

Joint Committee Meeting 26th June 2015

Item 5 Appendix 1

CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY AONB PARTNERSHIP DRAFT CONSTITUTION AND TERMS OF REFERENCE

Introduction

Legislation

1. Areas of Outstanding Natural Beauty (AONB's), together with National Parks, represent the United Kingdoms 'Finest Landscapes'. The founding legislation for AONBs is the National Parks and Access to the Countryside Act 1949 (Section 87 (1)). The Countryside and Rights of Way (CRoW) Act 2000 replaces the 1949 Act. AONB designation is now under Section 82 of the CRoW Act 2000 for the **sole purpose of conserving and enhancing the natural beauty of the area.**
2. Section 85 of the CRoW Act 2000 requires any Minister of the Crown, any public body, any statutory undertaker and any person holding public office to have regard to the purpose of conserving and enhancing the natural beauty of an AONB when exercising or performing any functions in relation to, or so as to affect, land in that AONB.
3. Section 89 of the CRoW Act 2000 requires each local authority in whose area an AONB lies to prepare and publish a plan which secures the purposes of designation and formulates their policy for the management of the area; and for the carrying out of their functions in relation to it. The local authorities must review that plan every five years.
4. The Clwydian Range was designated by the Secretary of State for Wales in 1985 and extended by Welsh Government's Environment Minister in 2011 to become the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty

Description

5. The Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) is the dramatic upland frontier of North Wales. Since being extended in 2011 the AONB now covers 390 square kilometers of windswept hilltops, heather moorland, limestone crags and valleys.
6. Almost touching the coast at Prestatyn Hillside in the north and stretching to the summit of Moel Fferna at 630 meters in the remote Berwyn Mountains. Yet it is a vibrant place with a working mosaic of farming, forestry and sustainable recreation. The area includes the serene Dee Valley with dynamic Llangollen and its unique International Eisteddfod, whilst it stretches east to the masterpiece of Thomas Telford the Pontcysyllte Aqueduct and the tranquility of the Llangollen Canal.
7. Being designated an AONB, one of just five in the whole of Wales, protects its stunning natural beauty for future generations. But this is not just a story of place. It's about people too.

8. Humans have shaped this remarkable landscape since Iron Age tribes built a chain of hillforts all along the Clwydian Range and Llantysilio Mountains. They are still making their mark today.
9. Offa's Dyke Path National Trail, which passes right through the whole AONB from Prestatyn to Chirk, is a great way to connect with our unique Welsh blend of nature, heritage and culture. We're one of the least discovered yet easiest to explore of Britain's finest landscapes.
10. There is no doubt that the Clwydian Range and Dee Valley AONB incorporates a significant central geographical land mass (nearly 39,000 hectares), with popular attractions such as Llandegla Mountain Bike Centre (300,000 visitors per annum) together with attractions with potential such as Minera Lead Mines.
11. The AONB provides a significant health and wellbeing opportunity to the conurbations in Deeside, Wrexham, Cheshire and Merseyside who choose to come and enjoy the landscape of the AONB.
12. The economic function of the three Authorities has been undergoing a radical change over the last 50 years. There has been a reduction in heavy manufacturing, engineering and mining, together with a mechanisation and rationalisation of farms holdings and subsequent loss in employment in the rural economy.
13. This has meant that an increasing reliance on rural tourism in the three authorities. Most of the significant tourism attractions in North East Wales lie now within the AONB and it is the setting in the landscape of the AONB that makes each one so attractive, Ty Mawr Country Park, the Llangollen Railway and Loggerheads are all key destinations that are and can work in harmony with the AONB.

The key benefits of the Joint Committee are:

14. **Greater Visibility-** of the AONB- a Joint Committee has the delegated power to champion the designation and achieve the Vision. The AONB has its own voice and can agree actions with others.
15. **Improved clarity-** a Joint Committee has clearly defined roles, responsibilities and accountability for the governance of the AONB.
16. **Improved co-ordination of AONB Actions-** a Joint Committee has the authority to act across the local authority boundaries.
17. **Improved efficiency and effectiveness-** a Joint Committee is the single point of contact for all AONB governance issues. It is small enough to make decisions and large enough to generate debate.
18. **Explicit strategy-** a Joint Committee has a clear programme to deliver the AONB Vision.
19. **Focused Leadership-** a Joint Committee has the resources to implement the AONB programme, with elected members focusing on the purpose of AONB designation and the needs of citizens and service users. They will deliver a high quality, cost effective service.
20. **Responsible Stewardship-** a Joint Committee is held to account; it is responsible with resources, especially other people's resources.

