

ITEM 9 APPENDIX1
27th November 2015 JOINT COMMITTEE
CLWYDIAN RANGE AND DEE VALLEY AREA OF
OUTSTANDING NATURAL BEAUTY (AONB)
PARTNERSHIP
FRAMEWORK AND TERMS OF REFERENCE

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 supersedes 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.

The Joint Committee and the AONB Partnership

5. The Joint Committee of the Clwydian Range and Dee Valley was established by the three Local Authorities of Denbighshire, Wrexham and Flintshire in 2014. The Joint Committee has been delegated the function of AONB management by the three Local Authorities and Denbighshire County Council being the lead authority. This Joint Committee is not an external body.
6. The Joint Committee directs the Officer's Working Group and AONB Team in order to achieve the objectives set out in the Joint Committee Agreement and effectively discharge those functions delegated to it.
7. The Joint Committee can only delegate its functions to an AONB Officer, which may include delegations of certain general planning functions.
8. The Joint Committee manages a budget that is both internally and externally audited.
9. The AONB Partnership is not a formal committee but was created as a forum for the Joint Committee to consult with, regarding, primarily the Joint Committee's Management

Plan for the AONB. The AONB Partnership has a maximum of 25 Members; they have a wide range of interests.

10. Membership of AONB Partnership Membership

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	

11. 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 • 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

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

- monies.
- Foster links with other protected landscapes

The Role of Members of the AONB Partnership, Advisors and Officers and the elected members Code of Conduct.

12. 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 personal and prejudicial 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.
13. Members 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.
14. As the AONB Partnership does not have a specific code of conduct, Local Authority members are also bound by the Local Authorities (Model Code of Conduct)(Wales) Order 2008, which states at paragraph 3 of the Order:

“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.”
15. Officers of the AONB Team, NRW and other agencies will act as advisors to the AONB Partnership

The Chair, Vice Chair and their roles.

16. The Chair and Vice Chair of the Partnership can be any member of the Partnership and are elected by the full AONB Partnership for a period of 1 year. Chairs of Working Groups are appointed by that Working Group.
18. Chair and Vice Chair (Who will serve as Chair, presiding over meetings the Chair is unable to attend) have key roles in championing the AONB in the Partnership.
19. The Partnership Members occupying these positions should have:
 - A clear understanding of the role of the Partnership, its members and their skills primarily through the Governance Framework and Terms of Reference of the AONB Partnership which includes the AONB Membership Accord.
 - A sound knowledge of the AONB and its purpose
20. The Chair’s role is to facilitate inclusive and positive discussion. In carrying out this the Chair should be accommodating to the view points and feelings of all members (most of whom will be volunteers.)

Substitutes

21. Any Members who cannot attend a meeting can nominate a substitute to attend on their behalf. However as members are 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, Framework and Terms of Reference. The Secretariat should be notified of substitutes in advance of the meeting.

Partnership and Working Group Meetings

22. The full AONB Partnership usually meets twice a year, but is supplemented by Working Group meetings which are convened as necessary.
23. It is envisaged that a number of AONB Partnership 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 Partnership Members, other officers or individuals (by invite). The ideal number of members should be 8. The AONB Team would act as both the secretariat and advisors to these groups.
24. The current AONB Partnership Working Groups are as follows:
- Sustainable Development Fund
 - Landscape Character and Built Environment
 - Land Management and the Natural Environment
 - Heritage, Culture and Communities
 - Recreation, Tourism and Business Engagement
25. The Sustainable Development Fund Working Group currently has 10 members and is made up of both Joint Committee and Partnership Members.
26. The Sustainable Development Fund (SDF) Working Group has delegated authority to decide grant applications up to £3,000.
27. AONB Officers have the delegated authority to respond to planning and other consultations on behalf of the Joint Committee. They will consult the AONB Partnership Landscape Character and Built Environment Working Group on significant applications. (See Appendix 3 for Scheme of Delegations)
28. 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, Landscape Character and Built Environment 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.

Meeting Procedures

29. 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.

30. 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.
31. 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.
32. 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.
33. If a member of the AONB Partnership behaves improperly or offensively or deliberately obstructs business the AONB Partnership shall warn that person. If the member continues to behave improperly any member may move that either the member leave the meeting or that the meeting is adjourned for a specified period.

