

Item 4. Draft new Terms of Reference for an AONB Forum group to sit alongside a Conservation Board

1. Summary

This paper presents a draft of new Terms of Reference for a broad forum group of partners to sit alongside a Conservation Board.

2. Background

The retention of a strong group with a similar membership to the existing Partnership has emerged as an important part of the proposal to change to a Conservation Board governance structure. Such a group would provide for a wide involvement in the AONB beyond what is possible through the three categories of Conservation Board membership, e.g. organisations (Natural England, National Trust, Shropshire Wildlife Trust, NFU, CLA, etc) which are key partners and delivery bodies for the AONB Management Plan. The history of a strong Partnership group in the Shropshire Hills AONB is key to the possibility of making a proposal for an independent body, and retaining good and broad involvement of partners is a high priority for the AONB staff team and for the current Partnership itself, as discussed in a number of recent meetings.

With the (proposed) creation of a Conservation Board however, the current Partnership would need to change. It would no longer be the main governance body for the AONB, and would be run by the Conservation Board rather than the other way round. With the creation of a Conservation Board, it would not be appropriate to retain a Joint Advisory Committee to the two Councils. Procedurally, a new Forum could benefit from being less formal than the current Partnership (e.g. with more presentations and less of a committee feel) and it is felt the change should be marked by a change of name (AONB Partnerships are known nationally as the main governance bodies for AONBs, and retaining the current name could cause confusion).

This first draft of new Terms of Reference is based partly on those currently in place for the AONB Partnership, and some of its sub-groups. The draft is put forward at this stage to continue shaping the proposed new governance model with a Conservation Board. If the Conservation Board is created, it would need to confirm the Forum's creation and its Terms of Reference.

It is notable that a number of National Park Authorities have established Partnerships precisely to address broader involvement, e.g. <http://www.lakedistrict.gov.uk/caringfor/lake-district-national-park-partnership>. In the Lake District, the Partnership takes the lead on preparing the National Park Management Plan (now known as the Partnership Plan), while the Authority as a planning authority takes the lead on the Local Plan. While this model is not directly applicable in our context, a support role to the Conservation Board for preparing and implementing the AONB Management Plan could provide a good focus for a new Forum, although it must remain clear that the responsibility for preparing and approving the Plan rests with the Conservation Board.

3. RECOMMENDATION:

The Transition Board is recommended to comment on the draft Terms of Reference and make recommendations to the AONB Partnership for consideration at its meeting on 21st March.

This paper has been prepared by Phil Holden, AONB Partnership Manager. For further details contact 01743 254741/ phil.holden@shropshire.gov.uk.

Appendix 1 Draft new Terms of Reference for AONB Forum group to sit alongside a Conservation Board

Shropshire Hills AONB Forum

Terms of Reference

Draft at 7th March 2017



1. Introduction

- 1.1. Alongside the creation of a new Conservation Board as the main governance structure for the Shropshire Hills Area of Outstanding Natural Beauty (AONB) and the Shropshire Hills AONB Trust as a fund-raising and grant-giving body, the established Shropshire Hills AONB Partnership is being re-formed into a Forum, to take a new engagement and advisory role. The Conservation Board will have a small membership but representative of different categories as prescribed in the Countryside & Rights of Way Act 2000. The history of strong partnership working in the Shropshire Hills AONB means that the new Forum will allow the continued involvement of a range of organisations and individuals who may not be on the Conservation Board itself. The Forum will not have the formal status of a Joint Advisory Committee, but will be operated and supported by the Conservation Board and its staff team.
- 1.2. AONB purposes: Section 87(1) of the Countryside & Rights of Way Act 2000 provides that a Conservation Board must have regard to two purposes in exercising its functions:
- the conservation and enhancement of the natural beauty of the AONB.
 - to increase the understanding and enjoyment by the public of the AONB's special qualities.

However, if it appears to the Board that there is a conflict between these two purposes, it is to attach greater weight to conserving and enhancing the AONB.

In pursuing its purposes, section 87(2) requires a Board to seek to foster the economic and social wellbeing of the AONB's local communities. In so doing, a Board should co-operate with constituent local authorities and public bodies whose functions include the promotion of economic or social development within the AONB. Such public bodies with which a Board should co-operate should include the relevant Regional Development Agency and Government Office. In addition, the general duties of a local authority regarding the protection of the interests of the countryside and the avoidance of water pollution apply to Conservation Boards.

