

# **ARNSIDE AND SILVERDALE AREA OF OUTSTANDING NATURAL BEAUTY (AONB) EXECUTIVE COMMITTEE CONSTITUTION**

## ***Preamble***

This document sets out the constitution of the Executive Committee of the Arnside and Silverdale AONB Partnership ('the Partnership'). The purpose of the Partnership is to actively conserve and enhance the AONB through the delivery of the AONB management plan, promote the purpose of its designation, and to fulfil the statutory duties and other requirements on local authorities and other bodies with reference to the Arnside and Silverdale AONB. The purpose of designation is explained in Appendix I.

## **1. Purpose**

### **1.1 Purpose of the Executive Committee**

The purpose of the Executive Committee is to conserve and enhance the AONB by acting as a vehicle through which the Partnership operates and in particular to:

(a) support, encourage and provide advice to those partners and other relevant agencies having a remit within the AONB in meeting (i) the purposes of the Partnership and (ii) their own obligations with respect to the AONB, in particular by undertaking the supervisory and other responsibilities outlined in paragraph 2; and

(b) provide a forum for the promotion of the interests of the AONB by and to partners and for co-ordination and best practice and the exchange of information and ideas relevant to the purposes of the Partnership.

## **2. Roles and Responsibilities**

### **2.1 General**

In fulfilling the purpose set out above, the general roles and responsibilities of the Executive Committee shall be to:

(a) co-ordinate and advise on the co-ordination of the active conservation and enhancement of the AONB, according to the purpose of designation;

(b) ensure the appropriate level and structure of the AONB staff unit to enable it to achieve its core functions, with suitable facilities and terms of appointment in a way that represents an effective and efficient way of securing AONB management; and

(c) carry out or ensure the carrying out by the staff unit of the core functions of AONB management, which are set out in Appendix II.

### **2.2 Particular**

Without limiting the general responsibilities set out in 2.1, particular roles and responsibilities shall be to:

(a) ensure and advise on the preparation of the AONB Management Plan and advise on its adoption and review by the necessary local authorities;

(b) ensure and regularly monitor development and implementation of the Management Plan and AONB Unit performance, and to ensure that it receives reports for this purpose;

(c) plan future activity and expenditure by, or on behalf of, the AONB Unit, and monitor spending, as set out in a Business Plan to be agreed annually by the Executive Committee;

(d) ensure the publication of an Annual Report for the AONB, explaining progress made against the Management Plan;

(e) in accordance with protocol ensure and provide for the giving of timely advice to local planning authorities on agreed categories of planning application;

(f) ensure and provide for the giving of timely advice to other public bodies, agencies, statutory undertakers and other bodies and individuals concerning the impact of their activities on the AONB;

(g) set up such working groups and advisory groups (both of which may include non-members of the Executive Committee) as are necessary or desirable to fulfil effectively the Committee's purposes;

- (h) set up a Technical Officers Group, which will ensure external support for and review of the work of the AONB Unit on an ongoing basis, and will operate in accordance with Appendix III;
- (i) ensure the holding of an annual Arnside & Silverdale AONB Conference, to act as a wider forum to involve the local community in the management of the AONB and discussion of its future;
- (j) commission appropriate research, special studies and monitoring arrangements to meet its obligations within the financial constraints of the Business Plan; and
- (k) promote the interests of the AONB regionally, nationally and internationally within the family of protected areas.

### **3. Members and Chairman**

#### **3.1 Members**

It is intended that there will be 24 members of the Executive Committee, consisting of representatives of:

- Government and statutory agencies: Natural England (1), Environment Agency (1)
- Local Government: Cumbria County Council (1), Lancashire County Council (1), South Lakeland District Council (1) and Lancaster City Council (1)
- Parish Councils within the AONB: Arnside, Beetham, Silverdale, Yealand Conyers, Yealand Redmayne and Warton (1 each)
- Conservation organisations: The National Trust (1), the Royal Society for the Protection of Birds (1), Cumbria Wildlife Trust and Lancashire Wildlife Trust (1 between them), the Friends of the Lake District and the Campaign to Protect Rural England (1 between them) and the Arnside and Silverdale AONB Landscape Trust (1)
- National landowning or farming interests: National Farmers' Union (1) and Country Land and Business Association (1)
- Local farming or landowning interests (1)
- Local business and /or tourism interests (2)
- Local user groups (2)