Voting

34. As a body which embodies the principles of co-operation and partnership most decisions should be 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.
35. If consulted on planning matters Councillors who are on the Planning Committee of their Council should act in line with the Members' Code of Conduct. Such members can take part (In the debate and vote) at the AONB Partnership meetings and at their own Council's Planning Committee Meetings (If they sit on Planning Committee unless for some reason they consider they have a personal and prejudicial interest or have the benefit of an exemption.) 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

Urgent Matters and Delegations

36. For some planning applications and consultations Officers can comment on behalf of the AONB Joint Committee in accordance with the Joint Committee's 'Scheme of Delegation for Planning and Development Consultations'
37. 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

APPENDIX 1

Clwydian Range and Dee Valley Membership Accord

'Members undertake to promote and champion the Clwydian Range and Dee Valley AONB' and to:

To promote conservation and enhancement of the natural beauty of the AONB;

To champion the AONB Partnership vision for the Clwydian Range and Dee Valley as set out in the AONB Management Plan both externally and internally

To contribute relevant knowledge, expertise and experience to the work of the AONB Partnership;

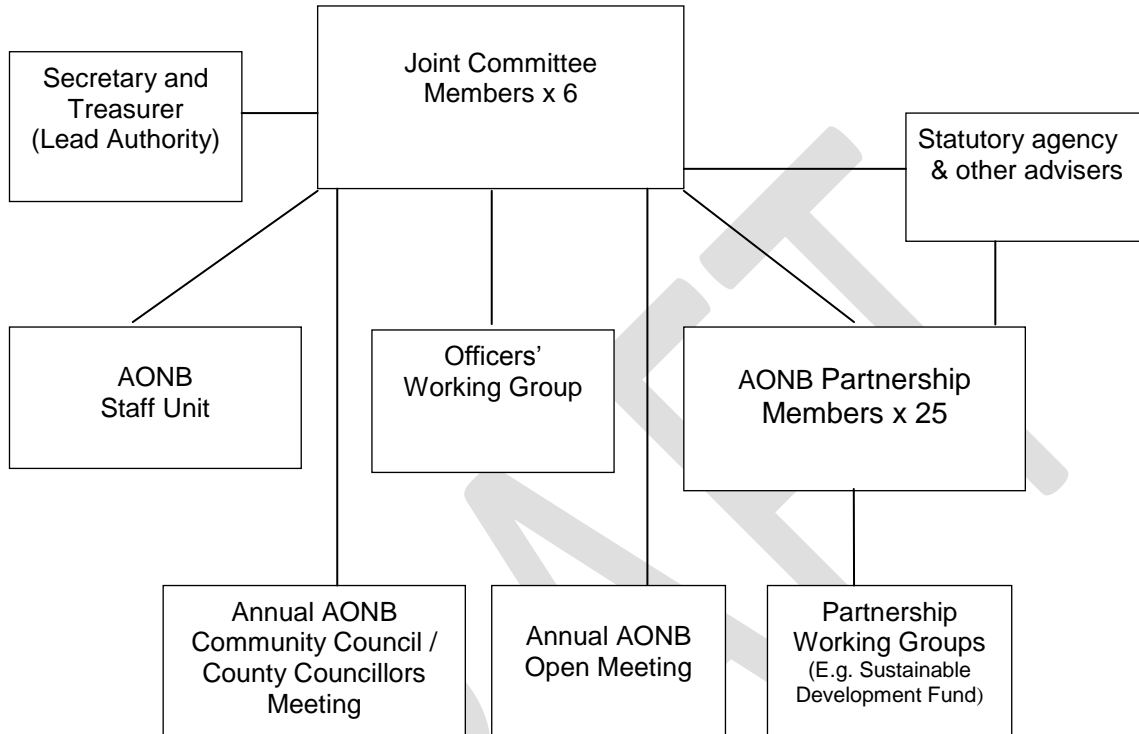
To promote and actively support the work of the AONB Partnership in fulfilling its terms of reference as set out in the Framework and Terms of Reference;

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 AONB Officers will seek another representative to sit on the AONB Partnership (The AONB Partnership will reserve the right to withdraw membership from individuals who fail to attend 3 consecutive meetings and to seek to reappoint alternative individuals in accordance with the appointment rules)

All Members should act without personal and prejudicial interest in fulfilling their duties to the AONB Partnership.

Appendix 2 Diagram of AONB Structure

The structure of the current governance arrangements for the Clwydian Range and Dee Valley AONB can be summarised in the following chart:



Appendix 3 Joint Committee Scheme of Delegation for Planning and Development Consultations

(To be confirmed by Joint Committee)

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