



**Bryniau Clwyd a
Dyffryn Dyfrdwy**
Clwydian Range
and Dee Valley

Ardal o Harddwch Naturiol Eithriadol
Area of Outstanding Natural Beauty

**JOINT COMMITTEE
Of THE
CLWYDIAN RANGE & DEE VALLEY
AREA OF OUTSTANDING NATURAL BEAUTY**

Held on: 14th November 2014

Lead Member / Officer: Gary Williams,
Denbighshire County Council Head of Legal and
Democratic Services and Secretariat to the AONB

Report Author: Lisa Jones, Solicitor/ Deputy Monitoring Officer

Title: OVERVIEW OF JOINT COMMITTEE AGREEMENT

1. What is the report about?

The report is an overview of the legal joint committee agreement.

2. What is the reason for making this report?

The reason for making this 'information only' report is that members will then be familiar with the Joint Committee agreement and its obligations on all parties.

3. What are the Recommendations?

There is no resolution required but that members note the content of the report.

4. Report details.

The Agreement came into force on the 1st May 2014 and continues until the 31st March 2019. Before this date there should be a review of the Agreement and unless there is any variation, withdrawal or termination under the Agreement, the Agreement shall continue on a rolling 5 year term, with a review on or before the expiry of each 5 year term.

The Joint Committee comprises the following membership which have all now been appointed by their respective Authorities:

1. The Lead Authority will appoint two members being County Councillors who are members of the Lead Authority's Executive Board or Cabinet.
2. Each Authority other than the Lead Authority appoints two members being Councillors of that Authority who are members of that Authority's Executive Board or Cabinet.

The Agreement sets out the objectives of the Joint Committee which are:-

- to seek to ensure that the natural beauty of the AONB is conserved and enhanced.
- to sustain and enhance the conservation value of the AONB.
- through consultation with the Authorities, with Partners and the general public, to promote wider public understanding of the purposes for which the AONB was designated.
- to seek, by influencing the Authorities, Partners and other bodies and organisations, to achieve a synergy between existing and future activities within the AONB and the purposes for which the AONB was designated.
- to seek to ensure that the parts of the AONB to which the public has rights of access are accessible and, as appropriate, to achieve wider access to the AONB by actual or virtual means.
- to promote the sharing of good practice and consistency of approach towards the AONB
- to have due regard to the needs of agriculture and forestry and to the economic and social interests of rural areas
- to seek to ensure that the Functions are so exercised as to attract the maximum available funding from Natural Resources Wales and from other external funding sources consistent with the attainment of the other Objectives set out above

The functions of the Joint Committee in relation to these objectives are:-

- after consultation with the Authorities and the AONB Partnership, to prepare and publish the Management Plan or to review, adopt and publish the Management Plan

- after consultation with the Authorities and the AONB Partnership, to produce and approve an Action Plan for the purpose of achieving the objectives of the Management Plan
- to monitor the implementation of the Management Plan and of the Action Plan by means of the Annual Report and to make recommendations to all or any of the Authorities and the Partners as to their implementation
- to administer and undertake the Core Functions within the Core Budget and to carry out undertake procure or implement the non-Core Functions and the Action Plan in accordance with the provisions of this Agreement and within the Actions Budget
- to undertake the periodic review of any published Management Plan and to consider and make representations upon any matter relating to the Objectives and the Functions
- through the Annual Report and by such other means as the Joint Committee think fit to publicise the Management Plan to the Authorities, Partners and the general public
- to consider and make representations on Local Development Plan Policies and proposals and proposals for development affecting the CR and DV AONB.
- regularly to review and scrutinise the decisions and actions taken by the Officer's Working Group
- to undertake such public and other consultation as the Joint Committee shall consider desirable or necessary in relation to the achievement of the Objectives and to collate and share with the AONB Partnership, the Authorities, Partners and others the results of such consultation
- to carry out, procure or promote any activities or matters which are incidental or ancillary to the exercise of the Functions and which the Joint Committee deem to be of benefit to Clwydian Range and Dee Valley AONB.

The Joint Committee has delegated powers from the Authorities to expend the Budget and to implement or procure the implementation of the Action Plan each year, subject to the financial and resources implications of those decisions being contained within the Budget for the financial year or within the approved budgets of the Authorities.

The Joint Committee shall refer to the Authorities any matter which falls outside the Joint Committee's delegated powers or which the Joint Committee consider for any reason should properly be decided by the Authorities and not by the Joint Committee.

The Joint Committee does not have any legal powers to borrow or to employ officers, hence the requirement for a lead or 'host' authority. Furthermore, the Joint Committee shall be constituted (and will have adopted its Constitution at its first meeting) and must conduct its business, in accordance with this. The Financial Regulations, Contract Standing Orders and the Rules of Debate of the Lead Authority shall however apply.