#### **3.2 Appointment of members**

- (a) Representatives of government and statutory agencies; county, district and parish councils; the conservation organisations; the National Farmers Union and the Country Land and Business Association shall be nominated according to their organisation's own internal procedures, such nomination to be evidenced in writing. Where organisations share a representative, that representative shall be agreed between them and shall be regarded as representing all of them. County, district and parish council representatives shall be elected members of those local authorities.
- (b) Representatives of local user groups, local farming or landowning, business and tourism interests shall, for the first year only, be appointed by invitation of the Chairman, endorsed by the Executive Committee. Thereafter, such representatives shall be selected by a vote of the members of the Executive Committee. Invitations to apply for selection shall be publicised in advance within the AONB.
- (c) Representatives of government and statutory agencies, and of the county, district and parish councils shall have no fixed term of appointment, but shall be nominated from time to time, but it is expected that if possible they should serve at least 3 years. Representatives of the National Trust, the RSPB, Lancashire Wildlife Trust/Cumbria Wildlife Trust, the Campaign to Protect Rural England/Friends of the Lake District, the Arnside/Silverdale AONB Landscape Trust, the National Farmers Union and the Country Land and Business Association shall be appointed for a three-year term. Representatives of the local interests selected in accordance with paragraph 3.2 (b) shall also serve for three years, subject to annual re-endorsement of each of them by the other members.
- (d) A member shall not be regarded as duly appointed until they have been selected in accordance with section 3.2 (a) or 3.2 (b).
- (e) A member may be removed by a vote of the rest of the Committee where they have not complied with the responsibilities of members set out in Appendix IV or for failures of attendance as described in paragraph 4.6. In such a case, the Committee may, as appropriate, require the partner organisation to appoint a new representative forthwith or select a new representative at the next Executive Committee, or sooner if it thinks fit.

### **3.3 Chairman**

The first Chairman of the Executive Committee shall be the Chairman of the former Arnsdale and Silverdale AONB Forum, who shall hold office for one year. Thereafter, a Chairman shall be elected from among the voting members of the Executive Committee and shall serve for one year. In the absence of the Chairman at any meeting, the Executive Committee shall appoint a Chairman for that meeting only.

### **3.4 Changes in Constitution**

In the event that the Executive Committee decides to remove a member under paragraph 4.6 or change its constitution under paragraph 6, those changes shall prevail over the provisions of this paragraph.

## **4. Operational Arrangements for Meetings**

### **4.1 Frequency**

The Executive Committee will meet at least 2 times a year. Additional meetings may be convened either by the Chairman or by one-third of the duly appointed members. Meetings will normally be held in the AONB.

### **4.2 Quorum**

One-third of the duly appointed voting members will constitute a quorum. A meeting will be declared inquorate if, after 15 minutes from the scheduled start time, a quorum is not present. Where such a declaration has been made, the Committee Officer will reconvene the meeting within two weeks.

### **4.3 Voting arrangements**

It is expected that the Executive Committee should normally be able to reach agreement on recommendations or action by discussion and consensus, but in the event of a decision requiring a show of hands each member shall have one vote. In the event of a tied vote, the Chairman will have the casting vote. Following a seconded proposal by a member, there may be a recorded vote on a particular item. Only duly appointed members or their duly nominated substitutes may vote.

### **4.4 Attendance by non-members**

The meetings of the Executive Committee will normally be open to the public. The public and the press may be excluded in accordance with normal Local Authority Standing Orders. It is expected that each of the District and County Council members may be accompanied by an appropriate officer in order to secure the necessary links. The AONB Unit Manager and members of the Technical Officers Group will also be expected to attend. The Committee shall be entitled to co-opt such other persons as it sees fit to participate in its meetings as non-voting technical advisers.

### **4.5 Speaking arrangements**

Members of the public may speak at the invitation of the Chairman where they have given at least 7 days' notice in writing of the subject matter and of their wish to raise it, and the subject matter is relevant to the purposes of the Committee, is not vexatious or frivolous. The Chairman may, in addition, at his/her discretion and in the course of the meeting invite members of the public to put forward issues for consideration at the current or the following meeting. Procedure shall be at the discretion of the Chairman, but shall not normally allow for more than 3 minutes, either at the beginning or the end of the meeting.

### **4.6 Obligations to attend/substitutes**

Members will be expected to attend each meeting. A member of the Executive Committee who is unable to attend a particular meeting will be expected to arrange a named substitute from his/her organisation to attend in his/her place. Any member who fails on 3 consecutive occasions or within a period of 24 months without good cause and without sending both apologies and a substitute (who shall be identified in writing prior to the meeting) may be removed from the Committee and a new member appointed in accordance with paragraph 3.2. Substitutes shall also comply with the Constitution.

