

# **REVISED CONSTITUTION FOR THE JOINT ADVISORY COMMITTEE FOR THE HIGH WEALD AREA OF OUTSTANDING NATURAL BEAUTY**

**Adopted by the High Weald AONB Joint Advisory Committee  
on 13<sup>th</sup> July 2005 (This is the Final amended Version AGREED on 19 October 2009)**

## **INTRODUCTION**

- 1 The aim of this document (“the Constitution”) is to set out roles and responsibilities for the work of the Joint Advisory Committee (“the JAC”) for the High Weald Area of Outstanding Natural Beauty.
- 2 Each member organisation of the JAC will be expected to commit itself to the aims of the JAC as set out in the constitution and to achieving the objectives for the High Weald Area of Outstanding Natural Beauty (“the AONB”) as set out in the AONB Management Plan.
- 3 The Countryside and Rights of Way Act 2000 has established a statutory duty on local authorities with AONBs to prepare an AONB management plan. In the High Weald the JAC ‘core’ members have agreed that the JAC prepares the AONB management plan. The AONB management plan provides a common framework for action whilst the Constitution provides the complimentary framework to determine how the JAC and its members should operate to maximum effect as a body dedicated to enabling the objectives of the management plan to be achieved.
- 4 The Countryside and Rights of Way Act 2000 has also established a duty on any Minister of the Crown, public body, statutory undertaker or person holding public office, to have regard to the purpose of conserving and enhancing the natural beauty of the AONB in exercising or performing any functions in relation to or affecting land in the area.

## **PURPOSE OF THE JOINT ADVISORY COMMITTEE FOR THE HIGH WEALD AONB**

- 6 In general terms the JAC will be guided by national policies set out for Areas of Outstanding Natural Beauty, primarily by Natural England (Landscape, Access and Recreation) for England or any successor body.
- 7 The primary purpose of the JAC is to
  - a) conserve and enhance the natural beauty of the AONB.

The JAC will also:

- b) increase understanding and enjoyment by the public of the special qualities of the AONB
- c) seek to foster the economic and social well-being of local communities within the AONB.

## **ROLE OF THE JAC**

- 8 The JAC is primarily an advisory body (not a planning authority or an executive body) acting as a catalyst and facilitator in making recommendations to its constituent bodies and other organisations on policies and the allocation of resources in relation to the protection and enhancement of the AONB. The constituent bodies are those listed in paragraph 21 . These bodies shall be referred to in the Constitution as “the Constituent Bodies”. The JAC prepares the AONB management plan, for adoption by the local authorities, and oversees its implementation. The JAC also plays a significant part in developing an image and sense of identity for the AONB and developing and supporting initiatives for conservation within it.
- 9 The JAC will recognise the following principles:
- a) the long term protection of the AONB can only occur if those who live and work in or close to the area, or visit it for recreational purposes, recognise its values and support efforts to conserve them.
  - b) public and political support depends on identifiable achievements leading to a recognition that the JAC and the activities which it generates add value to the conservation of natural beauty in the area.
  - c) the resources it can deploy directly itself will be relatively limited, but can, if well directed, be of great value in raising awareness, catalysing action by others and attracting support from sponsors such as Natural England (Landscape, Access and Recreation) or successor body.
  - d) that long-standing social, economic and environmental interrelationships are integral to the High Weald’s character and vitality.
- 10 The JAC will provide advice relevant to its purposes (paragraph 7 above) and terms of reference (paragraph 11 below).

## **TERMS OF REFERENCE**

- 11 The terms of reference of the JAC will be as follows:
- a) To co-ordinate and assist the work of the Constituent Bodies in the implementation of the AONB management plan, and in particular, to develop practical measures to:
    - conserve and enhance the natural beauty of the AONB;
    - promote understanding of the unique identity of the AONB recognising and respecting locally distinctive landscape character and habitats in the implementation of planning and management policies;
    - encourage, where appropriate, quiet enjoyment of the AONB;

