officer** for the audit and risk management functions is the **Resources Director** who is a member of the Audit and Risk Management Committee and acts as arbitrator should there be any unresolved differences of opinion between the internal auditors and the auditees.
- 5.3 **A contract manager** is appointed who is responsible for the management and monitoring of the contractor providing the audit and risk management service. The

contract manager reports to and provides the secretariat service for the Audit and Risk Management Committee.

- 5.4 **The contractor** nominates a **Client Services Manager (CSM)** who liaises directly with the Contract Manager over all aspects of the Audit Programme and Contractor performance. The CSM is responsible for the delivery of the Audit Programme to the standards and to the specified timetable. The CSM acts as Head of Internal Audit and as such, provides assurance that the audit complies with the requirements of the *Government Information and Systems Manual*. The CSM is expected to attend all meetings of the Audit and Risk Management Committee. The CSM nominates a member of the audit team to act as Audit Team Leader who is responsible for the day to day management of the team.
- 5.5 **Programme Managers** (Director level) are the ‘**risk owners**’ for risks within their Programme. They are responsible for ensuring key risks are identified and managed and for reporting on these to the Audit and Risk Management Committee; for ensuring significant risks are identified and managed; and for promoting a risk management method within all work undertaken in their Programme.

## 6. Reporting and The Statement of Assurance

- 6.1 As required by the *Government Internal Audit Manual (GIAM)*, the Head of Internal Audit is required to submit an annual report to the Audit and Risk Management Committee and the Accounting Officer. This provides a summary of internal audit activity and results and a formal opinion on the adequacy, effectiveness and reliability of the organisation’s internal control systems.
- 6.2 In giving this opinion it should be noted that assurance can never be absolute. The most that the internal audit service can provide to the governing body is a reasonable assurance that there are no major weaknesses in the whole system of internal control. In assessing the level of assurance to be given, the Internal Auditors take into account:
- a. all audits undertaken during the preceding year;
  - b. the results of follow-up action taken in respect of audits from previous years;
  - c. whether any fundamental or significant recommendations have not been accepted by management, and the consequent risks;
  - d. the effects of any material changes in the organisation’s objectives or systems;
  - e. matters arising from previous reports to the governing body;
  - f. whether or not any limitations have been placed on the scope of internal audit;
  - g. whether or not there have been any resource constraints that may impinge on the Head of Internal Audit’s ability to meet the full audit needs of English Nature;
  - h. what proportion of the organisation’s audit needs has been covered to date.

- 6.2 This contractor's report complements the contract manager's annual report which comments upon the contractor's output and performance during the financial year.
- 6.3 Both of the above reports are presented annually to the Audit and Risk Management Committee for consideration.

## **7. Audit and Risk Management Committee – Terms of Reference**

### **7.1 Role**

- 7.1.1 The Audit and Risk Management Committee (A&RMC) is an advisory committee established by the Council to:
- a. promote a climate of financial discipline and internal control to reduce the opportunity for financial or other mismanagement;
  - b. advise the Accounting Officer on priorities for the Internal Audit team including its long term plan and annual work programme;
  - c. support and advise the Accounting Officer on all internal and external audit matters;
  - d. give advice to the Accounting Officer on the adequacy of risk management policy and on the implications of assurances provided in respect of risk and control in the organisation.
  - e. promote the understanding of Internal Audit's role and value within English Nature.

### **7.2 Responsibilities**

- a. to ensure satisfactory internal control through reviewing the adequacy and effectiveness of arrangements such as:
  - the planned activity of internal audit;
  - the results of internal audit activity;
  - the planned activity of external audit;
  - the results of external audit activity;
  - the adequacy of management response to issues identified by audit activity;
  - advice on unresolved findings or recommendations from audit;
  - assurances relating to the corporate governance requirements for the organisation;
  - the procedures for risk management.
- b. to review the arrangements established by management for compliance with regulatory and financial reporting arrangements;

- c. to review the objective status and scope of internal audit and its performance including a Value For Money assessment;
- d. to review the annual cost of internal and external audit and the adequacy of Internal Audit's resources;
- e. to review the arrangements made for co-operation between the internal auditors, the external auditors and other review bodies;
- f. to ensure the role and value of internal audit is disseminated throughout the organisation through the various mechanisms available, including an annual Internal Audit Report;
- g. to consider any other matters where requested to do so by Council;
- h. to advise the Accounting Officer of any implications arising from audit findings and opinions;
- i. to report at least annually to the Council on the discharge of the above duties.
- j. to report to the Chair serious problems as they occur via the Accounting Officer.

### **7.3 Membership**

7.3.1 The Council will be responsible for appointing the members of the A&RMC. The Committee shall be chaired by a Council Member with relevant executive experience. In his or her absence the Committee shall elect a Chairman for the meeting from amongst its members.

7.3.2 The Committee membership will comprise:

Chair - Council Member (with relevant executive experience)  
Four Council Members which may include the Accounting Officer

The following should be regular attendees:

Accounting Officer (if not a member)  
JNCC Managing Director  
Resources Director  
1 General Manager  
Finance Officer  
Head of Internal Audit  
Minuting Secretary (Audit Contract Manager)

7.3.3 In addition copies of the agenda and minutes should be sent to the NAO Audit Director and it should be open for him to attend for any relevant items or meetings.

7.3.4 A quorum shall be three members, all of whom should be Council members.



## **7.4 Meetings**

7.4.1 The Audit and Risk Management Committee shall normally meet three times a year, with the facility to call additional meetings if necessary. The minutes of meetings will be circulated to:

- all Committee Members;
- all regular attendees;
- senior management fora;
- all Council Members.

## **7.5 Authority**

7.5.1 The Committee is authorised by Council to investigate any activity within its Terms of Reference, and to seek any information it requires from staff, who are directed to cooperate with the Committee in the conduct of its enquiries. Requests for work, and reports received, from Internal Audit will be channelled through the Accounting Officer.

7.5.2 The Audit and Risk Management Committee is authorised to obtain independent professional advice and to secure the attendance of outsiders with relevant experience and expertise if it considers this necessary.

## **7.6 Role of the Accounting Officer**

7.6.1 It is important to recognise the differences between the advisory role of the Audit Committee with its responsibility to both the Accounting Officer and to Council, and the role of the Accounting Officer who has personal responsibility for securing regularity, propriety and value for money in English Nature's use of resources, including ensuring systems are in place to secure efficiency, economy and effectiveness.

7.6.2 The Audit and Risk Management Committee will reach its recommendations independently based on the Audit Reports and the responses of the management team. These should then be advised to the Accounting Officer. If the Accounting Officer disagrees with the proposed actions, and the matter cannot be resolved by the Chair of the A&RMC and the Accounting Officer, then the matter should be decided by Council. Council would need to consider the recommendations and advice of the Committee and the reasons for the Accounting Officer's rejection of that advice. If Council confirms the Committee's advice despite the objections of its Accounting Officer then the Accounting Officer can record his objections under normal procedures. However, as the Accounting Officer's views will inform the considerations in A&RMC, it is not envisaged that this course of action should occur other than in the most exceptional circumstances.

## **8. The internal audit process**

### **8.1 The process**

- 8.1.1 A three Year Audit Needs Assessment (ANA) was drawn up by PKF in early 2000 and approved at the June 2000 Audit Committee meeting. This set out a three year programme for internal audit.
- 8.1.2 From the ANA, an Annual Audit Programme for the forthcoming year is drawn up by the Internal Audit Client Service Manager (CSM) at PKF and submitted to the Audit & Risk Management Committee's September meeting, for confirmation at its March meeting.
- 8.1.3 During December the Contract Manager/Admin Support consult Teams over audit dates for the following year based on the annual audit programme. (Dates of audits once confirmed may only be changed with the approval of the Director of Resources).
- 8.1.4 Once the programme has been approved, the Contract Manager arranges to supply PKF with contact details (email address & telephone number) of all relevant Team Managers, General Managers, Directors and key contacts involved in each audit.
- 8.1.5 Two months before each audit the Contract Manager sends an 'early warning memo' to all auditees introducing his/herself & his/her role, reminding them of their impending audit, supplying details of the audit process.
- 8.1.6 A month before each audit PKF is CSM will contact the relevant Director/General Manager for initial discussions on the scope of the audit and its objectives. This is a new step in the process to provide assurance that the correct objectives are identified.
- 8.1.7 PKF is CSM will issue the Audit Briefing note to the auditee (usually Team Manager) and General Manager at least 15 days prior to the start of the audit. The Audit Briefing Note will give the number of days for the audit is the total time allocated by PKF to the audit including preparation, fieldwork and report writing.
- 8.1.8 PKF carry out the audit fieldwork and provide verbal feedback to the auditees within 2 weeks of completion of the fieldwork. In practice this is usually given at the closure meeting, when the auditee will also have the opportunity to see the file. Normally fieldwork for two audits will be carried out during the same week. A senior and assistant auditor will be involved. (PKF will alert the auditees and Contract Manager immediately if high risk problems requiring urgent action are found).
- 8.1.9 The PKF CSM sends a written draft report to the Contract Manager within 2 weeks of presentation of their verbal feedback. (4 weeks from the end of fieldwork) The Contract Manager arranges photocopying & distribution of these, with a covering memo from the PKF CSM, to the auditee, their GM and Director and any other relevant staff. A Customer Feedback form is also issued for completion and return at the end of the audit. This provides information for the Contract Manager to monitor and develop the service with PKF.

- 8.1.10 Auditees are invited to comment, within 4 weeks of receipt of the draft report, on the substance of the report and factual accuracy, and acceptance and timescale for implementation of the recommendations.
- 8.1.11 Any proposed changes & disputed recommendations which cannot be agreed between the PKF and the auditees are referred to the Nominated Officer (presently Caroline Wood) who will discuss these with PKF. If the issues still cannot be resolved, then the Audit and Risk Management Committee will be advised in writing, with a full record of any meetings that have taken place.
- 8.1.12 Within two weeks of receipt of comments on the draft report, the PKF will produce a final audit report and submit this to the Contract Manager. The Contract Manager arranges for these to be copied & distributed to the auditees, their GM and Director, plus NAO, Audit & Risk management Committee members & JNCC (if appropriate).
- 8.1.13 The Contract Manager is responsible for monitoring audit recommendations and preparing reports for each Audit and Risk Management Committee meeting.
- 8.1.14 On completion of the contract, PKF submit all audit files to the Contract Manager for retention.
- 8.1.15 Written progress reports are produced during the year:
- i. PKF provide a progress report for consideration at each Audit & Risk Management Committee meeting. Reports are to be sent to the Contract Manager at least 3 weeks before each meeting;
  - ii. in March each year, the following reports are provided to the Accounting Officer and the Audit and Risk Management Committee:
    - a. PKF provides a report on progress incorporating the Statement of Assurance
    - b. The Contract Manager provides a report on PKF's performance and compliance with HM Treasury's standards and the terms and conditions of contract.
- 8.1.16 Throughout the year, the Contract Manager monitors progress against the Annual and Operational Plans. Regular progress review meetings are held between the Contract Manager and PKF.

NB. The JNCC Internal Audit Programme is delivered proportionately between the three country agencies with English Nature taking the lead role in managing the programme. The annual Statement of Assurance provided by PKF includes reference to both English Nature and JNCC.

## **9. English Nature's risk management process**

- 9.1 A series of workshops, planned, prepared and facilitated by PKF, were held to raise awareness on the need for, the implications of and the process of risk management.

Through these workshops, participants identified and assessed the severity of risks and carried out an evaluation of control measures.

- 9.2 Following completion of the workshops, PKF prepared a report of the findings and conclusions resulting from these and recommend actions to be taken.
- 9.3 The resulting information to Programme Managers who are responsible for ensuring the identification of risks within their Programme and for being the 'risk owner' for those risks.
- 9.4 Programme Managers and their Programme Boards built on the work completed at the workshops and produced a complete 'Risk Register' for their area of work.
- 9.5 Programme Boards have three main remits in relation to risk management:
  - i. To identify and manage key risks - that is risks which have a materiality on English Nature attaining its corporate objectives - and advise on these to the Audit and Risk Management Committee.
  - ii. To identify and manage significant risks at an operational level within their Programme.
  - iii. To promote a risk management method within all the work undertaken in their Programme.
- 9.6 Programme Managers are ensured proper processes and controls were in place by 31 March 2001.
- 9.7 PKF will provide independent assurance of the effectiveness of the risk management systems. This will enable the Accounting Officer to have all the necessary advice to enable him to make the Statement of Internal Control in an informed and responsible manner.
- 9.8 Initially, the above approach was undertaken by senior staff, concentrating on key risks. It is envisaged, however, that a similar approach will be adopted throughout English Nature looking at team/operational level risks and controls.

## **15. Good decision making**

### **1. Background**

- 1.1 In terms of Corporate Governance, good decision making refers to the way that decisions are reached, not the merits of the actual decisions taken. Of course good procedures are likely to result in better quality decisions. In addition to decisions needing a clear audit trail, it is important that all decisions are seen to be taken within the appropriate processes and procedures to which English Nature must adhere. The main legal principles are outlined below.

### **2. Ultra vires**

- 2.1 Ultra vires means "outside the powers". English Nature has been given a statutory remit by Parliament and can only operate within the limits of the powers and functions Parliament has prescribed. (See Section 2, in particular Chapter 4.) When considering any course of action, it is necessary to be sure that English Nature and its officers are, in fact, legally empowered to carry it out.

### **3. Wednesbury Rules**

- 3.1 The so-called Wednesbury Rules evolved from a court case involving Wednesbury Corporation. They are the basic rules governing decision making by public authorities.
- a. Before reaching a decision, all relevant considerations must be taken into account.
  - b. Irrelevant considerations must not be taken into account.
  - c. Any decision must not be manifestly unreasonable i.e. so unreasonable that no reasonable authority could have reached it.

### **4. Procedural impropriety**

- 4.1 English Nature should follow those rules it has adopted, such as any financial regulations or the Standing Orders for the conduct of Council Meetings. Similarly it must follow any rules laid down by law as to how issues should be dealt with, for example statutory powers.
- 4.2 The procedures adopted in any particular case involving individuals' rights must be fair and accord with "natural justice". These rules include:
- a. Letting any person affected by a decision know that their rights may be affected, and why any proposal which may affect them is being put forward. This must be done in reasonable time to enable them to consider the matter.
  - b. Give them the opportunity to make representations.
  - c. Tell them the reasons for the decision.

- d. Justice must be seen to be done. For instance, nobody with a personal interest or who might appear to an outside observer to be biased in some other way should take part in making a decision.

Each case must be considered individually. English Nature is entitled to have policies, and to apply them, but it must always be prepared to consider whether individual cases should be an exception to the policy.

## **5. Estoppel and legitimate expectation**

- 5.1 Simply put, this means that English Nature cannot say one thing and then do another. Subject to the fact that English Nature must always carry out its public duty, if a statement is made on its behalf by an officer working within the scope of their actual or apparent authority, on which someone acts, English Nature cannot normally go back on that statement even if it is discovered to be wrong.

- 5.2 It is important for English Nature's officers to be able to give informal advice to landowners, occupiers etc. In a court case regarding estoppel it was said that:

"....Local government officers should feel free to help applicants who come to ask them questions without all the time having the shadow of estoppel hanging over them and without the possibility of their immobilising their authorities by reason of some careless remark which produces estoppel."

- 5.3 Related to estoppel is the principle of legitimate expectation. English Nature may, by dealing with persons in a particular way, create a legitimate expectation, enforceable at law, that they will do so in future.
- 5.4 English Nature's officers should be alert to the possibilities of actions, dealings or assurances giving rise to legitimate expectations. Officers should ensure they have the authority act in any particular way, and document fully any advice etc that they give.

## **6. Evidence**

- 6.1 In the event of English Nature being challenged over the legality of any of its decisions or actions it will be vital to be able to provide an audit trail of the decision making process. This trail should have been made at the time the decisions were actually taken. This includes minutes of meetings (see Chapter 43) and the formal delegation of powers to officers (see Chapter 10).
- 6.2 If Council Members believe a decision is unlawful or contravenes the principles above in some other way, they must vote against it and are recommended to have their objection recorded in the minutes of the Council Meeting.

## 16. Human resources

### 1. Overview

- 1.1 English Nature aims to maximise the contribution of each member of staff to the delivery of nature conservation by placing a high priority on effective staff management, learning, and health and welfare. The staff of English Nature are employees of the Council of English Nature. As an employer English Nature must work within the relevant UK legislation. Within the employment context this includes all legislation that provides rights to employees and workers.
- 1.2 The law which governs the employment relationship includes Statute Law, Common Law, Custom, Codes of Practice and EU Law. Significant legislation includes the Employment Rights Act 1996, Data Protection Act 1998, Employment Relations Act 1999, and a variety of Trade Union related Acts, Equality and Discrimination Acts and Health and Safety Acts.

### 2. English Nature's Personnel Policies and Procedures (*ENPower*)

- 2.1 *ENPower*, along with various instructions and notices, (such as notification of annual pay settlements), sets out the main terms and conditions of employees. It meets the responsibility of English Nature in defining the standards of conduct required of employees within the central framework provided by the Cabinet Office in the Civil Service Management Code. *ENPower* is revised when changes to the central Civil Service Management Code make this necessary or when English Nature makes use of the various delegated flexibilities under that Code.
- 2.2 The rules and instructions apply except where they are at variance with:
  - a. special conditions of service contained in an employee's letter of appointment; or
  - b. conditions of service separately stated as applicable to a particular group of staff.
- 2.3 *ENPower* is therefore read in conjunction with further instructions issued from time to time. Changes to terms and conditions of employment are notified and communicated in writing. Paper copies of *ENPower* are available in every team and it is also available on the English Nature intranet. Human Resources Services Team (HRST) authorise and provide amendments to *ENPower* and Team Administrators are responsible for ensuring that team copies are amended.
- 2.4 *ENPower* includes guidance on recruitment, equal opportunities, attendance, all kinds of leave, sick absence, learning and further development, health and safety, welfare, conduct and discipline, grievance procedures and leaving English Nature.

### **3. Common Citizenship**

- 3.1 English Nature is part of a common citizenship agreement between the three bodies that were formerly part of the Nature Conservancy Council, (Scottish Natural Heritage, Countryside Council for Wales and English Nature). The agreement sets out the basic principles intended to maintain flexibility of movement for employees between the three bodies. HRST can provide information on this as appropriate.

### **4. Recruitment**

- 4.1 English Nature's recruitment policies and practices work within the guidance provided in the Civil Service Commissioners' Recruitment Code. This code gives the framework on the interpretation and application of the principles for recruitment which are:

- a. fair and open competition;
- b. selection on merit.

Equality of opportunity must also be applied throughout the recruitment process.

### **5. Pensions**

- 5.1 The pension arrangements of staff are analogous to the rules of the Principal Civil Service Pension Scheme and the *Pensions Manual*. This scheme is called the *English Nature Superannuation Scheme*.

### **6. Management**

- 6.1 The responsibility for managing English Nature rests with its management through a number of committees, bodies and individual managers. However, following good practice in both the public and private sector, management normally exercises its responsibilities in a participatory manner through negotiation, consultation or the exchange of information with the Trade Union Side. This recognises that better decisions can often follow a full exploration of issues with the staff affected and/or their Trade Union representatives.
- 6.2 English Nature also operates the Whitley system. This is a well established formal process that provides a forum for discussions between management and Trade Union Side on issues such as terms and conditions. Within this overall Whitley system, there are three sub committees that contribute to the management and direction of three specific areas. The committee structure is as follows:

- a. Whitley General Purposes Committee

This is chaired, currently, by the Director who has lead responsibility for Human Resources and includes representatives from the management side and both of the individual unions present in English Nature as well as the Trade Union Chair.



b. Standing Committee on Training

This is chaired by a Team Manager in English Nature with membership as outlined for the General Purposes Committee.

c. Standing Committee on Health and Safety

This is chaired by the Director with lead responsibility for Health and Safety in English Nature, membership as outlined above.

d. Standing Committee on Equal Opportunities

This is chaired by a senior manager in English Nature, membership as outlined above.

## **7. Line management**

- 7.1 Line management of employees is delegated to Team Managers and others in the line management chain, with HRST providing specialist advice on the interpretation of guidance, principles and standards and current legislation and advice on complex cases.

## **8. Pay banding**

- 8.1 English Nature has introduced its own banding structure which is best suited to the specific requirements of the organisation and is endorsed by the Secretary of State. Pay increases are related to performance. English Nature conducts its own pay negotiations within the parameters imposed by DEFRA and the Treasury.

## **9. Employment law**

- 9.1 HRST maintains access to a range of employment law reference services and employees undergo regular training and development to remain aware of new and impending employment legislation and good practice in Human Resources management.

## **17. Health and safety**

### **1. Key principles**

1.1 English Nature's Health and Safety Policy is founded on the following key principles:

- all employees have a right to a safe and healthy place of work which can be achieved only by the commitment and co-operation of everyone;
- English Nature has responsibility for those staff, volunteers and contractors who work and report to it;
- we must all accept personal responsibility of our own safety and that of others who may be affected by our acts or omissions;
- we must accept that the majority of accidents and occupational diseases are preventable and that reporting and investigation of them is a vital part of the prevention strategy;
- no job or operation should be started unless it can be completed or terminated in a safe condition, through the use of proper job planning, procedures and the risk assessment process;
- we must all be aware of hazards and take steps to control the ensuing risks;
- we must all demonstrate our commitment to this policy at all times

### **2. General policy in relation to English Nature**

2.1 The Council of English Nature is responsible for ensuring that all reasonably practicable steps are taken, throughout the organisation, to provide the safest and healthiest working conditions and to minimise the frequency and severity of accidents and occupational hazards by:

- a. placing the prime responsibility for safety at all levels on the Chief Executive, Directors, General Managers and Team Managers;
- b. assigning health and safety responsibilities to a specific Director;
- c. promoting a high level of health and safety awareness in all employees;
- d. keeping under constant review the acquisition of machinery, materials and equipment to ensure the highest safety standards;
- e. acquiring or installing only machines, materials and equipment which satisfy high standards of safety, comfort and reliability and ensuring that these are maintained to these standards;
- f. adopting the use of improved working methods and operational techniques where appropriate, in order to reduce risks of injury or ill-health;

- g. implementing a risk management system and providing regular review, audit and maintenance of all health and safety systems and procedures in line with health and safety legislation, regulations and directives;
- h. investigating, providing and encouraging the use of safety devices, protective equipment and clothing;
- i. obtaining and disseminating safety guides and codes of practice to appropriate situations;
- j. providing suitable training (and where appropriate certification), information and instruction so that methods, machinery and equipment are fully understood and that employees are capable of carrying out safely the tasks allotted;
- k. providing field officers and line managers with adequate training in the operations under their control so that their technical and operational knowledge is kept up to date;
- l. providing premises and substances required for use by those to whom they have responsibilities under the Health & Safety at Work Act 1974 that are safe and without risk to health as far as reasonably practicable;
- m. fulfilling their obligations to those with whom they share premises and those who may otherwise be affected by the activity of their employees;
- n. ensuring that contractors and others when working in any English Nature areas comply with the Health and Safety at Work Act 1974 and any relevant regulations;
- o. establishing welfare facilities;
- p. consulting with employees' representatives on matters relevant to their safety, health and welfare at work;
- q. setting up an organisational committee structure for consultation on health, safety and welfare;
- r. ensuring that appeals regarding safety matters are determined by the Chief Executive, where necessary.

## **2.2 Consultation with Trade Unions**

- a. The Trade Union Side of English Nature Whitley Council has been consulted in the drafting of the general policy in relation to health and safety in English Nature.
- b. The Trade Union Side of English Nature Whitley Council is and will be represented on the Health and Safety Standing Committee.

- c. The Council of English Nature agrees to co-operate with safety representatives when requested.
- d. The Trade Unions represented on the English Nature Whitley Council are:  
     The Public & Commercial Services Union (PCS)  
     The Institute of Professionals, Managers and Specialists (IPMS)

### 2.3 The Health and Safety at Work Act 1974

Names and official addresses of individuals at Head Office with special duties and responsibilities in English Nature's written statement of policy under Section 2(3) of the Health and Safety at Work Act 1974.

Head Office address: Northminster House, Peterborough PE1 1UA

Deputy Chief Executive:	Dr Andy Brown
Director with responsibility for Health and Safety:	Dr Keith Duff
Manager Learning Services Group:	Marilyn Miller
Health and Safety Advisor:	Terry Towns
Welfare Officer:	Alison Rush

## 3. Accountabilities and responsibilities

- 3.1. The responsibility for implementation of the health and safety policy rests with the following managerial posts:
- 3.2 **Chief Executive** will ensure that there is an effective policy for the safety, health and welfare at work of employees and non-employees throughout English Nature. He will examine the effectiveness of that policy periodically with the Executive Committee.
- 3.3 **Specified Directors** have responsibility for health, safety and welfare:
  - a. Dr Keith Duff is responsible for all aspects of health and safety. He may be assisted by nominated persons.
  - b. Ms Caroline Wood is responsible for all aspects of welfare. She may be assisted by nominated persons.
- 3.4 Bruce Keith is the General Manager with special responsibilities for health and safety
- 3.5 **Team Managers** are responsible for health, safety and welfare within their management functions. In this they may be assisted by staff within their commands and the Health and Safety Unit.
- 3.6 **Every employee** must take care of their own health and safety, and that of others who may be affected by their acts or omissions, and co-operate with English Nature to meet all legal and organisational health and safety procedures.

**3.7 The Health & Safety Advisor** is responsible for:

- a. ensuring English Nature carries out its statutory health and safety responsibilities by advising managers;
- b. supporting the Director Health and Safety, and Standing Committee on Health and Safety;
- c. undertaking health and safety audit in order to measure performance and compliance;
- d. ensuring appropriate competency standards are maintained in the Health & Safety Unit;
- e. liaising with Learning Services to ensure that staff receive appropriate health and safety training;
- f. liaising with English Nature's Welfare Officer on appropriate issues;
- g. liaising with other organisations, agencies and enforcing authorities, to share and obtain advice and knowledge;
- h. investigating accidents, and promoting health and safety awareness;
- i. reporting annually to Council on the management of health and safety;
- j. operating a 24 hour Health & Safety helpdesk service to all staff.

**3.8 The Welfare Officer** will provide advice and guidance on welfare issues by:

- a. counselling staff;
- b. supporting and advising local welfare representatives;
- c. controlling and commenting on occupational health and safety welfare referrals;
- d. advising senior staff on welfare policy, and;
- e. liaising with the Health and Safety Advisor when appropriate.

**3.9 Learning Services Unit Leader** liaises with the Health & Safety Advisor, when establishing competency levels and developing health and safety training.