21. **Icons-** there are specific jewels which straddle more than one Authority. The Joint Committee will influence and contribute to the management of them they include: The Pontcysyllte Aqueduct and Llangollen Canal World Heritage Site, Moel Famau and the Jubilee Tower and Chirk Castle.

AONB Partnership

22. Although the Joint Committee is seen as ‘good practice’ for the governance of the AONB; it needed the support of a wide Partnership to take forward many of the former aspects of the previous Interim AONB Joint Advisory Committee.
23. The AONB Partnership was formed to advise the Joint Committee on the exercise of the Functions.
24. The Joint Committee has now established a new body **the AONB Partnership** which is will be made up of a number of individuals, the individuals have a keen interest in many aspects of the AONB:

List of members for AONB Partnership appointed for 4 years	
AONB-wide representatives	<ul style="list-style-type: none"> • 9 local authority members (3 from each Council as nominated by their respective Councils) • 3 land management interests • 2 rural community interests • 2 urban community interests • 1 business interests
Management Plan priorities representatives <i>Current management plan priorities shown</i>	<ul style="list-style-type: none"> • 1 Landscape • 1 Natural • 1 Historical • 1 Access and Recreation • 1 Built Environment
Special Interest representatives	<ul style="list-style-type: none"> • 3 individuals or organisations
No more than 9 years consecutive service ¹	
In making the appointments, the local authorities will ensure that the World Heritage Site is represented	

Terms of Reference

25. The AONB Partnership’s Terms of Reference are:

Terms of reference for the AONB Partnership
<p>To bring together key interests in the Clwydian Range and Dee Valley AONB to consider and advise on conservation and enhancement of the natural beauty and locally distinctive character of the landscape, including its physical, ecological and cultural make-up; and in particular:</p> <ul style="list-style-type: none"> • Raise awareness of the importance and purpose of the AONB • Contribute to and help implement the AONB Management Plan • Encourage local communities and all public bodies and agencies to conserve and enhance the natural beauty of the AONB and its setting • Promote the sustainable social and economic wellbeing of the area • Provide a forum for discussion for issues affecting the AONB

¹ A limit of nine consecutive years is in line with standard practice for the appointment of individuals to public bodies.

- Advise local authorities and other agencies on the impact of their activities on the AONB and on the preparation of their plans covering all or part of the AONB, to ensure that policies and practices are consistent with the AONB management plan
- Advise the Joint Committee in relation to the Local Development Plan to ensure that the protection of the AONB is properly taken account of and that a consistency of approach is achieved over the whole area
- Advise the Joint Committee about the impact of any development proposals, within or adjacent to the AONB, that are likely to affect significantly the character and natural beauty of the area
- Make recommendations to the Joint Committee regarding the appropriate recipients of any Welsh Government's AONB Sustainable Development Fund monies.
- Foster links with other protected landscapes

The Role of Members, Advisors and Officers

26. Members should contribute their expertise and knowledge to further the purposes of AONB designation and the Terms of Reference of the AONB Partnership. They should act at all times without political bias or personal interest to achieve these ends. Members are expected to abide by a Membership Accord which sets out the basis on which they will be expected to contribute to the work of the AONB Partnership. A copy of the Accord is attached as Appendix 1.
27. Members appointed to the Partnership have a primary responsibility to ensure that the Partnership furthers the statutory purposes set out in the CROW Act 2000. They should regard themselves first and foremost as members of the Partnership, with a duty to act in the best interests of the Partnership and of the AONB, rather than representatives of any organisation or interest.
28. Officers of the AONB Team, NRW and other agencies will act as advisors to the AONB Partnership

Chair and Vice Chair

29. The Chair and Vice Chair of the Partnership are appointed by the full AONB Partnership from the membership of the Partnership for a period of 2 years.

Substitutes

30. Members who cannot attend a meeting can nominate a substitute to attend on behalf of their behalf. However as members were appointed to the Partnership as 'individuals' it is a requirement that the substitute has completed a 'Substitute's Application Form' in advance of any meeting which will mean agreement to abide by the AONB Accord, Constitution and Terms of Reference. The Secretariat should be notified of substitutes in advance of the meeting. Where applicable, Local Authority members should be aware of the need to maintain political balance when nominating substitutes.

Code of Conduct

- 31.** As the AONB Partnership does not have a specific code of conduct, local authority members are bound by the Local Authorities (Model Code of Conduct)(Wales) Order 2008, which states at paragraph 3 of the Order:
- 32.** “Where you are elected, appointed or nominated by your authority to serve on another relevant authority, or any other body, which includes a police authority or LHB, you must when acting for that other authority or body, comply with the code of conduct of that other authority or body; or on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.”