- enable sustainable development which supports the economies and social well-being of the area and its communities provided that it does not conflict with the aim of conserving and enhancing natural beauty, which includes biodiversity, landscape quality and cultural heritage
  - b) To promote the objectives of the designation of the AONB and to act as a forum for the discussion of major issues affecting the character of the AONB.
  - c) To seek to secure sufficient funding to meet its overall aims and objectives for effective management of the AONB, and to manage its own devolved budget.
  - d) To encourage the Constituent Bodies and other organisations to adopt complementary policies which help achieve the Constituent Bodies AONB policies as set out in the adopted AONB management plan.
  - e) Promote awareness and support for the AONB both locally and nationally.
  - f) To advise and inform relevant bodies of the activities of the JAC in order to raise the profile of the AONB locally and to support national efforts to enhance the profile of Areas of Outstanding Natural Beauty.
  - g) To provide a source of expertise and information on the AONB, its conservation and enhancement.
- 12 Any changes in its terms of reference shall be considered formally by the JAC and agreed by all of the local authorities amongst the Constituent Bodies.
  - 13 The JAC shall set up, and decide on the terms of reference, of any panels or working groups it considers necessary or appropriate for the performance of its functions.
  - 14 The JAC may recommend and approve the appointment of such staff as it considers appropriate to carry out its work, the funding of such posts to be agreed by those members described in paragraph 21a.
  - 15 The JAC will produce an annual report of its activities to be distributed to all members and other interested parties.

## **PRESIDENT AND PATRONS**

- 16 Distinguished local people with an interest in the High Weald may be invited to be president or patrons of the High Weald AONB, to act as a figurehead for the area, representing the High Weald locally, regionally and nationally to the general public, politicians, businesses and to the media.
- 17 A President and patrons will be appointed for a term of 2 years with an option of renewal by mutual agreement. The President becomes a co-opted member of the JAC on appointment.
- 18 Recruitment of President and patrons will be through advertisement with selection undertaken by the Management Board.

- 19 Reasonable expenses incurred by the President or patrons in carrying out their duties will be reimbursed by the JAC.

## **MEMBERSHIP**

- 20 The strength of the JAC will be in the scale and breadth of its membership. All members should be willing and able to contribute to the aims of the JAC by virtue of either financial resources, influence, expertise or commitment of time.

- 21 The membership will be divided into the following two categories:

- (a) The principal partners (“the funding Members”) which will comprise:

- (i) Natural England
- (ii) East Sussex County Council
- (iii) West Sussex County Council
- (iv) Kent County Council
- (v) Surrey County Council
- (vi) Tandridge District Council
- (vii) Horsham District Council
- (viii) Mid Sussex District Council
- (ix) Wealden District Council
- (x) Rother District Council
- (xi) Hastings Borough Council
- (xii) Tunbridge Wells Borough Council
- (xiii) Sevenoaks District Council
- (xiv) Ashford Borough Council
- (xv) Tonbridge and Malling Borough Council
- (xvi) Crawley Borough Council

- (b) The advisory partners (“the Non-funding Members”), who will be other government and voluntary agencies who have a significant role in the area covered by the AONB and, who in the opinion of the JAC are likely to be able and willing to make a contribution. The non-funding members will not have voting rights on financial matters.

*The non-funding Members currently comprise Country Landowners Business Association, National Farmers Union, English Nature, The Forestry Commission, Action in Rural Sussex*

- 22 The JAC may appoint, or co-opt for specific issues, other organisations or individuals who it considers to have relevant experience, and who it believes can make a significant contribution to the general aims of the JAC. There will be up to eight advisory Members.

- 23 The Management Board will make recommendations to the JAC on the appointment of Non-funding Members.

