

## **AHRC CONTESTED COMMONS RESEARCH PROJECT**

### **STATUTORY COMMON COUNCILS**

#### **CWMDEUDDWR FOCUS GROUP CL36-Guided Questions**

##### **1 Current Management Arrangements**

- (a) What are the strengths and weaknesses of your Commons Association?
- (b) Are there weaknesses your current Commons Association meeting that having a Statutory Common Council would overcome?

##### **2 Commons Councils – Different Models**

- (a) How important to you is local management of your common?
- (b) Would you favour establishing a Commons Council for each common (CL unit)?
- (c) Would you favour a Commons Council for a group of commons (e.g. all CL units in Clapham and Ingleton area)
- (d) Would you favour a larger Commons Council at regional level (e.g. all commons in Powys)?
- (e) What advantages and disadvantages are there in the different models of Commons Council (local, regional, group etc)

##### **3 Commons Councils – Constitution and Powers**

- (a) The DEFRA model constitution posits participation by commoners, owners and “other classes of person as may be specified in the establishment order” for the council. Who should be members of a Commons Council in addition to commoners and owners?
- (b) Would you favour the participation of some external groups (i.e. other than commoners and owners) over others, and if so why?
- (c) What type of legally binding management rules would you wish a Common Council to create and enforce, if one was established?
  - In relation to agriculture?
  - In relation to rights of common?
  - In relation to the vegetation of the common?
- (d) What advantages would be forthcoming for the management of the common, in your view, if binding management rules were passed by a Commons Council?

#### **4 Agri-Environment Schemes**

(a) Do you intend to enter the common into Tir Gofal on expiry of ESA? What do you know about the scheme?

(b) Would a Commons Council be advantageous in facilitating the negotiation of a management agreement for the common (e.g. Tir Gofal), and thereby obtaining payments from CCW and/or WAG?

(c) Would a Commons Council improve compliance with the requirements of agri-environmental agreements on the common?

(d) How would you describe the environmental quality of the common at present? How and why, if at all, would the establishment of a Commons Council improve the environmental management of the common?

#### **5 Possible Advantages of Commons Councils**

How would you rank the following as possible advantages of a Commons Council?

- (a) Greater legal recognition from external bodies (WAG, CCW etc)
- (b) Potential access to more money and resources (e.g. via Tir Gofal)
- (c) Greater powers to ensure proper management of the common
- (d) Better arrangements for representation of graziers, owners and others with an interest in the common.
- (e) Power to enforce management rules passed by the Commons Council
- (f) Fostering greater solidarity and trust among the commoners and between the commoners and other interests?
- (g) Other advantages (please specify)

#### **6 Possible Disadvantages of Commons Councils**

How would you rank the following potential disadvantages of a Commons Council?

- (a) Financial cost of establishing a Commons Council
- (b) Facilitating greater interference from external bodies e.g. government departments, agencies or special interest groups
- (c) Duplication of existing power and functions of current commons association
- (d) Risk of loss of control due to involvement of external bodies (e.g. wildlife groups or recreational interests)
- (e) Increased bureaucracy
- (f) Other disadvantages (please specify)

#### **7 Conclusion**

Do you favour establishing a Commons Council? If so, which of the different models would be most appropriate?

What additional information (e.g. from WAG or CCW) would you need to make an informed decision on Commons Councils?

C. P. Rodgers & M. Pieraccini  
Newcastle Law School