

CLWYDIAN RANGE AND DEE VALLEY
AREA OF OUTSTANDING NATURAL BEAUTY JOINT COMMITTEE
26 JUNE 2015

Minutes of the meeting of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty Joint Committee held at County Hall, Mold on Friday, 26 June 2015

PRESENT: Councillor Hugh Jones (Chairman)

Councillors: Bernie Attridge, Huw L. Jones, and Ian Roberts

APOLOGIES: Councillors Derek Butler and Hugh Evans

ALSO PRESENT:

Councillors: Martyn L Holland (DCC) and Carolyn Thomas (FCC)

Howard Sutcliffe (AONB Officer), Lisa Jones (Solicitor/Deputy Monitoring Officer, DCC), David Shiel (Assistant AONB Officer), Martin Howarth (Head of Countryside Services), Tom Woodall (Head of Countryside Services WCBC), Paul Mitchell (Countryside Officer, Natural Resources Wales), Steve Gadd (Finance Manager, DCC), Huw Rees (Countryside and Heritage Services Manager, DCC)

ATTENDANCE: Committee Services Officer (FCC)

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. MINUTES OF THE JOINT COMMITTEE

The minutes of the meeting of the Joint Committee held on 13 February 2015, were submitted.

RESOLVED:

That the minutes be approved as an accurate record and signed by the Chairman.

3. MINUTES OF THE AONB PARTNERSHIP

The minutes of the meeting of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty Partnership held on 15 May 2015, were submitted.

Matters arising

Councillor Huw Jones referred to the presentation of the AONB Award for 2014 and expressed congratulations to Mr. Richard Jones, Countryside Skills, for the excellent work carried out in Corwen. He said that the award was well deserved for the work that had been undertaken by Richard over the years.

Councillor Carolyn Thomas commented on the positive progress being made between the Joint Committee and the Partnership which boded well for the future. Tribute was paid to the work carried out by Councillors Carolyn Thomas and Hugh Jones to build a positive relationship with partners.

During discussion the importance of recognising the value of volunteer work was emphasised. The benefit of using local contractors and creating local employment was highlighted and the need to upskill local people to carry on the excellent work undertaken so far.

RESOLVED:

That the minutes be approved as a correct record and signed by the Chairman.

4. **JOINT COMMITTEE OUTTURN AND ACCOUNTS 2014/15 AND PROPOSED BUDGET 2015/16**

Mr. Steve Gadd, Finance Manager, introduced a report to provide an update on the AONB's financial position for 2014/15 and 2015/16. He explained that the report provided a summary of the AONB's revenue outturn for 2014/15 (as detailed in Appendix 1) and the proposed budget for 2015/16.

The Finance Manager reported on the overall outturn position and advised that the underspend had been carried forward to be utilised in 2015/16. In response to a query concerning the information provided in Appendix 1, the Finance Manager explained that the April column referred to the 11 month term

The Finance Manager distributed a final copy of the Wales Audit Office Annual Return for the Year ended 31 March 2015 (as detailed in Appendix 2) for consideration and approval. He explained that the revised copy included the review carried out by Denbighshire County Council's Internal Audit Section. The Finance Manager explained that the approval and signing of the formal Wales Audit Office Annual Return was a statutory requirement prior to External Audit carrying out an audit of the accounts. He commented on the findings of the Internal Audit assessment and the conclusions which were summarised in the document and said that a minor manual discrepancy had occurred concerning VAT not being claimed against 2 receipts.

Councillor Bernie Attridge proposed that the Accounting Statement for 2014/15 and the Annual Governance Statement be approved. The proposal was seconded by Councillor Huw Jones and when put to the vote was agreed by the Committee.

Councillor Huw Jones asked that thanks be passed on to Paula O Hanlon for the work undertaken.

Members were asked to consider the proposed budget for 2015/16 which had been amended to reflect the changes in funding streams. The Finance Manager advised that the proposed budget would ensure financial stability for the Joint Committee over the next 12 months, however, budgets of all public sector bodies were under increasing pressure and future funding levels were uncertain. Mr. Howard Sutcliffe drew attention to the increased contribution from Wrexham which was welcomed.

