



<u>Committee and Date</u> Shropshire Hills AONB Partnership 17 November 2015	<u>Item</u> 3
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PROPOSED AMENDMENTS TO TERMS OF REFERENCE

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Summary

This paper recommends an update of the AONB Partnership's Terms of Reference following loss of the LEADER programme, along with a couple of particular proposed changes regarding number of seats and term for appointments to positions of responsibility.

Recommendation

The Partnership is recommended to approve the changes and endorse the updated Terms of Reference.

Background

The AONB Partnership has the formal status of a Joint Advisory Committee under the Local Government Act 1972 to the two constituent local authorities Shropshire Council and Telford & Wrekin Council. The Partnership's Terms of Reference are therefore formally approved by the two local authorities. This was last done in 2010, and an update reflecting the new LEADER programme which came before the Partnership in November 2014 (but never went forward for local authority approval) is no longer relevant. The Terms of Reference document at Appendix 1 has had the content relating to roles of the Partnership regarding LEADER removed. A new section 3 on the role of the host authority has been added, which is text formerly in the rolling three year Memorandum of Understanding with Defra, but Defra are no longer issuing these. There are one or two other simple updates for correctness, but no other substantive changes. Members are recommended to endorse this update. It will be apparent that these changes result in a simpler document reflecting the clearer purpose of the AONB Partnership without LEADER, which is a plus side of losing the programme.

In addition to this update, three specific and substantive minor changes to the Terms of Reference are recommended here, two of which have been suggested to members in recent email correspondence:

Increase in number of seats for Parish and Town Councils from three to six.

This autumn the AONB Partnership for the first time invited applications from Parish and Town Councillors from the 60 Parish and Town Councils and Parish Meetings falling within the AONB. This enables the Partnership to develop a closer relationship with Parish Councils than previously when the seats were filled with nominees appointed by Shropshire Association of Local Councils (SALC). The seats attracted a good deal of interest, and six good applications were received. It is felt that continuing to develop awareness of the AONB and the AONB Partnership with Parish and Town Councils is a very useful direction, and this may be better achieved by raising the number of seats to six. This would also enable the Partnership to benefit from the skills of the individuals who applied, and achieve a broader geographical representation (there are 83 Parishes falling within the AONB).

Two year term for Chair, Vice Chairs and Management Board seats.

The appointments to Chair, Vice Chairs and the six elected Management Board seats are currently done annually. The advantages of moving to a two year term include better stability and development of knowledge (there are only three Management Board meetings a year), along with reduced admin for the nomination process.

Specifying explicit support of members and applicants for AONB purposes

A further minor amendment to the process of biennial membership review and related sections of the Terms of Reference is recommended, following discussions resulting from this year's applications. This is to change the application forms more explicitly to require applicants (both organisations and individuals) to clarify their basic support for the purposes of AONB designation. The comment has been received that this is currently notable by its absence, and the current application form reflects a wide range of topic interest areas, without focussing on the over-riding statutory purpose of AONBs to conserve and enhance natural beauty. Members' support for this change is recommended.

These recommended changes are indicated in the attached document as tracked changes.

List of Background Papers None
Human Rights Act Appraisal The information in this report is compatible with the Human Rights Act 1998.
Environmental Appraisal The recommendation in this paper will contribute to the conservation of protected landscapes.
Risk Management Appraisal Risk management has been appraised as part of the considerations of this report.
Community / Consultations Appraisal The topics raised in this paper have been the subject of earlier consultations with Partnership members.
Appendices Appendix 1 Shropshire Hills AONB Terms of Reference, update at Nov 2015

Shropshire Hills AONB Partnership

Terms of Reference

(Amended 6 November 2015, pending formal approval)



1. Introduction

1.1. The Shropshire Hills AONB Partnership is the body responsible for coordinating the management of the **Shropshire Hills Area of Outstanding Natural Beauty (AONB)**.