The Legal Agreement makes reference to the Officers' Working Group, who shall co-opt as advisers a nominee from Natural Resources Wales (not exceeding five persons in aggregate at any time), who shall be entitled to attend any meeting of the Officers' Working Group and to speak on any item of business.

The Officers' Working Group may co-opt other officers of the Authorities and any Partner (whether in an individual or a representative capacity) from time to time, who shall be entitled to attend any meeting of the Officers' Working Group during their co-option and to speak on any item of business. The Joint Committee shall have the Officers Working Group and the AONB Team at its disposal in order to discharge the Functions.

The functions of the Officers' Working Group will be to consider, and make recommendations in consultation with the AONB Partnership and AONB Team as to the strategic direction; implementation and delivery of the Management Plan and the Annual Action Plan; to promote in all practicable respects the objectives of the Joint Committee and to develop policies (including development plan policies affecting the AONB) for these purposes.

To make recommendations to the Joint Committee, in consultation with the AONB Partnership, about the Budget and on proposals for joint commissioning, joint ventures and the establishment of partnership agreements and service level agreements relating to the attainment of the Objectives. The Officers' Working Group will implement the decisions of the Joint Committee taken under the powers delegated to the Joint Committee.

The Joint Committee and the Officers' Working Group will be supported by the AONB Team. This team will :-

- co-ordinate and prioritise the day to day activities of the Joint Committee in attaining the Objectives and promote the value of CR and DV AONB in the Community
- liaise between and advise and influence the Joint Committee, the Authorities, the Associated Bodies, Partners and other agencies and persons
- monitor progress and expenditure on individual projects in the Action Plan and prepare the Management Plan and Action Plan for consideration, and make recommendations on them
- in consultation with the Treasurer, appraise individual projects for funding and for inclusion in the Action Plan including the assessment of

the adequacy of the financial and management controls in place for each such project

- monitor and co-ordinate progress and expenditure on individual projects within the Action Plan and evaluate and report on the outcomes and effectiveness of projects
- develop a vision and a strategy for the management of CR and DV AONB
- seek additional funding from all sources to assist the delivery of the Objectives and the Action Plan
- provide planning and related advice to the Joint Committee on Development Plan policies and proposals and on proposals for development affecting CR and DV AONB.

Denbighshire County Council has been appointed from the date of the Agreement as the Lead Authority, and the role of the Lead Authority shall be exercised subject to the approval of the Joint Committee and shall be as follows:-

- to undertake the duties and responsibilities of the Lead Authority referred to in the Agreement
- to act on behalf of the Joint Committee when this achieves Best Value or adds value to the attainment of the Objectives or the performance of the Functions or when it is necessary or desirable to do so in order to attract or secure external funding or other resources from outside the Authorities.
- to make and provide all appropriate banking accounting and audit arrangements and services required for the due and proper receipt, holding and application of the Joint Committee's funds,
- to be the legal point of contact with suppliers for all joint procurements
- to provide such administrative resources as shall be reasonably necessary to enable the Joint Committee to discharge their respective roles, duties and functions.
- to provide the secretariat for any relevant meetings of the Associated Bodies.

Any Authority may withdraw from the Joint Committee by giving not less than 18 months notice to the other Authorities and the Secretary of the Joint Committee. Any Authority wishing to withdraw from the Joint Committee undertakes as a condition of withdrawal to make prior to withdrawal such reasonable payment or payments which fairly reflect the actual losses caused by or anticipated as a result of the withdrawal

as shall be determined by the other Authorities, and this is reflected in the terms of the agreement.

5. How does it contribute to the Clwydian Range & Dee Valley AONB Management Plans Priorities?

The formation of a legal structure in the form of a Joint Committee and its ancillary legal agreement supports all aspects of the AONB management plan.

6. What will it cost and how will it affect other services?

Future governance of the Joint Committee will be met within existing budgets and the cost of setting up the legal structure has been contained in house by the councils respective internal legal teams.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision?

Not required.

8. What consultations have been carried out with Scrutiny and others?

Denbighshire County Council, Flintshire County Council and Wrexham County Council have all signed the Legal Agreement. Modernising Governance is part of the agreement. The agreement has been scrutinised as required by each authority. The Interim Joint Advisory Committee of the AONB has endorsed the review of governance.

9. Chief Finance Officer Statement

The agreement will provide the AONB Joint Committee with improved financial planning and stability while ensuring that budgets are agreed annually which will allow all member authorities to respond to changes in financial circumstances. There are no additional costs to DCC as a whole as the additional financial, legal and administration support will be provided within existing staffing structures.

10. What risks are there and is there anything we can do to reduce them?

None are identified. The legal agreement sets out respective obligations and provides termination provisions.

11. Power to make the Decision

Local Government Act 2000, where Local authorities can enter arrangements to 'Discharge functions jointly with one or more other local authorities by means of a Joint Committee'