## MEMBERSHIP REPRESENTATION

- 24 The Members will be entitled to nominate one representative each to the JAC. For the JAC to operate effectively and with maximum influence it is essential that appropriate representatives are appointed. For local authorities this is usually expected to be an elected member, board member or senior official. For other organisations the nominated member should have appropriate authority to represent the views of that organisation. Each representative is expected to be properly briefed and to have the necessary authority to contribute to effective decision-making on relevant matters.
- 25 Funding Members will decide on the period of office of their representative(s) on the JAC and shall so notify the secretariat - described in paragraph 41.
- 26 Non-Funding Members will be appointed for a period of office of two years.
- 27 Representatives of local authorities amongst Members must be elected members of that authority.
- 28 All of the Members will be expected to appoint a deputy member or to proxy an officer to attend meetings of the JAC or participate in associated activities.
- 29 Representatives of local authorities amongst the Members may be accompanied by an officer of that local authority who will attend meetings in a non-voting capacity unless proxied by a member. Exceptionally more than one officer from an individual authority may attend.
- 30 Appropriate officers of the Non-funding Members may also attend meetings of the JAC in a non-voting capacity to offer professional advice.
- 31 All of the Members will endeavour to ensure their organisation is represented at all meetings of the JAC.
- 32 The JAC may review its membership as and when it considers necessary.

## ROLE OF MEMBERS

- 33 a) The Members will be expected to:
  - (i) make an appropriate financial contribution (funding members) and support the aims and priorities of the JAC.
  - (ii) participate fully in strategic planning and JAC projects.
  - (iii) disseminate and promote the policies set out ,and in relation to, the AONB management plan within their own organisation and externally, as appropriate.
  - (iv) disseminate and advocate any other agreed approach of the JAC within their own organisation and externally, as appropriate *e.g. JAC criteria for allocation of grant aid* .

- (iv) send appropriate senior representatives, or, in the case of local authorities, elected members, properly briefed, to meetings.
- 34 With the agreement of the JAC, Members may take on specific roles. These roles include representing the High Weald JAC at a national and regional level and championing specific AONB projects at a local level.

#### **CHAIRMAN AND VICE CHAIRMAN OF COMMITTEE**

- 35 The Chairman of the JAC (" the Chairman") will be appointed from the local authority funding Members. The Chairman will hold office for a term of up to two years. The Vice Chairman will be appointed following the same principles. The Chairman and Vice Chairman will be appointed at the applicable Autumn Meeting, or if there is a vacancy at the next meeting of the JAC. A Chairman of the JAC shall not be eligible for re-appointment as the Chairman where, immediately before the date in question the Chairman has served as Chairman for three consecutive terms. The Chairman or Vice-Chairman may be removed from office by a majority vote of the JAC.
- 36 In the event of neither the Chairman nor the Vice Chairman being present at a meeting of the JAC, a representative of one of the Core Members present shall be elected to chair the meeting.
- 37 The AONB Director will be appointed by the host authority on the recommendation of the Chairman/ Vice-Chairman (on behalf of JAC).

#### **NUMBER AND FREQUENCY OF MEETINGS**

- 38 The JAC will normally meet twice a year, once in the spring/summer and once in the autumn/winter, or at such other times as it may determine.
- 39 Special or extraordinary meetings may be arranged by the secretariat (see paragraph 41), following consultation with the Chairman.
- 40 The meetings will normally be a day long and consist of a business meeting in the morning and seminars, tours and site visits relevant to its work in the afternoon. Other organisations and individuals will be invited to the afternoon meetings to enable the JAC to engage in dialogue with them on achieving management plan objectives.
- 41 The secretariat for the JAC shall be provided by one of the core members. The service will be reviewed and agreed every three years and will be an operational cost to the JAC.

*East Sussex County Council currently provide secretariat support.*

#### **DECISION MAKING**

- 42 Wherever possible, decisions made at the JAC will be by means of consensus. In the event of a vote being necessary, voting will be by a show of hands and

decisions reached will be based on the majority of votes cast for or against a particular proposal. In the event of the voting being equal, the Chairman of the JAC will have a second or casting vote, but in the event of the Chairman choosing not to exercise the second or casting vote, the proposal in question will fail. Only the funding members will be entitled to vote on matters having a financial implication to the JAC.

- 43 The quorum of the JAC will be one third of the organisations which make up the Members.