### **4.7 Interests of members**

Any member taking part in an Executive Committee meeting or a working or advisory group meeting should declare any interest they have in a subject to be discussed if that interest is of such a nature or so significant that, if other members knew of it, it would colour their view of that member's contribution to the discussion or constrain their own contributions. Any declaration shall be recorded in the minutes of the meeting. The other members may require that member to leave the meeting while that subject is being discussed or to abstain from voting on it.

## **5. Administration and Management**

### **5.1 General**

The practical organisation for and management of the Executive Committee will be undertaken by the AONB Unit, and the Committee Officer will be the AONB Administrator. The Committee Officer will call meetings, circulate minutes and papers as soon as practicable and keep records. An agenda will be circulated at least 10 days before each meeting and members or the organisations they represent shall notify items in time for them to be included on the agenda. Public notices of the meeting must also be displayed in the AONB and minutes of meetings made available to the public by appropriate means.

### **5.2 Financial**

An outline budget for the AONB Unit staff costs and associated running costs will be agreed between the funding partners in line with overall funding available and presented to the first meeting of the Executive Committee in each financial year. The financial monitoring of the AONB Unit will be undertaken by Lancaster City Council's Regeneration & Planning Service in conjunction with Lancaster City Council's Financial Services section, who will attend meetings as appropriate.

## **6. Review of this Constitution**

### **6.1 Review**

This Constitution may be reviewed and varied by the Executive Committee, subject to consultation with the County, District and Parish Councils within the Arncliffe and Silverdale AONB and Natural England (NE). Such changes may include changes to the organisations and interests represented on the Executive Committee and therefore the identity of the partners.

Any proposed amendments must be sent to Lancaster City Council's Monitoring Officer (as host authority) for comment prior to formal approval.

## **Appendix I Purpose of AONB Designation**

The Countryside Agency set out the purpose of designation as follows:<sup>1</sup>

The primary purpose of AONB designation is to conserve and enhance the natural beauty of the landscape. In pursuing the primary purpose account should be taken of the needs of agriculture, forestry, other rural industries and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment. Recreation is not an objective of designation but the demand for recreation should be met so far as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses.

Larger AONBs may have 'conservation boards', and The Countryside Agency also said <sup>2</sup> that it would expect an effective AONB partnership to adopt a very similar approach to that used by a conservation board. The purposes of a conservation board are (a) to conserve and enhance the natural beauty of the AONB and (b) to increase public understanding and enjoyment of the special qualities of the AONB. If there is conflict between the two then greater weight is attached to (a) (under the Sandford principle which already operates in the National Parks). In having regard to its two purposes a conservation board will also have to seek to foster the economic and social well-being of local communities within the AONB, but without incurring significant expenditure in doing so. The boards would be expected to co-operate with others to fulfil this requirement.<sup>3</sup>

'Natural beauty' is not just an aesthetic concept but includes flora, fauna, and geological and physiographic features. Landscape means more than scenery, and encompasses everything – 'natural' and human – that makes an area distinctive: geology, climate, soil, plants, animals, communities, archaeology, buildings, the people who live in it, past and present, and the perceptions of those who visit it.

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<sup>1</sup> *Areas of Outstanding Natural Beauty: A guide for AONB partnership members*, CA 24, p. 7, quoting *AONBs: A policy statement*, 1991, CCP, Countryside Commission

<sup>2</sup> *Areas of Outstanding Natural Beauty Management Plans – A guide*, Countryside Agency 2001, CA23, p.14.

<sup>3</sup> Countryside and Rights of Way Act 2000 s.87

## **Appendix II Core functions of the AONB Unit**

### **1. MANAGEMENT PLAN**

- 1.1 Developing reviewing, preparing and publishing the AONB vision and the Management Plan
- 1.2 Promoting the AONB vision and Management Plan to help distinguish the AONB from adjacent countryside
- 1.3 Advising upon, facilitating and co-ordinating implementation by others of the Management Plan
- 1.4 Accessing resources for management activities
- 1.5 Developing an involvement by the community in the management of the AONB
- 1.6 Providing a management role to co-ordinate AONB protection through the actions of the AONB unit, the AONB Partnership and other partners at a local and strategic level
- 1.7 Problem solving with the unit acting as co-ordinator and facilitators

### **2. ADVISORY / ADVOCACY**

- 2.1 Advising Local Authorities and other partners on their activities within AONBs, to encourage them to attain the highest possible standards in AONBs
- 2.2 Working with and contributing to the NAAONB activities, sharing advice and best practice nationally and regionally.
- 2.3 Providing landscape related planning advice (to local planning authorities and in conjunction with Natural England as appropriate in line with, and underpinned by protocols)
- 2.4 Financial support for NAAONB
- 2.5 Contribution and support to activity between AONBs and protected landscapes to strengthen the status of the AONBs individually and collectively.