1.2. The purposes of the national AONB designation are as follows:

- ***The primary purpose of designation is to conserve and enhance natural beauty.***
- *In pursuing the primary purpose of designation, account should be taken of the needs of agriculture, forestry, and other rural industries and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.*
- *Recreation is not an objective of designation, but the demand for recreation should be met so far as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses.*

(Countryside Agency, 2001)

1.3. **Local authorities have a legal obligation under the Countryside and Rights of Way (CROW) Act 2000 to prepare and review a Management Plan for the AONB, and to 'act jointly'** in doing this. The AONB Partnership is the body formed principally to fulfil this requirement, and includes a substantially wider membership in order to engage a range of relevant interests in the management of the area.

1.4. **The Partnership has the formal status of a 'Joint Advisory Committee'** under Section 102(4) of the Local Government Act 1972 to the two local authorities of Shropshire Council and Telford & Wrekin Council. The Partnership has a number of sub-groups, and its work is **supported by a staff team**, employed by Shropshire Council as host authority and accountable body (see structure diagram). The AONB Team operate under the title of the Shropshire Hills AONB Partnership, and the term 'Team' is used only where it is necessary to distinguish from the Joint Advisory Committee itself.

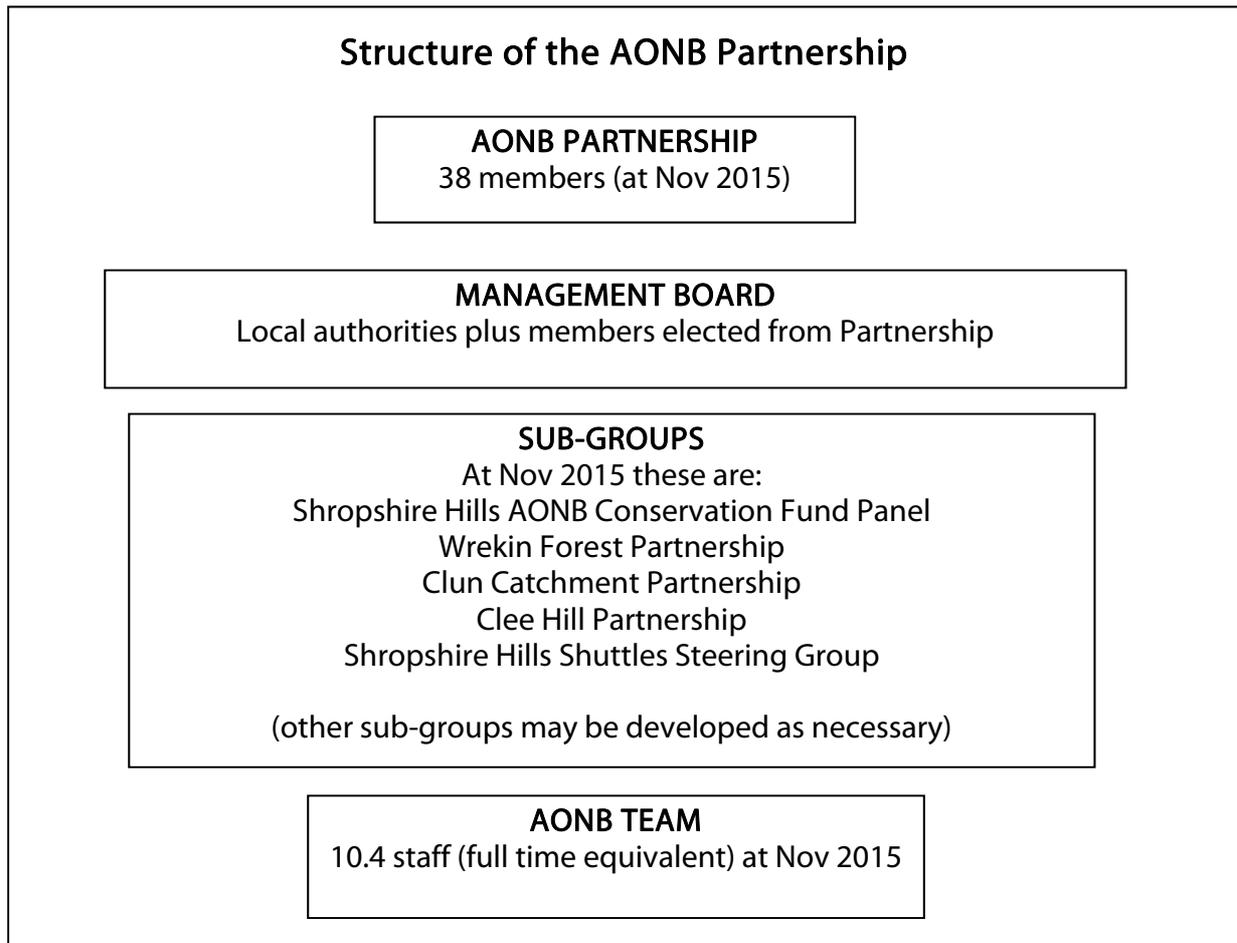
1.5. The Shropshire Hills AONB Partnership plays three main **roles regarding the AONB**:

- To **develop policy and strategy** for the area especially through the AONB Management Plan, and to influence the policies and strategies of others.
- To **take and support action** to conserve and enhance natural beauty, to promote enjoyment, understanding and wellbeing, and to further sustainable development. Key approaches include co-ordination, advice and funding.
- To support the **involvement of the community** in the management of the AONB, and foster community pride and capacity in relation to the Shropshire Hills.

1.6. As set out in Management Plan policy and a position statement of February 2008 on the AONB boundary, the Partnership will **focus its work strongly on the designated AONB area**. It will however work in a flexible and pragmatic way in relation to the

AONB boundary, to secure the maximum benefit for the Shropshire Hills (see map at Appendix 2).

- 1.7. The Partnership 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 can be complex, and the Partnership will strive to raise understanding and give a high priority to **clear communication and openness**. The different groups of the Partnership will operate in ways most effective to their function, and this may include site visits, presentations, workshops and other formats in addition to traditional meetings. The Partnership will seek to **develop the roles of partners**. (See Membership Accord at Appendix 3).



2. Roles and Responsibilities of the AONB Partnership

Roles of the Partnership in which the **AONB Team** has an important supporting role:

- 2.1. The Partnership will lead the **review of the statutory Management Plan** for the AONB every five years. This Plan will be formally approved by each individual local authority, and will as required in the CRoW Act 2000, *'formulate their policy for the management of the area and for the carrying out of their functions in relation to it'*.
- 2.2. The Partnership will co-ordinate and facilitate the **implementation of the Management Plan**, and will **monitor progress** in achieving its objectives, policies and actions. Actions in support of the Management Plan are taken by a wide range

of parties, but organisations belonging to the AONB Partnership have an especially important role.