### **BUSINESS TO BE DEALT WITH AT MEETINGS**

- 44 Agenda for meetings of the JAC setting out the business to be dealt with will normally be despatched to members seven working days in advance of the meeting.
- 45 The Chairman's agreement will be sought prior to dealing with any urgent items of business or any other business not listed on the agenda for meetings of the JAC.
- 46 Meetings of the JAC shall be conducted in accordance with the standing orders of the authority providing secretariat to the JAC, unless or until the JAC decides otherwise.
- 47 A draft JAC budget will be presented to the funding members for approval at the JAC's autumn/winter meeting, after which the budget will be circulated to member authorities for comment. A final budget will be presented to funding members for approval at the Partnership's spring/summer meeting.

### **DELEGATED AUTHORITY**

- 48 In between JAC meetings the JAC can delegate to the Chairman/ Vice-Chairman and Management Board the power to take decisions on their behalf. Decisions that have been made will be reported to the next JAC meeting within a Management Board report.
- 49 Decisions to be made by the Management Board will include
- a) Appointment of the AONB Director
  - b) Approval of Statutory Accounts
  - c) Approval of revised budget forecasts for the current financial year (within the overall budget agreed by the JAC)
  - d) Approval of external funding bids
  - e) Approval of grant awards within criteria set by the JAC

### **MANAGEMENT BOARD**

- 50 The JAC will establish a Management Board. The Management Board will consist of the Chairman and Vice-Chairman of the JAC, the representative of the Natural England, Board Members will be appointed annually at the JAC's autumn/winter meeting. Nominations for the Board Members will be received

by the JAC secretariat at least three weeks before the JAC meeting. The AONB Director and Chairman of Officers Policy Group will be non-voting members of the Management Board.

- 51 The Management Board will assist with the Unit's work between meetings. The Management Board will be accountable to the JAC and will report back to the JAC.
- 52 Terms of reference of the Management Board will be agreed by the JAC.

#### **THE AONB STAFF**

- 53 The JAC will recommend and approve the appointment of an officer for the AONB ("the AONB Director") subject to funding availability. The relationship between the AONB Director and JAC is set out in Annexe III. The JAC may also recommend the appointment of other staff as part of a planned programme of work and to undertake specific functions determined by the JAC. The current functions of the JAC's staff Unit are set out in Annexe III. The JAC should ensure a current business plan defines the work programme of the staff unit. From time to time, secondments will be sought from member organisations in order to undertake a defined task, or role, for a specific period of time.
- 54 The AONB Director and any associated staff will be employed by the host authority .

#### **FINANCE**

- 55 The funding requirement of the JAC will form part of a three year rolling business plan. The plan will be reviewed and a revised budget submitted to the JAC annually. The budget will be prepared by the AONB Director with advice from the Treasurer.
- 56 The contributions to 'core' costs will be made primarily by the funding Members. Other organisations may be willing from time to time to provide funding or assistance in kind. The memorandum of agreement will refer to the current funding formula.
- 57 The budget will make sufficient provision to cover:
  - a) costs of the staff unit and any other staff employed on the JAC's behalf. (Such costs to include salaries, pensions, national insurance, travel and subsistence, training and recruitment.)
  - b) financial, personnel and IT support
  - c) accommodation, office running costs and other associated operational expenses
  - d) costs associated with publicising and promoting the work of the JAC
  - e) costs of operating the JAC including secretariat support and;

- f) the costs of any other projects and activities to be undertaken during the year for which the JAC's approval has been given.
- 58 The contribution sought from the Constituent Bodies will be based on the previous financial year, updated to take account of the current rate of inflation. Additional income to undertake specific projects will be sought through grant, sponsorship, lottery funding or other sources.
- 59 Non-funding local authority bodies eligible for JAC membership will be approached annually for an appropriate contribution.
- 60 Any overspend/underspend remaining in the JAC's account at the end of a financial year shall be carried forward into the next financial year.
- 61 The JAC or the AONB Director shall, within the budget limits agreed in advance and in accordance with any conditions imposed by grant-giving bodies, be authorised to approve expenditure within the JAC's terms of reference, and to apply for grants, sponsorship, lottery funding or any other source of income. Continuing efforts will be made by all members of the JAC to identify and secure funding from a wide range of sources.
- 62 The JAC Treasurer, in consultation with the AONB Director will prepare an annual statement of accounts for the previous financial year, for the JAC's approval. The JAC Treasurer will also be responsible for providing financial information in response to any reasonable request from any of the Constituent Bodies making a financial contribution.
- 63 Financial and administration services will be reviewed and agreed every three years and will be an operational cost of the JAC.