RESOLVED:

- (a) That the Financial Outturn for 2014/15 be noted;
- (b) That the Accounting Statement for 2014/15 and the Annual Governance Statement be approved and signed by the Chair; and
- (c) That the proposed budget for 2015/16 be approved

5. **DRAFT CONSTITUTION AND TERMS OF REFERENCE FOR THE AONB PARTNERSHIP**

Mr. Howard Sutcliffe, AONB Officer, introduced a report on the AONB Partnership's Constitution and Terms of Reference. He advised that the AONB Officers Working Group had revised the original Terms of reference and Constitution from 2013 when the AONB was led by the interim Joint Advisory Committee. The new document for the AONB Partnership flows from the setting up of the Joint Committee and the Legal Agreement between the three Authorities. The Joint Committee were asked to consider and endorse the new Draft Constitution and Terms of Reference.

The Chairman commented that the document should give more focus on the partnership as the relationship between the Joint Committee and the Partnership was not sufficiently defined

Mr. Sutcliffe responded that it was early days and that we are trying to establish a framework with advice from Lisa Jones (DCC Deputy Monitoring Officer) and Gary Williams (DCC Monitoring Officer) which sets out the AONB partnership as a forum for bringing interested parties together.

Members felt that the framework needs to be widened together with a section on the relationship with the Joint Committee as various aspects are now different to the previous interim advisory committee.

Members felt that the following two areas of work need to be clarified in the governance framework:

- The Chair and Vice Chair have previously always been appointed from Local Authorities. Members of the Joint Committee expressed that the Chair could be from anywhere within the membership of the Partnership, rather always being from than the local authority.
- The opportunity to substitute should be available for all members of the Partnership. In other words, either do not have substitutes; or substitutes for all

Mr. Sutcliffe said he hoped that he would put a revised Framework and Terms of Reference to the next meeting.

The views and contribution of this Committee are sought in relation to the final draft following consultation with the Partnership.

The Chairman invited members to raise questions.

Councillor Huw Jones referred to the matter of substitutions and expressed the view that it was “unfair” that Members should have substitutions whilst other groups could not and said there should be equitable treatment for everyone.

Councillor Jones referred to paragraph 33 in the draft Constitution and Terms of Reference and commented on matters relating to planning and the uncertainty around the future structure of Councils. Referring to paragraph 34, Councillor Jones also sought further detail on the proposal to form a number of new Working Groups to deliver the Management Plan and other work and asked how many members would form the groups. Mr. Sutcliffe advised that the ideal number of members should be 5 to 8, however it was a matter for the Partnership to determine the membership.

An Officer Working Group would be convened to revise the Working Groups, this would then be proposed to the Partnership. The Partnership shall make the decision on who sits on the relevant Working Groups.

Lisa Jones advised that there is already a Terms of Reference set out for the Partnership and this was agreed at the same time as the Joint Committee Legal Agreement. What was not developed at that time was the Partnership's governing document, that is the 'framework' in which it makes its decisions but that this needs to be a collaborative development with the Partnership itself and its Chair. Miss Jones stated that she would be happy to work with the Partnership and Countryside Officers in order to assist in scoping out this framework if required; that further work needs to be done simplifying the current draft before the Committee, setting out its role and being clear on what could and could not be delegated, particularly in relation to planning and associated consultations. The document should focus on the Partnership, not on the Joint Committee, as this has already been taken care of in the Legal Agreement, and to clarify the relationship between the Partnership and the Joint Committee. She explained that the Joint Committee can review and monitor the membership of the Partnership, but that they are separate; that the proposed governance framework should make reference to the lines of communication between the two.

Referring to the issue of planning, Councillor Carolyn Thomas commented that delegated powers were currently given to a sub committee. She said that there was a need for input on planning applications from voluntary members.

During discussion it was emphasised that there was a need for clear guidance in the document to all concerned on what their roles and responsibilities were and what they could and could not do, especially for lay members and Elected Members. Planning issues were cited as an example as there was sometimes conflict between the Planning Committee and other bodies. The need for guidance for members of the Partnership to understand what they were looking at and what the aims were, was reiterated. Previously delegated powers have been given to Officers to respond to the lower level planning matters but that this process could be considered again as part of this work.

The Chair emphasised his understanding that as a Joint Committee we do not have any authority to delegate any of our powers to the Partnership or anybody else. Miss Jones confirmed that executive functions can be delegated but that the law sets out quite prescriptively (and limits) the persons that delegated functions can in fact be delegated to by the Executive, such as to Officers of an Authority or another Local Authority. Furthermore, any delegation of executive functions will not prevent the Authority itself ceasing to be responsible for those functions, that this will always be retained.

