

COUNCIL APPROVAL OF AONB PARTNERSHIP TERMS OF REFERENCE

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Summary

This paper brings forward slightly amended new Terms of Reference for the AONB Partnership and the re-named Management Board, following further discussions between the Legal teams of both Councils.

Recommendation

The Partnership is recommended to endorse its new Terms of Reference to go forward for formal approval by the two Councils, and to approve the new Terms of Reference for the Strategy & Performance Committee.

Background

The revised Terms of Reference developed by the Management Board during 2018 were brought to the Partnership on 23rd October 2018. A number of comments and queries were received from Telford & Wrekin Council at that time but were unfortunately not available at the 23rd October meeting. These have now been discussed between the Legal teams of the two Councils, and there are some minor changes to the redrafted documents as appended, to ensure that both Councils are happy to formally approve the Terms of Reference:

- The number of seats allocated to different membership categories on the Partnership is to remain specified, and the maximum number of seats is proposed to be reduced from 45 to 36. It is proposed that reductions could be made by means of currently vacant seats and through the membership review due in the autumn of 2019.
- The procedures document becomes an Appendix to the Partnership's Terms of Reference and will therefore be approved by the two Council Cabinets. (The Strategy & Performance Committee is a sub-committee of the Partnership, and its Terms of Reference are approved by the Partnership itself).
- Sub-committees of the Partnership including the Strategy & Performance Committee would not have the ability to co-opt members.
- The term of office for the Chair and Vice Chairs, and for appointments to the Partnership and the Strategy & Performance Committee is to remain at two years.

List of Background Papers

Papers of the Management Board and sub-groups are available at <http://www.shropshirehillsaonb.co.uk/aonb-partnership/partnership/management-board-meetings/>.

The previous Terms of Reference are available at <http://www.shropshirehillsaonb.co.uk/wp-content/uploads/2010/10/Partnership-Terms-of-Reference.pdf> (note that these were endorsed by the Partnership in November 2015 but did not progress to formal approval by the two Councils due to the restructuring initiated in 2016).

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 Amended draft Terms of Reference for the AONB Partnership

Appendix 2 Amended draft Terms of Reference for the Strategy & Performance Committee

Appendix 3 AONB Partnership structure diagram

Shropshire Hills AONB Partnership

Terms of Reference

(Draft at 4 March 2019)

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 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 Councils").

1.3 The purposes of the national AONB designation are as follows:

- The primary purpose of designation is to conserve and enhance natural beauty.

Natural beauty goes well beyond scenic and aesthetic value. The natural beauty of an AONB is to do with the relationship between people and place. It encompasses everything – 'natural and human' – that makes an area distinctive. It includes the area's geology and landform, its climate and soils, its wildlife and ecology. It includes the rich history of human settlement and land use over the centuries, its archaeology and buildings, its cultural associations, and the people who live in it, past and present.

[AONB Management Plan Specimen text, NAAONB 2018]

- 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)

1.4 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 and expertise in the management of the area.

2. Roles and Responsibilities of the AONB Partnership

- 2.1 The Shropshire Hills AONB Partnership plays three main roles regarding the AONB:
- To promote the conservation and enhancement of the natural beauty, character and landscape of the Shropshire Hills AONB as a local, regional and national asset.
 - To promote compatible social, environmental, economic development and the wellbeing of constituent communities.
 - In pursuit of these ends, to prepare, monitor and review the statutory Management Plan for the AONB and to coordinate its implementation.
- 2.2 In order to perform the above roles and responsibilities 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'.
- 2.3 In addition, the Partnership will co-ordinate and facilitate the implementation of the Management Plan, and will monitor progress in achieving its objectives, policies and actions.
- 2.4 The Partnership will champion the interests of and vision for, the Shropshire Hills AONB, as contained in the statutory Management Plan, and promote a coherent and strong identity for the area.
- 2.5 The Partnership will 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. Detailed roles and procedures for the AONB Partnership's involvement in planning are set out in a formal Planning Protocol with the local authorities.
- 2.6 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.
- 2.7 The Partnership will 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.
- 2.8 The Partnership will monitor the condition of the AONB and progress with Management Plan implementation and will publish an annual review of progress and make recommendations to local authorities as appropriate.
- 2.9 The Partnership will periodically review its governance arrangements to ensure that they remain fit for purpose.