- 2.3. The Partnership will seek to **champion the interests of and vision for the Shropshire Hills AONB**, and will promote a coherent and strong identity for the area.
- 2.4. **Planning.** The Partnership will seek to add value to the role of local authorities as planning authorities for the AONB, especially by **contributing to the development of planning policy and guidance, and by providing comments on significant development proposals and planning applications.** The AONB Partnership is not a statutory consultee in planning matters and can only provide selective input. The planning authorities have a legal obligation to take into account the AONB designation in all relevant decisions. Detailed roles and procedures for the AONB Partnership's involvement in planning are set out in a formal Planning Protocol with the local authorities.
- 2.5. The Partnership will seek to **secure resources** required for effective management of the AONB, including external funds to assist in delivering management activities and projects.
- 2.6. The Partnership will **lead the implementation of projects** in support of the AONB Management Plan.
- 2.7. The Partnership will **advise and support the activity of others** in support of the Management Plan, seeking to maximise co-ordination.
- 2.8. The Partnership will seek to ensure that public bodies fulfil their **duty under S85 of the CRoW Act** to have regard to the purpose of conserving and enhancing the natural beauty of the AONB in the exercise and performance of their functions.
- 2.9. The Partnership will establish and maintain **effective working relationships** with relevant bodies at national, regional and local levels where these can contribute to the achievement of the objectives of the Shropshire Hills AONB and can contribute to wider understanding and best practice in protected area management.
- 2.10. The Partnership will **monitor condition of the AONB and progress** with Management Plan implementation, and will publish an annual review of progress.
- 2.11. The Partnership will share best practice at a regional and national level, and contribute to the development of AONBs, especially by belonging to and playing an active part in the **National Association for AONBs.**
- 2.12. The Partnership will link and co-ordinate appropriately with **Local Joint Committees** and other local partnerships.
- 2.13. The Partnership will **evaluate** its activities and seek to **make continuous improvements** including through developing the knowledge and skills of its members.

Roles specific to the AONB Partnership (the Joint Advisory Committee itself):

- 2.14. The Partnership will **receive relevant reports** to consider matters of strategy or policy or relating to implementation of the Management Plan, and give advice and

recommendations to the responsible local authorities, statutory bodies and others on these matters.

- 2.15. The Partnership will establish and operate **sub-groups and Working Groups** and delegated governance structures that it considers are necessary for the effective performance of its functions.
- 2.16. The Partnership will play a **scrutiny role in relation to the AONB designation**, seeking to ensure that the **policy and practice of partners and other organisations** are aligned with the AONB's purposes, and with priorities of the Management Plan; and making constructive recommendations and proposals for improvement.
- 2.17. The Partnership will undertake a **biennial review of its membership**, and will periodically review its governance to ensure that it remains fit for purpose.
- 2.18. All members of the Partnership will be requested to sign a **'Membership Accord'** setting out the basis on which they will be expected to contribute to the work of the Partnership (see Appendix 4).

3. Role of the host authority

- 3.1. The principal roles of the host authority are:
 - to employ the Staff Unit on behalf of the Partnership and provide all necessary personnel support;
 - to advise and, where appropriate, to act on behalf of the Partnership in respect of legal and financial matters;
 - to provide administrative and other support services which assist in the effective operation and functioning of the Partnership (e.g. IT and payroll, accountancy services);
 - to provide technical advice and support to the Partnership to ensure that it complies with any legal requirements (e.g. staff development, health and safety, managing premises, etc).
- 3.2. The Staff Unit will work for the whole Partnership and have its own identity. Activities will be delivered under the identity of the Partnership, rather than that of the host authority or individual parties. A degree of independence for the Partnership from the host authority will be necessary, particularly when the Partnership is consulted by or is required to make comments and provide advice on schemes and activities of its constituent Local Authorities.
- 3.3. An AONB Partnership Manager will be employed at a senior level to act as a respected advocate for, and champion of the AONB. The AONB Partnership Manager will be given authority to work with key partners at a senior level, for example Chief Executives, lead Planning Officers, key committees and Local Authority members. The line management of the AONB Partnership Manager for day to day purposes will be through the host authority.

4. Membership

- 4.1 Membership of the Partnership will be as follows:

- Four elected Members appointed by Shropshire Council (representatives should be relevant portfolio holders or local ward members);
- One elected member appointed by Telford and Wrekin Council (the representative should be a relevant portfolio holder or local ward member);
- Six elected members of parish or town councils within or partly within the AONB;
- A maximum of seven representatives of other statutory bodies;
- A maximum of twenty representatives appointed by non-statutory or voluntary organisations;
- A maximum of seven individual members.

All of the above will be full voting members.