**3.10 Health, Safety & Welfare Standing Committee**

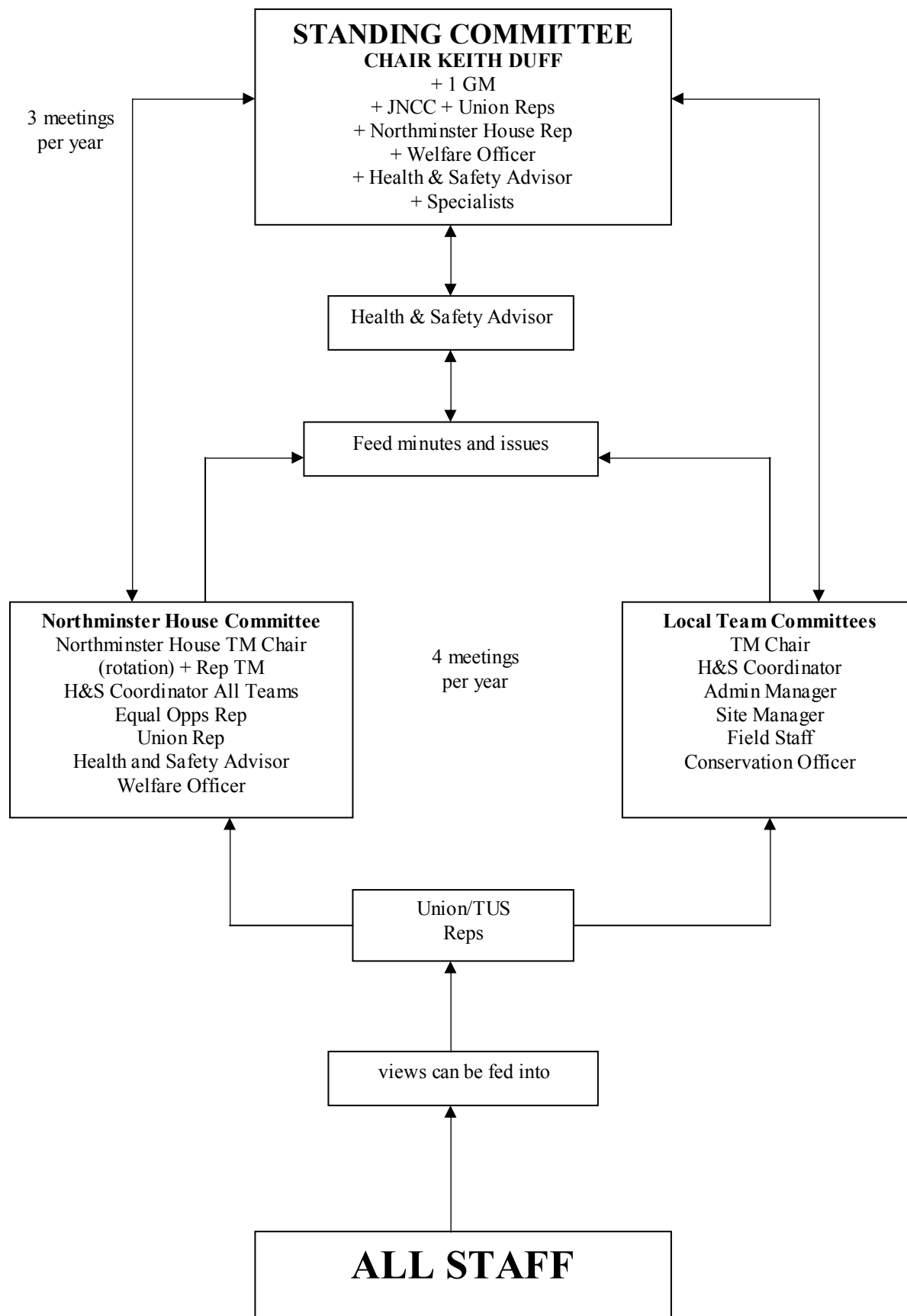
The membership of English Nature's Health, Safety & Welfare Standing Committee is a mixture of management, trade union representatives and grades, representatives of Specialist Groups across the organisation. JNCC, CCW, SNH and The Countryside Agency are also represented.

## **Members**

Keith Duff  
Sylvia Harber  
Terry Towns  
Gareth Dalglish  
Carol Soar  
Alison Rush  
Ian Wright  
Judith Murray  
Ray Lawman  
Graham Steven  
Bruce Keith  
Eleanor Hill  
Mim Conn  
Marilyn Miller  
Bill Christian  
Andy Begg  
David Whitmore

Chair  
TUS Chair  
Health & Safety Advisor  
Prospect  
JNCC  
Welfare Officer  
Countryside Agency  
PCS  
Site Manager  
Conservation Officer  
General Manager  
Diving Matters  
External Relations  
Learning Services  
SNH observer  
CCW observer  
*Minute taker*

## English Nature's Health, Safety and Welfare Standing Committee



### 3.11 Terms of Reference for Local Team Health and Safety Committees

#### 3.11.1 Role

- a. To assist the Team Manager, line manager and staff to meet their statutory duties and implement the English Nature Health and Safety Policy and guidance.
- b. To provide a link for information and to raise health and safety issues to the Standing Committee through passing on the minutes to the Health and Safety Advisor at Peterborough.
- c. To consult with staff representing all areas of the team's work and the trade unions.
- d. The Committee has no statutory role and does not remove or replace responsibilities and duties of any individual.

#### 3.11.2 Aim

To implement English Nature's Health and Safety Policies as laid out in the *Health and Safety Policy and Guidance Manual*, and to monitor local arrangements under Section 4 of the manual, in order to ensure the health, safety and welfare of all staff, volunteers and visitors to English Nature buildings and land holdings.

#### 3.11.3 Objectives

- a. To follow the *English Nature Health and Safety Policy and Guidance Manual* and assist the Team Manager, line manager and all team staff in meeting their responsibilities.
- b. To maintain, review and update the local team arrangements as laid down in the *English Nature Policy and Guidance Manual*.
- c. To minute meetings and publish for all Team staff, with copy minutes being sent to the Health and Safety Advisor.
- d. To ensure the Committee is represented by staff from all key work areas and the trade unions.
- e. To review accidents, illness and near miss reports and ensure appropriate investigation to determine the cause has been carried out. Where possible to take appropriate action to prevent reoccurrence.
- f. To assess and review all significant hazards from tasks, operations and the work environment for risk appraisal and implement additional control measures where required.
- g. To identify training requirements and implement programmes through liaison with Learning Services and the Health and Safety Advisor.



- h. To implement, monitor and review suitable welfare arrangements for staff.
- i. To assess emergency and evacuation procedures in accordance with the Health and Safety Policy and guidance for local teams.

# 18. Grants

## 1. Background

Section 134 of the Environmental Protection Act 1990 gives English Nature delegated powers to ‘give financial assistance by way of grant or loan. . . to any person.. . Doing anything which in their opinion is conducive to nature conservation or fostering the understanding of nature conservation’.

## 2. Criteria

2.1 In April 1992 the Board of Directors decided grants should lie within the following five themes:

- a. new projects safeguarding, managing and enhancing sites or species of nature conservation importance and their enjoyment by the public;
- b. projects enabling local communities to participate in conservation programmes;
- c. proposals designed to encourage the development of management for wildlife within natural areas of the countryside;
- d. innovative projects demonstrating new initiatives which will be likely to further the practice of nature conservation;
- e. imaginative proposals which implement the concept of integrating nature conservation with other interests and potentially competing activities.

2.2 Grants would not normally be given for:

- a. ongoing support costs. It is acceptable to pay reasonable support costs which are an integral part of a discrete project;
- b. survey, research and data collection. They can be supported only if a necessary preliminary or integral part of a larger project with conservation objectives;
- c. books, and periodicals;
- d. National Nature Reserves, except those declared under Section 35 of the Wildlife and Countryside Act 1981;
- e. projects outside Great Britain;
- f. compensation payments;
- g. expeditions.

- 2.3 The Board agreed that English Nature's grants programme should be focused on themes enriching biodiversity and local distinctiveness. Grants issued by Local Teams would focus on enriching local biodiversity, natural areas and volunteer involvement.

### **3. Current schemes**

#### **3.1 National grants**

##### **a. Reserves Enhancement Grants Scheme**

English Nature provides funds under this scheme for the management of Sites of Special Scientific Interest.

##### **b. Section 35 National Nature Reserves Capital Grants Scheme**

These grants support Approved Bodies for the management of their National Nature Reserves.

##### **c. New Lotto Fund**

This is grant money derived from the Lottery. English Nature bids for money from this fund which will be used to give grants to Local Nature Reserves. The primary purpose of the money is to fund increased use by people of nature reserves, with access, interpretation and the funding of staff being priorities. As this is not exchequer funding, grants are not limited to 50%, and need not be tapered off if given for more than one year.

Further information is available in the *New Opportunities Fund grant manual* (in preparation).

##### **d. Land Purchase Grants**

This grant scheme is available to Voluntary Conservation Organisations to assist with the purchase of land of nature conservation importance.

##### **e. Aggregates Levy Sustainability Fund Grant Scheme**

Further advice is available from the Grants Management Team on 01476 584821, or by email to [alsfgrants@english-nature.org.uk](mailto:alsfgrants@english-nature.org.uk).

### **4. Financial regulation**

- 4.1 The main rules of the Financial Memorandum and the Solesbury Principles, as applied to grants, are:

- a. grants must only be offered towards projects relevant to English Nature and individual scheme objectives;

- b. English Nature funds must not be used when funding would more properly be provided by a different government body or agency;
- c. funding must be confined to eligible costs under the criteria for individual schemes;
- d. English Nature cannot give grants to other government departments or executive agencies or other organisations which are wholly or mainly supported by exchequer funds.

In exceptional cases grants may be awarded to these organisations if the application is to fund activities, outside their normal business, which are relevant to English Nature's objectives.

#### **4.2 Delegated limits for financial approval**

These are set out in the Schedule of Delegations in Chapter 10.

#### **4.3 The role of the Grants Officer**

The Grants Officer has a corporate role in standard setting, monetary reporting and facilitating English Nature's grant function. Any queries about any grants issue should be addressed to Jean Best, Grants Officer on 01733-455181.

## 19. Corporate planning and performance reporting

### 1. Introduction

- 1.1 The annual *Corporate Plan* is the keystone for a successful strategic relationship between English Nature and its sponsor Department, the Department of Environment, Food and Rural Affairs (DEFRA) and an integral part of its management systems.
- 1.2 The purposes, process and timetable of corporate planning for both English Nature and DEFRA is set out in *Corporate Planning: A guide for sponsored bodies*.
- 1.3 The corporate planning process is continually reviewed and developed to take account of changing circumstances, improving its effectiveness as a planning tool.

### 2. Planning and performance reporting in English Nature

- 2.1 The *Corporate Plan* contents include:
  - a. the Organisation's aims and objectives;
  - b. reviews of past performance;
  - c. future programmes of work including output and performance targets (linked to Government objectives and Public Service Agreement (PSA) targets) and resource allocations;
  - d. a business plan for the current year against known resources;
  - e. a forward look over the following three years against a three year Grant-in-Aid settlement, with an opportunity to bid for additional Grant-in-Aid.
- 2.2 The structure for planning and resource allocation covers the four main areas of English Nature's activities:
  - a. designated sites;
  - b. wider countryside;
  - c. people and policies;
  - d. modernising and managing English Nature.

Each of the above four programmes is managed by a Programme Board, chaired by a Director and with representation from General Managers and Team Managers at both local and national levels.
- 2.3 **Programme Boards**, within the strategic context and priority objectives set by Council, will:
  - a. set priorities, targets and milestones;

- b. allocate resources within the programme area.
- 2.4 There are also two cross cutting groups for science and communications, involving Council Members. These groups will drive forward the strategies for these areas of work, ensuring a coherent approach and consistent standards are applied.
- 2.5 The role and responsibilities of the groups in relation to planning and performance reporting are:
- 2.5.1 **Council**
- a. Sets English Nature's strategy and overall programme and monitors its implementation;
  - b. agrees the *Corporate Plan*;
  - c. advises, through an annual strategy session, on issues that need consideration;
  - d. commissions the Executive Committee, though Programme Boards, to prepare papers and present proposals to Council.
- 2.5.2 The **Executive Committee** determines and agrees:
- a. a balanced programme of work across the full range of English Nature's activities;
  - b. the allocation of direct expenditure between the four programmes and funding for the two cross-cutting areas;
  - c. the key targets and longer term outcomes required for each programme;
  - d. overall staffing levels in broad terms, by team type and broad function;
  - e. framework and scope of the *Corporate Plan* and present this to Council for endorsement;
  - f. the response to Council's advice and requirements for the *Corporate Plan* as well as individual issues and policies raised by Council;
  - g. changes in resources and priorities in broad terms, where key targets are under threat and agree action to accelerated progress or adjust targets.
- 2.5.3 **Programme Boards**
- a. allocate direct expenditure to Teams and major projects;
  - b. are accountable to Executive Committee for ensuring that resources are deployed efficiently and effectively to deliver key performance targets;

- c. further develop and maintain resource allocation models for each programme which will link resources to activity levels and outputs;
- d. define outputs and management information required to enable progress to be monitored and reported, through PARIS;
- e. commission work to address longer term issues, maintain knowledge and understanding and present papers to the Executive Committee and Council as appropriate to secure agreement to plan and policies;
- f. provide advice and support on issues which are considered at the annual Council strategy sessions, incorporating feedback from the Performance Committee on emerging issues in the light of Teams' experiences;
- g. prepare the content of the *Corporate Plan* submission for their programme, under both baseline and preferred programme assumptions;
- h. agree adjustments to priorities and work within the plan period;
- i. prepare planning guidance for their programme;
- j. resource and inform steering groups.

#### **2.5.4 Science and Communications Steering Groups**

- a. are led by a Director;
- b. drive new initiatives and ensure effective coordination for these areas;
- c. ensure a coherent approach, adequate direction and consistent standards in these areas;
- d. allocate a small amount of resources to Teams, for pump priming etc (including Programme Boards who will ensure sufficient resources are available to meet the ongoing needs of programmes in these areas);
- e. report to the Executive Committee to inform the *Corporate Plan* and internal business planning guidance (the Executive Committee then instructing the Programme Boards to build into the four main programmes).

Council Member representation provides a link to Council, ensuring a strategic approach to these important cross-cutting areas.

#### **2.5.5 Performance Committee**

- a. comprises the Chief Executive, General Managers and Heads of Profession;
- b. meets at least quarterly to monitor financial performance and key target achievement;

- c. implements changes and adjustments endorsed by Programme Boards (within programme) or endorsed by the Executive Committee (between programmes);
- d. considers quarterly financial and performance reports and discusses the Programme Boards and the Executive Committee of progress;
- e. identifies significant threats to achieving key targets and advises on options available and action required to shift resources and/or adjust targets;
- f. identifies relevant key corporate lessons from experience and issues reported by Teams and draws these to the Programme Boards' attention.



## **20. Service standards and complaints**

### **1. Background**

- 1.1 The Modernising Government Initiative requires all public services to be more user focused. The Government wants services that:
- a. listen to peoples concerns and involve them in decisions about how services should be delivered;
  - b. are sensitive to the needs of particular groups of people or businesses;
  - c. reflect peoples real lives;
  - d. make it easy to complain and get a result when things go wrong.
- 1.2 The services and functions of executive Non-Departmental Public Bodies (NDPBs) are at the heart of Government's commitment to achieve better quality and more responsive services. It will audit NDPBs' progress in adopting this approach when carrying out quinquennial reviews. English Nature is demonstrating its commitment to this initiative by participating in Service First - the new charter programme.

### **2. Charter Mark**

- 2.1 This is the Government's award scheme designed to recognise and encourage excellence in public service with the focus on customer service and service delivery. To win the Charter Mark award, organisations must show Cabinet Office assessors that they put users first and deliver a first class service. Applicants are assessed against 10 criteria. They must:

**a. Set standards**

Organisations must set clear standards of service (see paragraph 4) that users can expect, and monitor and review performance and publish the results, following independent validation wherever possible.

**b. Be open and provide full information**

Organisations must be open, and communicate clearly in plain language to help people using public service; and provide full information about services, their cost and how well they perform.

**c. Consult and involve**

Organisations must consult and involve present and potential users of public services, as well as those who work in them, and use their views to improve the service provided.

**d. Encourage access and the promotion of choice**

Make services easily available to everyone who needs them including using new technology to the full, offering choice wherever possible.

**e. Treat all fairly**

Treat all people fairly, respect their privacy and dignity, be helpful and courteous and pay particular attention to those with special needs.

**f. Use resources effectively**

Use resources effectively to provide best value for taxpayers and users.

**g. Innovate and improve**

Always look for ways to improve the services and facilities offered, particularly the use of new technology.

**h. Work with other providers**

Work with other providers to ensure that services are simple to use, effective and co-ordinated, and deliver a better service to the user

**i. Provide user satisfaction**

Successful applicants must show that users are satisfied with the quality of service they are receiving.

**j. Put things right when they go wrong**

Organisations have to put things right quickly and effectively; learn from complaints; and have a clear, well publicised and easy-to-use complaints procedure, with independent review wherever possible.

### **3. Complaints**

#### **3.1 What is a complaint?**

A complaint can be defined as an expression of dissatisfaction, whether justified or not. It can be about English Nature's policy or about our standards of service. A complaint is a complaint however received; whether by phone, in a meeting or in writing. It can be from outside English Nature or from another team. This definition is in line with recommendations by the Service First Unit of the Cabinet Office. In June 2000 the Performance Committee decided that complaints about the process of law associated with the notification of SSSIs should not be treated as complaints. However, an expression of dissatisfaction received post notification or post confirmation of notification should be treated as a complaint.

### **3.2 Why have a complaints procedure?**

The main purpose of the complaints procedure is to let people know that they can complain, that English Nature will consider their concerns fairly and objectively, and will resolve them (where they are resolvable). Complaints can also be used as a form of free market research. They can tell us where we are meeting our service standards, if our standards are appropriate, or where we need to change the way we work more generally.

### **3.3 What happens to the information provided?**

- 3.3.1 The information is analysed, summarised and presented to the Performance Committee along with recommendations if appropriate. The Performance Committee wants to be assured that teams are using the complaints procedure, that teams are letting their contacts know of the existence of the procedure, and are dealing with complaints received in a fair and professional way.
- 3.3.2 The Committee looks for trends in the nature of complaints received. Are we having difficulties with a particular group of external contacts? Is the same problem arising in a number of teams? Is there an issue that needs to be tackled across the organisation? Is there a need for us to change the way we operate in a particular area of our work? By answering these questions English Nature is able to maintain and improve its standards, and keep complaints to a minimum.

## **4. English Nature's standards**

- 4.1 English Nature's standards comprise the following

- a. **General conduct**

- Staff wear name badges on suitable occasions, and provide efficient and helpful service on the telephone and in person. They give their name on the telephone and in correspondence and conduct themselves professionally.

- b. **General enquiries and requests for information**

- We will reply within 15 working days or acknowledge within five working days if the subject is complex. The acknowledgment will say who is dealing with your request and when you can expect a full reply.

- c. **Casework and formal consultations**

- We will reply within 20 working days of receipt or within the deadlines and timescales set by the consultation procedure. In complex cases which may exceed this response standard, we will send you an acknowledgment saying who is dealing with the case and when you can expect a full reply.

**d. Telephone**

Calls will be answered within 15 seconds. Answer-phone messages will receive prompt attention and calls returned within one working day. The use of answer-phones during working hours will be kept to a minimum.

**e. Office hours**

All main offices are open from 9am-5pm (Monday to Thursday) and 9am-4.30pm on Friday. Answer-phones are available outside normal hours on main office numbers (not direct dial numbers).

Our offices are closed on public holidays and on Maundy Thursday afternoon, the Queen's Birthday (the day after the Spring Bank Holiday), and between 25 December and 1 January.

**f. Grants**

We will acknowledge your application within five working days of receipt. The acknowledgment will tell you who is dealing with the case and when you will hear the outcome of your application.

**g. Publications**

Free publications will be despatched within ten working days of receipt of the request and priced publications within ten working days of receipt of payment. If a publication is temporarily unavailable for any reason we will let you know when you will receive it.

**h. Licences**

Decisions on species applications will normally be made within 15 working days of receipt of completed application forms and references. If the case is complex it may take longer. If this happens we will inform you within five working days who is dealing with the request and when you will receive a reply.

**i. Invoices**

Invoices will normally be paid within credit terms agreed with suppliers, subject to satisfactory delivery of goods and services.

**j. Performance**

We will publish performance information relating to service standards in our *Annual Report*.

## **21. Lands procedures**

### **1. Role of the Chief Surveyor**

- 1.1 The Chief Surveyor's primary role is to provide English Nature with a professional chartered surveying service in all aspects of property acquisition, management and disposal and in the delivery of management agreements on SSSI. This covers three specific areas of responsibility:
- a. the commercial office estate;
  - b. the National Nature Reserve (NNR) estate and associated land and buildings;
  - c. the payments associated with management agreements with owners and occupiers of SSSIs.
- 1.2 The Chief Surveyor serves as a General Manager on the Performance Committee and is Head of Profession for chartered surveyors. The Chief Surveyor is a full member of the Designated Sites Programme Board and a corresponding member of the Modernising and Managing English Nature Programme Board.

### **2. The commercial office estate**

- 2.1 English Nature has a mixed portfolio of office accommodation, with Head Office in Northminster House and offices throughout England to service the needs of Local Teams. Some of these offices (those serving Somerset, Dorset and Norfolk Teams) are held on freehold tenure, with the remainder on leasehold tenure. English Nature also contributes to the management of JNCC's office at Monkstone House in Peterborough and there are two warehouses to provide storage accommodation.
- 2.2 Overall responsibility for resourcing the accommodation needs of the organisation rests with the Modernising and Managing English Nature's Programme Board with advice from the Chief Surveyor, who has responsibility for asset management advice, supported by the Advisory Group on the Buildings and Facilities Management Team (see below).

### **3. The NNR estate - land and buildings**

- 3.1 Specific acquisitions and, where appropriate, disposals of property on the NNR estate, together with associated landholdings is the responsibility of the Chief Surveyor advising the Designated Sites Programme Board.
- 3.2 The NNR Acquisition Policy was approved by Council in 2000. This includes a suite of acquisitions which are seen as strategically important to the management of the principal areas currently in English Nature's ownership. The opportunistic nature of the land market often requires English Nature to take decisions at reasonably short notice. Cases are prepared by Local Teams and are considered by the NNR Coordinator and the Chief Surveyor in light of an appraisal of alternative options, organisational priorities and partnership with others, especially the voluntary

conservation organisations (VCOs). Local Teams are responsible for devising land acquisition strategies for NNRs within their domain.

- 3.3 Responsibilities for resourcing the capital and infrastructure investment programme on NNRs lies with the Designated Sites Programme Board, supported by advice from the Advisory Group on Buildings.

### 3.4 **The Advisory Group on Buildings**

- 3.4.1 The group provides advice to the Chief Surveyor on developing a strategic approach to the management of English Nature's buildings. It has the following roles:
- a. to develop and maintain accurate database records of English Nature's buildings assets as a basis for sound decision taking, including offices and buildings related to the management of NNRs;
  - b. to assess and prioritise proposals for capital projects for new buildings, major refurbishment and maintenance in order to advise on a forward programme for funding. Advise on priorities for office relocations, and guidance to teams on issues relating to the acquisition, management, maintenance and disposal of buildings;
  - c. to monitor and manage the programme of current year projects where specific funds have been allocated to ensure that the projects are satisfactorily completed within time, budget and to appropriate standards;
  - d. to develop and promote organisational standards for the management of English Nature property, which will include Health and Safety standards.
- 3.4.2 The Advisory Group on Buildings reports to the Chief Surveyor. It is chaired by a Chartered Surveyor and membership includes the two Buildings Surveyors, the NNR Coordinator, the Team Manager of the Buildings and Facilities Team, the Health and Safety Advisor and a representative of Finance and Procurement Services Team. The Buildings Surveyors have specific responsibility for conducting regular planned maintenance inspections of the commercial and NNR buildings estates and reporting to the Group. This information helps inform the resourcing of Local Teams.

### 3.5 **The Buildings and Facilities Management Team**

- 3.5.1 This Team provides a corporate service in the areas of space planning, building and refurbishment advice, furniture and fittings, planned maintenance inspections/reports, corporate vehicles and office services (eg mailroom and reception).

Guidance on property related matters, eg on space planning, option appraisals and office relocation) is contained in the *Guide to English Nature's office and NNR building projects* found on the Intranet. A member of the Advisory Group on Buildings has responsibility for ensuring that this guide is maintained in an up-to-date condition.

## 4. Management agreements on SSSIs

- 4.1 English Nature uses a range of products to reach agreement with owners and occupiers over the management of SSSIs and associated land. Payments made under such agreements, now generally referred to as Wildlife Enhancement agreements, are required to be in accordance with the DETR *Guidelines on Management Agreement Payments and other Related Matters*, which supersedes the guidance in DOE Circular 4/81. There remain a number of extant management agreements where the annual payments will continue to require to be assessed under the former Circular until these legal contracts time expire, unless otherwise reviewed or by agreement between the parties. Payments made under the new Guidelines require, in the main, to comply with the EU rules governing State Aid payments. They can be annual management payments, based on income forgone, a contribution towards the costs of management plus an incentive element or lump sum payment. Payments can also cover specific works aimed at improving the nature conservation value of the site.
- 4.2 Overall resourcing responsibility for management agreement payments lies with the Designated Sites Programme Board; with allocations delegated to Local Teams. the Local Team Manager has responsibility for the Team's overall budget, but in the case of management agreement payments relies on advice from the Team's Chartered Surveyor (in house or under contract) or the Land Management Officer and support staff. Lead Chartered Surveyors have a role in advising on novel and contentious casework and will liaise, where appropriate, with the Senior Chartered Surveyor and Chief Surveyor to ensure corporate consistency to policy and practice. The Lead Chartered Surveyors meet with the Chief Surveyor regularly to discuss, *inter alia*, casework issues and the delivery of the chartered surveying service.
- 4.3 English Nature also provides land purchase grants towards the cost of acquisition of important nature conservation sites by the VCOs. Applications are submitted through Local Teams to the Senior Chartered Surveyor who considers with the Chief Surveyor.

Guidance on all aspects of policy and practice on Management Agreements is available in English Nature's *Lands Manual* now being substantially revised in the light of the Countryside and Rights of Way Act.

This will be available as a printed manual and also on the Intranet. The following areas are covered:

- Guidelines for Management Agreements Payments and other Related Matters (DETR 2001).
- Management agreement policy.
- Management agreement information.
- Wildlife Enhancement Agreements - including former Wildlife Enhancement Schemes and model agreement.
- Budgeting.
- Authorisation of payments.
- Management works on SSSI.

- Dispute resolution - mediation and arbitration.
- Agreements on common land.
- Forestry cases.
- Agreements on non SSSIs.
- Professional fees.
- Valuation services.
- Legal services.
- Use of consultants.

4.4 The delegated financial limits for all aspects of property purchase, leasing and management agreements are found in Chapter 10.