Partnership and Working Group Meetings

- 33.** The full AONB Partnership usually meets twice a year, but is supplemented by Working Group meetings which are convened as necessary. The Built Environment Working Group has delegated authority to respond to planning and other consultations on behalf of the AONB Partnership. The Sustainable Development Fund (SDF) Working Group has authority to decide grant applications.
- 34.** It is envisaged that a number of new Working Groups will be formed to deliver the Management Plan and other work. They may be temporary task and finish groups, which could have AONB Members, other officers or individuals. The ideal number of members should be ideally 5 to 8. The AONB Team would act as both the secretariat and advisors to these groups.
- 35.** The Sustainable Development Fund Working Group currently has 10 members and is made up of both Joint Committee and Partnership Members
- 36.** At least a quarter of members (or their nominated substitutes) should be present at meetings to constitute a quorum (7 for full AONB Partnership meetings and 3 for the SDF, Built Environment Working Groups and other Working Groups). The formal business of the meeting will be abandoned if a quorum is not present, but informal discussion may take place.
- 37.** In the event of the Chair and Vice Chair being unable to attend a meeting the Group will appoint a chair for the meeting from the Partnership members present.
- 38.** AONB Partnership meetings will be open to the public who, at the discretion of the Chair and with prior approval, can ask questions or otherwise contribute to relevant business of the meeting. Public notice of meetings will be posted on the AONB website at least three working days before the meeting. Copies of agendas, minutes and associated papers will also be made available on the website.
- 39.** If a member of the public interrupts the proceedings of any meeting the Chairman shall warn that person. If the interruption continues the Chairman shall order the person's removal from the meeting room.
- 40.** In the case of general disturbance in any part of the meeting room open to the public the Chairman shall order that part to be cleared.

41. If a member of the AONB Partnership in the opinion of the Chairman behaves improperly or offensively or deliberately obstructs business the Chairman shall warn that person. If the member continues to behave improperly the Chairman or any member may move that either the member leave the meeting or that the meeting is adjourned for a specified period.

Voting

42. As a body which embodies the principles of co-operation and partnership most decisions are reached by consensus. However, where there is a clear difference of opinion a vote can be taken. Each of the 25 permanent members (or their nominated substitutes) has a vote. The Chair of the meeting shall have a casting vote in the event of an evenly split vote.
43. Councillors who are on the Planning Committee of their Council should act in line with the Members' Code of Conduct. In practice this means that unless they have a personal and prejudicial interest, members can take part in discussions at the AONB Partnership and vote on planning applications, which will subsequently be considered by them as members of their Council's Planning Committee. Planning Committee Members, will again need to consider, when the time comes to consider the matter at their Council's Planning Committee, whether they have predetermined their view. In such circumstances Members may wish to seek some guidance from their Authority's Monitoring Officer. If a Member determines at any AONB Partnership meeting that they have a personal and prejudicial interest, members should declare this and leave the room. They may not take part in the debate or seek to influence the decision. The minutes of meetings will record those who do not take part in any votes or have declared a personal or prejudicial interest. This will ensure a transparent approach and confirm that members have not been influenced and have kept an open mind prior to the application being considered by Planning Committee. It should be noted that County Councillors who are on their respective Local Authority Planning Committee can vote on planning applications in the other two Local Authority areas of the AONB, subject to compliance with their Code of Conduct.

Urgent Matters and Delegations

44. In exceptional circumstances where an urgent response is required and it is not possible to convene a meeting of the AONB Partnership or Working-Group, officers can respond on behalf of the AONB Partnership in consultation with the Chair or Vice Chair. For some planning applications and consultations Officers can comment on behalf of the AONB Partnership in accordance with the 'Planning and Development Consultation Scheme of Delegation' approved by the AONB Joint Committee and AONB Partnership. All urgent or delegated decisions should be reported for information to the next meeting of the AONB Partnership.
45. Full AONB Partnership and Working Group meetings will include an 'Urgent Matters' item to allow members and officers to raise relevant issues of interest or concern which could not be included on the agenda for the meeting. The Chair and AONB Partnership Secretariat should be notified in advance of any such matters, which will be referred to the meeting at the discretion of the Chair

Officers Working Group

36. The Authorities will establish the Officers' Working Group which shall comprise one nominated officer representative of each Authority. The Secretary to the Joint Committee and the Treasurer to the Joint Committee or their respective nominees shall be entitled to attend any meeting of the Officers' Working Group and to speak on any item of business.