- 4.2 The Partnership will review its membership not less than every two years. This will include reappointment to individual member seats, and may include further review as the Partnership deems necessary. The Partnership will operate an application process for the individual member seats and Parish/Town Council seats, and where necessary for non-statutory or voluntary organisations. Appointment of applicants to seats will be made by the full Partnership, based on the following criteria:

Individual and 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 Partnership.

Non-statutory and voluntary bodies

- 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 Partnership.

- 4.3 Statutory and non-statutory bodies on the Partnership will appoint a named representative to attend as their member, and may identify a named 'deputy' who will also receive papers and may attend meetings in place of the representative without prior arrangement. A representative other than the named member or deputy may attend a meeting in their place by agreement with the Chair.

- 4.4 The Rules of Procedure of the Partnership are set out in Appendix 1.

5. Management Board

The general remit of the Management Board will be:

- 5.1. **On behalf of the Partnership to oversee the work of the AONB Team and the finances of the AONB Partnership, and to make representations and recommendations and give advice on behalf of the Partnership where appropriate.**

In particular the Management Board will:

- 5.2. **Monitor progress** with the annual work programme for the AONB Team staff.

- 5.3. **Provide guidance** to the AONB Partnership Manager and make recommendations to improve the effectiveness and performance of the AONB Team.
- 5.4. **Scrutinise budgets and management accounts** of the AONB Partnership, including the LEADER programme, and advise and recommend to the host authority (Shropshire Council) and funding partners on these matters.
- 5.5. **Approve or endorse significant decisions** on the deployment of the Partnership’s staff and financial resources.
- 5.6. Comment on and develop initial **drafts of reports and policy statements**.
- 5.7. **Take decisions or agree positions** on behalf of the AONB Partnership as delegated.
- 5.8. **Foster understanding** of and support for the AONB Partnership and its activities among key organisations and the wider community.
- 5.9. The Management Board may participate in **recruitment** and appointment of staff of the AONB Team on behalf of the Partnership to the extent that this is consistent with Shropshire Council’s procedures.
- 5.10. **Membership** of the Management Board will be:
 - The Chair and two Vice-Chairs of the Partnership (one Vice chair will be a Shropshire Council member - see Rules of Procedure para 2.1 at Appendix 1);
 - The elected member representing the Telford & Wrekin Council (if not one of the Vice Chairs);
 - Six additional Partnership members elected biennially by the Partnership.
 - A local authority officer lead representative from Shropshire Council.
- 5.11. The Management Board may **co-opt** members to these seats if they are not filled by an election process.
- 5.12. The Management Board may assign certain members to **advise on particular topics** to provide additional support to the Chair and AONB Partnership Manager. The scope and responsibilities for such roles will be defined in writing.

APPROVAL OF TERMS OF REFERENCE

Signed
 Date
 Position
 on behalf of SHROPSHIRE COUNCIL

Signed
 Date

Position
on behalf of TELFORD AND WREKIN COUNCIL

Appendix 1 Rules of Procedure of the Partnership.

All parties recognise that the Partnership is likely to be most effective if its recommendations can be reached by consensus rather than by confrontation, but if it is necessary to regulate any debate then the Chairman shall have the power to order that the Council Procedure Rules Sub-Committees under the Constitution of Shropshire Council shall apply.

1. Meetings

1.1. The Partnership will normally meet three times per year. A site-based meeting or tour will normally be held annually. The Chair of the Partnership may call additional meetings or cancel pre-arranged meetings if it is felt that there is either urgent business which needs to be discussed or there is insufficient business to justify a meeting being held.

1.2. The Management Board will normally meet three times per year, with additional meetings being called (or cancelled) as necessary by the Chair.

1.3. Other sub-groups or Working Groups established by the Partnership will meet as determined by those groups.

2. Chair and Vice Chairs

2.1. The Partnership will elect its own Chair on a biennial basis, or as necessary. The Chair will be a non-local authority member. The Chair will not serve for more than three consecutive terms (i.e. six years maximum). Both Vice Chair posts will be elected biennially by the Partnership, or as necessary. One Vice Chair post will be an elected member of Shropshire Council and the other Vice Chair post will be open to any Partnership member. Nominations will be invited in advance of the meeting at which the elections take place.