## 22. Planning Policy Statement No. 9

Planning Policy Statements (PPS) and Planning Policy Guidance notes (PPG) set out the Government's policies on different aspects of planning. There was originally a series of 25 PPG providing Government planning policy on a range of topics (housing, transport, etc) and these are gradually being reviewed and replaced by PPS. Local and regional planning authorities must take the content of PPG/PPS into account in preparing local development frameworks and regional spatial strategies. The guidance in PPG/PPS may also be material to decisions on individual planning applications and appeals.

PPS 9 on Biodiversity and Geological Conservation and its accompanying joint ODPM (06/2005) and DEFRA (01/2005) Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System, replaced PPG 9 in August 2005. A complementary good practice guide for Planning for Biodiversity and Geological Conservation is due for publication in 2006.

PPS 9 summarises the Government's objectives for planning in moving towards the Government's vision for conserving and enhancing biological diversity in England (*Working with the grain of nature: a biodiversity strategy for England*). These are:

- to promote sustainable development;
- to conserve, enhance and restore the diversity of England's wildlife and geology;
- to contribute to rural renewal and urban renaissance.

The national planning policies on protection of biodiversity and geological conservation through the planning system are set out. These include:

- key principles that regional planning bodies and local planning authorities should adhere to, to ensure that the potential impacts of planning decisions on biodiversity and geological conservation are fully considered.
- regional spatial strategies
- local development frameworks
- sites of biodiversity and geological conservation value, specifically: international sites, Sites of Special Scientific Interest (SSSIs), regional and local sites, ancient woodland and other important natural habitats, networks of natural habitats, previously developed land, biodiversity within developments
- species protection

The Government Circular describes the wide range of legislative provisions at the international and national level that can impact on planning decisions affecting biodiversity and geological conservation issues.

PPS 9 can be viewed at: <http://www.odpm.gov.uk/index.asp?id=1143832> and the Government circular can be viewed at: <http://www.odpm.gov.uk/index.asp?id=1144318>

For further details please contact: Jonathan Price, Senior Planning Advisor, Environmental Impacts Team. Tel: 01733 455210 e-mail: [jonathan.price@english-nature.org.uk](mailto:jonathan.price@english-nature.org.uk)

## **23. International wildlife conventions**

### **1. Ramsar Convention**

- 1.1 The Convention on Wetlands of International Importance, especially as Waterfowl Habitat (Ramsar Convention) was signed on 2 February 1971 in the Iranian town of Ramsar. It came into force in 1975 and was ratified by the UK in 1976. The Convention now has more than 100 Contracting Parties in all parts of the world, with over 900 wetlands designated for inclusion in the List of Wetlands of International Importance, covering some 65 million hectares.
- 1.2 The objective of the Convention is ‘to stem the progressive encroachment on and loss of wetlands now and in the future’. Wetlands are defined as areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water to a depth of which at low tide does not exceed six metres. To achieve its objective, the Convention seeks to promote the wise use of all wetlands, and special protection for wetlands included in the list of Wetlands of International Importance.

### **2. The World Heritage Convention**

- 2.1 The Convention concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention) was adopted at the General Conference of the United Nations Education, Scientific and Cultural Organisations (UNESCO) in 1972 and came into force in 1975. The UK ratified the Convention in 1984.
- 2.2 The objective of the World Heritage Convention is the protection of natural and cultural sites of global significance. Party States may nominate (with detailed supporting submissions) sites within their territories for inclusion in the World Heritage List. Each site is considered by a World Heritage Committee of Party States which is advised by experts from the International Union of Conservation and Nature (IUCN) in the case of natural sites and the International Union for Monuments and Sites (ICOMOS) for cultural sites. The Committee assesses whether or not a site is to be inscribed on the list or rejected. The Convention imposes a duty on each Party to do its utmost to protect sites which are included on the list.

### **3. The Bern Convention**

- 3.1 The Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) was sponsored the Council of Europe following a recommendation from the second Ministerial Conference on the Environment in 1976. The text was finally agreed in 1979, the UK ratified in May 1982 and the Convention came into force a month later.
- 3.2 The aims of the Bern Convention are ‘to conserve wild flora and fauna and their natural habitats, to promote co-operation between countries in their conservation efforts, and to give particular emphasis to endangered and vulnerable species, including endangered and migratory species’. In order to achieve its objectives, the Convention provides for the conservation wildlife and wildlife habitats in general, and for the special protection of species listed in the Convention.

- 3.3 The UK meets obligations under the Convention by means of the Wildlife and Countryside Act 1981 as amended. The European Community is also a signatory of the Convention but could only do so after all Member States of the Community had ratified the Convention. The Community meets obligations under the Convention by means of the EC Habitats Directive 1992.

#### **4. The Bonn Convention**

- 4.1 The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention) was concluded at Bonn in 1979 and came into force in 1983. The UK ratified the Convention in 1985.
- 4.2 The Convention seeks to ensure strict protection for species listed in the Convention, which consists of migratory species in danger of extinction throughout all or a significant portion of their range. In addition migratory species which are in unfavourable conservation status or which would significantly benefit from international co-operation are also listed. Agreements between Parties for the protection of these species is sought through the Convention. There are regional agreements for bats and small cetaceans, and also the African Eurasian Waterfowl Agreement.

#### **5. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)**

- 5.1 The Convention on International Trade in Endangered Species of Wild Fauna and Flora was initiated at an IUCN General Assembly in 1963 and concluded in Washington in 1973. It came into force in 1975 and ratified by the UK in 1976.
- 5.2 The aim of the Convention is to regulate international trade in endangered species and species that may become so unless their exploitation is controlled. It prohibits, with a few exceptions, international trade in species listed in the Convention as being threatened with extinction. It also allows controlled trade in listed species whose survival is not threatened but may become so.
- 5.3 The UK meets its obligations under the Convention by means of the Wildlife and Countryside Act 1981 as amended and also by means of the EC CITES Regulations 1982 as amended.

#### **6. The Convention on Biological Diversity**

- 6.1 The text of the Convention was negotiated by an intergovernmental negotiating committee under the auspices of the United Nations Environment Programme and concluded in 1992. The Convention was opened for signature in June in 1992 at the United Nations conference on Environment and Development at Rio de Janeiro. The Convention came into force in 1994 and ratified by the UK in the same year.
- 6.2 The objectives of the Convention are the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources. This includes appropriate access to

genetic resources and appropriate transfer of relevant technologies, taking account of all rights over those resources and to technologies, and by appropriate funding.

- 6.3 In order to implement the Convention, Parties will develop national strategies for the conservation and sustainable use of biological diversity. In meeting its obligations under the Convention the UK have developed Biodiversity Action Plans.

## **7. Convention on Climate Change**

- 7.1 In 1988, the Intergovernmental Panel on Climate Change (IPCC) was set up by the World Meteorological Organisation and the United Nations Environment Programme to provide authoritative international statements of scientific opinion on climate change. It comprises three working groups dealing with science, impacts and response strategies respectively, and draws on the work of hundreds of researchers from many countries. IPCC's First Assessment Report (1990) provided much of the impetus for the Framework Convention on Climate Change, which was signed by 160 countries at the Earth Summit in Rio de Janeiro in 1992. This, in turn, led to the international negotiations to reduce greenhouse gas emissions which took place in Kyoto, Japan, in December 1997. The resulting Kyoto Protocol, if successfully implemented, will be an important first step towards constraining the potential impacts of climate change. It sets legally binding targets for green house gasses, the most significant of which is carbon dioxide, to be achieved by 2008-2012. The Kyoto targets include a collective 8% reduction on 1990 levels for the EU and, as a Member State, a 12.5% reduction for the UK. Government also aspires to reduce UK CO<sub>2</sub> emissions by 20% on 1990 levels by 2010.

## **8. The Council Directive on the conservation of wild birds (79/409/EEC of 2 April 1979)(EC Birds Directive)**

- 8.1 The Directive provides measures in respect of the conservation of all bird species occurring naturally in the wild in the European territory of Member States. This includes the protection, management, control of and trade in species, including measures to protect nests, eggs and habitat. Under Article 4 Member States are required to take special measures to protection species listed in Annex 1 of the Directive. This includes the classification of Special Protection Areas (SPAs). To ensure that the protection measures afforded to SPAs are consistent with those for Special Areas of Conservation (SACs), Article 4(4) provisions of the Birds Directive have been amended and are replaced by Article 6 (2)-(4) Habitats Directive. Prior to the coming into force of the Habitats Regulations in 1994 with transposes the Habitats Directive into national law, government's obligations under the Birds Directive were met by means of the Wildlife and Countryside Act 1981.

## **9. The Council Directive on the conservation of natural habitats and of wild fauna and flora (92/43/EEC of 21 May 1992) (EC Habitats Directive)**

- 9.1 The Directive provides measures in respect of the conservation of habitats and non-avian species that occur naturally within the European territory of Member States. It includes measures for the protection for habitats and species listed in the Directive

and designation of Special Areas of Conservation (SACs). These sites, together with Special Protection Areas (SPAs) classified under the EC Birds Directive, will make up a European network of sites called Natura 2000. Under Article 6(2)-(4) of the Habitats Directive a set of rigorous tests have to be applied to proposed plans and projects likely to affect SACs and SPAs. This introduces for the precautionary principle in law so that projects can only be consented having ascertained no adverse effect on the integrity of the European site. In certain circumstances plans and projects may still progress where there are no alternatives and imperative reasons of overriding interest. The measures in the Directive are transposed into national law by means of the Conservation (Natural Habitats & c.) Regulations 1994 (Habitats Regulations).

## 24. Policy Directory

### 1. Policy development

- 1.1 English Nature develops policies for its own activities and also seeks to influence the policies of key government and non-governmental players at European, national, regional and local levels across a variety of economic sectors. English Nature has identified 12 key sectors which impact on nature conservation, of which the following are our initial priorities:

agriculture,  
coastal defence,  
construction,  
transport,  
sea fisheries, and  
water.

Analysis of these sectors has clarified the impacts on nature conservation and has led to the identification of areas where the development of policy responses is required in order to deliver national nature conservation targets, such as those included in Public Service Agreements, notably that on achieving 95% of SSSIs in favourable condition by 2010, and reversing the long term decline in farmland birds by 2020.

- 1.2 Within Government, Green Ministers already use the *Biodiversity Checklist* (DETR March 2000), developed with our advice, in order to ensure the integration of nature conservation objectives in the policies, programmes and practices of their respective Departments.
- 1.3 English Nature policy is developed through the People and Policies Programme. Major issues are considered by Council. Once agreed, these Council papers are a key internal source of information and are now generally available externally through the English Nature Website.
- 1.4 On a number of key policy areas we have issued position statements. These are succinct declarations of Council's stance which give a lead for change by signalling to external players our aspirations on an issue affecting nature conservation and clearly stating what English Nature itself will do to deliver these. Position statements also have an internal function in presenting a consistent line on which staff may draw for guidance. Position statements are reviewed for continued relevance after three years, when a revised version may be put to Council.
- 1.5 The development of responses to national consultations issued by other organisations often results in the further elaboration of English Nature's policy line. We have established a comprehensive system for logging and tracking national consultations received (*Protocol for responding to national consultations*, 13 September 2000). Once submitted, the text of our response is placed on the Intranet (*Reference: National Consultations*) to serve as a source of guidance to staff on the topic. An Executive Summary, together with a contact for further information, is also placed on the English Nature Website.

- 1.6 A Directory of key English Nature policy statements, by sector and cross-sectoral topics, is at paragraph 2. Individual items are reviewed for continued relevance three years after issue.
- 1.7 The contact for further information regarding the policy directory is Michael Ford, Telephone 01733 455106.

## 2. Directory of key English Nature Policy Statements

Position Statements and Sector Analyses are available on the English Nature Website under *About Us*, together with Council papers and Executive Summaries of English Nature's responses to national consultations. Earlier policy documents are available from the English Nature Enquiry Service (01733 455101) or the relevant Sector Lead.

Sector	
<b>Agriculture</b>  Sector Lead: Gareth Morgan Tel: 01733 455586	<b>Sector Analysis</b> - <i>Agriculture</i> (December 2004). <b>Position Statements (specific contact where quoted)</b> - <i>Organic farming, biodiversity and healthy ecosystems</i> (December 2003) - <i>Genetically Modified Organisms in the Environment</i> (JNCC position statement) (October 2003) (Dr Brian Johnson, tel: 01823 283211) - <i>International trade rules, agriculture and the environment</i> (February 2001) - <i>Use of pesticides and veterinary medicines in agriculture</i> (March 2000) <b>Council Paper</b> - Discussion paper on bioenergy crops (GC P03 26, June 2003) - Agenda 2000: CAP and rural policy reform agreement (GC P99 38, July 1999) <b>Parliamentary Briefing</b> - MPs briefing on GMOs (March 2004) - 11 May 2000 Debate on the Common Agricultural Policy (May 2000) <b>English Nature's responses to national consultations (consultee/subject/date of English Nature response/specific contact where quoted)</b> - Advisory Committee on Releases to the Environment: <i>Draft ACRE Guidance Note 17: Guidance on assessing the environmental impact of genetically modified organisms on the soil environment (Guidance for applicants seeking permission to release genetically modified crops into the environment (under Directive 2001/18/EC))</i> . (October 2005.) - European Food Safety Authority: <i>Public consultation of the working document 'General Surveillance of the Impact of GM Plants'</i> . (September 2005.) (Anna Hope, tel. 01823 283211.) - ADAS: <i>Review of Organic Conversion Information Service in England</i> . (September 2005.) - Defra: <i>Proposals for the reform of the EU Sugar Regime</i> . (September 2005.) - HoL Inquiry into <i>Future financing of the Common Agricultural Policy</i> . (January 2005.) - Defra: <i>Proposed amendments to seeds legislation: native seed mixtures used in the restoration of natural and semi-natural habitats</i> . (November 2004.) - Defra: <i>New EU Rural Development Regulation</i> . (November 2004.) - House of Commons EFRACom: <i>Inquiry into progress on pesticides</i> . (October 2004.) - Defra: <i>CAP reform implementation: consultation on proposed and possible measures for implementation of cross compliance in England (Single Payment Scheme)</i> . (June 2004.) - Defra: <i>Implementation of the Dairy Elements of the CAP Reform options in England</i> . (February 2004.) - ODPM: <i>Draft Consultation Paper on New Planning Policy Statement 11 (PPS11) – Regional Planning</i> . (January 2004.) - House of Commons EFRACom: <i>Implementation of CAP Reform in the UK</i> .



<b>Sector</b>	
	<p>(December 2003.)</p> <ul style="list-style-type: none"> <li>- Defra: <i>Options for Reform of the Common Agricultural Policy</i>. (October 2003.)</li> <li>- House of Commons Agriculture Committee inquiry into <i>Organic farming in the UK</i>. (June 2000.)</li> <li>- MAFF: <i>The energy crops scheme</i> (April 2000.)</li> <li>- English Nature response to <i>Taking forward Agenda 2000 CAP reform. The Hill Farm Allowance Scheme in England</i>. (December 1999.)</li> <li>- MAFF: <i>A New Direction for Agriculture</i>. (October 1999.)</li> </ul>
<b>Forestry</b>  Sector Lead: Keith Kirby Tel: 01733 455245	<p><b>Position Statement</b></p> <ul style="list-style-type: none"> <li>- Environmentally sustainable forestry and woodland management (April 2002)</li> </ul> <p><b>English Nature's responses to national consultations (consultee/subject/date of English Nature response/specific contact where quoted)</b></p> <ul style="list-style-type: none"> <li>- Forestry Commission: <i>Amendments to Forestry Act: Regulatory Reform Order</i>. (March 2005.)</li> <li>- British Standards Institute: <i>Draft BS 5837 Trees in relation to construction – recommendations</i>. (December 2004.)</li> <li>- Defra: <i>Sustainable management of deer in England</i>. (September 2004.)</li> <li>- Forestry Commission: <i>The Forest Reproductive Material Regulations</i>. (November 2002.)</li> <li>- Defra: <i>Sustaining England's woodlands review</i>. (July 2002.)</li> <li>- Forestry Commission: <i>Deforestation and restoration of open habitats: towards a policy framework</i>. (September 2001.)</li> </ul>
<b>Water (freshwater and sewerage)</b>  Sector Lead: Alastair Burn Tel: 01733 455222	<p><b>Sector analysis</b></p> <ul style="list-style-type: none"> <li>- <i>Water</i> ( revised 2005)</li> </ul> <p><b>Position Statements</b></p> <ul style="list-style-type: none"> <li>- <i>Managing floodplains to reduce flood risk and enhance biodiversity</i> (March 2001)</li> <li>- <i>Reducing pollution of fresh waters from diffuse agricultural sources</i> (March 2005)</li> </ul> <p><b>Policy document</b></p> <ul style="list-style-type: none"> <li>- Joint statement with Environment Agency on AMP4 requirements (2003).</li> <li>- <i>Wildlife and fresh water: an agenda for sustainable management</i> (1997)</li> </ul> <p><b>English Nature's responses to national consultations (consultee/subject/date of English Nature response/specific contact where quoted)</b></p> <ul style="list-style-type: none"> <li>- House of Lords Select Committee on Science and Technology: <i>Inquiry into water management</i> (October 2005.)</li> <li>- Defra: <i>Proposals for amending land drainage bylaw making powers</i>. (April 2005.)</li> <li>- Ofwat: <i>Review of 2004 Periodic Review</i>. (April 2005.)</li> <li>- Environment Agency: <i>Water for life and livelihoods: a strategy for River Basin Planning</i>. (April 2005.)</li> <li>- Defra: <i>Consultation on water company drought plan regulations</i>. (March 2005.)</li> <li>- Ofwat: <i>Ofwat forward programme 2005-06 to 2007-08</i>. (March 2005.)</li> <li>- Ofwat: <i>Water Act 2003: water supply licensing – consultation on access code guidance</i>. (January 2005.)</li> <li>- Ofwat: <i>AMP4 Change Protocol – draft</i>. (October 2004.)</li> <li>- House of Commons EFRACOM: <i>Inquiry into Water Pricing</i>. (June 2004.)</li> <li>- Environment Agency: <i>Catchment Flood Management Plans (CFMPs): Policy Guidance</i>. (May 2004.)</li> <li>- Environment Agency: <i>Water Act 2003 Policy Consultation: Alternative Exemption Thresholds and Registers of Protected Rights for Water Abstraction Licensing</i>. (March 2004.)</li> <li>- House of Commons EAC: <i>Inquiry into Water: the Periodic Review 2004 and the Environmental Programme</i>. (February 2004.)</li> <li>- Defra: <i>Water Framework Directive – third consultation</i>. (October 2003.)</li> <li>- Defra: <i>Second Consultation Paper on the Implementation of the EC Water</i></li> </ul>



Sector	
	<p><i>Framework Directive (2000/60/EC). (January 2003.)</i></p> <ul style="list-style-type: none"> <li>- Defra: <i>Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2002. (November 2002.)</i></li> <li>- Waterways Trust: <i>The Waterways Trust Draft Conservation Policy. (September 2002.)</i></li> <li>- Environment Agency: <i>The Water Framework Directive: Guiding principles on the technical requirements. (September 2002.)</i></li> <li>- House of Commons EFRACom: <i>Water Framework Directive. (September 2002.)</i></li> <li>- Defra: <i>Water Grid PPP: Removal of Restrictions on British Waterways' Statutory Powers. (August 2002.)</i></li> <li>- Defra: <i>Logging up and down - dealing with shortfalls in outputs and new requirements between Periodic Reviews. (August 2002.)</i></li> <li>- Defra: <i>Report: Ramsar Advisory Mission (RAM), Ouse Washes Ramsar Site, United Kingdom, 5-8 November 2001. (May 2002.)</i></li> <li>- Institution of Civil Engineers Presidential Commission to review the technical approaches to flood risk management in England and Wales (April 2001)</li> <li>- <i>Planning Policy Guidance Note 25: Development and flood risk (March 2001)</i></li> <li>- DETR consultation on the draft <i>Water Bill (February 2001)</i></li> </ul>
<p><b>Marine (sea fisheries)</b></p> <p>Sector Lead: Robert Blyth-Skyrme Tel: 01733 455274</p>	<p><b>Sector analysis</b></p> <ul style="list-style-type: none"> <li>- <i>Sea fisheries (September 2004)</i></li> </ul> <p><b>English Nature's responses to national consultations (consultee/subject/date of English Nature response/specific contact where quoted)</b></p> <ul style="list-style-type: none"> <li>- Defra: <i>Draft Irish Sea Spatial Plan. (September 2005.)</i></li> <li>- Maritime and Coastguard Agency: <i>National contingency plan for marine pollution from shipping and offshore installations. (September 2005.)</i></li> <li>- European Commission: DG Environment: <i>Marine Strategy Guidelines. (May 2005.)</i></li> <li>- European Commission: DG Fisheries &amp; Maritime Affairs: <i>Draft guidelines on positive environmental initiatives within the fishing sector. (April 2005.)</i></li> <li>- Defra: <i>Proposed prohibition on pelagic pair trawling for bass. (November 2004.)</i></li> <li>- Food Standards Agency: <i>Proposals to improve classification arrangements for designated shellfish harvesting areas in England and Wales. (November 2004.)</i></li> <li>- Defra: <i>Sustainable Fisheries Programme Issue Papers (October 2004)</i></li> <li>- English Nature's input to JNCC's response to Defra: <i>Registration of sellers and buyers of first sale fish. (October 2004.)</i></li> <li>- English Nature's input to JNCC's response to Defra: <i>Commission Proposal on Marking of Gear. (October 2004.)</i></li> <li>- English Nature's input to JNCC's response to Defra: <i>Sustainable Fisheries Programme. (October 2004.)</i></li> <li>- Defra: <i>Review of marine fisheries and environmental enforcement report (September 2004)</i></li> <li>- House of Commons EFRACom: <i>Inquiry into the future for UK fishing (September 2004)</i></li> <li>- Defra: <i>Consultation on new European Fisheries Fund (September 2004)</i></li> <li>- Defra: <i>Consultation on European Commissions proposal for a Council Decision on Regional Advisory Councils (January 2004)</i></li> </ul>

Sector	
<p><b>Coastal (offshore; coastal management)</b></p> <p>Sector Lead: Tim Collins Tel: 01733 455227</p>	<p><b>Sector analysis</b> - <i>Coastal management</i> (August 2005)</p> <p><b>Position Statement</b> - <i>Shoreline management</i> (August 2005)</p> <p><b>Council Information Paper</b> - <i>Coastal defence casework, conservation and people</i> (4/00, May 2000)</p> <p><b>English Nature's responses to national consultations (consultee/subject/date of English Nature response/specific contact where quoted)</b> - Office of Science &amp; Technology: <i>Foresight flood and coastal defence project action plan</i>. (March 2005.) - Defra: <i>Flood and Coastal Defence Funding Review – Developing the Three Year Review</i>. (March 2005). - Defra: <i>Making space for water: Developing a new Government strategy for flood and coastal erosion risk management in England</i>. (November 2004.)</p>
<p><b>Ports</b></p> <p>Sector Lead: Roger Morris Tel: 01733 455231</p>	<p><b>Sector Analysis</b> - <i>Ports</i> (October 2003)</p> <p><b>Position Statements</b> - <i>Nature conservation and the ports industry</i> (December 2001)</p> <p><b>Policy document</b> - Advice to DfT on Harbours Bill proposed by Lord Berkley (<i>January 2004</i>)</p> <p><b>English Nature's responses to national consultations (consultee/subject/date of English Nature response/specific contact where quoted)</b> - House of Commons Sub-committee: <i>Inquiry into Opportunities and development prospects at major ports (supplemental evidence)</i> (May 2002) - Dept. for Transport: <i>Ports Appraisal Framework</i> (March 2002) - House of Commons Sub-committee: <i>Inquiry into Opportunities and development prospects at major ports</i> (January 2001) - DETR: <i>Ports Strategy</i> (April 1999)</p>
<p><b>Development planning and regional policy</b></p> <p>Sector Lead: Ian Smith Tel: 01733 455215</p>	<p><b>Sector Analysis</b> - <i>Construction and development</i> (January 2004)</p> <p><b>Position Statement</b> - <i>Sustainable development</i> (September 2003)</p> <p><b>Policy documents</b> - <i>Designing sustainable communities for people and biodiversity</i> (2005). - <i>English Nature policy for the sustainable communities plan growth areas</i> (2003).</p> <p><b>Council Paper</b> - <i>Regionalisation - implications for English Nature</i> (GC P99 26, May 1999)</p> <p><b>English Nature's responses to national consultations (consultee/subject/date of English Nature response/specific contact where quoted)</b> - ODPM: <i>Draft of the Town and Country Planning (Green Belt) Direction 2005</i>. (October 2005.) (Jonathan Price, tel: 01733 455210.) - ODPM: <i>Planning for Housing Provision</i> (August 2005.) (Jonathan Price, tel: 01733 455210.) - ODPM: <i>Standard Application Form</i>. (June 2005.) - ODPM: <i>Consultation on Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10)</i>. (March 2005.) (Natalie Bennett, tel: 01733 455207) - ODPM: <i>Changes to the development control system</i>. (February 2005.) (Jonathan Price, tel: 01733 455210.) - ODPM: <i>Draft revised Circular on planning obligations</i>. (January 2005.) (Jonathan Price, tel: 01733 455210.) - HM Treasury: <i>Reducing administrative burdens: effective inspection and enforcement (Hampton Review)</i>. (January 2005.) (Jonathan Burney, tel: 01733 455211.) - Defra: <i>Defra's Strategic Direction (5 year strategy): 'Delivering the Essentials of Life'</i>. (January 2005.) (Jonathan Burney, tel: 01733 455211.) - ODPM: <i>Draft Government Circular: Biodiversity and Geological</i></p>

