



<u>Committee and Date</u> Shropshire Hills AONB Partnership  21 March 2017	<u>Item</u>  <b>6</b>
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## **DRAFT TERMS OF REFERENCE FOR PROPOSED NEW AONB ADVISORY GROUP**

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### **Summary**

This paper presents a draft of new Terms of Reference for a broad Advisory Group of partners to sit in due course alongside a Conservation Board.

### **Recommendation**

The Partnership is recommended to comment on and endorse the draft Terms of Reference.

### **Background**

The retention of a strong group with a similar membership to the existing AONB Partnership has emerged as an important part of the proposal to change to a Conservation Board governance structure. Such a group would provide for continued wide involvement in the AONB beyond what is possible through the three categories of Conservation Board membership, e.g. organisations such as Natural England, National Trust, Shropshire Wildlife Trust, NFU, CLA, etc which are key partners and delivery bodies for the AONB Management Plan. The history of a strong Partnership group in the Shropshire Hills AONB is key to the possibility of making a realistic proposal for an independent body, and retaining good and broad involvement of partners is a high priority for the AONB staff team, the Transition Board and for the current Partnership itself, as discussed in a number of recent meetings.

With the (proposed) creation of a Conservation Board however, the current Partnership would need to change. It would no longer be the main governance body for the AONB, and would be run by the Conservation Board rather than the other way round. With the creation of a Conservation Board, it would not be appropriate to retain a Joint Advisory Committee to the two Councils. Procedurally, a new Advisory Group could benefit from being less formal than the current Partnership (e.g. with more presentations and less of a committee feel) and it is felt the change should be marked by a change of name (AONB Partnerships are known nationally as the main governance bodies for AONBs, and retaining the current name could cause confusion).

This draft of Terms of Reference for the proposed Advisory Group is based partly on those currently in place for the AONB Partnership, and for some of its sub-groups. The draft was considered at the Transition Board meeting on 14<sup>th</sup> March 2017 and refined slightly following discussion. The draft Terms of reference are recommended to the Partnership by the Transition Board at this stage in order to continue shaping the proposed new governance model with a Conservation Board. This may be valuable in the continuing discussions with

Defra and any further submissions. If and when the Conservation Board comes into existence, it would need to confirm the Advisory Group's creation and its Terms of Reference.

It is notable that a number of National Park Authorities have established Partnerships precisely to address broader involvement, e.g. <http://www.lakedistrict.gov.uk/caringfor/lake-district-national-park-partnership>. In the Lake District, the Partnership takes the lead on preparing the National Park Management Plan (now known as the Partnership Plan), while the Authority as a planning authority takes the lead on the Local Plan. While this model is not directly applicable in our context, an advisory and support role to the Conservation Board for preparing and implementing the AONB Management Plan could provide a good focus for a new Advisory Group, although it must remain clear that the responsibility for preparing and approving the Plan rests with the Conservation Board.

<b>List of Background Papers</b> None
<b>Human Rights Act Appraisal</b> The information in this report is compatible with the Human Rights Act 1998.
<b>Environmental Appraisal</b> The recommendation in this paper will contribute to the conservation of protected landscapes.
<b>Risk Management Appraisal</b> Risk management has been appraised as part of the considerations of this report.
<b>Community / Consultations Appraisal</b> The topics raised in this paper have been the subject of earlier consultations with Partnership members.
<b>Appendices</b> Appendix 1 Draft Terms of Reference for proposed new AONB Advisory Group

# Shropshire Hills AONB Advisory Group

## Terms of Reference

*Draft at 14<sup>th</sup> March 2017*



### 1. Introduction

- 1.1. Alongside the creation of a new Conservation Board as the main governance structure for the Shropshire Hills Area of Outstanding Natural Beauty (AONB) and the Shropshire Hills AONB Trust as a fund-raising and grant-giving body, the established Shropshire Hills AONB Partnership is being re-formed into an Advisory Group, to take a new advisory and engagement role. The Conservation Board will have a small membership but representative of different categories as prescribed in the Countryside & Rights of Way Act 2000. The history of strong partnership working in the Shropshire Hills AONB means that the new Advisory Group will allow the continued involvement of a range of organisations and individuals who may not be on the Conservation Board itself. The Advisory Group will not have the formal status of a Joint Advisory Committee, but will be operated and supported by the Conservation Board and its staff team.
- 1.2. AONB purposes: Section 87(1) of the Countryside & Rights of Way Act 2000 provides that a Conservation Board must have regard to two purposes in exercising its functions:
- the conservation and enhancement of the natural beauty of the AONB.
  - to increase the understanding and enjoyment by the public of the AONB's special qualities.

However, if it appears to the Board that there is a conflict between these two purposes, it is to attach greater weight to conserving and enhancing the AONB.