2.2. The Chair of the Partnership will also be the Chair of the Management Board.

2.3 In the event of neither the Chair or Vice Chair being present at a meeting of the Partnership, a chair for the meeting will be elected by the Partnership members present.

2.4 The expectations of Chair and Vice Chair roles are set out in Role Descriptions and Person Specifications, which will be reviewed as necessary by the Partnership.

3. Local authority officers

3.1 A local authority member may be accompanied to a Partnership meeting by one officer, but an officer may still attend if the member is absent.

3.2 If a member wishes to be accompanied to a Partnership meeting by more than one officer, or if more than one officer wishes to attend such a meeting when the member is absent, this should be with the prior agreement of the Chair.

3.3 Local authority officers attending Partnership meetings do not have the right to vote on issues being decided by the Partnership, except when the member representative of the local authority is not in attendance and he/she has delegated authority to the officer to vote on his/her behalf. In such cases, one local authority officer, with the prior agreement of the Chair, may vote on behalf of the member.

4. Declaration of interests

4.1 Members of the Partnership and any of its sub-groups 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).

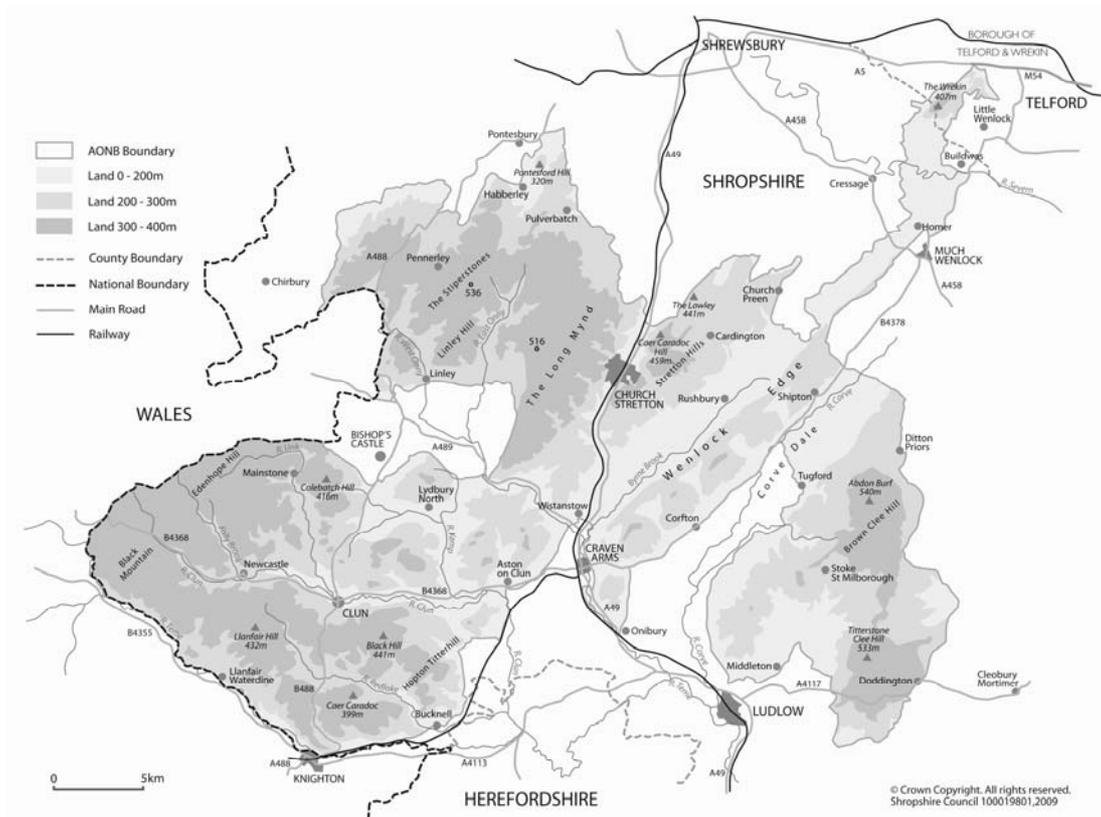
If the group is making a material decision in relation to such a declared interest (e.g. approval of a grant) the member must leave the meeting for discussion of that item and the decision, but may make a brief statement of information before leaving. If the Chair decides that the discussion or decision 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.