<b>Sector</b>	
	<p><i>Conservation – Statutory obligations and their impact within the planning system.</i> (December 2004.) (Jonathan Price, tel: 01733 455210.)</p> <p>- ODPM: <i>Sustainability appraisal of regional spatial strategies and local development frameworks.</i> (December 2004.) (Jonathan Price, tel: 01733 455210.)</p> <p>- ODPM: <i>Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation.</i> (December 2004.) (Jonathan Price, tel: 01733 455210.)</p> <p>- EC: <i>Review of the EU Sustainable Development Strategy.</i> (October 2004.)</p> <p>- ODPM: <i>The Strategic Environmental Assessment Directive (2001/42/EC) draft practical guide.</i> (October 2004.) (Jonathan Price, tel: 01733 455210.)</p> <p>- House of Commons Select Committee on ETR <i>The proposed Urban White Paper.</i> (December 1999)</p>
<b>Transport</b>  Sector Lead: David Markham Tel: 01733 455212	<p><b>Sector Analysis</b></p> <p>- (inland) <i>Transport</i> (November 2004)</p> <p><b>Position Statements</b></p> <p>- <i>Environmentally sustainable transport</i> (April 2005)</p> <p><b>Policy documents</b></p> <p>- Guidance on airports and related matters (April 2005) English Nature <i>Transport toolkit.</i></p> <p>- <i>Transport and nature conservation toolkit</i> (April 2004) English Nature.</p> <p>- Joint operational note with Sustrans (June 2003) English Nature/Sustrans.</p> <p>- <i>Guidance on aerodromes and nature conservation</i> (April 2003).</p> <p>- <i>Biodiversity and Environmental Impact Assessment: A good practice guide for road schemes</i> (2000) – RSPB, English Nature, WWF and the Wildlife Trusts</p> <p>- <i>Roads and geological conservation- a discussion document</i> (1996 - still relevant)</p> <p>- <i>Roads and nature conservation- guidance on impacts, mitigation and enhancement</i> (1994 - still relevant)</p> <p><b>Research Report</b></p> <p>- The ecological effects of diffuse air pollution from road transport (<i>ENRR 580</i>)</p> <p>- Rail construction and operational effects on biodiversity and geological interests (<i>English Nature Research Reports</i>, No. 473B)</p> <p>- The relationship between economic growth and transport growth (<i>English Nature Research Reports</i>, No. 473A)</p> <p>- Review of possible future inland transport policy and structural changes (<i>English Nature Research Reports</i>, No. 473)</p> <p>- The significance of secondary effects from roads and road transport on nature conservation (<i>English Nature Research Reports</i>, No 178, March 1996 - still relevant)</p> <p><b>Magazine</b></p> <p>- <i>Nature's Place</i> newsletter for Local Authorities - Transport special (March 1999)</p> <p><b>English Nature's responses to national consultations (consultee/subject/date of English Nature response/specific contact where quoted)</b></p> <p>- Dept for Transport: <i>Regional Spatial Strategies: guide to producing regional transport strategies.</i> (October 2005.)</p> <p>- Dept for Transport: <i>Draft guidance to Local Authorities seeking DfT funding for Local Transport Major Schemes.</i> (October 2005.)</p> <p>- Dept for Transport: <i>M6: Giving motorists a choice.</i> (October 2004.)</p> <p>- Dept for Transport: <i>Accessibility Planning – draft guidance.</i> (October 2004.)</p> <p>- House of Commons Transport Committee: <i>The Future of the Railway.</i> (July 2003.)</p> <p>- Dept for Transport: <i>Review of the Commission for Integrated Transport.</i> (June 2003.)</p> <p>- HM Treasury / Department for Transport: <i>Aviation and the Environment: Using Economic Instruments.</i> (March 2003.)</p> <p>- House of Commons Transport Committee: <i>Inquiry into aviation.</i> (November 2002.)</p>

<b>Sector</b>	
	<ul style="list-style-type: none"> <li>- House of Commons Transport Committee: <i>Inquiry into the Department for Transport's Executive Agencies and Non-Departmental Bodies</i>. (October 2002.)</li> <li>- House of Commons Transport Committee: <i>Inquiry into the Multi-Modal Studies</i>. (July 2002.)</li> <li>- Dept for Transport: <i>The Future Development of Air Transport in the United Kingdom: A National Consultation</i>. (July 2002.)</li> </ul>
<b>Energy</b>  Sector Lead: Jane Dennett-Thorpe (until December 2005) Tel: 01733 455173	<b>Position Statements (specific contact where quoted)</b> <ul style="list-style-type: none"> <li>- <i>English Nature and Renewable Energy</i> (January 2003)</li> <li>- <i>Climate change</i> (September 2002) (Mike Harley, tel: 01733 455113)</li> <li>- <i>Electricity generation, transmission and use</i> (March 2000)</li> </ul> <b>English Nature's responses to national consultations (consultee/subject/date of English Nature response/specific contact where quoted)</b> <ul style="list-style-type: none"> <li>- Defra: <i>Review of the UK Climate Change Programme</i>. (March 2005.) (Mike Harley, tel: 01733 455113)</li> <li>- House of Commons Environmental Audit Committee: <i>The international challenge of Climate Change: UK leadership in the G8 and EU</i>. (October 2004.) (Jonathan Burney, tel: 01733 455211.)</li> <li>- English Nature's feedback into JNCC's response to HoC EFRACom: <i>Inquiry into Climate Change: Looking forward</i>. (October 2004.) (JNCC Air Quality Group, tel: 01733 562626.)</li> <li>- House of Commons Science and Technology Select Committee: <i>Wave and tidal energy</i>.</li> </ul>
<b>Minerals (mineral extraction)</b>  Sector Lead: Natalie Bennett Tel: 01733 455207	<b>Sector Analysis</b> <ul style="list-style-type: none"> <li>- <i>Minerals and aggregates</i> (May 2004)</li> </ul> <b>Position Statements (specific contact where quoted)</b> <ul style="list-style-type: none"> <li>- <i>Non-aggregate mineral extraction</i> (January 2004)</li> <li>- <i>Waste management</i> (September 2002) (Anna Wetherell, tel: 01733 455588)</li> <li>- <i>Aggregate extraction and nature conservation</i> (March 2002)</li> </ul> <b>English Nature's responses to national consultations (consultee/subject/date of English Nature response/specific contact where quoted)</b> <ul style="list-style-type: none"> <li>- ODPM: <i>Consultation Paper on Annexes to Minerals Policy Statement 1: Planning and Minerals – supply of aggregates, brick clay, building and roofing stone, and onshore oil and gas, in England</i>. (October 2005.)</li> <li>- ODPM: <i>Draft Minerals Policy Statement 1 Planning and Minerals and associated good practice guidance</i>. (February 2005.)</li> <li>- ODPM: <i>Reviews of old mineral permissions and environmental impact assessment</i>. (November 2004.)</li> <li>- ODPM: <i>Minerals Policy Statement 2. Controlling and mitigating the environmental effects of mineral working</i> (February 2003)</li> </ul>
<b>Nature conservation</b>  Sector Lead: Richard Wright Tel: 01733 455243	<b>Sector Analysis</b> <ul style="list-style-type: none"> <li>- <i>Nature conservation</i> (May 2004)</li> </ul> <b>English Nature's responses to national consultations (consultee/subject/date of English Nature response/specific contact where quoted)</b> <ul style="list-style-type: none"> <li>- IEEM: <i>Ecological Impact Assessment Guidelines</i>. (September 2005.) (Jonathan Price, tel. 01733 455210.)</li> <li>- Defra: <i>Review of Part 1 of the Wildlife and Countryside Act 1981</i>. (March 2005.) (Ian Carter, tel: 01733 455125)</li> </ul>

Sector	
<p><b>Access, recreation and tourism</b></p> <p>Sector Lead: David Markham Tel: 01733 455212</p>	<p><b>Sector Analysis</b></p> <ul style="list-style-type: none"> <li>- <i>Tourism, recreation and access</i> (November 2003)</li> </ul> <p><b>Position Statements (specific contact where quoted)</b></p> <ul style="list-style-type: none"> <li>- <i>Access and countryside recreation</i> (March 2004)</li> <li>- <i>Sustainable tourism in England</i> (January 2004)</li> <li>- <i>Access on National Nature Reserves</i> (January 2004) (Stewart Lane tel: 01733 455133)</li> </ul> <p><b>Joint Statement of Intent</b></p> <ul style="list-style-type: none"> <li>- Nature conservation and access land - an Agreement between English Nature and the Countryside Agency (10 July 2000)</li> </ul> <p><b>Council Papers</b></p> <ul style="list-style-type: none"> <li>- Current issues relating to Access and Recreation (GC PO4 02)</li> <li>- Closures and Management of Access Land (GC P00 9, February 2000)</li> <li>- Updating legislative proposals and mechanisms to manage access (GC P99 83, November 1999)</li> <li>- Considering English Nature's responsibilities following publication of Access to the Countryside in England and Wales, The Government's framework for Action (GC P99 18, May 1999)</li> <li>- English Nature's position concerning the Countryside and Rights of Way Bill Part 1 - Access to open countryside and registered common land (GC P98 3, May 1998)</li> </ul> <p><b>Parliamentary Briefings</b></p> <ul style="list-style-type: none"> <li>- <i>Reconciling Access and Nature Conservation</i>. Technical briefing paper provided in association with the NERC Bill by the Natural England Partnership. (Graham Bathe tel: 01725 513576)</li> <li>- Countryside and Rights of Way Bill House of Lords briefing (June 2000)</li> <li>- Countryside and Rights of Way Bill Part 1 Access to the countryside (March 2000)</li> </ul> <p><b>Other Policy Papers</b></p> <ul style="list-style-type: none"> <li>- Wildlife and geo-tourism resource pack (2003).</li> </ul> <p><b>English Nature's responses to national consultations (consultee/subject/date of English Nature response/specific contact where quoted)</b></p> <ul style="list-style-type: none"> <li>- Defra: <i>Revision recreational byelaws</i> (November 2005) (Phillip Wilson: tel: 01661 845546)</li> <li>- Defra: <i>Consultation on Diversions of rights of way: (1) for the protection of sites of special scientific interest (SSSIs); and, (2) temporary diversions for dangerous works</i>. (November 2005.) (Tom Sunderland, tel. 01392 889770.)</li> <li>- Defra: <i>CRoW Pt V: Amendments to Local Access Forum Regs</i> (November 2005) (Graham Bathe tel: 01725 513576)</li> <li>- Defra: <i>Strategy for the horse industry in England and Wales – Environment Chapter</i>. (October 2005.) (Jenny Bowen, tel: 01273 407943)</li> <li>- Defra &amp; British Horse Industry Confederation: <i>Strategy for the horse industry in England and Wales</i>. (June 2005.) (Jenny Bowen, tel: 01273 407943)</li> <li>- Defra: <i>AONB Conservation Board Departmental Guidance Consultation</i>. (April 2005.) (Steve Preston, tel: 01733 455418.)</li> <li>- Defra: <i>Public Rights of Way: consultation on joint orders and the power to include modifications in other orders</i>. (January 2005.) (Tom Sunderland, tel: 01392 286438.)</li> <li>- Defra: <i>Public Rights of Way: consultation on registers of definitive map modification order applications; and Highways Act applications and declarations</i>. (January 2005.) (Tom Sunderland, tel: 01392 286438.)</li> <li>- Defra: <i>CRoW s35: Model Agreements</i> (December 2004) (Graham Bathe tel: 01725 513576)</li> <li>- Defra: <i>Use of Mechanical Vehicles on RoW</i> (March 2004) (Graham Bathe tel: 01725 513576)</li> <li>- Defra: <i>CRoW s47-52: RUPPs &amp; Restricted Byways</i> (December 2003) (Graham Bathe tel: 01725 513576)</li> <li>- Defra: <i>CRoW s38: Means of Access</i> (June 2004) (Graham Bathe tel: 01725 513576)</li> </ul>



<b>Sector</b>	
	<ul style="list-style-type: none"> <li>- Defra: <i>CRoW 25: Restrictions for fire prevention</i> (April 2004) (Graham Bathe tel: 01725 513576)</li> <li>- Defra: <i>CRoW s42: Public Places</i> (April 2004) (Graham Bathe tel: 01725 513576)</li> <li>- Defra: <i>CRoW Sc2[7]: Relaxing restrictions</i> (October 2003) (Graham Bathe tel: 01725 513576)</li> <li>- DCMS: <i>Natural Greenspace and Children's Play</i> (February 2003). (Judith Hanna, tel: 01733 455503)</li> <li>- Defra: <i>CRoW s31: Emergency restrictions</i> (September 2002) (Graham Bathe tel: 01725 513576)</li> <li>- Defra: <i>CRoW s63: Prevention Obstructions RoW</i> (September 2002) (Graham Bathe tel: 01725 513576)</li> </ul>
<b>Access, recreation and tourism (continued)</b>  Sector Lead: David Markham Tel: 01733 455212	<b>English Nature's responses to national consultations (consultee/subject/date of English Nature response/specific contact where quoted) (continued)</b> <ul style="list-style-type: none"> <li>- Defra: <i>CRoW Sch6: Crime Prevention on RoW</i> (September 2002) (Graham Bathe tel: 01725 513576)</li> <li>- Defra: <i>Inquiries and Hearings on RoW</i> (May 2002) (Graham Bathe tel: 01725 513576)</li> <li>- Defra: <i>CRoW s16: Dedication of land for access</i> (April 2002) (Graham Bathe tel: 01725 513576)</li> <li>- Defra: <i>CRoW s61(4): Rights of Way Improvement Plans</i> (March 2002) (Jenny Bowen tel: 01273 407943)</li> <li>- Defra: <i>CRoW s33: Guidance to Relevant Authorities</i> (March 2002) (Graham Bathe tel: 01725 513576)</li> <li>- Defra: <i>CRoW s32: Restrictions</i> (March 2002) (Graham Bathe tel: 01725 513576)</li> <li>- Defra: <i>CRoW s11(s): Correcting Minor errors on maps</i> (November 2002) (Graham Bathe tel: 01725 513576)</li> <li>- ODPM: <i>Transport and Social Exclusion</i> (September 2002). (Judith Hanna, , tel: 01733 455503)</li> <li>- Defra: <i>CRoW s11: Provisional and Conclusive Maps</i> (February 2002) (Graham Bathe tel: 01725 513576)</li> <li>- Defra: <i>CRoW s68: Vehicular Access on Commons</i> (October 2001) (Graham Bathe tel: 01725 513576)</li> <li>- Defra: <i>CRoW s94: Local Access Forums</i> (October 2001) (Graham Bathe tel: 01725 513576)</li> <li>- Defra: <i>CRoW s11: Maps in Draft Form</i> (June 2001) (Graham Bathe tel: 01725 513576)</li> <li>- English Tourism Council and the Countryside Agency: <i>Rural tourism: working for the countryside</i>. (May 2000.)</li> <li>- DETR: <i>Improving rights of Way in England</i>. (October 1999.)</li> <li>- DCMS: <i>Tourism: towards sustainability</i>. (May 1998.)</li> </ul>
<b>People and nature</b>  Various leads within.	<b>Position Statements (specific contact where quoted)</b> <ul style="list-style-type: none"> <li>- <i>People and Nature</i> (June 2003) (Dave Stone, tel: 01733 455118).</li> </ul> <b>Council Papers</b> <ul style="list-style-type: none"> <li>- <i>Reconnecting People and Nature – Strategic Direction</i> (GCP03 35) (Dave Stone, tel: 01733 455118).</li> </ul> <b>Other policy papers</b> <ul style="list-style-type: none"> <li>- <i>Urban Strategy</i> (June 2004) (David Knight, tel. 01924 334500)</li> <li>- <i>Connecting Social Policy with Nature</i> (Social Policy Strategy) (June 2003)</li> </ul> <b>English Nature's responses to national consultations (consultee/subject/date of English Nature response/specific contact where quoted)</b> <ul style="list-style-type: none"> <li>- Defra: <i>Rural Social and Community Programme</i>. (October 2005.) (Judith Hanna, tel: 01733 455503.)</li> <li>- DCMS: <i>Big Lottery Fund: Interim Initiative Order and Policy Directions</i>. (September 2005.) (John Torlesse, tel. 01733 455048.)</li> <li>- RCEP: <i>Royal Commission Study on the Urban Environment</i>. (August 2005.) (David Knight, tel. 01924 334500)</li> </ul>

<b>Sector</b>	
	<ul style="list-style-type: none"> <li>- Big Lottery Fund: <i>Big Lottery Fund consultation – phase two</i>. (December 2004.) (John Torlesse, tel. 01733 455048.)</li> <li>- Dept for Work &amp; Pensions: <i>Delivery equality for disabled people – a consultation on the extension of the Disability Discrimination Act to functions public authorities, and the introduction of a duty to promote equality for disabled people</i>. (November 2004.) (Judith Hanna, tel: 01733 455503.)</li> <li>- Defra: <i>Clean Neighbourhoods</i>. (September 2004.) (Judith Hanna, tel: 01733 455503.)</li> <li>- Big Lottery fund: <i>Big Lottery Fund consultation</i>. (September 2004.)</li> <li>- Dept of Health: <i>Choosing Health? Choosing Activity consultation</i> (June 2004.) (Dave Stone, tel: 01733 455118).</li> </ul>
<b>Others not under a specific sector.</b>	<p><b>Position Statements (specific contact where quoted)</b></p> <ul style="list-style-type: none"> <li>- <i>Local sites</i> (October 2002)</li> <li>- <i>Waste management</i> (September 2002)</li> <li>- <i>Local Record Centres</i> (March 2002) (Keith Porter, tel:01733 455146)</li> <li>- <i>Fossil collecting</i>(December 2000) (Jonathan Larwood, tel: 01733 455115)</li> <li>- <i>Sites of Special Scientific Interest (February 2000)</i></li> <li>- <i>Using Peat alternatives in horticulture and gardening</i> (August 2004) (Roger Meade, tel: 01733 455425).</li> </ul> <p><b>Council Paper</b></p> <ul style="list-style-type: none"> <li>- ‘Lifescapes’ - landscape work through natural areas (GC P00 31, May 2000)</li> </ul> <p><b>English Nature’s responses to national consultations (consultee/subject/date of English Nature response/specific contact where quoted)</b></p> <ul style="list-style-type: none"> <li>- House of Lords Economic and Financial Affairs and International Trade Committee: <i>Inquiry into a European Strategy for Jobs and Growth - The Lisbon Agenda</i>. (October 2005.) (Jonathan Burney, tel: 01733 455211.)</li> <li>- DTI: <i>Lisbon National Reform Programme</i>. (August 2005.) (Jonathan Burney, tel: 01733 455211.)</li> <li>- Pesticides Safety Directorate: <i>The Sustainable Use Of Plant Protection Products: A Draft National Strategy</i>. (June 2005.) (Jennifer Best, tel: 01733 455430)</li> <li>- European Commission: DG Environment: <i>Sustainable use of pesticides in Europe</i>. (May 2005.) (Jennifer Best, tel: 01733 455430)</li> <li>- Defra: <i>Consultation on changes to Waste Strategy 2000, guidance on Municipal Waste Management Strategies, and proposals for providing central data and forecasting advice</i>. (March 2005.)</li> <li>- Defra: <i>Waste management (England and Wales) Regulations 2005 (Agricultural waste regulations consultation)</i>. (March 2005.)</li> <li>- Defra: <i>Draft Waste Management (England and Wales) Regulations 2005: Waste Framework Directive: The Landfill Directive</i>. (March 2005.)</li> <li>- House of Commons EFRACom: <i>Inquiry into the Government’s draft Natural Environment and Rural Communities Bill</i>. (February 2005.) (Tom Tew, tel: 01733 455363.)</li> <li>- Defra: <i>Proposal from the European Commission for a LIFE+ Regulation</i>. (February 2005.) (John Torlesse, tel: 01661 845542.)</li> <li>- European Commission DG Research: <i>7<sup>th</sup> Research Framework Programme</i>. (December 2004.)(Neil Hailey, tel: 01733 455110.)</li> <li>- Defra: <i>Defra science forward look – evidence and innovation: Defra needs over the next ten years (2004-2013)</i>. (October 2004.) (John Hopkins, tel: 01733 455123.)</li> <li>- Defra: <i>Draft environmental information regulations code of practice</i>. (October 2004.) (Darren Green, tel. 01531 638513)</li> <li>- English Nature response to public consultation paper on Code of Guidance: <i>SSSI: Encouraging positive partnerships</i>. (November 2000.)</li> </ul>

## 25. Environmental management

1. Environmental management has become the accepted term within the private and public sectors for describing the approach that a business or organisations takes when addressing in a structured way the impact which its policies, activities, products or services have on the environment. English Nature has adopted this term for describing its own 'green housekeeping' initiative.
2. *A better quality of life*, the Government's strategy for sustainable development in the UK, highlights the importance of making better use of natural resources. It contains a clear message that continued improvements in resource efficiency by organisations and businesses are essential for the UK's future prosperity and competitiveness, as well as the health of the environment. As a non-departmental public body, English Nature is expected to demonstrate the wise use of resources and support for the Greening Government Initiative.
3. Whilst English Nature is not under any obligation to implement an environmental management system (EMS), produce a green transport plan or even contribute to the Government's cross-cutting targets for energy and carbon dioxide reduction, there is an expectation that we will take measures to improve our environmental performance. This is a requirement for us, firstly, to take account of the DETR's 1999 *Greening Operations Policy Statement* when setting out our own policy and, secondly, to produce an annual report on environmental matters from Financial Year 2000/01.
4. If we wish to try and influence industry to develop more environmentally sustainable practices which deliver better outcomes for biodiversity and natural features then it is essential we improve our own environmental performance via the implementation of a more formal and structured approach based on an environmental management system. If we are to develop a role in advising companies on how to integrate biodiversity targets within their own policies and activities and, in the medium to long-term, consider actions to endorse such companies' EMS, then to have any credibility at all in this area English Nature must be able to demonstrate that it has taken measures to improve its own environmental performance. If not, then we run the risk of poor public relations and of being challenged by our own stakeholders.
5. English Nature is pursuing a twin-track approach to environmental management. This entails the completion of a number of short-term actions in key areas such as transport, energy, waste and paper usage. Flagship projects in the foreseeable future include the acquisition of LPG vehicles across the pool car and off-road fleet, the introduction of video-conferencing technology and the establishment of an Environmental Management Challenge Fund to stimulate new ideas in 'green' investment, greater ownership of this issue among staff and a shift in culture. In the medium to long-term we seek accreditation from a recognised external body. The Executive Committee has decided that neither ISO 14001 or the EU's Eco-Management Audit Scheme (EMAS) are appropriate because both are perceived to be too bureaucratic and process-driven. As a result, we will be seeking accreditation through a local environmental management system (PECT-the Peterborough Environment City Trust scheme). In the long-term, the aim is for environmental management to become part of normal day-to-day business activity.



6. The key principles which guide our work in this area are:
- a. a voluntary approach whereby teams and individuals will be actively encouraged to demonstrate sound environmental performance and generate ideas for 'quick wins' and longer-term solutions through a Staff Suggestion Scheme and Environmental Management Challenge Fund;
  - b. an approach which seeks the ownership of and participation in these issues at all levels of the organisations;
  - c. an approach which provides incentives for staff to pursue the 'green' option when making decisions about resource use and which rewards sound environmental practice;
  - d. the involvement of a project team of enthusiastic and committed individuals, overseen by a General Manager, to identify best practice and provide a lead on this issue;
  - e. an action not, paper or process, based approach;
  - f. an approach which seeks to change the culture and embed sound environmental management practices in all of our management systems and structures;
  - g. an approach which is in proportion to the scale of our overall business.

## 26. Sponsorship

### 1. Background

- 1.1 Sponsorship is a major national industry with an annual turnover of c.£640 million. Contributing companies become involved in sponsorship for a variety of reasons, but essentially for sound business principles. The Cabinet Office Guidelines define sponsorship as:

‘The payment of a fee or payment in kind by a company in return for the rights to a public association with an activity, item, person or property for mutual commercial benefit.’

- 1.2 In September 2000, the Executive Committee reviewed sponsorship in English Nature. The review indicated that to halt all sponsorship activities would be detrimental to some of our wildlife gain objectives, and limit opportunities for partnerships to achieve outcomes, particularly at local level. However, we no longer pursue sponsorship at a corporate level.

### 2. Sponsorship in the future

- 2.1 Sponsorship should be recognised as far more than pursuing direct financial contributions from business. Partnerships with business contribute a range of benefits, including changes in behaviour and culture, a sense of ownership of the project and its welfare, and an open and constructive forum for the exchange of ideas and advice. To this end, we have re-focused our position on sponsorship to improve business engagement with environmental issues, and develop partnerships with 10 ‘beacon businesses’ in key sectors to demonstrate good practice ‘beyond compliance’. This will allow relationships to develop through the day-to-day work of many of our staff. It also allows for opportunities to extend these relationships to secure additional resources for nature conservation.

### 3. Control and management

- 3.1 The *Government’s Response to the Sixth Report from the Committee on Standards in Public Life*, published in July 2000, contained a number of commitments on sponsorship issues which the Cabinet Office has taken account of in its revised guidelines on sponsorship for government. These were recently adopted by DETR, and can be found under section five below.
- 3.2 The Committee on Standards in Public Life was naturally interested in the propriety issues associated with the whole question of sponsorship. Seeking assistance with departmental initiatives and campaigns from business could help achieve objectives but should neither influence them nor confer favourable treatment on the business involved.
- 3.3 We must always be aware of how a partnership with a sponsor will be considered by Parliament and the media. We must understand a potential sponsor’s activities so that we do not establish an inappropriate partnership which could undermine our objectives.

#### **4. Parameters for sponsor involvement in the public sector**

- 4.1 Government deals with highly sensitive and emotive issues, and the level of sponsor involvement needs to be treated with caution. Sponsors' support must always be seen as secondary to the aims of the Government. Sponsors should operate within the parameters listed below, and observe propriety issues at all times. The outline parameters are:
- a. companies' support should be seen as adding significant benefit to an existing Government message or campaign;
  - b. there should be no overt commercial advantage to the sponsor in terms of the direct sale of products or brands as a result of their association with the government;
  - c. the project should not be entirely dependent on sponsorship support for its funding.

#### **5. The new guidelines on sponsorship**

- 5.1 Sponsorship should only be considered where it is likely to produce significant net benefit for the department and no detriment to the public interest. Sponsorship support should add to, not replace, core funding.
- 5.2 Sponsorship should be sought in an open and even-handed manner from businesses competing in a particular field. A chosen sponsor's competitors should not be given grounds to complain that they were not given a fair chance.
- 5.3 Sponsorship should be of activities or events, not of individual Ministers or civil servants, lest those individuals appear to be placed under an obligation to the sponsor. There must be no suggestion that sponsors are being given privileged access to Ministers in return for cash/benefits in kind.
- 5.4 Departments must act with, and must demonstrate, impartiality, honesty and integrity when entering into a sponsorship agreement. Any such agreement must be in writing, and must be able to withstand public scrutiny.
- 5.5 Departments will set out what benefit is reasonable for the sponsor to expect, and must put procedures in place to ensure that sponsors do not receive returns that are greater than is proper and proportionate.
- 5.6 Sponsorship must not dilute the department's campaign or message, nor should sponsors have input to, or expect to influence the messages of Government communication towards their business area.
- 5.7 Departments must not, nor appear to, endorse the sponsoring company or its products. Sponsors must not use a Government department's campaign or event as a direct channel for their products or services.

- 5.8 Departments should examine rigorously whether some activities should be excluded from sponsorship, and also whether some companies should be considered unsuitable as sponsors on the grounds of potential conflicts of interest.
- 5.9 Departments should examine sponsors for their financial viability, appropriate business practices, policies and customer and media profiles, and should also determine whether the sponsor could bring adverse publicity to the campaign or the department.
- 5.10 Departments should not seek or accept sponsorship from firms involved in significant commercial negotiations with them, or from firms whose business may be affected by the department's own role in making or enforcing legislation.
- 5.11 Offers of free travel as part of a sponsorship package for a one-off event are acceptable, provided that suitable alternative carriers have also been offered the chance to sponsor the event. Free travel unconnected to an event must not be accepted. Any association with a sponsoring company must not compromise the department's responsibility to the public.
- 5.12 Each department seeking sponsorship should select one of its officials to be responsible for ensuring the guidance is known and is in use throughout the department.
- 5.13 Sponsoring of individual amounts of more than £5000 must have proper audit trails, and must be disclosed in departmental Annual Reports. Individual amounts less than £5000 need not be disclosed. In-kind sponsorship is the provision of goods or services to support or enhance a campaign or other activity, and must similarly be reported. To measure its value, departments must consider the opportunity cost, ie how much it would have cost the department if it had paid for the service provided.

