



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	1 APRIL 2010
REPORT OF THE:	HEAD OF PLANNING GARY HOUSDEN
TITLE OF REPORT:	HOWARDIAN HILLS AREA OF OUTSTANDING NATURAL BEAUTY (AONB) PARTNERSHIP AGREEMENT
WARDS AFFECTED:	THOSE WITHIN THE HOWARDIAN HILLS AONB

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To inform Members of the new Partnership Agreement and to seek approval for the Chief Executive to sign the agreement on behalf of the Council.

2.0 RECOMMENDATION

- 2.1 That Council is recommended to grant approval to the Chief Executive to sign the Partnership Agreement.

3.0 REASON FOR RECOMMENDATION

- 3.1 The Council needs to sign to the Agreement to continue to meet its duties and obligations arising from Part IV of the Countryside and Rights of Way act 2000.

4.0 SIGNIFICANT RISKS

- 4.1 The agreement makes minor amendments to the existing Memorandum of Understanding which each of the Howardian Hills AONB partners have agreed. It is considered that there are no significant risks associated with the report.

REPORT

5.0 BACKGROUND AND INTRODUCTION

- 5.1 AONB Partnership Agreements provide a framework for the delivery of duties and obligations arising from part IV of the Countryside and Rights of Way Act 2000, including the operation and management of an AONB Partnership, the provision of a staff unit to act on behalf of the Partnership and the publishing, reviewing and monitoring of the AONB Management Plan. The Agreement also sets out the shared

vision and expectations on all partners.

- 5.2 The new Partnership agreement is, essentially, a newer version of the existing Memorandum of Understandings that are in place for different AONB partnerships across the country.
- 5.3 Members are aware that currently, the Howardian Hills AONB is managed as a partnership between Natural England, North Yorkshire County Council, Hambleton District Council and Ryedale District Council. The existing Memorandum of Understanding has been agreed by all partners and covers the period 2005-2011. It was subject to review in 2008.
- 5.4 Natural England, the successor to the Countryside Agency, is keen to ensure that a consistent framework for partnership agreements are in place across the Country. The individual Memorandum of Understandings that are currently in place vary in their scope and content and many do not contain clauses relating to redundancy. Redundancy clauses are included in the new Partnership Agreement and this represents the main change for many of the existing Memorandum of Understandings. Further minor changes included in the new agreement template are outlined in Section 8 of this report.

6.0 POLICY CONTEXT

- 6.1 The Howardian Hills AONB exists to conserve and enhance the natural beauty of the landscape. The management and protection of the AONB is integral to the Landscape and Environment theme of Imagine Ryedale and contributes to the Council's aim of ensuring a high quality, clean and sustainable environment.

7.0 CONSULTATION

- 7.1 Natural England has compiled the Partnership Agreement template in consultation with AONB partners across the Country and in consultation with the legal teams of some of the larger County Councils.

8.0 REPORT DETAILS

- 8.1 For many AONB Partnership units, the inclusion of redundancy clauses in the new Partnership Agreement represents the main change from their existing Memorandum of Understandings. However, when the Howardian Hills AONB Memorandum of Understanding was revised in 2008, redundancy clauses were included and agreed by Members of the partnership. The new redundancy clauses are almost identical to those that are included in the Howardian Hills Memorandum of Understanding and are not considered to introduce any substantive change to these. The changes are essentially, changes to the language used and are considered to be more 'user friendly'.
- 8.2 The other changes introduced by the new Partnership Agreement template are:

New sections to cover:

- definitions and interpretations – contextual/ factual information
- the role of non-funding partners – new clause widens the duty to 'work across government and with national organisations to promote the role and value of AONB's to society and our natural environment' to all funding partners and not just Natural England.

- details of the staff unit – factual information relating to staffing structure
- eligible costs – introduction of a list of eligible costs that the partnership can incur.
- Termination – standard legal clause to protect individual partners
- Jurisdiction – As above
- reconciliation and disagreement – As above
- information – As above
- variation and waiver – As above
- contract (Rights of Third Parties) Act 1999 – As above

8.2 The new agreement will cover the period to 2011, the same period covered by the existing Memorandum of Understanding.

8.3 It is understood that the other Howardian Hills AONB Partners are satisfied that the Partnership Agreement meets their legal and financial obligations. Given that the document does not introduce changes that are significantly different to the current partnership agreement/ memorandum of understanding, it is considered appropriate that it is signed on behalf of this Authority.

9.0 IMPLICATIONS

9.1 The following implications have been identified:

a) Financial

There are no further financial implications. The Partnership Agreement sets out the Council's contributions to the AONB Partnership to 2011 as agreed in the Council budget and does not commit this Authority to additional expenditure.

b) Legal

The Partnership Agreement replaces the current Memorandum of Agreement and does not introduce substantive changes to the provisions of that document..

c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)

No direct implications.

10.0 NEXT STEPS

10.1 The Partnership Unit will need to confirm to Natural England that the agreement has been signed by all partners. Once agreed it will replace the current Memorandum of Understanding.

Gary Housden
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Background Papers:

Natural England Howardian Hills AONB Partnership Agreement

Background Papers are available for inspection at:

Ryedale House, Malton