The Chair also raised concerns that if a response from either the Joint Committee or the Partnership went to a planning application and influences that planning application and there could be legal costs associated with a wrong decision being made. The Chair emphasised the need for clarity on who would be the statutory consultee (if any) and said that the process of who actually responded also needed to be made clear. He commented that there were potential risks that the Joint Committee should not expose its Local Authorities. A robust potential sub group which can give a good response may be the way forward.

Further clarity in relation to planning matters in particular was required, particularly if we allow the Partnership to make a response on our behalf, whether we are responsible for it. The Committee needs to make sure that as a Joint Committee we are not exposing ourselves to risk.

Councillor Martyn Holland also raised the issue of elected members on the Partnership commenting on the planning applications, but then they may then also be sitting on the subsequent planning committee. Miss Jones advised that those members are bound by the Code of Conduct but that members can take decisions (providing they do not also have a prejudicial interest) in subsequent meetings with other bodies; but that they needed to ensure they had not predetermined their position. This was of course different to the members of the Partnership who are not elected members, and that they were not bound by the Code of Conduct, but agree to be bound by the 'Accord'.

Councillor Bernie Attridge proposed that the amended draft Constitution and Terms of Reference be brought back to the Joint Committee after consultation with the AONB Partnership.

The Chairman requested that the draft Constitution or Framework (what ever it is to be called) and the Terms of Reference, be circulated to all members and any observations or comments be forwarded by email back to the Chairman and Councillor Huw Jones prior to sending to the Partnership for consultation.

RESOLVED:

- (a) That the draft Constitution/Framework and Terms of Reference be circulated to all members and any observations or comments be forwarded by email back to the Chairman and Councillor Huw Jones prior to sending to the Partnership for consultation; and

(b) That the amended draft Constitution/Framework and Terms of Reference be brought back to the Joint Committee for ratification, following a proper consultation with the AONB Partnership.

6. MANAGEMENT PLAN CONSULTATION

David Shiel gave a verbal update on the Management Plan consultation and advised that the consultation period ran between 4 May and 29 June 2015. Members were informed that five consultation meetings had been conducted across AONB and members of the public had been invited to attend a number of drop in sessions. He reported that there had been positive engagement and 22 responses had been received. The Management Plan had been sent to all Town and Community Councils, Local Authorities and key stakeholders. He reported on the next steps and said a consultation report would be submitted to the next AONB Joint Committee.

7. ANNUAL REPORT

The Chairman introduced the Clwydian Range and Dee Valley (AONB) Annual Report 2014-15 and commented on the significant, wide ranging work that took place in the AONB in terms of improvement and benefits to local communities, facilities, and general physical well-being. He invited Howard Sutcliffe, AONB Officer, to present the Annual Report.

Mr. Sutcliffe commented on the limited resources available and the excellent value and range of projects provided and cited the Jubilee Tower and Llantysilio Visitor Gateway to the World Heritage Site as two examples. He advised that the AONB Officersc always welcomed further project proposals for funding from SDF fund, however, funds had almost been allocated for this year but there may be additional funds made available in January 2016.

In response to a request from Councillor Huw Jones, Officers provided further information on the work undertaken with young people on the Plas Madoc

project and Councillor Jones also again referred to the achievement of the AONB Award to Mr Richard Jones.

Officers also advised that opportunities were provided, in terms of staff support, to enable older people to visit places within the AONB which they may otherwise not have the means or confidence to explore on their own.

8. FORWARD WORK PROGRAMME

Mr. Howard Sutcliffe introduced the Forward Work Programme. He drew attention to the items scheduled for consideration under the Strategic Plans 2014-16, and AONB Partnership. Further detail was provided to members on the Picturesque project.

The Chairman expressed the view that the Forward Work Programme should identify the outcomes that the Committee aimed to achieve and suggested that a RAG (Red, Amber, Green) status be adopted to monitor performance.

RESOLVED:

- (a) That the Forward Work Programme as submitted be approved;
- (b) That a RAG (Red, Amber Green) status be adopted in the Programme to monitor future performance.

9. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were no members of the press or public in attendance.
(The meeting commenced at 10.00am and ended at 11.15am)

.....
Chairman