



REVIEW OF THE JOINT NATURE CONSERVATION COMMITTEE 2001:

STAGE 1 REPORT

EXECUTIVE SUMMARY

March 2001

Department of the Environment, Transport and the Regions

The views expressed in this report do not necessarily represent the views and policies of DETR, the Devolved Administrations or the Steering Group.

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Introduction

1. Reviews of Government-funded agencies and Non-Departmental Public Bodies are now required to be carried out every five years. I was appointed by DETR as the independent reviewer to consider, in this Stage 1 Report, whether there is a continuing need for the Joint Nature Conservation Committee, an organisation which is neither a Government agency nor an NDPB in its own right, but which has many of the features of such bodies.
2. The JNCC is a joint committee of English Nature, Scottish Natural Heritage and the Countryside Council for Wales, staffed by those agencies and funded from the grants they receive from their respective Government administrations. It comprises a Committee, under an independent Chair, on which the country agencies are strongly represented, together with a Support Unit which carry out the Committee's statutory functions. The JNCC is responsible for discharging the country agencies' 'special functions' which relate to GB-wide conservation matters and the Government's wider international obligations.
3. The Terms of Reference for the Review are set out in full in the Introduction. In essence they required me to consider, in the light of any changes since the JNCC was established in 1991, especially devolution, whether there is a continuing need for a body to advise Government on its GB, UK or wider nature conservation policies and, if so, whether the JNCC is still the right sort of body to fulfil this role.
4. My Report commences by briefly tracing the history of the JNCC from its roots in the former Nature Conservancy Council and outlines the considerations that led to its establishment. This background is important, as the rationale for the creation of the JNCC was very carefully and extensively considered by the Select Committee on Science and Technology (the Carver Committee) barely 12 years ago. Extracts from the Carver Committee report that I consider to have particular relevance to this review are at Appendix A to this Report. The Carver Committee inquiry and report highlighted a number of concerns about the intrinsic design of the new arrangements and their capacity to deliver the services which it was thought the Government would need. Subsequent experience bears out their fears.

Context

5. In order to form a view of whether an organisation like the JNCC is needed to fulfil the Government's nature conservation policy objectives it was necessary first to consider what these objectives are. The position here needs to take account of devolution, and Chapter 2 commences by considering how responsibilities for nature conservation issues are now split between the UK Government and the devolved administrations. Chapter 2 then goes on to consider how these responsibilities are reflected in the Government's objectives.
6. A difficulty here is that the UK Government's stated objectives are often at a high level of generality and cross a number of Government Departments (DETR mainly, but also FCO in respect of the UK's Overseas Territories and DCMS on World Heritage sites). Although issues relating to conservation within England were recently brought together in the Rural White Paper, there is no single comprehensive statement of the UK Government's overall stance. The JNCC also carries out functions that may benefit the devolved administrations, which begs questions about whose objectives it is meant to be meeting. Chapter 2 touches on these issues and recommends that DETR considers addressing them in the Department's Annual Report.

Methodology

7. In the absence of a clear statement of the Government's objectives, it was necessary to try to infer from other sources what the needs for an organisation like the JNCC might be. My main approach was to look at the work currently undertaken by the JNCC and seek the views of their customers on how valuable this was, and what else it might usefully be doing. A problem here is that, for reasons outlined elsewhere in the Report, the JNCC's role appears to have been increasingly sidelined since its inception, for reasons that may be unrelated to its perceived value to Government and other customers. Looking at what it does now might therefore give a misleading impression of how useful it was or might be. I also needed to consider from first principles what was so distinctive about the functions of the JNCC that might still require special arrangements for them to be carried out. A key test was to establish what sort of functions could not simply be left to the country agencies to fulfil through their own informal arrangements.
8. Chapter 3 sets out these methodological concerns in more detail. Like the Carver Committee and the designers of the current arrangements before me, the conclusion I reached was that the special arrangements are needed mainly in respect of functions which by their nature, do not fit within the core activities of the individual country agencies, or which can be carried out more efficiently, effectively or economically through some central mechanism which enables them to act in concert. The reason the JNCC was constituted as a statutory committee under an independent chair, rather than being left to the country agencies to organise for themselves, was the concern that the country agencies might not carry out these functions effectively if left to their own devices. The special functions therefore embrace a number of functions, some of which, at least, were considered too important to the UK Government's strategic nature conservation interests to be left entirely to the country agencies. The acid test of whether an organisation like the JNCC is still needed is whether the UK Government still holds the same view.