## 27. Enforcement concordat

### 1. Background

1.1 English Nature signed up to the Enforcement Concordat in December 1999. The Concordat is a code of practice drawn up by central and local Government in consultation with consumer and business groups. Published in March 1998, it sets out a blue print for fair, practical and consistent enforcement. Central and local enforcement bodies are encouraged to adopt and monitor their progress against the concordat voluntarily. In signing up to the Concordat authorities and agencies commit themselves to:

- a. have service standards that set out what businesses and individuals can expect;
- b. be open, to disseminate advice widely and to give information in plain language;
- c. be helpful and to work on the basis that prevention is better than cure;
- d. to have a timely and well published complaints procedure;
- e. proportionality - any action required will be proportionate to the risks;
- f. to be consistent with other enforcers.

1.2 The Concordat also sets out **procedures**, including that:

- a. business and individuals will be told what is good advice and what is a legal requirement;
- b. as far as possible in the circumstances, there will be discussion before formal action is taken; and
- c. if action does have to go ahead for urgent reasons, this will be followed by a prompt written explanation of the reasons.

### 2. What is covered by the term enforcement?

2.1 Enforcement is variously described in the documentation as:

- a. an action carried out in the exercise of, or against the background of, statutory powers;
- b. concerning regulated activities that are lawful but the way in which they are carried out is controlled;
- c. including advisory visits and assisting with compliance as well as licensing and formal enforcement action.

2.2 English Nature is an enforcement agency in terms of its work in two areas:

- SSSIs - their notification and the system of notices and consents, through to injunctions, Management Notices and prosecutions;
- species - licensing, prosecutions etc.

## 28. Working with the media - advice for Council Members

1. English Nature actively engages with the media. It recognises the need and the importance of getting our messages about nature conservation across to a wide range of appropriate audiences. In addition, by developing a reputation for being open and supplying authoritative information to journalists, English Nature gains a degree of respect which is helpful generally, and more so when dealing with controversial issues when perceived evasion or reluctance to answer questions can inflame matters.
2. Council Members may be approached directly or indirectly by the media to speak on a range of subjects. This is most likely to happen when Council Members are representing English Nature. For these events you will normally be briefed in advance by staff about relevant issues. If, however, you are asked to speak on other issues, consider if you are the most appropriate person to represent English Nature. If you are not sure, check with the Chairman, Chief Executive or Press Office. They will advise you or seek the most up to date information. If you are asked to speak on behalf of Council or the General Committee of Council, you are required to seek the prior approval of the Chairman or Chief Executive. (See paragraph 20.3 of Standing Orders for meetings of Council and the General Committee of Council.)
3. The following steps will help you deal successfully with the media:
  - 3.1 Agree to an interview request. If potentially controversial, seek advice from the Chairman, Chief Executive or Press Office.
  - 3.2 Check beforehand what is required. When giving radio or television interviews ask:
    - Is it live or recorded? (If given the option, go for the live interview as it reduces the possibility of inaccurate editing.)
    - What topics are being covered?
    - How long is the piece and what programme is it for?
    - Who else is being interviewed and what is their general 'line' likely to be?
  - 3.3 Feel comfortable with the topic:
    - Seek an up to date briefing but don't over-prepare, you will sound stilted.
    - Have examples or anecdotes to illustrate your points.
    - Think of the questions you might be asked, particularly the contentious ones, and how you might respond.
  - 3.4 Relax! You will know at least as much as the journalist and probably more. Respond positively and with confidence.
  - 3.5 Be brief and simple in your reply. Some journalists pause before asking the next question to pressure you to continue and let something slip. Say what you want to say and no more. Avoid jargon.

- 3.6 Let the Press Office know you have given the interview so they can be ready to deal with any follow-up queries.
4. The Press Office gives advice on media matters. It provides a 24 hour service to both the press and English Nature staff.
- 4.1 From April 2005 it will be staffed by:
- |                |                      |
|----------------|----------------------|
| Stuart Burgess | Senior Press Officer |
| Heather Duncan | Press Officer        |
| Helen Payn     | Press Officer        |
- 4.2 The Press Office can be contacted as below:
- Phone (office hours): 01733 455190  
Phone (out of hours): 07970-098005  
E-mail: [press@english-nature.org.uk](mailto:press@english-nature.org.uk)



## 29. Business in the run-up to a general election

### 1. Background

- 1.1 General elections have a number of implications for the staff of English Nature, some of whom will be more affected than others. These arise from the particular need to maintain, and be seen to maintain, the impartiality of the Civil Service and Departmental Executive Agencies. During an election campaign, the Government retains its responsibility to govern, and Ministers remain in charge of their Departments. 'Business must go on'. This guidance is based on information supplied by the Cabinet Office, for the June 2001 General Election, and issued throughout the Civil Service. Although English Nature staff are not civil servants, this guidance is nonetheless applicable. Updated guidance will be issued to staff when the next election is called.

### 2. Conduct of civil servants

- 2.1 The principles underlying the conduct of civil servants are simply an extension of those which apply at all times, ie not to undertake any activity which could call into question their political impartiality or could give rise to the criticism that public resources are being used for party political purposes. Staff must not engage in, or appear to engage in, party politics or be used for party ends, and should provide consistent factual information on request to candidates of all parties, as well as to organisations and members of the public.
- 2.2 **The Election period** ('purdah') should be taken as from the date on which the general election is announced.
- 2.3 **Enquiries about existing Government policy**, which are essentially factual in nature, should be answered in accordance with our normal procedures, with a simple rehearsal of that policy as it affects our work. Enquiries concerning the routine management of the organisation will be handled by the Top Management Unit, taking particular care to avoid any controversial issues.
- 2.4 **Enquiries about newly announced policies** in manifestoes, or requests for comparison of policies from different parties, should be passed immediately to the headquarters of the party subject to comparison. We must not be drawn into discussion or comparison of manifestoes.
- 2.5 **Speed in dealing with enquiries** during a general election is essential. In particular, the aim should be to answer requests from Parliamentary candidates or from any of the party headquarters **within 24 hours**.
- 2.6 **Briefings for Ministers** may continue in the form of provision of factual advice.
- 2.7 **Correspondence with MPs** needs to be dealt with, bearing in mind that if the contents become public knowledge they will do so in the charged atmosphere of an election and may become the subject of political comment. Particular effort must be made, so far as possible, to ensure that replies are simple, straightforward and allow no room for misrepresentation. Outstanding correspondence should be cleared quickly, but

letters to former MPs may be sent to the House of Commons, London SW1A 0AA, after dissolution, to be picked up or forwarded. The Parliamentary Liaison Officer, can provide constituency addresses if preferred.

- 2.8 **Contacts with Opposition Parties**, to allow Opposition spokespersons to inform themselves of factual questions of Departmental organisation and to inform civil servants of organisational changes in the event of a change of Government, are allowed.
- 2.9 **Select Committees** lapse and work on their inquiries ceases, pending a general election. Any outstanding evidence requested by a Committee should continue to be prepared on a contingency basis. The newly appointed Committee will decide whether to continue with its predecessor's work. The Clerk of the Committee remains in post and will be able to advise.
- 2.10 **MEPs** should be treated in the same way as Westminster MPs.
- 2.11 **Information activities** during a general election are restricted, in order 'to do everything possible to avoid competition with Parliamentary candidates for the attention of the public.' In addition, special care must be taken at this time since information produced with complete impartiality which would be accepted as objective in ordinary times may excite criticism during an election period when feelings are running high. Publicity officers (and others involved in publicity/media work) may continue normal work only to the extent of providing factual explanation of current policy - they must be careful not to become involved in a partisan way in election issues. Consult the Press Office (01733 455190) in the event of questions on these aspects.
- 2.12 **English Nature property** should not be used, or be permitted to be used, for electioneering purposes. Press coverage of visits by MPs/candidates to English Nature sites of any kind will need to be handled with particular care and all Parties must to be treated in even-handed way.
- 2.13 **Questions from the media** should be responded to, where possible, by reference to published material. There is no objection to issuing routine factual releases, but all releases or written Press statements should be cleared with the Press Office before issue. MPs should be deleted from distribution lists for press releases during purdah and re-instated if they are returned to Parliament.
- 2.14 **Publications** may continue to be distributed on request in small quantities to members of the public and to Parliamentary candidates - requests for bulk supplies will need to be considered, bearing in mind the requester, and likely use of the documents. Widespread distribution of letters or leaflets should be suspended to avoid any competition with the flow of election material. Journal/newsletter distribution may continue, but content will need to conform to previous guidance on avoiding being drawn into political issues.
- 2.15 **Market research** involving interviews with the public, or sections of it, should be postponed.

- 2.16 **Websites** are a form of broadcasting/publishing and are subject to close scrutiny by media and political parties during an election period. News sections must comply with the advice on Press releases above. Material already published in line with the rules on propriety can stand and may be updated for purely factual accuracy. While the website can be referred to in handling media enquiries (see above), nothing should be done to draw further attention to it.
- 2.17 If you have any doubts about any information you want to publish during this time, get advice from the Press Office or Publicity and Marketing Unit within External Relations Team.

## **30. Project management standards**

### **1. What are the standards and their purpose?**

- 1.1 An increasingly large part of English Nature's work is in the form of projects. Project work can be challenging as it tends to involve and affect a number of groups within and outside English Nature. Also project work has to deliver to fixed time and costs. In consequence, and always for 'major projects' which we are leading, it is a requirement that projects conform to a set of sound operating standards. This requires project managers and others in the governance structure (see section 4) to operate their projects accordingly. We are at pains to point out however, that whilst operation of major projects with the standards will strongly assist project operations, they will not of themselves guarantee successful outcomes.
- 1.2 A major project is defined as either: a project, often externally-funded, with a budget of over £150,000; or, with a budget under £150,000 but with a significant impact on the organisation or which is likely to absorb high numbers of staff hours. A more detailed definition is provided at 3.2 below.
- 1.3 These standards have been designed to achieve several purposes:
- To best ensure that English Nature's most significant projects succeed in delivering value for money.
  - To minimise the risk to English Nature of its key projects delivering late, over budget and out of spec and thereby, contributing to the management of corporate risks.
  - To provide clarification of the various roles and their accountabilities for major projects
  - To come into line with the Government's requirements on project management.
  - To enable the management of major projects to be conducted in a consistent manner in line with English Nature's system of internal control.
- 1.4 The standards are sponsored by the Managing the Organisation Programme Board.
- 1.5 These standards apply to externally funded projects which meet the definition of 'major' and for which we are the lead. Please also refer to the Governance procedures for External Funding projects and other advice available from Steve Clarke in the External Funding Unit.

### **2. Defining projects and programmes**

- 2.1 A project is a finite piece of work with clearly defined objectives and deliverables. It has a beginning and an end and its outcomes are achieved through a series of inter-dependent tasks.
- 2.2 A programme is defined as a suite, or portfolio of projects that are commissioned, planned or managed in a co-ordinated way and which together achieve a set of defined objectives.

- 2.3 These standards apply to both a single major project or, a suite of related projects which when combined, fall under one of the definitions of ‘major project’ initially defined at 1.2 and expanded below at 3.2.

### **3. Application of these standards**

- 3.1 As indicated above, the practice of these standards is now a formal requirement for those involved in a ‘major project’. It is also considered ‘good practice’ and therefore non-major projects are encouraged to consider applying the standards.
- 3.2 A ‘major’ project is considered to be defined as either i. or ii:
- i. A project or suite of projects involving direct financial expenditure of over £150k;
  - ii. Projects below this budget, but which are:
    - piloting new and innovative approaches which have implications for future expenditure,
    - high profile or potentially high risk, eg large SSSI notifications or major public inquiries.
    - likely to have a major impact on the working methods of the organisation and in consequence, would seriously jeopardise on-going operations in the event of outright failure or delayed implementation.
    - involving significant staff effort, not just direct spend, forecast to exceed 216 staff hours (30 days) across the duration of the project.
- 3.3 Annex 1 provides further guidance to help identify significant projects that might be defined as major under 3.2 ii or which, whilst not ‘major’ could benefit from following these standards.
- 3.4 The decision as to whether projects which are less than £150k threshold should be treated as major projects under 3.2 ii should be taken by the General Manager responsible. The GM should agree the application of these standards to those projects with the Programme Board.
- 3.5 Many of the major projects which the organisation runs will be externally-funded. See Governance procedures for developing External Funding projects available from External Funding Unit. These standards apply where English Nature is the project lead.
- 3.6 Whilst the standards do not automatically apply to land purchases or management agreements, some aspects may be relevant so project managers and Senior Responsible Owners are recommended to read on and apply the standards where they can be useful. This also applies to other projects which do not qualify as ‘major’.
- 3.7 It is important to recognise that the achievement of successful projects is not guaranteed by the application of these standards, though they will increase the likelihood of success and enable the organisation to manage risks effectively. Success on projects is most likely to be achieved through use of the standards, combined with

the use of project management, financial and procurement guidelines. Attendance on appropriate project management courses to acquire both the ‘mental maps’ and key skills will also, of course increase the likelihood of success. Help on project management principles and guidelines is available from Karen Mitchell, Corporate Business Team.

#### **4. Roles & responsibilities within the project environment**

- 4.1 As in all successful undertakings, it is essential in projects of whatever size, to have clearly defined roles and responsibilities. The following is a series of role and responsibility definitions.
- 4.2 The **Programme Board** – the group responsible for ensuring that a project which it has sanctioned, contributes to that Programme Board’s business plan and thereby, to English Nature’s corporate objectives.
- 4.3 The Programme Board which owns the project must be responsible for deciding at what level the SRO should be. In the case of major projects, the SRO will be a General Manager or Director responsible for the area of work in which the project is undertaken. (In exceptional cases they may delegate the SRO role to a Team Manager, though in such cases the GM or Director remains accountable). She/he should be responsible for the business area that is being supported by the project, and have authority over the majority of English Nature resources being utilised and be recognised as such throughout the organisation.
- 4.4 In cases where the project contributes to the business plans of more than one Programme Board, it is the responsibility of ExCo to establish which Programme Board has **primary** ownership and therefore provides the project budget. The project will need nevertheless to report to each Programme Board involved.
- 4.5 The Director of the owning Programme Board is responsible for ensuring the establishment of the governance structure laid out below at 5.1.
- 4.6 The Programme Board is responsible for ensuring the planned and budgeted flow of funds through the life-time of the project.
- 4.7 Programme Boards control the finances for the projects which they commission. They may be viewed as the ‘customer’ for the projects which they commission – they do not undertake any practical project management.
- 4.8 The Programme Board will have a key role to play in the mitigation of certain project risks and liabilities especially those related to resourcing. Other long term risks which may be projected over several years need also to be considered eg training, provision of support services. However, the primary responsibility for ensuring these issues are recognised and addressed rests with the Project Board.
- 4.9 The **Senior Responsible Owner** – the figure responsible to the Programme Board for ensuring that a project meets its objectives, provides its planned outputs and delivers the targeted benefits. The Senior Responsible Owner (SRO) plays a key corporate

and project governance role and it is necessary for them to be the Project Board chair. For externally funded projects, the authorising officer may be the SRO.

- 4.10 The SRO is ultimately accountable for the project. They are therefore responsible to the Programme Board for ensuring that the appropriate direction, leadership, project and resource planning, management of the staff and supply of direct resources, takes place. Particularly, the SRO is responsible for ensuring that Project Team members have clear agreement and commitment from their usual teams and manager for their time input. As such, they need to possess appropriate authority and skills over both people and other physical resources, being used on the project.
- 4.11 The SRO is also responsible for the *business case* (see section 6.4) which the Project Board will approve. The business case should also be sent to Financial Services Team for endorsement. For projects over £250k in value, approval is required from the Programme Director, Defra and Council (see Appendix 7 of Chapter 9 of the Finance Guidelines, available on the intranet). In all likelihood, the SRO will prepare the business case jointly with the project manager at the inception of the project opportunity. The SRO does need to ‘own’ the initial business case and any subsequent redrafts. They also need to effectively ‘sign it off’ to demonstrate approval.
- 4.12 For major projects, the SRO will be a General Manager or Director.
- 4.13 In the case of non-major projects, and those falling within one Area or National team, the SRO will usually be the Team Manager. It is essential that at the outset of the project, they have ready access through their GM, for resourcing authority.
- 4.14 An SRO should possess the following key competences:
- Knowledge and experience of project management methodologies and risk management skills.
  - Capacity to evaluate and constructively critique the *process* of project management, the performance of the project manager and the project team’s team-working performance.
  - Capacity to capture the learning from the project and ensure it is passed in to the ‘corporate memory’ for the benefit of future projects.

(For non-major projects, a lower level of SRO expertise is acceptable.)

- 4.15 The **Project Board** is a requirement for all major projects and has responsibility for:
- Approving, and where necessary, agreeing amendments to the project business case.
  - Confirming with the Programme Board throughout the project’s life that its objectives continue to fit those of English Nature, adapting them where necessary or, in extremis in consultation with the Programme Board, terminating it, where the project is no longer relevant to the organisation goals or is simply performing poorly.



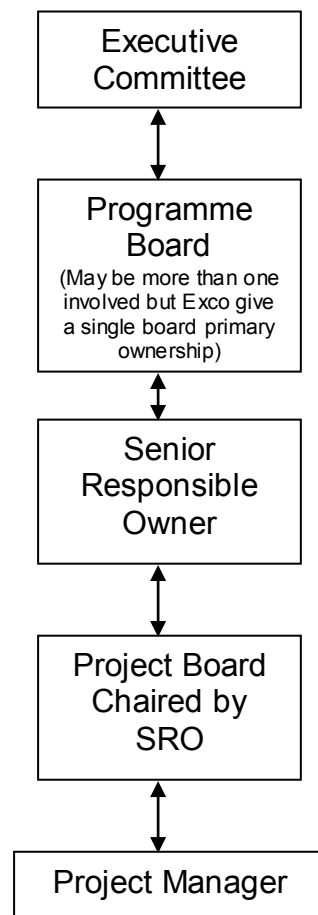
- Approving the detailed project plan (this may also be referred to as the Project Initiation Document or PID).
  - Setting quality assurance processes and standards.
  - Ensuring actions have been taken to prevent primary risks and that contingency plans are in place in the event that such measures are unsuccessful.
  - Ensuring that the project keeps to its original remit and that any amendments are properly justified and the approval process is conducted.
  - Ensuring, in negotiation with the Programme Board, that the necessary financial resources remain available to the project throughout its agreed lifetime.
  - Reviewing progress against plan and obtaining and checking revised plans where lack of progress has required this.
- 4.16 A Project Board is optional for non-major projects. The risk of potential over-management of projects should be considered when deciding whether a Project Board is required for non-major projects.
- 4.17 Project Boards **must** meet at key milestone dates identified in the Project Plan.
- 4.18 The SRO and PM jointly agree the appropriate membership of the project board depending upon the needs of the project.
- 4.19 The **Project Manager** is responsible to (but may not be line managed by) the Senior Responsible Owner and the Project Board for the day-to-day control of the project.
- 4.20 They are likely to be solely dedicated to major projects.
- 4.21 The Project Manager is responsible for:
- Drafting the project plan – with his/her team
  - Managing the project and the project team
  - Monitoring time and spend against outputs and including these in reports to the Project Board
  - Communicating about the project internally and externally where appropriate (with suppliers and/or stakeholders)
  - Managing any contracts and budgets subsequently arising
  - Ensuring learning is captured and acted upon within the project team and fed into the Project Management office ‘repository of knowledge’ for the benefit of future projects.
  - Delivering the agreed project outputs within time and cost budgets and to the quality levels agreed with the customer.
- 4.22 The Project Manager therefore needs to have the requisite skills and experience and be appointed appropriately, bearing these in mind. In the case of major projects, it is necessary for project managers to have acquired acceptable levels of demonstrable capability and to have attended suitable training.



- 4.23 **Project Team members** are responsible to the Project Manager, supporting him/her in the day-to-day delivery of the project. Their precise task or role responsibilities will be defined by the Project Manager at the outset of the project.

## 5. Project governance structure

- 5.1 Building on the role and responsibility definitions above, the accountability and governance hierarchy is set out below for all major projects or programmes:



- 5.2 All projects and programmes **must** report to a Programme Board. Where a project cuts across more than one Programme, ExCo will appoint one Programme Board to take the lead (see 4.4 above). However, it is important that the Senior Responsible Owner ensures that the other Programme Boards involved remain engaged in the project/programme. This could be achieved, for example, by ensuring Programme Board representation on the Project Board.
- 5.3 Some major projects may in addition be required to provide reports directly to the Executive Committee and to Council.
- 5.4 If the project is not a major project, a Project Board is optional.

- 5.5 Externally funded projects must also adopt similar structures and accountabilities to grant-in-aid funded projects. (Please refer to Governance procedures for developing External Funding projects available from Steve Clarke in External Funding Unit).

## **6. Project planning outputs**

- 6.1 As with establishing clear roles and responsibilities, in a project environment it is also sound practice to conduct thorough project planning, either after or during the development of the business case for the project. It is best undertaken as a joint exercise with all members of the project team but necessarily, the project manager will lead. As a process, this enables ownership and buy-in by team members to take place.

- 6.2 A sound project planning phase with clear outputs is necessary in order to:

- Best ensure the project is setting out on a sound footing; being clear what it is meant to deliver, how it is to deliver it and the constraints and risks on its delivery.
- Provide a documented guide to those involved in the project's governance of the project team's forecast of activities and outcomes over time, in order that they may later assess the project's actual progress against its planned forecasts.
- Act as a structure and guide to the project manager and his/her team in undertaking the necessary activities to deliver the project's outcomes for their customer.
- Enable an audit to be conducted for both organisational and governmental purposes
- Obtain endorsement by other key stakeholders eg Finance, Procurement

- 6.3 For major projects, the outputs of the planning phase should be:

- Business Case for the project
- Project Plan (or Project Initiation Document (PID))
- Project monitoring system (eg Spend/Achievement graphs)
- Procurement Plan
- Communications Plan
- Risk Management Plan or Risk Log

For non-major projects, a project brief which identifies the need for the project, key outcomes and risks, management arrangements and timetable and key milestones, may be sufficient.

## 6.4 Business Case

This is the answer to the question ‘why are we considering doing this project?’ It establishes the benefits of the project and shows why the resources required by the project are worthwhile. It identifies alternative ways of delivering the project objectives. All major projects must have a business case, regardless of their value. The SRO is responsible for approving the business case and keeping it up to date as the project proceeds. Guidance on preparing business cases and economic appraisal is contained within Chapter 9 of the *Financial Guidelines* (available on the intranet). Advice, including examples of good practice in business cases, can be obtained from the Financial Management Section of FPST.

The key components of the Business Case are:

- Establishment of the reasons why the organisation needs the project to be undertaken. This will be related to the benefits that are forecast to be delivered when the project is complete.
- Statement of objectives and of how project performance will be measured. Objectives must be defined in line with English Nature’s overall plans and policies. Objectives should be SMART (Specific, Measurable, Achievable, Realistic and Time-bound) and may include both final outcomes and intermediate outputs. The targets set need to enable the progress of the project to be monitored and evaluation of the project’s success to be carried out.
- Identification of the project costs and the benefits it will deliver, quantified where possible.
- An outline timetable with key milestones.
- Initial risk register. The business case must set out the principal risks affecting the project. These may relate to major corporate or Programme Board risks or be specific to that project.

6.5 The business case must also consider how the project will be integrated into mainstream business activities at the end of the project life. It must be made clear what the on-going commitments of direct cost and staff time will be and who will be responsible for these, as well as the impact on the plans of specific teams. Where the co-operation of other teams is critical to success, their co-operation will need to be secured.

6.6 Preparation and approval of business cases are a key part of the process of accountability. Those major projects which are over £150k in direct expenditure must have a written Business Case which has been supported by the Finance Officer and approved by the Programme Board Director. Business cases for projects involving direct expenditure over £500k must also be approved by Defra and English Nature’s Council. Debbie Keith, Finance and Procurement Services Team, can advise on the approval process.

- 6.7 Business cases of this scale (ie over £150k) involving the acquisition of land or buildings, or for management agreements, need also to be approved by the Chief Surveyor.
- 6.8 The SRO or project manager will develop the business case through a number of stages. Initially, an outline case will be required by all projects to secure agreement in principle from the Programme Board. Where a project is large in scale and cost, or particularly complex, then a more detailed case should be developed.
- 6.9 Throughout the project, the SRO and the Project Board must establish a suitably frequent meetings schedule so as to keep abreast of both project progress and any relevant changes in business need or external factors. Where there is a requirement for substantial additional resources in the form of funding or staff resource of more than 20% (except for externally-funded projects where the threshold is lower), the Project Manager/SRO must formally amend the business case and seek approval for the revisions as at the start of the project, ie from the Finance Officer and the Programme Board Director.
- 6.10 Once the Programme Pr Board approves the business case, Project Managers will also need to draw up the more detailed Project Plan.
- 6.11 **Project Plan** (also known as a Project Initiation Document or PID, or Business Plan)
- Project plans are often completed iteratively with the business case. They are then fully worked up once the business case is approved. It will take forward many of the elements of the business plan in more detail in order to set out how the project will actually be done. It will remain constantly under review and subject to regular revisions.
- 6.12 The Project Board should approve the Project Plan. Further approval for changes made to it during the course of the project will not be necessary unless the project's objectives change significantly and a revised business case has subsequently been prepared and agreed (see 8.7). The Plan is primarily a pragmatic working document setting out the activities, staff time and other resources, skills and specific personnel needed to deliver the project on time, to budget and the necessary quality. It will use or refer to many components of the business case - such as objectives, targets, risks and options - but will develop them into a detailed programme of work.
- 6.13 Whilst the structure and content of project plans and tools to be used may vary according to the nature of the project, each should generate Gantt, critical path network and resourcing charts as a minimum. Guidance is available from Karen Mitchell, Corporate Business Team.
- 6.14 **Project Monitoring plan**
- In order to allow tracking of the progress of the development of the project's targeted deliverable against the input of resources, a project monitoring plan is necessary.
- 6.15 This will normally take the form of Spend/Achievement graphs which log and track the costs incurred by the project against the value of the work produced.

6.16 A monitoring plan is extremely important as it is the principal means whereby the project manager, their team, the SRO and project board can ascertain if the project is performing according to its plan.

#### 6.17 **Procurement Plan**

Projects must have a procurement plan which in initial form must be part of the business case and should be developed in detail alongside the project plan.