*East Sussex County Council currently provide treasurer support.*

#### **MEMORANDUM OF AGREEMENT**

- 64 In order to secure continuity and stability to the arrangements the Core Members will subscribe to a memorandum of agreement with Natural England which will commit them to support over a six year period which will include a three year review and a rolling renewal.

#### **REVIEW**

- 65 The funding arrangements and the constitution for the JAC will be reviewed every three years at the time the memorandum of agreement is reviewed.

## **TERMS OF REFERENCE FOR THE HIGH WEALD AONB MANAGEMENT BOARD**

**Adopted by the High Weald AONB Joint Advisory Committee on 15<sup>th</sup> July 2005**

- 1 The High Weald AONB Management Board will be the operational arm of the High Weald AONB Joint Advisory Committee (JAC). The Board will comprise the following members:
  - Chairman of the JAC
  - Vice-Chairman of the JAC
  - 1 representative of Natural England
  - 4 members of the JAC
  - Chairman of the Officers' working group (non voting)
  - The AONB Director (non voting)
  
- 2 The Board will be appointed annually by the JAC at the JAC's autumn/winter meeting. Nominations for the Group Members should be received by the JAC secretariat at least three weeks before the JAC meeting.
  
- 3 The Management Board will assist the JAC's work between JAC meetings. The Management Board will be accountable to the JAC and will report back to the JAC. The specific roles of the Management Board will be as follows.
  - To advise the AONB Officer on the priorities of the JAC and partner authorities
  - To enable integration between JAC activities with the priorities and programmes of other organisations and agencies
  - To advise on the production, review and monitoring of the AONB management plan and 3-year business plan
  - To approve the Statutory Accounts
  - To set up working groups or other appropriate mechanisms to discuss and deliver management plan and JAC business plan objectives
  - To monitor progress on specific pieces of work, including the progress of working groups and other agencies
  - To consider and advise on risks associated with project contracts
  - To advise on funding allocations, grant administration and funding bids
  - To agree external grant awards
  - To oversee the work of the staff unit
  - To alert the JAC to issues arising from the implementation of the AONB Management Plan and three-year business plan
  - To advise host authority on annual forward targets for AONB Officer
  - To advise the JAC on Non-funding Member appointments
  - Appoint Presidents and Patrons for the AONB.
  
- 4 With the agreement of the Management Board, Members of the Board may take on specific roles.

- 5 The Management Board will normally meet 2 – 3 times a year, and as and when necessary. The Chairman of the Management Board will be able to convene urgent meetings as appropriate and as necessary.
- 6 The Management Board can co-opt other individuals as and when necessary to provide expertise. These ‘advisors’ will not have voting rights.

#### **DECISION MAKING**

- 7 Wherever possible, decisions made by the management group will be by means of consensus. In the event of a vote being necessary, voting will be by a show of hands and decisions reached will be based on the majority of votes cast for or against a particular proposal. In the event of the voting being equal, the Chairman of the Group will have a second or casting vote, but in the event of the Chairman choosing not to exercise the second or casting vote, the proposal in question will fail. All core members will be entitled to vote on matters having a financial implication to the JAC.
- 8 The quorum of the Management Board will be four voting members to include the Chairman or Vice-Chairman.