In pursuing its purposes, section 87(2) of the Act requires a Board to seek to foster the economic and social wellbeing of the AONB's local communities. In so doing, a Board should co-operate with constituent local authorities and public bodies whose functions include the promotion of economic or social development within the AONB. In addition, the general duties of a local authority regarding the protection of the interests of the countryside and the avoidance of water pollution apply to Conservation Boards.

### 2. Roles and Responsibilities of the AONB Advisory Group

- 2.1. The Shropshire Hills AONB Advisory Group will play three main roles regarding the AONB:
- To maintain strong partnership working in the AONB, especially among relevant organisations.
  - To advise and support the Conservation Board in the review every five years of the AONB Management Plan and its ongoing implementation, seeking to maximise co-ordination. (The statutory Management Plan will be approved by the Conservation Board and endorsed by the local authorities).

- To support the involvement of relevant interests in the management of the AONB, and help to foster community pride and capacity in relation to the Shropshire Hills.
- 2.2. The Advisory Group seeks to add value and engage people in support of the AONB's purposes. It will help to tackle fragmentation and improve local accountability. The AONB's remit is broad and issues can be complex, and the Advisory Group will strive to raise understanding.
  - 2.3. The Advisory Group will provide a forum for discussion of issues, to assist co-ordination of activity, and to offer advice to the Conservation Board. It is not expected to act as a champion and public voice for the AONB - these roles sit with the Conservation Board.
  - 2.4. The Advisory Group is unincorporated and is not a legal entity. As such, the Advisory Group cannot hold or expend funds itself.
  - 2.5. The Advisory Group is not empowered to make any executive decisions, but through consensus building will have a valued advisory role, and may make recommendations or representations to the Conservation Board.

### **3. Membership**

- 3.1. Membership of the Advisory Group will be as follows: *(numbers will be confirmed at a later date)*
  - All members of the Conservation Board will be members of the Advisory Group;
  - Local ward members and relevant portfolio holders of Shropshire Council and Telford and Wrekin Council may be members;
  - Local authority officers of Shropshire Council and Telford and Wrekin Council;
  - Elected members of Parish or Town Councils within or partly within the AONB;
  - Representatives of relevant statutory bodies;
  - Representatives of relevant non-statutory or voluntary organisations;
- 3.2. The Conservation Board will review the membership of the Advisory Group not less than every two years. The Conservation Board will operate an application process for the Parish/Town Council seats, and where necessary for organisations. Appointment of applicants to seats will be made by the Conservation Board, based on the following criteria:
  - Parish/Town Council members
    - resident in the AONB or a nearby town or countryside;
    - proven commitment to AONB purposes and relevant areas of interest;
    - ability to make a valuable contribution to the Advisory Group.
  - Organisations
    - support for AONB purposes and a clear overlap in remit with that of the AONB;
    - a significant material or operational interest within the AONB;
    - representative with ability to make a valuable contribution to the Advisory Group.

## **4. Procedures**

- 4.1. It is intended that the group be given adequate structure without being burdened by formality. The group will endeavour to operate by communication and consensus, reflecting its main role of co-ordination and consultation rather than as a decision-making body.
- 4.2. The Advisory Group will meet three times a year, or as agreed by the membership. The Chairman and Vice-Chairman will be the Chairman and Vice Chairman of the Conservation Board.
- 4.3. Agendas and any papers will be circulated at least a week before meetings. Members wishing to include items on the Agenda should try to give adequate notice to the Chairman or responsible Officer. Organisations may send alternative or additional representatives to meetings, with the agreement of the Chairman.
- 4.4. Minutes and papers of the Advisory Group will be made publicly available through the Conservation Board website.

## **5. Declaration of interests**

- 5.1. Members of the Advisory Group shall declare an interest in a meeting where a matter discussed may affect:
  - their own wellbeing or financial position, or
  - the wellbeing or financial position of a family member, close associate, or
  - the financial position of an employer/business of the member, their family member or close associate, or
  - the financial position of a charitable body, association or other group with which they are closely associated.

*(The meaning of 'wellbeing', 'financial position', 'family member' and 'close associate' will be as defined in the Standards for England Guidance on the Code of Conduct).*

If the Chairman decides that the discussion or decision is more general and not materially affecting the interest declared, then the member is entitled to remain and participate in the discussion, but not vote.

## **6. Withdrawal of membership**

- 6.1. In the event of conduct or alleged conduct of a member which is not consistent with the Advisory Group's Terms of Reference, every effort will be made to resolve the issue by informal negotiation. The Conservation Board may however in last resort resolve to withdraw membership of the Advisory Group in a serious case after due consideration, or, in the case of an organisation member, resolve to ask the organisation to provide a different representative.