6.19 The procurement plan will identify sourcing options, the procurement route and time plan. This is essential in assuring the success of the project and assists compliance with OGC guidelines. A procurement officer from within English Nature's Procurement Unit in FPST will be assigned to major projects of over £150k, thereby involving procurement from an early stage. They will help the project manager develop an appropriate procurement plan for the project and help ensure that project timescales are realistic for tendering exercises. Assistance is also available in the Procurement Services reference manual in Chapter 5 of the *Financial Guidelines*, available on the intranet.

#### 6.20 **Communications Plan**

All major projects must develop a communications plan to keep all key stakeholders – both internal and external - informed and involved throughout the project. Where we are investing large amounts of public funds we must demonstrate the benefits delivered with that investment. External Relations Team will often appoint a member of their Team to work with major projects to develop external communications plans. It is important to keep colleagues informed internally through media such as *The News*. Contact points are Jonathan Wray, CBT (internal communications) and Sue Ellis, External Relations Team (external communications). Communications activities should be planned to start early in the life of the project.

#### 6.21 **Risk Management Plan**

Advice, guidance and a template for a project risk register are available from John Creedy, Corporate Governance Manager (01733 455098).

6.22 The Project Manager should:

- Consult English Nature's corporate risks and relevant Risk Registers from Programme Boards and Steering Groups;
- Draw up a list of key risks affecting the project with the assistance of the project team. The project manager should use the template available to do this. The list of risks may be drawn from the above and an assessment of foreseeable risks on the activities involved in the current project;
- Assess their impact and likelihood;
- Assign a priority to each risk based on impact and likelihood;
- Set out how these risks can be controlled, and the actions necessary to mitigate them;
- Identify who in the project will be responsible for managing each risk;

- Identify any ‘residual risk’ – significant risk that will remain even after these actions take place
  - Identify contingency plans to be put in place should the residual risk occur.
- 6.23 The resulting risk register should then help the Project Manager and the Senior Responsible Owner to review risks and their management regularly during the project. The risk register should be reviewed and updated at each Project Board meeting.
- 6.24 **Ensuring the delivery of expected benefits**
- It is important to recognise that projects do not only deliver products but also benefits in terms of greater effectiveness or efficiency of working.
- 6.25 This is especially the case with projects that seek to change or introduce new ways of working. Their business cases and project plans need to focus as much on ensuring that expected benefits are gained as on, for example, implementing technology as an end in itself.
- 6.26 Requiring projects to plan for the softer components of implementation is likely to be equally important to the delivery of the benefits of the project in to the business. Therefore, insufficient involvement or commitment of stakeholders, lack of investment in training or poor communication skills, may pose significant risks to the ultimate success of the project when the organisational benefits of the project are considered.
- 6.27 The SRO can be key in obtaining the necessary stakeholder commitment and influencing sufficient investment in training a target population which would be critical to the realisation of the project’s benefits.

## **7. The role of internal audit**

- 7.1 Following the completion and approval of the project planning outputs, the project manager **must** set up a registered paper file, put all project documents on the corporate directory in the appropriate folder and tell everyone involved in the project where this information is.
- 7.2 Internal Audit has an important role to play in ensuring that risk is managed and that English Nature is assured that a project is delivering its planned benefits.
- 7.3 Where a major project requires the development of new systems and procedures, a review by Internal Audit must be built into the project plan. This review should be carried out as soon as the project has set up its new systems and procedures. This applies particularly to all new major externally-funded projects. The resources to undertake the audit must be agreed with the Internal Audit contract manager in Corporate Business Team.
- 7.4 Internal Audit may also play a valuable part at the end of a project in providing assurance that projected benefits have been realised.

- 7.5 For further advice on internal audit issues contact Emily Finnie, CBT (01733 455428).

## **8. Planning for and carrying out post-project appraisal**

- 8.1 In the business case and project plan, time and effort needs to be allowed for a post-project appraisal. This will be concerned with evaluating the achievements that the project team and governance structure have made, and identifying how the experience gained and lessons learned will be shared to improve the success of future projects.
- 8.2 Building in a post-project appraisal phase may require the SRO to ensure that the Project Manager's period of appointment should include time added beyond the proposed project end date to enable this activity to be carried out.
- 8.3 As a minimum, major projects must have a final project report covering evaluation of the project's success, lessons learnt, future monitoring requirements and any recommended changes to procedures. In addition, form PS28 should be completed for any contracts over £5k which form part of the project (see Procurement Services reference manual in Chapter 5 of the *Financial Guidelines*, available on the intranet). Projects should also consider using other ways of capturing experience and sharing knowledge, such as story-telling techniques (contact Ron Donaldson in Information Management Team for assistance).

## **9. Gateway Review**

- 9.1 The Government is concerned to ensure better delivery and higher quality project management. As a consequence, the Office of Government Commerce (OGC) has introduced an evaluation process called Gateway Review for all high risk procurement projects, particularly IT and construction, to be undertaken by government departments and NDPBs. Project Managers should contact Finance team for advice.
- 9.2 A minority of English Nature projects may need to follow the Gateway process. More details are available in section 15 of Chapter 9 of the *Finance Guidelines*, available on the intranet and from the OGC at <http://www.ogc.gov.uk/index.asp?docid=377>.

## Annex 1: Indicators of a project size

Small projects	Large projects
Does not require a project mandate from a Programme Board	Requires a mandate from a Programme Board
It is designed to resolve a local issue or Area Team objective	Designed to meet a Programme Board or corporate objective
Negligible effect on English Nature finances	Affects English Nature finances
Will involve minor changes to English Nature business processes.	Will involve major changes to English Nature business processes
Minor impact on customers	Requires consultation, awareness raising, training or implementation with customers
Requires less than one Full-Time equivalent post	Involves more than 2 FTE posts
No impact on Corporate IT systems	Requires changes or new IT systems



## **Part 4 Accountability statements for senior staff and committees**

## **31. Accountability statements - introduction**

### **1. Introduction**

- 1.1 Accountability statements have been written for all senior staff and forums within English Nature. Copies of these follow.
- 1.2 The accountability statements set out the roles and key tasks of each post/forum and have been written to provide clarification as to where responsibilities lie and the respective decision making powers attached to these.
- 1.3 In the future, it is expected that the accountability statements will be used as the basis for recruitment exercises, for reviewing the role and performance of groups/individuals and as an aid to ensuring consistency in Personal Performance Plans and Competency Development Forms.
- 1.4 Strategic Direction and Reporting Team will be responsible for the upkeep of the accountability statements.

### **2. Further information**

- 2.1 Further information can be obtained from the Resources Director, Strategic Direction and Reporting Team and Human Resource Services Team.

## 32. Chair

### 1. Role

To provide strategic leadership, represent English Nature at the highest level and foster co-operative working, both within English Nature and the broader conservation community, to ensure the delivery of the most effective and positive outcomes for nature conservation within the statutory framework.

### 2. Key tasks

- a. Chair of Council.
- b. Working with the Chief Executive, Council and Directors to plan English Nature's business, including:
  - developing English Nature's direction through its vision, strategy and policies for effective nature conservation, translating agreed strategies into the delivery of nature conservation outcomes and monitoring the implementation of strategies and policies and their impact on biodiversity and natural features;
  - working in partnership with Programme Boards and Steering Groups to set, review and refine organisational direction;
  - ensure information and advice on strategic messages, including the need for strategic change is generated and conveyed to the senior committees and Council for action;
  - determining specific accountabilities and delegations within English Nature to ensure delivery of the strategic intent and the requirements of corporate governance;
  - determining a corporate plan, priorities and resource allocations to Programmes and Steering Groups, which represent progress towards English Nature's strategy and review their delivery;
  - determining corporate standards where necessary, including those for corporate governance;
  - agreeing a balanced programme across all four programme areas.
- c. Providing strategic and visionary leadership for all English Nature staff:
  - championing effective nature conservation, taking account of the statutory framework;
  - ensuring frequent face-to-face communication with staff, listening, learning and supporting;
  - defining and role-modelling English Nature's management style, and establishing and nurturing an appropriate corporate culture including facilitating sound and rapid decision-making processes;
  - being involved in the appointment of Directors and senior managers in consultation with the Chief Executive and Council.

## 33. Chief Executive

### 1. Role

As Accounting Officer and with responsibility for the overall management of English Nature, the Chief Executive is to inspire by action and example, give clear direction, delegate and coordinate the execution of functions. The Chief Executive ensures that English Nature delivers the most effective and positive outcome for nature conservation within the statutory framework, by:

- supporting Council in reaching strategic and policy decisions and monitoring their implementation and;
- by ensuring the implementation of strategy and policy and the effective application of English Nature's resources.

### 2. Key tasks

- a. Chair of the Executive Committee. The Chief Executive may also be a Member of Council.
- b. Provides strategic and visionary leadership for all English Nature staff by:
  - championing effective nature conservation and English Nature externally;
  - setting and refining directions and priorities for the organisation;
  - role-modelling English Nature's management style;
  - establishing and nurturing an appropriate corporate culture including facilitating sound and rapid decision-taking processes;
  - driving progress and development of the organization;
  - inspiring staff by face-to-face and other internal communication.
- c. Working with Chairman, Council, Deputy Chief Executive (Operations) and Directors to plan and manage English Nature's business, including:
  - defining and planning for delivery of strategic objectives, especially those relating to Public Service Agreements and other Government targets.
  - with Deputy Chief Executive (Operations) developing long-term vision, conservation objectives and policy for Council consideration.
  - ensuring information and advice on strategic messages, including the need for strategic change, is generated and conveyed to the senior committees and Council for action;
  - determining specific accountabilities and delegations within English Nature to ensure delivery of corporate programmes.
- d. As Accounting Officer, responsible to the sponsoring Department for a sound system of operational management and internal control. (The responsibilities of an

Accounting Officer are laid out in the Treasury memorandum *The Responsibilities of a NDPB Accounting Officer*) This includes:

- safeguarding the public funds and assets for which English Nature is responsible through a sound system for financial and budgetary management in line with the responsibilities set out in *Government Accounting*;
  - control of expenditure and personal authorizations of all significant items of expenditure or contracts as detailed in the schedule of delegations;
  - ensuring an effective system of risk management and internal audit overseen by an Audit and Risk Management Committee;
  - overseeing a comprehensive system of corporate governance to determine accountabilities, standards and responsibilities throughout English Nature.
- e. With Chair, seeks to bring additional resources and influence to conservation by the establishment and maintenance of external relationships at highest levels with stakeholders in:
- national, regional and local Government;
  - the private sector;
  - voluntary conservation organisations,
  - the media;
  - the academic community.
- f. Ensures the effectiveness and development of the organization by:
- establishing effective working relationships with Council;
  - appropriate management and committee structures;
  - the appointment, management, motivation reward and development of excellent staff.
- g. Line manager for specific staff:
- ensuring Deputy Chief Executive (Operations), Directors, specific General Managers and other senior staff have the necessary skills and development plans and are individually supported, coached, counselled and encouraged;
  - completing Performance Management and Competency Reports for staff directly managed and addressing any performance problems;
- h. With the Chief Executives of the Countryside Council for Wales and Scottish Natural Heritage, responsible for the expenditure of the grant-in-aid for the Joint Nature Conservation Committee by:
- ensuring that the grant is given with due regard to regularity, propriety and value for money;

- ensuring the JNCC has adequate financial systems, and the controls to monitor them;
- taking the lead on day-to-day matters affecting contributions to the JNCC, and having a co-ordinating role in any matter effecting public scrutiny of its sponsorship.

## 34. Director

### 1. Role

To ensure that English Nature delivers the most effective and positive outcome for nature conservation within the statutory framework through working in partnership with Council Members to develop English Nature's direction and policies.

### 2. Key tasks

- a. Member of the Executive Committee.
- b. Working with Council Members to plan and manage English Nature's business:
  - determining specific accountabilities and delegations with English Nature to ensure delivery of the strategic intent and the requirements of corporate governance;
  - determining a corporate plan, priorities and resource allocations to Programmes and Steering Groups, which represent progress towards English Nature's strategy and review their delivery;
  - determining corporate standards where necessary, including those for corporate governance;
  - agreeing a balanced programme across all four programme areas.
- c. Providing strategic leadership through Programme Boards and Steering Groups:
  - ensuring these are as streamlined executive decision making bodies;
  - ensuring General Managers and other senior staff understand and use the strategic direction and management tools to deliver effective outcomes for nature conservation;
  - ensuring information and advice on strategic issues, including the need for strategic change is generated and conveyed to the senior committees and Council for action.
- d. Representing English Nature externally and working with key partners at a strategic level within relationship management plans. Build understanding and support for English Nature's Strategy and policies and stimulate and facilitate strategic change in frameworks of policy and practice affecting nature conservation.
- e. Providing leadership for staff:
  - ensuring specific General Managers and other senior staff have the necessary skills and development plans and are individually supported, coached, counselled, mentored and encouraged;
  - completing Performance Management and Competency Reports for staff directly managed and addressing any performance problems;

- ensuring frequent face to face communication with staff, listening, learning and supporting;
  - defining and role modelling English Nature's management style, and establishing and nurturing an appropriate corporate culture to include facilitating sound and rapid decision-taking processes;
  - ensuring that staff can learn and develop, providing a strong pool for succession planning, are appropriately rewarded and recognised and the performance of senior staff is monitored.
- f. Embedding the risk management process into existing management processes through acting as 'risk owner' as part of the Programme Manager role;
- ensuring key risks are identified and managed and reported on annually to the Audit and Risk Management Committee;
  - identifying and managing significant risks at an operational level within their programme;
  - promoting a risk management method within all work undertaken within their programme.
  - Ensuring novel, contentious and high profile cases are handled effectively.

### **3. Individual accountabilities and responsibilities**

Accountabilities and responsibilities of individual Directors are set out on the following table.



## Directors' Portfolios

(as at April 2005)

Director	Committee Memberships	Key Responsibilities	Key Partners
<b>Dr Andy Clements</b> <b>Director</b> <b>Protected Areas</b>	<p>Member of the General Committee of Council</p> <p>Member of the Executive Committee</p> <p>Chair of Designated Sites Programme Board</p>	<p>Management of Designates Sites Programme and Programme Board</p> <p>SSSI strategy, policy, major casework, notifications/confirmations, denotifications and liaison with Defra</p> <p>Favourable condition of SSSIs and PSA target</p> <p>International Sites/SACs SPAs/Ramsar International Sites</p> <p>Access</p> <p>Ensures effective coordination of National Nature Reserve policies and programmes</p> <p>Delegated authority for enforcement action on SSSIs</p> <p>Natura 2000 Steering Group</p>	<p>Crown Estate</p> <p>MoD and Defence Estates</p> <p>National Trust</p> <p>Forest Enterprise</p> <p>NFU</p> <p>CLA</p> <p>Defra Conservation Mgmt. Dept.</p> <p>DfT Ports</p> <p>EA</p>

Director	Committee Memberships	Key Responsibilities	Key Partners
<b>Caroline Wood Resources Director</b>	<p>Member of the General Committee of Council</p> <p>Member of the Executive Committee</p> <p>Joint Chair of Managing the Organisation Programme Board</p> <p>Chair of Pay Negotiations Group</p> <p>Chair of Managing the Organisation Programme Board Resources and Business Management sub-group</p> <p>Lead English Nature Director Modernising Rural Delivery</p>	<p>Managing the Organisation Programme Board</p> <p>Principal Finance and Establishments Officer</p> <p>Provides advice to Accounting Officer on all resource and financial memorandum related issues</p> <p>Modernising Rural Delivery</p> <p>Corporate Business, including:</p> <p>Corporate Governance</p> <p>Audit</p> <p>Risk Management</p> <p>Human Resources</p> <p>Commercial Estate</p>	<p>Parts of Defra (Modernising Rural Delivery, Sponsor Directorate, HR, Finance, Audit)</p> <p>NAO</p> <p>SNH, CCW and JNCC (Accounting Officer issues)</p> <p>Countryside Agency</p> <p>RDS</p>

<b>Director</b>	<b>Committee Memberships</b>	<b>Key Responsibilities</b>	<b>Key Partners</b>
<b>Dr Keith Duff Chief Scientist</b>	<p>Member of the General Committee of Council</p> <p>Member of the Executive Committee</p> <p>Chair of Health and Safety Standing Committee</p> <p>Chair of Programme Boards on: Wider Environment Science</p>	<p>Management of the Wider Environment Programme and Programme Board. Management of the Science Steering Group</p> <p>Leading on English Nature's relationship with the National parks</p> <p>Setting and maintaining the quality and standards for English Nature's science work, in order to provide a sound scientific base for the organisation</p> <p>Maintaining strategic relationships with key research organisations</p> <p>Overseeing sector analysis for minerals, waste and energy</p> <p>Holds overall responsibility for Health and Safety within English Nature, ensuring policies are established and disseminated, procedures and systems take place, and that regular monitoring is undertaken</p>	<p>Research sections of Defra, RDS, CA, FC and EA</p> <p>Research Councils and Institutes</p> <p>Science programmes of JNCC, SNH and CCW</p> <p>Science programmes of NGOs</p> <p>Geological Institutions</p> <p>Association of National park Authorities</p>

<b>Director</b>	<b>Committee Memberships</b>	<b>Key Responsibilities</b>	<b>Key Partners</b>
<b>Sue Collins Policy Director</b>	<p>Member of General Committee of Council</p> <p>Member of the Executive Committee</p> <p>Chair of Socio-Economic Advisory Group</p> <p>Chair of People and Policies Programme Board</p> <p>Chair of Inter-agency Directors Group on Common Fisheries Policy Reform</p> <p>Chair of Directors Steering Group on English Nature's European Programme</p> <p>Chair of English Nature's Grants Panel</p> <p>Chair of Ad-hoc Stakeholder Group on Mid-Term review of Common Agriculture Policy</p>	<p>Direction and delivery of English Nature's programme of policy development and advocacy</p> <p>Development and delivery of English Nature's programme for connecting people and nature</p> <p>Strategic thinking, direction and innovation within English Nature</p> <p>Strategic relationships, with and service delivery to, Government departments</p> <p>Growing the quality of policy advice to Council, Government and Select Committees</p> <p>Advising Council on English Nature's Position statements, sector analyses and cross-cutting issues</p> <p>Lead Director for fisheries issues</p>	<p>Senior officials in Defra, No10 Policy Unit and HM Treasury</p> <p>European Environment Advisory Councils (EEACs)</p> <p>DG Environment in European Commission DG Agriculture and Fisheries in European Commission</p> <p>European Nature Conservation and Fisheries Network</p>

Director	Committee Memberships	Key Responsibilities	Key Partners
<b>Phil Newby</b> <b>Director of</b> <b>Communications</b> <b>and Information</b>	Member of General Committee of Council  Member of the Executive Committee  Joint Chair of MtO Programme Board  Chair of Communication and Information sub-group Programme Board  Chair of Wildspace! Project Board  Chair of Service Improvement Group	Managing the Organisation Programme Board  Responsible for:  IT maintenance and development Data protection Freedom of information Knowledge and information management  Environmental Management  External Communications:  Media Publicity Publications Events  Customer Service Champion	Defra:  Comms IT (IBM) Customer service  HLF  The Big Lottery Fund  Countryside Agency, RDS  INTERREG (Community Initiative financed by the European Regional Development Fund)

## **35. General Managers/Heads of Profession**

### **1. Role**

To ensure the in-year delivery of English Nature's business objectives through effective communication of the strategy, target setting and monitoring, resource deployment, keeping an overview of progress and emerging issues, problems and opportunities and adjusting plans and priorities accordingly. The above is achieved through direct management of teams as well as each individual's specialist and Regional responsibilities.

### **2. Key tasks**

- a. Working in partnership with Directors to ensure that key operational and strategic issues are understood and programme direction is set, reviewed and refined to enable the strategy to be translated into action.
- b. providing operational leadership through acting as a bridge between teams/Team Managers and Executive Committee and Council.
- c. Managing specific teams:
  - driving the delivery of key targets;
  - ensuring that team plans are prepared to the timescales set and reflect a balanced programme and focus on priority targets required by the Programme Boards and the two Steering Groups;
  - working with teams to communicate English Nature's priorities both internally and externally;
  - ensuring that teams work and network together appropriately;
  - ensuring that teams have a clear understanding of how their work fits into the English Nature priorities, have a common understanding of the organisations's strategy and business planning process;
  - considering and endorsing significant changes or adjustments to the way individual Teams deploy their resources between Programmes, where these enable the Team to achieve priority targets;
  - acting as Countersigning Officer for team members where appropriate.
- d. Managing specific Team Managers:
  - agreeing clear, measurable and specific objectives and overall standards with each Team Manager;
  - ensuring they have the necessary skills, development plans and understanding of English Nature's strategy and objectives and are individually supported, counselled and encouraged;
  - reviewing performance as required, complete Performance Management and Competency Reports and addressing any performance problems.

- e. Ensuring the risk management process is embedded into existing processes through involvement in Programme Boards/Steering Groups and through ensuring specific teams managed by themselves identify and manage risks within all areas of their work and promote a risk management method throughout.
- f. Carrying out specific regional and other specialist responsibilities.
- g. Representing English Nature externally and building effective relationships with key organisations, in a regional context as requested by Regional Co-ordinators and identified in the Regional Tactical Plan.
- h. Role modelling the required management style through effective delegation, objective setting and performance management and by taking sound and timely decisions.
- i. Encouraging the required culture which will deliver English Nature's strategy.
- j. Managing the delivery of effective solutions to novel, contentious and high profile cases by shaping the process, providing support to staff and leading negotiations where necessary.

### **3. Individual accountabilities and responsibilities**

Accountabilities and responsibilities particular to each General Manager/Head of Profession are set out in the following table.

## General Managers & Heads of Profession portfolio

General Manager or Head of Profession	Reports to	GM Regional Links & Associated Teams	National Role	Programme Board Responsibility	Other work Areas
<b>Margaret Bull</b> (Head of Profession)	Caroline Wood	Human Resources Services Team	Head of Profession, Human Resources	Managing the Organisation	Project Board; Payroll/HR Information System (PHRIS) Whitley GPC; Pay Banding Review Group
<b>Kevin Charman</b>	Dr Keith Duff		Head of Science	<b>Science Steering Group;</b> Wider Environment	JNCC
<b>Richard Leafe</b>	Dr Andy Brown	East Midlands Region Eastern Area Peak District & Derbyshire ERT Maritime	European Project; Marine Policy; Communications	<b>Communications Steering group;</b> Designated Sites	Grades 5-3 in DEFRA , DTI(Marine Policy) Living with the Sea LIFE Project
<b>Mark Felton</b>	Sue Collins	West Midlands Region Three Counties West Midlands EIT	Agriculture and environmental economics	People & Policies	European Commission (DGs Agriculture & Environment) Grades 5-3 in DEFRA (Agriculture) Land Use Policy Group Chair Chair of European Environmental Advisory Councils Working Group on Agriculture
<b>Martyn Howat</b>	Andy Clements	<b>North East and Yorks &amp; Humberside Regions</b> Humber to Pennines; North & East Yorkshire; Northumbria	Uplands Policy	Designated Sites	
<b>David Henshilwood</b>	Dr Keith Duff	<b>North West Region</b> Cumbria; Cheshire-Lancashire Terrestrial	BAP Species Recovery Programme	<b>Wider Environment</b>	Nature For People ENACT



<b>General Manager or Head of Profession</b>	<b>Reports to</b>	<b>GM Regional Links &amp; Associated Teams</b>	<b>National Role</b>	<b>Programme Board Responsibility</b>	<b>Other work Areas</b>
<b>Bruce Keith</b> (Chief Surveyor & Head of Profession)	Andy Clements		Asset Management; NNRs; Chartered Surveyor Services; Environmental Management Systems	Designated Sites; Managing the Organisation	NNR Steering Group; Crown Estates; Advisory Group on Buildings; Buildings and Facilities Management & Procurement; Health & Safety
<b>Carolyn Taylor</b> (Head of Profession)	Caroline Wood	Finance Services Team	Head of Profession; Finance	Managing the Organisation	Internal audit & risk management Committee; Liaison with National Audit Office; VFM Programme
<b>Shaun Thomas</b>	Dr Keith Duff	<b>East Region</b> <b>London Region</b> Beds, Cambs Essex, Herts & London Norfolk Suffolk	Transport Policy; Ports Policy	Wider Environment	Grades 5-3 in DTLR (Transport and Ports)
<b>David Tate</b>	Caroline Wood	Corporate Business Team Information Management	Information Delivery Team; Head Office; Corporate Business Team	Managing the Organisation	Information Systems Plan; Information Strategy; Internal Audit & Risk Management Committee; Pay Negotiations; Chair Electronic Document Management Board
<b>Tom Tew</b>	Andy Clements	<b>South East Region</b> Thames & Chilterns Kent Sussex & Surrey Hampshire Designated Sites	Sites and Surveillance Team	Designated Sites	Environmental Audit & Monitoring Nature for People

<b>General Manager or Head of Profession</b>	<b>Reports to</b>	<b>GM Regional Links &amp; Associated Teams</b>	<b>National Role</b>	<b>Programme Board Responsibility</b>	<b>Other work Areas</b>
<b>Janette Ward</b>	Sue Collins	<b>South West Region</b> Somerset Devon Cornwall Wiltshire Dorset	Regional policy, planning, local authorities, Community Strategies and urban policy, People & Wildlife Tourism, recreation and access	People & Policies; Managing the Organisation	Grades 5-3 in DTLR (Regions and Planning Grades 5-3 in DEFRA (Rural Recovery) and DCMS LGA and ALGE English Tourism Council Wildlife and geo-tourism project Wildspace Panel English Nature representative on BTCV People and Places
<b>James Marsden</b> Head of Policy	Sue Collins		Deputise for Director Policy, manage and overview all English Nature policy development and advocacy, quality assure national consultations, and manage P&PPB, ensuring links to other Programme Boards, Conservation Focus Groups etc Coastal management (and inland flood defence), construction, water, forestry, minerals, waste, electricity, financial services/business & biodiversity, sustainable development, planning and pollution	<b>People &amp; Policies</b> Communications Steering group	Ministers, Grades 5-3 across Government, No. 10 Policy Unit, DTLR, DTI, DEFRA (Flood Defence, Water and SD), HMT, Parliamentary Committees, Sustainable Development Commission, EA and CA

Programme Board leaders are in **bold** type

## **36. National Team Manager**

### **1. Role**

To manage the delivery of English Nature's objectives nationally through the effective deployment of staff and financial resources, to act as an interface with key customers and Local Teams and to promote and secure wider support for nature conservation and the work of English Nature.