## TERMS OF REFERENCE FOR THE HIGH WEALD AONB OFFICER'S STEERING GROUP

1. An Officers' Steering Group (OSG), comprising officers of the Joint Advisory Committee (JAC) core membership will provide the JAC with professional advice in relation to its terms of reference, core budget, business strategy and the preparation and delivery of the statutory AONB Management Plan. The cost of providing such advice will be borne by the organisations represented on the Group.
2. The chairman of the OSG will be nominated from within the Group. The chairman's role is to provide advice to the JAC on behalf of the OSG.
3. The group may invite contributions from other organisations/individuals on specific aspects of the work of the JAC, as considered appropriate.
4. The OSG will normally meet twice per year, prior to each meeting of the JAC. Notes of the meeting will be taken and any decisions minuted. Where votes are taken on any particular matter these will be recorded within the minutes. NB - at the request of the JAC these minutes will be attached to JAC agendas.
5. The functions of the OSG are to:
  - a) to provide professional and technical advice and support to the JAC/ Management Board on protocols and practices adopted by the Unit and its constituent Local Authority partners to promote liaison and cooperation between Local Authorities on matters relevant to the AONB.
  - b) identify management issues of importance in the AONB
  - c) develop policy and research recommendations to the JAC
  - d) advise on the preparation, review and adoption of the statutory AONB Management Plan
  - e) co-ordinate the work of local authority partners to deliver the management plan.
  - f) act as a sounding board for the AONB Unit on local authority issues, advice on JAC terms of reference, core budget and the business strategy.
6. Wherever possible, decisions made by the officer steering group will be by means of consensus. In the event of a vote being necessary, voting will be by a show of hands and decisions reached will be based on the majority of votes cast for or against a particular proposal. In the event of the voting being equal, the Chairman of the Group will have a second or casting vote, but in the event of the Chairman choosing not to exercise the second or casting vote, the proposal in question will fail.
7. Members of the OSG shall be appointed by their local authority and be able to:
  - a) represent the interests of the whole authority in relation to AONB management policy,
  - b) to liaise with elected members,
  - c) have budgetary responsibility for partnership contributions within their own Authority

- d) develop a broad awareness and understanding of the High Weald AONB
- e) promote the AONB Management Plan within their authority
- f) act as a point of liaison with other officers in their authority on AONB issues
- g) provide advice to the JAC on the alignment of the AONB management Plan with wider Corporate plans, Core Strategies and Community Strategies.

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### **PRESIDENTS AND PATRONS**

The role of the President/Patrons will depend on Joint Advisory Committee needs and the interests of the appointee(s). The tasks likely to be performed by the President or Patrons are to:

- Attend meetings and publicity events where issues relating to the High Weald are discussed.
- Represent the High Weald in the national and regional arena, for example at national conferences and at the Association of AONBs.
- Present the views of the High Weald Joint Advisory Committee to the media.
- Provide informed comment on topical issues of relevance to the High Weald.
- Attend meetings of the JAC as a co-opted member.

### **HIGH WEALD AONB UNIT**

**Adopted by the Joint Advisory Committee on 15<sup>th</sup> July 2005**

#### Role of AONB Director

1. The AONB Director will be appointed by the Chairman/Vice-Chairman (on behalf of JAC) and employed by the host authority.
2. The Director's main role will be to advise the JAC on delivery of AONB objectives including the preparation, review and monitoring of the AONB management plan and direct the work of the staff unit to achieve JAC business plan targets.
3. The Director shall report to the JAC and be a non-voting member of the management board.
4. Annual performance management of the AONB Director will be carried out by the host authority who shall seek input from the management group on the AONB Director's annual targets.

#### Role of the AONB Unit

The role of the AONB Unit is based on the core functions that have been defined for all AONB Units by the Countryside Agency. The functions are set out in the High Weald Memorandum of Agreement (MOA).

The role of the AONB Unit as currently set out in the High Weald MOA 2005/11 is:

- a) To develop, review, prepare and publish the AONB vision and the CRoW Act AONB Management Plan.
- b) To promote the AONB vision and management plan to help distinguish the AONB from adjacent countryside.
- c) To advise upon, facilitate and co-ordinate implementation by others of the Management Plan.
- d) To advise Local Authorities on their activities within AONBs, to encourage them to go beyond normal levels of service (attain the highest possible standards) in countryside management.
- e) To monitor and report on progress against AONB Management Plan targets
- f) To monitor AONB landscape condition.
- g) To access resources for management activities.
- h) To work with and contribute to the NAAONB activities, sharing advice and best practice nationally and regionally.
- i) To provide 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.
- j) To develop an involvement by the community in the management of the AONB.
- k) To provide landscape character related planning advice.