2. Roles and Responsibilities of the AONB Forum

- 2.1. The Shropshire Hills AONB Forum will play two main roles regarding the AONB:
- To support the Conservation Board in the development and implementation of the AONB Management Plan (the statutory Management Plan will be approved by the Conservation Board and endorsed by the local authorities).
 - To support the involvement of the community in the management of the AONB, and foster community pride and capacity in relation to the Shropshire Hills.

- 2.2. The Forum seeks to add value, and engage people in support of the AONB's purposes. It will help to tackle fragmentation and improve local accountability. The AONB's remit is broad and can be complex, and the Forum will strive to raise understanding and give a high priority to clear communication and openness.
- 2.3. The AONB Forum aims to bring together relevant partners to work together for the sustainable natural, cultural and economic future of the Shropshire Hills AONB.
- 2.4. The Forum will provide a forum for discussion of issues and to assist co-ordination of activity. It is not expected to act as a champion and voice for the AONB, this role sits with the Conservation Board.
- 2.5. The Forum is unincorporated and is not a legal entity. As such, the Forum cannot hold or expend funds itself.
- 2.6. The Forum is not empowered to make any executive decisions, but through consensus building seeks to offer a valuable advisory and consultative role, and may choose to make recommendations or representations to the Conservation Board.

Specific Roles of the Forum:

- 2.7. The Forum will support the Conservation Board in the review of the statutory Management Plan for the AONB every five years.
- 2.8. The Forum will support the activity of others in support of the AONB Management Plan, seeking to maximise co-ordination.
- 2.9. The Forum may receive relevant reports from the Conservation Board to consider matters of strategy or policy or relating to implementation of the Management Plan, and give advice and recommendations to the Board on these matters.

3. Membership

- 3.1. Membership of the Forum will be as follows:
 - All members of the Conservation Board will be members of the Forum;
 - Local ward members and relevant portfolio holders of Shropshire Council and Telford and Wrekin Council may be members;
 - Six elected members of parish or town councils within or partly within the AONB;
 - A maximum of seven representatives of other statutory bodies;
 - A maximum of twenty representatives appointed by non-statutory or voluntary organisations;
 - A maximum of seven individual members.
- 3.2. The Conservation Board will review the membership of the Forum not less than every two years. This will include reappointment to individual member seats, and may include further review as the Conservation Board deems necessary. The Conservation Board will operate an application process for the individual member seats and Parish/Town Council seats, and where necessary for non-statutory or voluntary

organisations. Appointment of applicants to seats will be made by the Conservation Board, based on the following criteria:

Individual and Parish/Town Council members

- resident in the AONB or a nearby town or countryside;
- proven commitment to AONB purposes and relevant areas of interest;
- ability to make a valuable contribution to the Forum.

Non-statutory and voluntary bodies

- support for AONB purposes and a clear overlap in remit with that of the AONB;
- a significant material or operational interest within the AONB;
- representative with ability to make a valuable contribution to the Forum.

- 3.3. A local authority member may be accompanied to a Forum meeting by one officer, but an officer may still attend if the member is absent.

4. Procedures

- 4.1. It is intended that the Forum be given adequate structure without being burdened by formality. The Group will endeavour to operate by communication and consensus, reflecting its main role of co-ordination and consultation rather than as a decision-making body.
- 4.2. The Forum will meet three times a year, or as agreed by the membership. One meeting a year will normally be an open public meeting. The Chairman and Vice-Chairman will be the Chairman and Vice Chairman of the Conservation Board.
- 4.3. Arrangements will be made to provide administrative support. Agendas and any papers will be circulated at least a week before meetings. Members wishing to include items on the Agenda should try to give adequate notice to the Chairman or responsible Officer. Organisations may send alternative or additional representatives to meetings, with the agreement of the Chairman.
- 4.4. Minutes and papers of the Group will be made publicly available through the Conservation Board website.

5. Declaration of interests

- 5.1. Members of the Forum shall declare an interest in a meeting where a matter discussed may affect:
- their own wellbeing or financial position, or
 - the wellbeing or financial position of a family member, 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.

(The meaning of 'wellbeing', 'financial position', 'family member' and 'close associate' will be as defined in the Standards for England Guidance on the Code of Conduct).

If the Chairman decides that the discussion or decision is more general and not materially affecting the interest declared, then the member is entitled to remain and participate in the discussion, but not vote.

6. Withdrawal of membership

- 6.1. In the event of conduct or alleged conduct of a member which is not consistent with the Forum's Terms of Reference, every effort will be made to resolve the issue by informal negotiation. The Conservation Board may however in last resort resolve to withdraw membership of the Forum in a serious case after due consideration, or, in the case of an organisation member, resolve to ask the organisation to provide a different representative.

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