### **2. Key tasks**

- a. Giving clear leadership and direction to the team to ensure that it focuses on the activities which efficiently and effectively deliver English Nature's strategic goals.
- b. Developing and managing delivery of an agreed team plan, integrating the work commissioned from the four Programmes Boards and two cross-cutting Steering Groups:
  - i. agreeing and incorporating clear targets and communicating these to the Team;
  - ii. ensuring team resources are utilised and managed in the most effective way;  
- monitoring achievement and adjusting plans, targets and resources in the light of in- year changes, issues and opportunities which fit with the strategic intent;
  - iii. addressing variance in performance and progress;
  - iv. reporting to the General Manager both on progress and on key operational and strategic issues affecting the team.
- c. As allocation holder, forecasting, planning, managing and auditing financial and other resources available to the team in order to ensure that financial propriety and best value are achieved. Confirming that all finance guidelines and contract procedures have been adhered to by signing the Team Managers Financial Accountability Statement annually.
- d. Ensuring the team is acting in accordance with the requirements contained in English Nature's IS/IT Security Policy.
- e. Embedding the risk management process into existing processes through:
  - i. identifying and managing risks within all areas of the team's work;
  - ii. promoting a risk management method throughout the team's work.
- f. Managing the staff resources to build a cohesive, focused and dynamic team:
  - i. ensuring all team members understand English Nature's Strategy and objectives;

- ii. ensuring clear, measurable and specific objectives and overall standards are agreed with all team members;
  - iii. ensuring all team members have opportunities for personal development and are individually supported, counselled, encouraged;
  - iv. completing Performance Management and Competency Reports for staff directly managed;
  - v. ensuring any performance problems are addressed.
- g. Promoting a positive working environment and culture which stimulates ownership and identification with overall organisational philosophy, and reflects corporate standards and ideals. Encouraging free thinking and use of initiative and a risk taking culture to develop so that new ways of working and dissemination of good practice to other parts of the organisation can continue.
  - h. Establishing and managing close links with relevant teams and colleagues throughout English Nature, promoting the two-way flow of information.
  - i. Encouraging working with, and ensuring effective service is provided to, partners and customers, both internally and externally, to achieve maximum wildlife gain by developing understanding and support for our strategy, policy and priorities.
  - j. Ensuring a clear focus for external contacts within the team area and act as English Nature's representative in appropriate circumstances at both a local and Regional level.
  - k. Advising and where appropriate, leading on contentious casework especially where there are policy or political connotations and ensuring good communication and networking with other teams.
  - l. Ensuring a healthy, safe and good working environment is provided for all staff and English Nature contractors (and members of the general public where appropriate) by ensuring adherence to and monitoring compliance with corporate standards and policies concerning health and safety, equal opportunities and good employment practise within the team.
  - m. Ensuring the team adopts sound policies and procedures in relation to environmental management, leading to improvements in its performance and the gaining of accreditation in this area.
  - n. Ensuring agreed service level agreements and Charter standards are maintained throughout the team.

## **37. Local Team Manager**

### **1. Role**

To manage the delivery of English Nature's objectives locally through the effective deployment of staff and financial resources, to act as the interface with key local customers and to promote and secure wider support for nature conservation and the work of English Nature.

### **2. Key tasks**

- a. Giving clear leadership and direction to the team to ensure that it focuses on the activities which efficiently and effectively deliver English Nature's strategic goals.
- b. Developing and managing delivery of an agreed team plan, integrating the work commissioned from the four Programmes Boards and two cross-cutting Steering Groups:
  - i. agreeing and incorporating clear targets and communicating these to the Team;
  - ii. ensuring team resources are utilised and managed in the most effective way;  
- monitoring achievement and adjusting plans, targets and resources in the light of in- year changes, issues and opportunities which fit with the strategic intent;
  - iii. addressing variance in performance and progress;
  - iv. reporting to the General Manager both on progress and on key operational and strategic issues affecting the team.
- c. As allocation holder, forecasting, planning, managing and auditing financial and other resources available to the team in order to ensure that financial propriety and best value are achieved. Confirming that all finance guidelines and contract procedures have been adhered to by signing the Team Managers Financial Accountability Statement annually.
- d. Ensuring the team is acting in accordance with the requirements contained in English Nature's IS/IT Security Policy.
- e. Embedding the risk management process into existing processes through:
  - i. identifying and managing risks within all areas of the team's work;
  - ii. promoting a risk management method throughout the team's work.
- f. Managing the staff resources to build a cohesive, focussed and dynamic team:
  - i. ensuring all team members understand English Nature's Strategy and objectives;

- ii. ensuring clear, measurable and specific objectives and overall standards are agreed with all team members;
  - iii. ensuring all team members have opportunities for personal development and are individually supported, counselled, encouraged;
  - iv. completing Performance Management and Competency Reports for staff directly managed;
  - v. ensuring any performance problems are addressed.
- g. Promoting a positive working environment and culture which stimulates ownership and identification with overall organisational philosophy, and reflects corporate standards and ideals. Encouraging free thinking and use of initiative and a risk taking culture to develop so that new ways of working and dissemination of good practice to other parts of the organisation can continue.
  - h. Establishing and managing close links with relevant teams and colleagues throughout English Nature, promoting the two-way flow of information.
  - i. Encouraging working with, and ensuring effective service is provided to, partners and customers, both internally and externally, to achieve maximum wildlife gain by developing understanding and support for our strategy, policy and priorities.
  - j. Ensuring a clear focus for external contacts within the team area and act as English Nature's representative in appropriate circumstances at both a local and Regional level.
  - k. Advising and where appropriate, leading on contentious casework especially where there are policy or political connotations and ensuring good communication and networking with other teams.
  - l. Ensuring a healthy, safe and good working environment is provided for all staff and English Nature contractors (and members of the general public where appropriate) by ensuring adherence to and monitoring compliance with corporate standards and policies concerning health and safety, equal opportunities and good employment practise within the team.
  - m. Ensuring the team adopts sound policies and procedures in relation to environmental management, leading to improvements in its performance and the gaining of accreditation in this area.
  - n. Ensuring agreed service level agreements and Charter standards are maintained throughout the team area.

## **38. Council**

### **1. Role**

The Council is statutorily responsible for everything done by or in the name of English Nature. The Council will discharge the duties as laid down in statute and in guidance/requirements from Government. The Council sets English Nature's strategy and overall programme and monitors its implementation.

### **2. Key tasks**

- a. Determine the composition, role, duties of the General Committee of Council and review its performance annually.
- b. Determine the delegation of powers and duties.
- c. Appoint the Chief Executive.
- d. Appoint Executive Directors, subject to final approval by the Chief Executive.
- e. Determine confirmations with unresolved objections and all denotifications.
- f. Carry out any other statutory functions within an agreed process of delegation.
- g. Approve the submission of the annual report to the Secretary of State.

### **3. Composition**

Appointees of the Secretary of State and Executive Directors 'ex officio'. An authorised officer acts as the Council Secretary. Meets up to four times a year.

## **39. General Committee of Council**

### **1. Role**

The Council of English Nature has delegated certain duties to the General Committee of Council. The General Committee of Council comprises The Council Members appointed by the Secretary of State, and the Executive Directors of English Nature. Throughout these Standing Orders, unless stated otherwise, Committee of Council will be referred to as the General Committee and Council Members, appointed by the Secretary of State, as Appointed Members.

### **2. Key tasks**

The General Committee of Council will discharge its duties as laid down in statute, following guidance and requirements from Government as delegated by Council.

- Determine, with the approval of the Secretary of State and consent of the Treasury, the pay, terms and conditions of service of employees.
- Ensure the business of English Nature is conducted with the highest standards of regularity, propriety and value for money.
- Support and advise in the appointment of the most senior staff.
- Set up and receive reports on the Executive Committee.
- Set up and monitor the activities of the Audit Committee.
- Decide the content of the Corporate plan.
- Determine strategic resource allocations.
- Monitor the performance of the organisations.
- Set English Nature's policy on major issues.
- Maintaining an overview of the designated sites process, including confirming or withdrawing notifications of SSSIs with outstanding objections, and confirming or withdrawing denotifications.
- Approve proposals for new National Nature Reserves.
- Provide advice to the Executive Committee on matters of public concern.
- Represent English Nature and its work publicly.
- Ensure the special functions are delivered through the Joint Nature Conservation Committee.

### **3. Composition**

Appointees of Secretary of State and Executive Directors. An authorised officer acts as Secretary. Meets four times a year.



## **40. Executive Committee**

### **1. Role**

To advise Council on all aspects of English Nature's statutory responsibilities and ensure all delegated authorities and agreed actions are implemented.

### **2. Key tasks**

- a. Ensuring that Council receives sound advice and evaluation to determine English Nature's policies and action.
- b. Ensuring that English Nature delivers the most effective and positive outcome for nature conservation within the statutory framework.
- c. Considering and approving notification of SSSIs.
- d. Determining levels of delegated authority and signing responsibilities beyond Council.
- e. Representing English Nature and its strategy to the external world.
- f. Determining and agreeing:
  - the allocation of resources between the four Programmes and funding for the two cross-cutting Steering Groups;
  - the key targets and longer term outcomes required for each programme;
  - overall staffing levels in broad terms, by team type and function;
  - framework and scope of corporate plan and present this to Council for endorsement;
  - the response to Council's advice and requirements for the Corporate Plan as well as individual issues and policies raised by Council;
  - changes in resources and priorities in broad terms, where key targets are under threat and agree action to accelerate progress or adjust targets;
  - deciding the balance and integration of complex issues which overlap or don't fit into a single Programme or cross-cutting theme;
- g. Giving clear leadership on the vision, strategic direction and shared values of English Nature.
- h. Developing and delivering the organisational culture through management style and the human resources plan.
- i. In all actions, supporting and protecting the Accounting Officer.

### **3. Composition**

The Chief Executive, Executive Directors, A General Manager. An authorised officer acts as the Executive Committee Secretary. Meets ten times a year.

## **41. Programme Boards**

### **1. Role**

Programme Boards, led by Directors, will set the direction and priorities for each Programme and ensure sufficient resources are available to meet the ongoing needs of each.

### **2. Key tasks**

- a. Allocating funds to Teams and major projects.
- b. Being accountable to Executive Committee for ensuring that resources are deployed efficiently and effectively to deliver key performance targets.
- c. Further developing and maintaining resource allocation models for each programme which will link resources to activity levels and outputs.
- d. Defining outputs and management information required to enable progress to be monitored and reported, through PARIS (wherever possible).
- e. Commissioning work to address longer term issues, maintain knowledge and understanding and present papers to the Executive Committee and Council as appropriate to secure agreement to plans and policies.
- f. Providing advice and support on issues which are considered at the annual Council strategy sessions, incorporating feedback from the Performance Committee on emerging issues in the light of teams' experiences.
- g. Preparing the content of the Corporate Plan submission for their programme, under both baseline and preferred programme assumptions.
- h. Ensuring complex issues are discussed at all relevant fora, including the Team Managers' Forum and Performance Committee, to ensure full expertise and considered opinion is available to inform decision making.
- i. Agreeing adjustments to priorities to the annual work plan within the plan period;
- j. Preparing planning guidance for their programme.
- k. Identifying the information required to support the delivery of the Programme and ensuring appropriate systems are established to deliver that information.
- l. In all actions, supporting and protecting the Accounting Officer.

### 3. Composition

<b>Programme</b>	<b>Director Responsible</b>	<b>GM and Heads of Profession Assignments</b>
Protected Sites (formerly Designated Sites)	Andy Clements	Tom Tew, Bruce Keith
Wider Environment	Keith Duff	Mark Felton, Shaun Thomas
People and Policies	Sue Collins	James Marsden, Janette Ward
Managing the Organisation – Resources and business management	Caroline Wood	Margaret Bull
Managing the Organisation – Communications and information	Phil Newby	David Tate

## 42. Science Steering Group

### 1. Role

The purpose of the Science Steering Group, drives new initiatives and ensures effective co-ordination to ensure a coherent approach, adequate direction and consistent standards in these work areas. Council Member representation provides an important strategic link to Council.

### 2. Key tasks

- a. Allocating a small amount of resources to Teams, for pump priming and new initiatives (it is, however, the responsibility of each Programme Board to ensure sufficient resources are available to meet the ongoing needs of that programme in these areas).
- b. Carrying out appropriate knowledge management and information management activities in partnership with the Modernising and Managing English Nature Programme.
- c. Reporting to the Executive Committee twice a year to inform both the corporate plan and the internal business planning guidance.
- d. In all actions, supporting and protecting the Accounting Officer.

### 3. Composition

Steering Groups	Director Responsible	GM and Heads of Profession Assignments
Science	Keith Duff	Kevin Charman Chris Edwards John Hopkins Jeff Lunn Keith Kirby David Townshend Alastair Burn Dave Stone Andy King Jim Foster Roger Morris Roger Catchpole  <b>Open invitations given to attend: (corresponding members)</b> Jonathan Burney Tim Hill Richard Wright Mark Duffy Mike Moser (Council Member)

## **43. Team Managers' Meetings: Terms of Reference**

### **1. Roles and responsibilities**

- 1.1. Team Managers will meet three times per year, normally in Peterborough. As far as possible the meetings shall be timed to optimise Team Managers' contribution to English Nature's business and to other key management groups.
- 1.2. All Teams will be represented at each meeting. If, exceptionally, a Team Manager is unable to attend because of unavoidable circumstances, he or she will nominate a replacement.
- 1.3. The meetings will be organised by a group of Team Managers, the size and composition to be decided by the Team Managers themselves. Each group of individuals shall operate for a period of a year. As far as possible there should be one representative on the committee from each Programme Board, and if not General Managers on Programme Boards should be consulted before each meeting to provide items for the meetings to consider.
- 1.4. A General Manager will be dedicated to the group to manage input from other English Nature committees and groups: Council, Executive Committee, Performance Committee and Programme Boards. It may be necessary to find representatives from these groups who can help with this process.
- 1.5. The organising group aided by the dedicated General Manager will draw up the agenda for the meeting and sign it off with the Chief Executive at least 10 working days before the meeting.
- 1.6. The organising committee will be responsible for producing a formal set of action points and outputs on behalf of each meeting.
- 1.7. The dedicated General Manager will attend each meeting throughout and shall be responsible for ensuring that the outputs and decisions from each meeting are incorporated into the business at the right level – Programme Board, Performance Committee or Executive Committee.
- 1.8. The Committee Support Unit, Head Office, will support meetings by issuing agendas, checking attendance, booking venues and accommodation and organising meals, refreshments and equipment.
- 1.9. The Corporate Governance Unit, Corporate Business Team, will ensure that the meetings continue to be a formal part of the governance of English Nature and that these Terms of Reference, and Team Managers' Accountability Statements, are revised when needed.

## **2. Aims**

The overall aims of the Team Managers Meeting are to:

- 2.1. Ensure that Team Managers as a group play as full a part as possible as part of the senior management of English Nature;
- 2.2. Support Team Managers to help deliver English Nature's programmes and effectively manage their teams.

## **3. Activities**

In particular the meetings will, both formally and informally:

- 3.1 Ensure consistent delivery between teams.
- 3.2 Contribute to the development of English Nature's strategic thinking and develop solutions and tools for delivery.
- 3.3 Strengthen the links between local and national staff and promote joined-up thinking, particularly through identifying emerging local and national issues and providing a forum for briefing on issues of common interest by national staff.
- 3.4 Help to promote support, coaching and learning for Team Managers.
- 3.5 Promote informal communication, networking, and problem-solving between TMs and teams.
- 3.6 Promote the sharing of knowledge and information and the dissemination of best practice between teams.
- 3.7 Provide a forum at which English Nature's Chair, Chief Executive and other senior staff can brief Team Managers on major organisational and strategic issues.
- 3.8 Provide a means for Team Managers to provide views, advice and feedback both at the meeting and formally to other senior management groups such as the Performance Committee and Executive Committee.
- 3.9 Provide a platform for external speakers on key topics.

# **Part 5**

## **Rules governing Council Meetings**

## **44. Standing orders for meetings of Council and the General Committee of Council**

### **1. Introduction**

- 1.1 Under Schedule 6 of the Environmental Protection Act 1990, English Nature has the power to regulate its own procedures. These Standing Orders set out the detailed procedures for the conduct of the meetings of the Council of English Nature, and of its Committees where appropriate.
- 1.2 These Standing Orders are in addition to the provisions contained in the following documents:
- Code of Practice on Regularity and Propriety, HM Treasury (November 1996);
  - Environmental Information Regulations 1992;
  - The Data Protection Act 1998;
  - Code of Practice on Access to Government Information, Second Edition (1997);
  - The Government's White Paper *Quangos - Opening the doors*, June 1998;
  - English Nature's Management Statement, issued 1999.

### **2. Council membership**

- 2.1 The Secretary of State for the Environment, Transport and the Regions is English Nature's sponsor. The Council is appointed by the Secretary of State, and consists of not less than 10 and not more than 14 Members. The Chairman is appointed by the Secretary of State. All Council Members are appointed on an individual basis and not as representatives of any organisations. The Chief Executive may be a Member of Council at the discretion of the Secretary of State. His/her appointment ceases on leaving the post of Chief Executive and he/she is not appointed to Council as of right.
- 2.2 Council is statutorily responsible for everything done by or in the name of English Nature.

#### **Key tasks**

- Determine the composition, role, duties of the General Committee of Council and review its performance annually.
- Determine the delegation of powers and duties.
- Appoint the Chief Executive.
- Appoint Executive Directors, subject to final approval by the Chief Executive.
- Determine confirmations with unresolved objections and all denotifications.
- Carry out any other statutory functions within an agreed process of delegation.
- Approve the submission of the annual report to the Secretary of State.



- 2.3 The Council of English Nature has delegated certain duties to the General Committee of Council. The General Committee of Council comprises The Council Members appointed by the Secretary of State, and the Executive Directors of English Nature. Throughout these Standing Orders, unless stated otherwise, The General Committee of Council will be referred to as the General Committee whilst Council Members, appointed by the Secretary of State, will be referred to as Appointed Members.
- 2.4 The General Committee of Council will discharge its duties as laid down in statute, following guidance and requirements from Government as delegated by Council.

### **Key tasks**

- Determine, with the approval of the Secretary of State and consent of the Treasury, the pay, terms and conditions of service of employees.
  - Ensure the business of English Nature is conducted with the highest standards of regularity, propriety and value for money.
  - Support and advise in the appointment of the most senior staff.
  - Set up and receive reports on the Executive Committee.
  - Set up and monitor the activities of the Audit Committee.
  - Decide the content of the Corporate plan.
  - Determine strategic resource allocations.
  - Monitor the performance of the organisations.
  - Set English Nature's policy on major issues.
  - Maintaining an overview of the designated sites process, including confirming or withdrawing notifications of SSSIs with outstanding objections, and confirming or withdrawing denotifications.
  - Approve proposals for new National Nature Reserves.
  - Provide advice to the Executive Committee on matters of public concern.
  - Represent English Nature and its work publicly.
  - Ensure the special functions are delivered through the Joint Nature Conservation Committee.
- 2.5 Council will usually combine its meetings with those of the General Committee. All meetings of Council and the General Committee, whether held separately or together will comply with these Standing Orders.

## **3. Quorum**

- 3.1 Meetings of Council and the General Committee will be considered quorate if 50 percent of the Appointed Members, rounded up if necessary, plus one, are present. The Chair is included in this figure. No decisions shall be taken unless the meeting is quorate. All attendees and absences will be recorded in the minutes of any meeting. The necessary figures for a quorum are tabulated below:

<b>Number of Appointed Members</b>	<b>Quorum required</b>
10	6
11	7
12	7
13	8
14	8

- 3.2 Participation will usually be in person, but in exceptional circumstances, individual members may participate by telephone or video-conference. Such members shall be deemed to be present and constitute part of Council or the General Committee for that meeting.

#### **4. Delegation**

- 4.1 The Council may delegate powers to Committees, Sub-Committees, other groups or individuals as it regards as necessary. A Schedule of Delegations is listed in Chapter 10 the *Corporate Governance Manual*.

#### **5. Schedule of meetings**

- 5.1 The General Committee will approve in advance of each calendar year dates and venues for its meetings the following year. The schedule will be published in English Nature's external magazines and on the English Nature Website. A press release will be issued in advance of each meeting.
- 5.2 The Chairman may at any time call an extraordinary meeting of Council or the General Committee.
- 5.3 If five or more Appointed Members request an Extraordinary General Meeting either following a discussion at a Council or General Committee meeting or by notifying the Chairman in writing, the Chairman shall make arrangements and announce such a meeting within six working days. The announcement shall be by press release and a notice placed on English Nature's website. The Extraordinary General Meeting so announced shall be held within 14 working days of its announcement. These Standing Orders shall govern the procedure of the Extraordinary General Meeting.

#### **6. Status of officers**

- 6.1 The Chief Executive has the responsibility to advise Council and the General Committee on all matters of propriety, regularity and prudent, and economical administration. The Chief Executive and Directors shall have the right to attend all meetings of Council or its Sub-Committees, except for any parts of meetings where the Chief Executive's remuneration and performance are to be discussed.
- 6.2 Other officers will attend meetings as necessary.

## 7. Timetable for the meeting

7.1 Wherever possible, the following timetable will apply to the preparation of meetings:

Preparation of papers	13 working days before the meeting
Agenda posted on English Nature website	10 working days before the meeting
Press notice detailing date, time and venue issued and posted on the website	7 working days before the meeting
Main batch of papers distributed to members	7 working days before the meeting
Open papers posted on the website	7 working days before the meeting
Deadline for requests for advance copies of papers to be sent to observers attending the meeting. Where it is not possible to send copies in advance, copies will be available at the meeting.	4 working days before the meeting

## 8. The attendance of the public at meetings

- 8.1 Members of the public can attend, to observe, the open sessions of the meetings of Council and the General Committee. Members of the public cannot participate in discussions or decisions of the meeting (but see **Representations from the public** below).
- 8.2 Copies of papers to be discussed in open session will be made available to the public at the meeting.
- 8.3 Members of the public and press who wish to attend a meeting of Council or the General Committee are asked to notify the Committee Support Unit in advance so that numbers can be assessed. Those who attend on the day without prior notice will be admitted, subject to the availability of space and the requirements of particular venues.
- 8.4 If a member of the public interrupts the proceedings at any meeting the Chairman shall warn them about their behaviour. If the interruption continues the Chairman shall ask the person to leave the meeting.
- 8.5 If there is continuing disturbance which, in the Chairman's opinion, makes further continuation of the meeting in public session impossible, the Chairman may adjourn the meeting for as long as is required. The meeting may be reconvened in private session at the Chairman's discretion.
- 8.6 If during the discussion of a particular item of business it becomes apparent that it would be more appropriate to discuss the item in closed session a motion to do so may be moved.

8.7 No cameras or recording equipment may be used at meetings,.

## **9. Representations from the public**

9.1 Members of the public can make representations to the Council or the General Committee, regarding items on the agenda. This must be done in writing (including by fax or e-mail), at least three working days prior to the date of the Council meeting. (This deadline excludes any periods of notice laid down by statute). Letters and/or other documents will be circulated to Council and the General Committee. Where this is not possible, these will be tabled at the meeting. Officers will briefly summarise the representations when introducing the agenda item during the meeting. Representations should be sent to the Committee Support Unit.

## **10. Agenda**

10.1 The agenda for each meeting is approved by the Chairman.

## **11. Council and General Committee Papers**

11.1 All Council and General Committee Papers are considered and approved by the Chief Executive prior to submission to Council or the General Committee. Each paper is sponsored by the Chief Executive or a Director, who, in consultation with the Chief Executive, is responsible for the final approval of the paper for submission to Council or the General Committee. The person sponsoring the paper is responsible for ensuring that any potential public relations issues arising from the paper are identified and addressed. The sponsor also recommends to the Chief Executive and Chairman whether the paper should be dealt with in open or closed session. Wherever possible papers will be discussed in open session.

11.2 Unless there are strong grounds for confidentiality, all papers will be considered in open session. Decisions on which papers should be considered in closed session are made by the Chairman and Chief Executive and in the light of appropriate legislation. Council papers which may be dealt with in closed session include:

- a. papers relating to English Nature's policy advice to Government where this is subject to further internal discussion or has been asked for in confidence;
- b. papers containing information which is the subject of legal proceedings and advice;
- c. papers containing information which if placed in the public domain would increase the likelihood of damage to the environment;
- d. papers containing 'commercial in confidence' information not already in the public domain;
- e. papers including information provided to English Nature, in confidence, by a third party, or personal information on an individual who has not given consent for disclosure;
- f. papers about personnel or staffing issues.

- 11.3 Prior to the meeting the Chairman or other members may move that an item be considered in closed session rather than open session, or vice versa, if there is justification to do so.
- 11.4 Papers discussed in closed session will not be issued to the public or the media, will not be posted on the English Nature Website and may remain confidential after the meeting has taken place.

## **12. Questions from Council or General Committee members**

- 12.1 Any member may put a question to the Chairman at any meeting of Council or the General Committee concerning any relevant business within the competence/remit of the committee.
- 12.2 Members may notify the Chairman, in advance of the meeting, of questions which they wish to raise relating to items not on the agenda. This should be done in writing where possible. The Chairman, in consultation with the Chief Executive, will decide whether, and how, the question should be dealt with during the meeting, and inform the member.
- 12.3 The Chairman's ruling on any questions of order or conduct raised at a meeting will be final.

## **13. Order of business**

- 13.1 The order of business at all ordinary meetings shall follow the agenda issued for that meeting unless otherwise directed by the Chairman at whose discretion, or at the request of members, and having regard to the presence of members of the press or public interested in specific items the order may be altered at any stage.
- 13.2 At all ordinary or Extraordinary General Meetings, no business other than that on the agenda will be taken except where, due to special circumstances, the Chairman considers the item should be discussed.

## **14. Chairmanship of meetings**

- 14.1 At a meeting of Council or the General Committee, English Nature's Chairman, if present, will preside. If the Chairman is unable to be present he/she will indicate which other Appointed Member will preside. In the absence of advice from the Chairman, the Appointed Members will choose, by a majority vote of those present, one of their number to preside.
- 14.2 The Chief Executive, if an Appointed Member, may not preside over a meeting. If, however, a vote is required under the terms of paragraph 14.1, the Chief Executive, if present, shall preside over the voting procedure.
- 14.3 The Chairman will:
  - a. ensure that meetings are held at regular intervals throughout the year;

- b. ensure that minutes of meetings accurately record the decisions taken and, where appropriate, the views of individual members;
- c. preserve order and ensure that members have sufficient opportunity to express their views on all matters under discussion;
- d. determine all matters of order, competency and relevancy;
- e. determine in which order members should speak;
- f. determine if a conflict of interest requires a member to withdraw from discussion on any agenda item;
- g. determine whether or not a vote is required and how it is carried out.

## **15. Council and General Committee decisions**

- 15.1 Decisions of the Council or General Committee must be by consensus of participating members (see paragraph 3.2) except as provided for in paragraph 16 (Voting). A member who leaves a meeting prematurely will be treated as a non-participating member for the purpose of any decision taken after the time of departure.
- 15.2 A member may have their dissent to a decision recorded provided they have participated in the meeting at which the matter was considered and provided that the member asks immediately after the item is disposed of that such a dissent be recorded.
- 15.3 Written comments on agenda items submitted by any non-participating members will not be part of the decision making process. These will, however, be circulated to members and read out, by the Chairman, at the appropriate point in the meeting.
- 15.4 Exceptionally, if a Council or General Committee decision is required urgently and it is not feasible to convene a meeting, the matter will be dealt with by correspondence. In such circumstances members will send their views to the Chairman in writing. The decision will be ratified at the next meeting and recorded in the minutes.