37. The officer of each Authority nominated to serve as its officer representative on the Officers' Working Group shall be a senior officer of that authority having responsibility at officer level for, or close senior level involvement in, the AONB.
38. Each officer nominated under paragraph 4.1 shall be entitled to attend, but not to vote at, meetings of the Joint Committee.
39. If the officer nominated under paragraph 4.1 is unable to attend a meeting of the Joint Committee or the Officers' Working Group, the Authority which nominated the officer may nominate a substitute of comparable seniority to attend that meeting. The nomination of such officer shall be made to the Chair of the Officers' Working Group either prior to or at the meeting.
40. The Officers' Working Group shall co-opt as advisers any nominee for the time being of 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.
41. 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:-

42. 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.
43. 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.
44. The Officers' Working Group shall implement the decisions of the Joint Committee taken under the powers delegated to the Joint Committee.
45. The Officers' Working Group shall comply with the Lead Authority's Standing Orders and Financial Regulations.
46. The Officers' Working Group may establish any Topic Group to assist it in carrying out its functions.

AONB TEAM

47. The Joint Committee and the Officers' Working Group will be supported by the AONB Team
48. The AONB Team will comprise the AONB Officer and such other dedicated staff as may be employed from time to time wholly or mainly for the purposes of the AONB functions from within the Core Budget.

The AONB TEAM will:-

49. 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.
50. Liaise between and advise and influence the Joint Committee, the Authorities, the Associated Bodies, Partners and other agencies and persons.
51. 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.
52. 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.
53. 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.
54. Seek additional funding from all sources to assist the delivery of the Objectives and the Action Plan.
55. Provide planning advice to the Joint Committee on Local Development Plan policies and proposals and on proposals for development affecting CR and DV AONB.
56. Respond to any General Development Proposals which may be delegated to them by the Joint Committee.
57. The members of the AONB Team shall be employees of the Lead Authority and accordingly their terms and conditions of service shall be those of the Lead Authority. The Team shall work in close partnership with any of the Authorities equivalent staff who may be employed by any Authority.
58. All members of the AONB Team shall comply with the Lead Authority's Standing Orders and Financial Regulations.
59. Other support services for the Joint Committee shall include the provision of financial, legal and administrative services and such support services to the Joint Committee (to the extent that they are not provided by the Officers' Working Group) shall be provided by the Lead Authority subject to democratic services support being provided in rotation by the Authorities.

AONB TEAM

60. CORE TEAM POSTS 2015/16

61. Full Time: 7 Part Time: 3
62. AONB Officer (x1), Assistant AONB Officer (x1), Policy and Access Officer (x1) Communications Officer (x1) Part Time, Planning Officer (x1) Part Time, Grants Officer (x1), Countryside Officer (x1), Area Project Officers (x3) 1 Part Time

AONB Award

63. Each year the AONB Partnership considers nominations for an AONB award which is intended to promote good practice within the AONB. Awards can be given to public and private organisations or individuals in recognition of an exceptional achievement or contribution to conservation or enhancement of the AONB. Up to three awards can be made by the AONB Partnership each year.

JAC Reference Documents

64. 'A Guide for Members of Joint Advisory Committees' Countryside Council for Wales/Countryside Commission (1994)
65. 'An Introduction to Areas of Outstanding Natural Beauty in Wales' CCW (2003)
66. 'Clwydian Range AONB Management Plan (2009-14)
67. 'Guidelines for Planning Consultations in the Clwydian Range AONB (and Area of Outstanding Beauty) '(2004)
68. 'Consultation Scheme of Delegation: Guidance Note' (2006)
69. 'Guidance on Development in the Clwydian Range AONB' (2008)
70. 'AONB's in Wales – Guidance on the Review of Management Plans' CCW (2009)
71. 'Clwydian Range and Dee Valley AONB Interim Statement on the extension area' (2012)
72. 'Clwydian Range and Dee Valley AONB Legal Agreement' (2015)
73. 'Clwydian Range and Dee Valley AONB Draft management Plan '(2015)

APPENDIX 1

CLWYDIAN RANGE AND DEE VALLEY AONB PARTNERSHIP MEMBERSHIP ACCORD

74. 'Members undertake to promote and champion the Clwydian Range and Dee Valley AONB' and to:
75. To promote conservation and enhancement of the natural beauty of the AONB;
76. To champion the AONB Partnership vision for the Clwydian Range and Dee Valley as set out in the AONB Management Plan both externally and within their organisation;
77. To contribute relevant knowledge, expertise and experience to the work of the AONB Partnership;
78. To promote and actively support the work of the AONB Partnership in fulfilling its terms of reference as set out in the Constitution and Terms of Reference;

- 79.** To attend AONB Partnership meetings wherever possible and where possible send a substitute, if no longer able to attend on a regular basis, to step down and seek another representative from their organisation to sit on the AONB Partnership (The AONB Partnership will reserve the right to withdraw membership from organisations and individuals who fail to attend 3 consecutive meetings and to seek to reappoint alternative organisations and or individuals in accordance with the appointment rules)
- 80.** To act without political bias or personal interest in fulfilling their duties to the AONB Partnership.