4.2 Members who have other decision making or regulatory roles (e.g. planning, licensing) relating to a matter discussed shall declare such an interest. They may participate in the discussion and voting but should, if they intend to take part in the regulatory decision, make clear that their contribution is based on the facts available at the time, and that they may therefore decide to vote in a different way in the decision making body.

6. Withdrawal of membership

6.1 In the event of conduct or alleged conduct of a member which is not consistent with the Partnership's Terms of Reference, every effort will be made to resolve the issue by informal negotiation. The Partnership as a body may however in last resort resolve to withdraw membership 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.

Appendix 2 Map of the Shropshire Hills AONB



Appendix 3 Shropshire Hills AONB Partnership Membership Accord

The AONB Partnership, through the AONB Team, undertakes to:

- keep partners informed of the work of the Partnership, and of how money is spent.
- seek to foster relationships and common understanding with partners through personal contact as well as through written communication and organised meetings.
- ensure that there is a need and clear purpose for meetings, and ensure that good organisation prevents people being inconvenienced.
- prepare for meetings with agendas and supporting information to make the best use of everyone's time, and circulate these at least a week in advance for formal meetings.
- promptly circulate appropriate and accurate minutes or notes of meetings.
- outline as clearly as possible what we hope to achieve through particular areas of work, and seek to meet the realistic expectations which others have of us.
- acknowledge the support that people give, either through their professional or personal time, or through their knowledge, skills and efforts.
- provide appropriate support, recognition and training to volunteers who work for us or on our behalf.
- make grant claims to funders according to the timescales and conditions they require.
- provide training to Partnership members appropriate to their needs and role.

The Partnership in addition undertakes to meet the following customer care quality standards:

- Staff will be courteous and helpful. Where we are unable to assist anyone making enquiries or to offer a grant, we will explain why and seek to suggest alternative sources of assistance.
- We will take account of the abilities of people we deal with, and adapt our services as reasonably practicable to allow for this.
- We will respond to telephone, letter, email or fax enquiries within ten days.
- We will assess and pay grants as quickly as possible. Any forms will be clear and as simple as possible. Grant conditions will be as simple as required.
- We will pay invoices promptly and give priority to following up enquiries from creditors.

Members of the Partnership undertake to:

- promote the conservation and enhancement of the natural beauty of the AONB and champion the vision set out in the AONB Management Plan;
- contribute knowledge, expertise and experience to the work of the Partnership;
- support and play a full and active part in the work of the Partnership in fulfilling its roles and responsibilities as set out in the Terms of Reference;
- assist the Partnership in achieving an independent and apolitical profile in the performance of its functions;
- attend Partnership meetings whenever possible and, if no longer able to attend meetings on a regular basis, to step down from the Partnership or to seek another representative from their organisation.
- read and consider Partnership papers in advance of meetings;
- recognise the validity of other members' views and accept joint responsibility for the decisions of the Partnership once made;

Organisations belonging to the Partnership undertake in addition, to:

- keep the Partnership informed of their work relevant to the AONB.
- be prepared to adjust their activities and work with others to improve co-ordination of activity in the AONB.
- report back to their organisation on the work of the Partnership, and bring to the Partnership or AONB Team appropriate and relevant updates and information.