## **16. Voting**

- 16.1 Decisions will be reached by vote on the following occasions:
  - a. when the Chairman feels that there is a body of opinion among members who disagree with a proposal or have expressed reservations about it and no clear consensus has emerged;
  - b. when a member requests a vote to be taken and this is supported by at least one other participating member;
  - c. any other circumstance where the Chairman feels that a vote should be taken.
- 16.2 If an equality of votes occurs the Chairman shall have a casting vote.
- 16.3 The minutes of the meeting will record the results of voting and show the numbers for and against the proposal and note any abstentions.

## **17. Deferred and delegated decisions**

- 17.1 The Council may defer a decision on an agenda item so that it can be provided with additional information or for any other reason. The decision to defer, together with the reasons for doing so, will be recorded in the minutes of the meeting together with a proposed time for returning the matter to Council for its consideration.
- 17.2 Council may decide to delegate decisions on agenda items to the Chairman. The decision to delegate, with the reasons together with the final decision, should be recorded in the minutes of the meeting.

## **18. Conflicts of interest**

- 18.1 Declarations of interest relevant to items on the agenda should be made at the start of the discussion of the item to which it relates. In the event of a member not appreciating at the beginning of a meeting that an interest exists, the member should declare such an interest as soon as he/she becomes aware of it.
- 18.2 Members should not participate in the discussion or determination of matters in which they have a direct pecuniary interest.
- 18.3 When an interest is not of a pecuniary kind members should consider not only the possibility of bias, but also the extent to which a perception of bias might exist such that any Council decision might be compromised.
- 18.4 Where a member becomes aware of a conflict of interest they will usually withdraw from the meeting for the duration of that agenda item.
- 18.5 In any case of doubt the Council Member should openly declare the possibility of an interest, whether direct or indirect. The Chairman will rule on whether any indirect interest is such as to prevent the member participating in discussion or determination of the matter.
- 18.6 A register of members' interests is held by English Nature's Committee Support and Governance Unit. This open to public inspection.
- 18.7 English Nature staff in attendance at a Council meeting should declare interests in accordance with the procedures laid out for Council Members. Where the Chairman rules that a potential conflict of interest exists, the member of staff should take no part in discussion or determination of the matter.

## **19. Minutes of meetings**

- 19.1 Minutes of all meetings will be taken by an authorised officer of English Nature, with the exception of closed sessions of Council which will be minuted by an individual appointed by the Chairman. The minutes, when read in conjunction with the papers presented to the meeting, should provide a correct record of the meeting and be sufficiently detailed to provide an audit trail of issues discussed by Council and the decisions taken.

- 19.2 Draft minutes will be approved for circulation as ‘Unconfirmed Minutes’ to members by the Chairman. Members will propose any amendments in writing. The amended minutes will be signed off by Chairman as ‘Confirmed Minutes’. Minutes of open sessions will be posted on the English Nature Website and made available to the public on request. There will be an abbreviated public minute of private items indicating, where possible, the broad nature of the subject and decision reached.

## **20. Confidentiality**

- 20.1 Members may use their discretion in discussing items of Council and General Committee business from open sessions with other parties following the meeting.
- 20.2 Unless the Chairman indicates to the contrary, the nature and content of business considered in closed or private sessions must not be divulged to, or discussed with, anyone other than fellow Council or General Committee members and staff in attendance.
- 20.3 Appointed Council members should get the prior approval of the Chairman, or in his/her absence the Chief Executive, before making public statements (including statements to the media) on behalf of Council or the General Committee.

## **21. Personal liability of Appointed Members**

- 21.1 While any legal proceedings initiated by a third party are most likely to be brought against the Council as a whole, in exceptional cases proceedings may be brought against the Chairman or other Appointed Members. However an Appointed Member who has acted honestly and in good faith will not have to meet out of his or her own personal resources any personal or civil liability which is incurred in the execution or purported execution of his or her Council function, save where the Member has acted recklessly.

## **22. Suspension of Standing Orders**

- 22.1 These Standing Orders may be varied, revoked or added to by the General Committee. Any alterations will need the consent of the majority of Members present at a meeting.
- 22.2 No Standing Order may be suspended or amended where this would contravene any statutory provision or direction made by the Secretary of State.



## **45. Standing orders for meetings of the Executive Committee**

### **1. Introduction**

- 1.1 Under Schedule 6 of the Environmental Protection Act 1990, English Nature has the power-
- a. to authorise any Committee to do anything which it is authorised or required by legislation to do; and
  - b. to appoint persons to be members of any Committee established by it;
  - c. to regulate the procedure of any Committee established by it.

### **2. Executive Committee membership**

- 2.1 The Executive Committee shall comprise the Chief Executive, Executive Directors and a General Manager of English Nature or their authorised replacements. For the avoidance of doubt, a reference in these Standing Orders to a member shall include any person in attendance or acting as an authorised replacement or nominee.

### **3. Role and key tasks**

- 3.1 The Executive Committee's role is to advise Council on all aspects of English Nature's statutory responsibilities, to take decisions and any necessary action with respect to all matters delegated to it and to ensure that all its decisions and any agreed actions are implemented.
- 3.2 The key tasks of the Executive Committee are:
- a. ensuring that Council receives sound information to determine English Nature's policies and plans;
  - b. ensuring that English Nature delivers the most effective and positive outcome for nature conservation within the statutory framework;
  - c. considering and approving, or not, notification of SSSIs;
  - d. determining levels of delegated authority and signing responsibilities beyond Council;
  - e. representing English Nature and its strategy to the external world;
  - f. agreeing English Nature's overall programme and delegate to the Programme Boards:
    - the allocation of resources between the four Programmes and the two cross-cutting Steering Groups;

- the key targets and longer term outcomes required for each programme;
  - overall staffing levels and structure;
  - the framework and scope of the Corporate Plan and presenting this to Council for endorsement;
  - the response to Council's advice and requirements for the Corporate Plan as well as individual issues and policies raised by Council;
  - changes in resources and priorities in broad terms, where key targets are under threat and agreeing action to accelerate progress or adjust targets;
  - the integration of complex issues which overlap or do not fit into a single Programme or cross-cutting theme;
- g. scanning the horizon for threats and opportunities taking a long term view and listening to the views of stakeholders in shaping English Nature's positioning;
- h. giving clear leadership on the vision, strategic direction and shared values of English Nature;
- i. developing and delivering the organisational culture through management style and the human resources plan;
- j. in all actions, supporting and protecting the Accounting Officer, and working within their delegated authority and accountabilities.

## **4. Quorum**

- 4.1 Meetings of the Executive Committee will be considered quorate if four members or their authorised replacements are present. The Chief Executive or their authorised replacement must be present to make the meeting quorate. No decisions shall be taken at a meeting of the Executive Committee unless a quorum is present. All attendees and absences will be recorded in the minutes of any meeting.
- 4.2 Participation will usually be in person, but, in exceptional circumstances, individual members may participate by telephone or video-conference. Such members shall be deemed to be present and constitute part of the Executive Committee for that meeting.

## **5. Delegation**

- 5.1 Subject to the Schedule of Delegations agreed by English Nature's Council and set out in Chapter 10 of the Corporate Governance Manual, the Executive Committee may delegate its powers to other Committees, Sub-Committees or to other groups or individuals as it regards as necessary.

## **6. Schedule of meetings**

- 6.1 The Executive Committee will approve by 1 November in each year dates as proposed by the Chief Executive for its meetings. These will be published within English Nature by minute and posted on the Intranet.
- 6.2 The Chief Executive will ensure that meetings are held at regular intervals throughout the year, and may at any time call an extraordinary meeting of the Executive Committee.
- 6.3 If three or more members of the Executive Committee request an extraordinary meeting of the Executive Committee either following a discussion at an Executive Committee meeting or by notifying the Chief Executive in writing, the Chief Executive shall make arrangements and announce such a meeting within two working days. The extraordinary meeting so announced shall be held within 3 working days of its announcement. These Standing Orders shall govern the procedure of such a meeting.

## **7. Status of officers**

- 7.1 The Chief Executive has the responsibility to advise the Executive Committee on all matters of propriety, regularity and prudent and economical administration.
- 7.2 The Chief Executive has the responsibility to propose to the Executive Committee a programme of meetings for each year.
- 7.3 The Chief Executive, if present, will preside at meetings.
- 7.4 Other officers shall attend meetings as necessary.

## **8. Attendance of the public at meetings**

- 8.1 Meetings of the Executive Committee are closed to members of the public and the media on the grounds that they concern internal management issues and the formulation of policy. Any publicity arising from consideration of notification of land as SSSI could pose a threat to the special interest of the site before its protection is in place.

## **9. Agenda**

- 9.1 The agenda for each meeting is approved by the Chief Executive.

## **10. Executive Committee Papers**

- 10.1 Executive Committee Papers are sponsored by any member of the Executive Committee who, in consultation with the Chief Executive, is responsible for the final approval of the paper for submission to the Executive Committee. The sponsor also recommends whether, and on what grounds, the paper should be available only to members and whether it should remain confidential after the meeting has taken place.

- 10.2 Decisions on confidentiality, release and openness of Executive Committee papers, agendas and minutes shall be in line with current legislation and English Nature policy on freedom of information. There will be the presumption that unless there are strong grounds for confidentiality, all papers will be available for circulation within English Nature, and, on request, for release to the public. However the work of the Committee in discussing and determining policy will mean that some papers will not be immediately available for release (although they may be released later once the policies have been finalised). With the exception of SSSI notification papers, Executive Committee papers are not published on the English Nature website or elsewhere as a matter of course. Because of this, papers covering work in progress and exploratory material informing discussion and development of final policy should be clearly identified as such. The minutes of the meeting should also reflect this. Directors will be responsible for approving any release of these papers. SSSI notification papers will be placed on the website, usually within ten days of a site having been notified and will be removed nine months after notification.
- 10.3 Decisions about which papers should be available only to members are made by the Chief Executive. The criteria for determining whether papers are restricted to members, or might not be released outside English Nature on request (in whole or in part) are that they contain one or more of the following:
- a. information relating to English Nature's policy advice to Government where this is subject to further internal discussion or has been asked for in confidence;
  - b. information containing information that is the subject of legal proceedings and advice;
  - c. information which if placed in the public domain would increase the likelihood of damage to the environment;
  - d. information which is "commercial in confidence", i.e. release would prejudice the commercial interests of an individual or a business, and where the information is not already in the public domain;
  - e. information that has been provided to English Nature, in confidence, by a third party;
  - f. information that relates to individuals where its release would breach personal privacy;
  - g. information that is unfinished or incomplete, or contains information due to be published at a later date.

## **11. Order of business**

- 11.1 The order of business at all ordinary meetings shall follow the agenda issued for that meeting unless otherwise directed by the Chairman of the meeting at whose discretion, or at the request of members, the order may be altered at any stage.

- 11.2 No business shall be taken other than that on the agenda except where, due to special circumstances, the Chairman considers an item should be discussed.

## **12. Chairmanship of meetings**

- 12.1 The Chief Executive, if present, will normally preside. If unable to be present the Chief Executive will make arrangements for the adequate chairing of the meeting in their absence.
- 12.2 The Chairman of the meeting will:
- a. preserve order and ensure that members have sufficient opportunity to express their views on all matters under discussion;
  - b. determine all matters of order, competence and relevance;
  - c. determine in which order members should speak;
  - d. determine whether or not a vote is required and ensuring that any voting is conducted in accordance with paragraph 14;
  - e. determine if a conflict of interest requires a member to withdraw from discussion on any agenda item.

## **13. Executive Committee decisions**

- 13.1 Decisions of the Executive Committee shall be by a consensus of participating members (see paragraph 4.2) or their authorised replacements except where this is provided for in paragraph 14 (Voting). A member who leaves a meeting prematurely will be treated as a non-participating member for the purpose of any decision taken after the time of departure.
- 13.2 A member may have his/her dissent to a decision recorded provided he/she have participated in the meeting at which the matter was considered and provided that the member asks immediately after the item is disposed of that such a dissent be recorded.
- 13.3 A member not attending a meeting may make written comments about the agenda. These shall be circulated to members may be read out by the Chairman of the meeting at an appropriate point in the meeting. Any such written comments will not be part of the decision making process.

## **14. Voting**

- 14.1 Decisions shall be reached by a vote on the following occasions:
- a. when the Chairman of the meeting feels that there is a body of opinion among members who disagree with a proposal or have expressed reservations about of it and no clear consensus has emerged;

- b. when a member requests a vote to be taken and this is supported by at least one other participating member;
  - c. any other circumstance where the Chairman feels that a vote should be taken.
- 14.2 If an equality of votes occurs the Chairman shall have a second and casting vote.
- 14.3 The minutes of the meeting shall record the results of voting and show the numbers for and against the proposal and note any abstentions.

## **15. Deferred and delegated decisions**

- 15.1 The Executive Committee may defer a decision on an agenda item so that it can be provided with additional information or for any other reason. The decision to defer, together with the reasons for doing so, shall be recorded in the minutes of the meeting together with a proposed time for returning the matter to the Executive Committee for its consideration.
- 15.2 The Executive Committee may decide to delegate decisions on the agenda items to any member of the Executive Committee. The decision to delegate, with the reasons together with the final decision, shall be recorded in the minutes of the meeting.

## **16. Conflicts of interest**

- 16.1 Declarations of interest to relevant items on the agenda should be made at the start of the discussion of the item to which it relates. In the event of a member not appreciating at the beginning of a meeting that an interest exists, the member should declare such an interest as soon as he/she becomes aware of it.
- 16.2 Members should not participate in the discussion or determination of matters in which they have a direct pecuniary interest.
- 16.3 When an interest is not of pecuniary kind members should consider not only the possibility of bias, but also the extent to which a perception of bias might exist such that any Executive Committee decision might be compromised.
- 16.4 Where a member becomes aware of a conflict of interest they will usually withdraw from the meeting for the duration of that agenda item.
- 16.5 In any case of doubt the Executive Committee member should openly declare the possibility of an interest, whether direct or indirect. The Chairman will rule on whether any indirect interest is such as to prevent the member participating in discussion or determination of the matter.
- 16.6 A register of interests is held by English Nature's Committee Support Unit. This is open to public inspection.
- 16.7 English Nature staff in attendance at an Executive Committee meeting should declare interests in accordance with these procedures. Where the Chairman rules that a

potential conflict of interests exists, the member of staff should take no part in discussion or determination of the matter.

## **17. Minutes of meetings**

- 17.1 Minutes of all meetings will be taken. The minutes, when read in conjunction with the papers presented at the meeting, should provide an audit trail of issues discussed by the Executive Committee and the decisions taken.
- 17.2 The Chairman shall ensure that minutes of the meeting accurately record the decisions taken and, where appropriate, the views of individual members.
- 17.3 Immediately after each meeting, a paper detailing the decisions taken will be circulated within English Nature and posted on the English Nature website.
- 17.4 Draft minutes will be circulated to members of the Executive Committee. After any amendments are agreed, the minutes will be confirmed for signing off by the Chairman at the meeting. Once signed off, the minutes will be released within English Nature.

## **18. Confidentiality**

- 18.1 Members shall use their discretion in discussing with other parties any item of Executive Committee business considered in papers that are not restricted to members.
- 18.2 Unless the Chief Executive indicates to the contrary, the nature and content of business considered in papers which are restricted shall not be divulged to, or discussed with, anyone other than fellow Executive Committee members and staff in attendance.

## **19. Suspension of Standing Orders**

- 19.1 These Standing orders may be varied, revoked or added to by Council. Any alterations will need the consent of the majority of members present at a meeting.
- 19.2 No Standing Order may be suspended or amended where this would contravene any statutory provision or direction made by the Secretary of State.

# **Part 6**

## **Codes of conduct**



## 46. Codes of conduct for staff

### 1. Introduction

English Nature aims to enrich England's wildlife and natural features.

Our core values are:

- to be a champion for nature conservation and natural features
- to be firm but fair regulators
- to support our work with sound science and rigorous analysis
- to be outcome orientated
- to be open
- to be innovative
- to be connected to the real world

Every employee and every volunteer is an ambassador for English Nature and so we should all ensure that we conduct ourselves with integrity, impartiality and honesty. This code has been produced to help you achieve this.

### 2. The seven principles of public life

In English Nature, we endorse the Seven Principles of Public Life as set out by the Nolan Committee for the benefit of public servants. Below you will find English Nature's standards, grouped under these seven principles, which every employee and every volunteer should aim to meet whilst carrying out our day to day duties.

These standards are not intended to be onerous. They have been written to ensure that you:

- are able to provide a professional and effective service to our customers and partners
- are adequately informed to avoid being accused of inappropriate behaviour.

To help ensure these principles are adhered to in the public sector there are procedures and guidance laid down. You can find these in the *Corporate governance manual*, *Finance guidelines*, *Procurement guidance*, *ENPower* and English nature's service standards and complaints leaflets. If in doubt, please talk to your manager.

### 3. Our standards

#### Selflessness

We will take decisions solely in the public interest. We will not seek to gain financial or other benefits for ourselves, our family or our friends.

We will ensure that any possible conflicts of interest are identified at an early stage and appropriate action is taken to resolve these.

### **Integrity**

We will not place ourselves under any financial or other obligation that might influence us in the performance of our official duties.

We will not use our official position to receive, agree to accept or attempt to obtain any payment or other consideration for doing, or not doing, anything or showing favour, or disfavour to any person.

We will not receive benefits of any kind from a third party which might reasonably be seen to compromise our personal judgement and integrity.

### **Objectivity**

When carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, we will always make choices on merit and in accordance with Government regulations.

We will treat all those with whom we work sympathetically, efficiently, promptly and without bias or maladministration.

We will aim to offer the highest standards of conduct and products and services which are fit for the purpose within the resources available.

### **Accountability**

We are accountable for our decisions and actions to the public and are open to appropriate examination of these.

### **Openness**

We are committed to promoting and actively developing a culture of openness, transparency and customer focus. We will respect personal privacy and be as open as possible about all the decisions and actions we take. We will give reasons for our decisions and restrict information only in line with our responsibilities under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000.

### **Honesty**

We will ensure the proper, economical, effective and efficient use of resources. This includes restricting our use of equipment and machinery belonging to English Nature to official purposes only.

### **Leadership**

We will endeavour to promote and support these principles by leadership and example.

## 4. Concerns about improper conduct

Employees and volunteers have a duty to report improper conduct. If you believe you are being required to act in a way which:

- is illegal, improper or unethical;
- is in breach of a professional code;
- may involve possible maladministration, fraud or misuse of public funds;
- is otherwise inconsistent with this code;

or where:

- there is evidence of criminal or unlawful activity by others relating to matters connected with English Nature;
- you believe there is evidence of improper behaviour elsewhere in the organisation;
- you are required to act in a way which, for you, raises a fundamental issue of conscience;

you should first explore the issues with those concerned, where you feel able. Then, if necessary, you should raise the matter through the management line or by approaching, in confidence, Dr Keith Duff, Director, based at Northminster House, Peterborough (01733 455209). He will investigate the concerns and report his findings to the Chief Executive. The investigation will follow the same process, including timings and rights to be accompanied, as in the Grievance procedures, *ENPower*, Chapter 17, section 5.

In addition to Dr Duff, and specifically in connection with any concerns about the management and effectiveness of English Nature's internal financial control systems, you may contact English Nature's internal auditors whose contact number is available from the Internal Audit Contract Manager in Corporate Business Team (CBT) or from CBT's Intranet page. Internal Audit will investigate any matters raised and reply direct to you and refer the results of its investigations to the Chief Executive, to whom it provides an assurance role.

If you feel that a matter which you have reported has not been dealt with satisfactorily you should set out an appeal, in writing, to the nominated Council Member, who will investigate the matter and reply direct to you and report the findings to the Chair and the Chief Executive.

The nominated Council Member is:

Mr Doug Hulyer  
Council Member  
c/o English Nature  
Northminster House  
Peterborough  
PE1 1UA

Correspondence should be marked 'Confidential' and will be forwarded directly to Mr Hulyer.

Where you have reported a matter as outlined above and believe that the response still does not represent a reasonable response to the grounds of your concern, you may report the matter in writing to the nominated official in Defra who will investigate the matter further.

The nominated official is:

Head of English Nature and JNCC Sponsorship Branch  
Defra  
Room 1/06A  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6EB  
Tel: 0117 372 8159  
Fax: 0117 372 8642

A person who raises an issue in good faith will not be penalised for doing so and is protected under the Public Interest Disclosure Act 1998. Any person who is alleged to have caused a complaint or alleged to be responsible for an issue covered above will be invited to respond.

## **5. Grievance procedures**

The procedure detailed above is different to the Grievance Procedure explained in *ENPower*, Chapter 17, which can also be used when you are concerned about an action we have taken, or are contemplating taking, in relation to you. This would be for reasons other than the criteria listed above; for instance in relation to performance concerns, harassment by a colleague, or alleged discriminatory action by a colleague or manager. If you are confused about which procedure to use, you can contact the Team Manager, Human Resource Services Team in strict confidence. If a procedure is started inappropriately, you will be advised of how to resubmit your case, and no detriment will occur from a genuine error of confusion.

## **6. After leaving employment**

You should continue to observe your duties of confidentiality after you have left the employment of English Nature and should ensure you are aware of the rules of the acceptance of any business appointments after resignation or retirement. Details of which can be obtained from Human Resource Services Team and Finance and Procurement Services Team.

## **47. Register of interests**

### **1. Establishment of the register**

- 1.1 Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest. To fulfil this requirement Council Members and Executive Directors must declare any of the following:
- any political affiliations;
  - personal or business interests, which may conflict with their duties, or any matter under consideration at a meeting of Council or the General Committee;
  - interests of family members or those in the same household;
  - material transactions with ‘related parties’, these include family members, or members of the same household who may be expected to influence, or be influenced by Council Members and Executive Directors.
- 1.2 Members should consult the Chairman before accepting a new appointment which may lead to a conflict of interest.
- 1.3 On appointment, Council Members and Executive Directors are requested to complete the attached Register of Interests form and return it to the Head of the Committee Support and Governance Unit, who should also be notified of any changes during the year.

### **2. Annual Review of the Register**

- 2.1 Every year Council Members and Executive Directors are required to update the full Register of Interests. Copies are supplied by the Committee Support and Governance Unit. The updated Register is then reviewed by both the Chief Executive and the Chairman, before a copy is sent to Defra.

### **3. Public Access to the Register**

- 3.1 A summary of the Register of Council Members’ Interests is published in the *Annual Report*. The complete register is open for inspection by the general public who can obtain copies from the Committee Support Unit.

# English Nature Register of Members' Interests (Financial Year)

**Name:**

Interest	Details*
1. Directorships of companies, public or private, both remunerated and unremunerated.	
2. Employment(s) or office(s), both remunerated and unremunerated.	
3. Remunerated trades, professions or vocations.	
4. The names of clients when the interests referred to above include personal services by the Member which arise out of or are related in any manner to his/her membership of the Council.	

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5. Land holdings which have been notified as SSSI, any conservation payments being received and any other land held in 'heritage' designation, as owner or tenant.

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6. The names of companies or other bodies in which the Member to his knowledge has, either himself or with or on behalf of his spouse and infant children, a beneficial interest in share-holdings of a nominal value greater than one-hundredth of the issues share capital or other significant share-holdings.

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7. Any significant political activity (including office holding, public speaking and candidature for election) undertaken in the preceding five years.

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8. Membership of other relevant organisations, including offices held.

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9. To the best of my knowledge I have declared all relevant facts and will inform Chairman of any new conflicts of interest as soon as I become aware of them.

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**Date:** ..... **Signature**.....

\*Please use additional sheets as necessary

## **Part 7 The Joint Nature Conservation Committee and English Nature's special functions**



## **48. The Joint Nature Conservation Committee and English Nature's special functions**

### **1. The Joint Nature Conservation Committee**

- 1.1 The Environmental Protection Act (1990) requires the Country Agencies (English Nature, Scottish Natural Heritage and The Countryside Council for Wales) to carry out certain functions, known as special functions, through a committee known as the Joint Nature Conservation Committee (JNCC).
- 1.2 The special functions are:
- a. The provision of advice to Government on the development and implementation of policies for or affecting nature conservation for Great Britain as a whole or nature conservation outside Great Britain.
  - b. The provision of advice and the dissemination of knowledge to any person about nature conservation for Britain as a whole or nature conservation outside Great Britain.
  - c. The establishment of common standards throughout Great Britain for the monitoring of, and for research into, nature conservation and the analysis of the resulting information.
  - d. The commissioning or support of relevant research.
  - e. Undertaking the quinquennial review of Schedule 5 (Animals which are protected) and Schedule 8 (Plants which are protected) of the Wildlife and Countryside Act (1981).

In addition the Country Agencies can, and do, identify other functions and tasks that they wish to carry out jointly and for which the JNCC provides a suitable mechanism.

### **2. English Nature's representation on the JNCC**

The membership of the JNCC consists of:

- a Chairman and three members all appointed by the Secretary of State,
- the Chairman of each of the Country Agencies, together with another Member of each Council, appointed by that Council,
- the Chairman of the Countryside Agency,
- two non-voting members appointed by the Department of the Environment for Northern Ireland.

English Nature's representatives on the JNCC are currently Dr Mike Moser (Acting Chair) and Sarah Fowler.

### **3. Staffing and Finance**

Defra, the Scottish Executive and Welsh Assembly provide grant in aid to the JNCC via English Nature, Scottish Natural Heritage and the Countryside Council for Wales.

The Accounting Officers of English Nature, Scottish Natural Heritage and the Countryside Council for Wales jointly have Accounting Officer responsibilities for the JNCC. English Nature's Accounting Officer takes a lead role in this respect and has delegated certain Accounting Officer responsibilities to the JNCC's Managing Director. Detailed accountability arrangements are set out in the JNCC's Accountability Framework Document (issued by Defra and the devolved administrations) and Management statements and Financial Memorandum (issued by English Nature, Scottish Natural Heritage and the Countryside Council for Wales).

The JNCC has established a company limited by guarantee to provide it with the specialist and administrative services needed to deliver its corporate and business plans. This includes responsibility for employing staff and managing funds and assets on behalf of the JNCC. The JNCC is required to ensure the company is managed in accordance with its Accountability Framework Document, Management statement and Financial Memorandum. The JNCC's Managing Director is also the Managing Director of the company.

### **4. Supporting the work of the JNCC**

4.1 English Nature supports the detailed work of the JNCC through the following fora:

- a. Chief Executives' Meetings;
- b. Chief Scientists' Meetings;
- c. Resource Directors' Meetings;

4.2 The Country Agencies also take account, in assessing their own priorities and expertise, of the direct or indirect contribution it can make to the work of the JNCC. This includes taking the lead role for some special functions where the majority of the expertise rests in one Country Agency, for instance English Nature leads, on behalf of the JNCC, on Genetically Modified Organisms.