### **3. MONITORING**

- 3.1 To monitor and report on progress against Management Plans and Annual Business Plans to the Partnership.
- 3.2 To provide monitoring and reporting information to Defra in accordance with any guidance issued by Defra

## **Appendix III Technical Officers Group**

### **1. Members and Chairman**

The members of the Technical Officers Group ('TOG') shall be one senior officer from each of Natural England, Cumbria County Council, Lancashire County Council, Lancaster City Council and South Lakeland District Council, nominated by each such local authority from time to time, plus the Chairman or Vice Chairman of the Executive Committee and the AONB Manager, who will be the Chairman of the TOG.

### **2. Roles and Responsibilities**

- 2.1 The primary function of the TOG is to promote the effective working of the Executive Committee and the fulfilment of its roles and responsibilities as set out in paragraph 2 of its constitution.
- 2.2 In performing that function, the TOG will
  1. steer and monitor the working of the AONB Unit on a more regular basis than the Executive Committee is able to do;
  2. provide advice and support to the AONB Unit, to assist the Unit in carrying out its functions;
  3. receive advice, support and reports from the AONB Unit and provide such regular or specific reports or advice, whether formal or informal, to the Executive Committee as the Executive Committee may require from time to time; and
  4. act as a forum for the exchange of information and ideas.

### **3. Operational Arrangements**

- 3.1 The TOG shall meet as often as the members think necessary, but not less than 3 times a year. The Chairman may convene a meeting at any time as appropriate. The TOG may invite such AONB Staff and others to attend and speak as it thinks appropriate.
- 3.2 The TOG may operate and make decisions by means other than a meeting (such as telephone or email where the members think that is appropriate).
- 3.3 The TOG shall keep a written record of its meetings and these will be made available for inspection by members of the Executive Committee as required.
- 3.4 Any decisions shall be reached by consensus.
- 3.5 Specific tasks or functions may be delegated to one or more members of the TOG.

## **Appendix IV Responsibilities of Members**

***This is a reminder of the broader responsibilities of Executive Committee members.***

***Members are expected to:***

1. Accept and abide by the Constitution of the Executive Committee;
2. Do nothing to bring another member of the Executive Committee into disrepute;
3. Speak or vote in the Executive Committee and any working or advisory groups (whether as an individual or as a nominated representative) in the wider interests of the AONB and not just in the narrower interests of an organisation or interest group;
4. Attend Executive Committee meetings regularly or ensure attendance by a proper substitute; and
5. Bring to the partnership personal experience and expertise, and those of an organisation or sector; take information and decisions on AONB policy and issues back to an organisation or sector to start direct action; and promote the AONB and its management objectives within an organisation or sector.

These last two are expectations. They apply most forcefully to, but are not limited to, those partner agencies that have legal responsibilities in relation to the AONB or sites within it.

## **Appendix V Host Authority**

Lancaster City Council will be the host authority for the AONB Unit unless otherwise agreed by the Executive Committee. The City Council's responsibilities in relation to the AONB Unit and its delivery of the AONB management plan will include:

- employment of AONB Unit staff including recruitment, all employment services and responsibilities and line management of the AONB manager for day to day purposes;
- provision of accommodation, equipment, vehicles and associated costs and legal services. The AONB unit will have access to the full range of council services in order to support the operation of the Partnership and implementation of the work programme;
- agreed income and expenditure of the AONB Partnership will be met in the first instance by the host authority, who will also be responsible for collecting agreed contributions from Partner organisations;
- establishing and using effective management, monitoring and financial systems (including procurement) which meet all the Lancaster City Council financial requirements;
- ensuring that expenditure is eligible and properly incurred in line with expenditure approved by the Executive Committee and Defra;
- implementing systems which ensure regularity, propriety and value for money;
- ensuring that an interim and final claim for reimbursement of grant for eligible AONB expenditure is submitted to Defra by 31<sup>st</sup> January and 31<sup>st</sup> May respectively each year, in accordance with guidance issued by Defra. (Defra's grant contribution will be paid in arrears to the host authority, on receipt of an agreed claim);
- agreeing any variations with Defra prior to revising eligible expenditure headings, in accordance with guidance issued by Defra;
- monitoring regularly progress of output achievements and maintaining suitable records of the same;
- to maintain a register of assets acquired / enhanced wholly or partly using Defra grant and other Partner organisation contributions, e.g. AONB vehicle, etc;
- providing reasonable access and documents for ad hoc inspections and audits.