Functions

9. In order to consider this question further, it is first necessary to understand the nature of the functions which are important to the UK Government and what role the JNCC plays in this work. This is a very complex and wide-ranging area of work, and Chapters 4 to 11 cover all the main international Conventions and European Directives in sufficient detail to understand this overall context.
10. Chapter 12 covers the important work which the JNCC does on establishing common standards, the commissioning or carrying out of surveillance monitoring and other projects, and its role in database management and the dissemination of information. Although this work is of direct interest to the country agencies, it is also of considerable value to the UK Government's strategic view, since information collected across GB or the UK is essential to report on the UK's progress against internationally imposed targets. And, as the section on Devolution in Chapter 3 makes clear, it remains very much in the self-interest of the individual countries of the UK to act together in concert on matters of common interest, regardless of any overriding EU or wider international legislative requirement.

Value of JNCC

11. Chapters 13 to 20 look in more detail at the role of the JNCC in carrying out these functions. From information provided by consultees within Government, it seeks to establish how important these various functions are to the UK Government, quoting some particular examples. It also looks at what 'added value' the particular expertise of the JNCC can provide. The JNCC Support Unit's perception of the value of the JNCC is included, as well as that of customers, to help show how the knowledge the JNCC gains from one area of its work,

and its close links with the individual country agencies, can add value to its contribution in another area,. Each Chapter also includes comments on how well the JNCC is able to deliver its services and the views of Government customers as to whether any of the functions might better be carried out by some other organisation. It also examines the argument put forward by some consultees that its functions might be better left to the country agencies to organise themselves.

12. Chapter 21 commences by rounding up this material, with the overall conclusion that most of the functions which the JNCC perform are highly valued by Government, and either go beyond the main remit of the individual country agencies, or are otherwise too important to the UK's strategic nature conservation interests to be left to those agencies to organise as they think fit. The undoubted expertise of the JNCC staff is also recognised. I conclude that there are currently no other organisations better placed than the JNCC to carry out any of these functions and no clear merit in splitting them up. However, there are significant concerns about the capacity of the JNCC to deliver services to its UK Government customers, which begs questions about its organisational structure and its relationship with its customers.

Analysis

13. Chapter 21 continues by examining the design of the JNCC, and its mode of funding and operation, to try to elucidate the advantages of the statutory arrangements and the reasons why they have not worked as effectively as might be expected. This Chapter draws on the comments of the Carver Committee, which, as mentioned, had reservations about possible intrinsic tensions here. The fundamental flaw, in my view, is the inherent constitution of the JNCC as a committee of the country agencies, which means that the Government has little control over the functions it carries out. This has led to the country agencies inevitably and understandably concentrating the energies of the JNCC on their own agendas, with the UK Government apparently having little commitment to its work. My conclusion is that the attempt of the designers of the arrangements to balance out the tensions between the needs of different customers has failed, despite efforts to deal with them over a long period.

Options

14. With these weaknesses understood, Chapter 22 looks at ways of addressing these problems holistically, in a way which recognises and tries to preserve the clear advantages of the special arrangements and to maintain the synergies that exist between the various functions. Privatisation is dismissed for a number of reasons, as is the option of bring the functions in-house. Consideration is also given to the possibility of a further attempt to shore-up the current JNCC arrangements, building on the recent encouraging work of the JNCC to develop a more proactive strategic plan.
15. The country agencies appear to accept that UK Government control would be improved if the JNCC were to receive some measure of direct Government funding. However, they are understandably concerned that any change should not damage the essential nature of the JNCC as their joint committee, with its intrinsically close relationships with their other work. This implies that they too would need to remain as financial stakeholders with a strong degree of control over the JNCC agenda. I have therefore looked carefully at whether these objectives are reconcilable. My conclusion is that they are not, but I do not share the country agencies view that this need damage the relationships and interactions which they so rightly value.
16. The problem with the changing the funding of the JNCC in the way the country agencies might want is that it would greatly complicate the arrangements and further blur what are already complex lines of accountability, to no obvious purpose. In my view, it would create a need for the three country agencies and their respective administrations (together with Northern Ireland, if they were brought more fully into the arrangements) to become partly accountable

for sums over which they have no real control, in respect of the provision of services required by the UK Government. It would require a clear distinction to be drawn between those functions which relate to devolved functions and those which are reserved. And it would create a further line of accountability between DETR and the JNCC in respect of those latter functions.