3. Membership

3.1 Membership of the Partnership will consist of a maximum of 36 people comprising the following:

- Four elected Members appointed by Shropshire Council (representatives should be relevant portfolio holders or local division members);
- One elected member appointed by Telford and Wrekin Council (the representative should be a local ward member);
- Up to 6 elected members of parish or town councils within or partly within the AONB;
- Up to 4 representatives of other statutory bodies;
- Up to 15 representatives appointed by non-statutory or voluntary organisations;
- Up to 6 individual members.

All of the above will have full voting rights.

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 Procedures of the Partnership

1. 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 Chair shall have the power to order that the Council Procedure Rules set out in Part 4 of the Constitution of Shropshire Council shall apply. Consensus will be taken as the majority of the members present and the Chair will have the casting vote where needed.
2. The Partnership may establish sub-committees and may delegate any of its powers and functions to sub-committees. Only Partnership members and officers of the Councils may be appointed to be members of sub-committees but officer members will not have any power to vote. Only the Partnership can appoint members of any sub-committee.
3. The Partnership may participate in other groups as it deems appropriate.

Frequency of Meetings

4. 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.

Chair and Vice Chairs

5. 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.
6. In the event of the Chair or Vice Chairs not being present at a meeting of the Partnership, a chair for the meeting will be elected by the Partnership members present.
7. 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.

Local Authority Officers

8. Local authority officers attending Partnership meetings do not have the right to vote on issues being decided by the Partnership.

Declaration of interests

9. Members of the Partnership and any of its sub-groups shall declare an interest in a meeting where a matter to be discussed may affect:
 - their own wellbeing or financial position, or
 - the wellbeing or financial position of a family member or 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

and shall leave the meeting room whilst that matter is being debated and voted upon.

10. Councillor Members of the Partnership shall, when acting as a member of the Partnership, comply with the code of conduct of their local authority.
11. Non-Councillor Members of the Partnership shall, when acting as a member of the Partnership, comply with the code of conduct of Shropshire Council.

Membership, Applications & Nominations

12. 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. The process will be transparent and non-discriminatory.
13. 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 in the surrounding 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 synergy with the remit of the AONB;
- A significant material or operational interest within the AONB;
- Representative with ability to make a valuable contribution to the Partnership.

14. 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.
15. The Partnership will undertake a biennial review of its membership.
16. 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 may however resolve to withdraw membership, or, in the case of an organisation member, resolve to ask the organisation to provide a different representative.

Shropshire Hills AONB Partnership

Strategy & Performance Committee

Terms of Reference

(Draft at 4 March 2019)

The Strategy & Performance Committee is a sub-committee of the AONB Partnership and will assist the Partnership to report at least annually to constituent local authorities.

Role of the Committee:

1. Advise the Partnership on the development of strategic direction and monitor progress with the annual work programme.
2. Provide guidance and make recommendations to the Partnership to optimise the effectiveness and performance of the AONB Team.
3. Scrutinise budgets, accounts and the deployment of resources at the disposal of the AONB Partnership and advise the Partnership on the formulation of recommendations to the host authority (Shropshire Council) and funding partners on these matters.
4. The Strategy & Performance Committee may participate as appropriate in the recruitment process of staff of the AONB Team on behalf of the Partnership, to the extent that this is consistent with Shropshire Council's procedures.

Membership and operation

5. Membership of the Committee will be:
 - The Chair and two Vice-Chairs of the Partnership;
 - The elected member representing Telford & Wrekin Council on the Partnership (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 (non-voting).
6. The committee 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 any such roles will be defined in writing.
7. The Committee will normally meet quarterly, with additional meetings being called (or cancelled) as necessary by the Chair.
8. The Chair and Vice Chairs of the Partnership will also be the Chair and Vice Chairs of the Strategy & Performance Committee.

Shropshire Hills AONB Partnership structure (February 2019)