17. I believe this would leave confusion about who was paying whom, and for what, and might still not give the UK Government the control it needs over some functions that are important to its wider objectives. Since any sums paid to the JNCC via the country agencies would need to be ring-fenced, they would have no more real stake in the JNCC than if the funding was paid direct. This option would also leave unaddressed a number of other unsatisfactory aspects of the way the JNCC currently operates.

United Kingdom Nature Advisory Council

18. My conclusion is that the UK Government can only achieve the degree of control it needs over the advisory function by making the JNCC into a non-departmental public body funded directly by DETR on behalf of the UK Government, with defined functions of its own. This would end the status of the JNCC as a committee of the country agencies. I have termed the proposed new organisation the UK Nature Advisory Council (UKNAC) to reflect its wide remit and its essential advisory, rather than executive, nature.

19. I believe that the concerns of the country agencies about their relationship with such an organisation can be addressed in other ways. First, I would still see a role on the Board of the new body for the Chairs of the country agencies. Insofar as there were any services which they wanted from it, it would be in their own self-interest to promote their interests when the UKNAC is bidding for funds. Second, I recommend a much stronger mechanism for co-ordinating the requirements of the UK Government for the services of the new body, through a proposed inter-Departmental cross-cutting committee (a recommendation I would make even if the JNCC were to continue its current existence). Funding for the UKNAC would be determined at the same time as that of the country agencies, in conjunction with the devolved administrations. The overall objective is to create an organisation that is on a par with the country agencies, not one which is either dominant or subservient.

Summary of Recommendations

20. My report makes a number of recommendations. In summary, these are:

- that the JNCC be replaced with a new UK Nature Advisory Council (UKNAC) funded directly by DETR on behalf of the UK Government, as soon as a suitable legislative opportunity arises
- that the Board of the new UKNAC should consist of an independent Chair, the chairs of the country agencies, a senior representative of EHS(NI), and either six or eight independent members appointed by the Secretary of State and Ministers of the devolved administrations
- that sponsorship of the UKNAC within DETR should be clearly separated from the English Nature sponsorship role so that issues relevant to the UKNAC are managed separately from those relating to EN
- that the UKNAC sponsorship team should set up a cross-cutting team to agree, with the UKNAC, the Government's requirements for services from the new body, and to monitor its achievements. This team should include all the UKNAC's UK Government customers - MAFF, DTI, HMC&E, FCO, DFID, DCMS and other DETR Divisions (including the

Scientific Support Unit, as well as policy divisions), together with the devolved administrations if they so wish

- that DETR should give consideration to clarifying, in its Annual Report the overall framework of UK nature conservation policy, including that relating to its international commitments; linkages with the roles played by other Government departments in meeting the Government's policy objectives; the distinction between DETR's role as sponsor of English Nature and that of advisor to the UK Government on nature conservation; and the role played by the JNCC (or the UKNAC as its successor)
- that DETR, through the cross-cutting team, should consider the potential role for the UKNAC to help co-ordinate, monitor and analyse research on nature conservation across the UK
- that the UKNAC should initially be staffed by members of the JNCC Support Unit, but all on the same terms and conditions of service which would be decided by the new body.
- that consideration should be given to the relocation of the UKNAC away from the JNCC's current location in Peterborough to somewhere more equidistant from the three country agencies.

Conclusion

21. I believe that the overall analysis in the Report shows that such a UKNAC would have a significant role to play in the promotion of UK nature conservation through its support to Government. Indeed, I believe that it has potential to do a lot more, resources permitting. The final Chapter (Chapter 23) looks at this role in more detail.

22. I commend this Report to the Government.

Mike Baldwin
Independent Reviewer