

# APPENDIX G

## WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 7 SEPTEMBER 2010

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Title:

**SURREY HILLS AREA OF OUTSTANDING NATURAL BEAUTY – REVISED  
MEMORANDUM OF AGREEMENT**

**[Portfolio Holder: Cllr Adam Taylor-Smith]**

**[Wards Affected: All except urban areas and Dunsfold and Alfold]**

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**Summary and purpose:**

To seek approval to the Council signing an amended Memorandum of Agreement (now described as a Partnership Agreement) regarding the Surrey Hills Area of Outstanding Natural beauty (AONB) Partnership.

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**How this report relates to the Council's Corporate Priorities:**

Protection of the AONB contributes to the Corporate Priority of protecting the environment of Waverley

**Equality and Diversity Implications:**

There are no equality and diversity implications arising specifically from this report

**Climate Change Implications:**

There are no climate change implications arising specifically from this report

**Resource/Value for Money Implications:**

Waverley already makes an annual contribution towards the funding of the Surrey Hills AONB Partnership. Overall, Natural England contributes 75% of the core funding of the AONB Unit, with the six affected local authorities contributing the remaining 25%. This agreement covers the three years from 2008 to 2011. In 2010/11, Waverley contributes £6,503 to the Partnership via the Waverley Community Partnerships scheme. Whilst this budget has been maintained at the required level in recent years, the budget update report considered by the Executive in June, indicates that all partner organisations will be written to alerting them to potential reductions in grant levels in future.

**Legal Implications:**

The Memorandum of Agreement provides the framework for delivery of duties and obligations arising from Part IV of the Countryside and Rights of Way Act 2000,

including the operation and management of the AONB Partnership and associated staff unit.

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## **Background**

1. The Surrey Hills Area of Outstanding Natural Beauty extends across Waverley from north of Ewhurst in the east to Frensham in the west and covers over half of the rural area of the Borough. It extends across Surrey from Tandridge to the Hampshire border. The AONB is a landscape of national importance and the Council, as local planning authority, has a number of statutory duties in relation to this designation. One of the principal statutory duties is to produce a Management Plan. The five "Surrey Hills" districts and boroughs have jointly delegated the preparation and delivery of the Management Plan to the Surrey Hills AONB Board. The day-to-day work is undertaken by the Surrey Hills Office. Funding is principally from Natural England, with other funding coming from Surrey County Council and the five districts and boroughs.
2. Funding for the AONBs is contributed by the local authority partners and Natural England, with 75% funding coming from the latter. The local authorities contribute proportionately based on the proportion of the AONB within their areas. In the case of the Surrey Hills, Surrey County Council is the "host" authority responsible for employing the Surrey Hills AONB Office staff.
3. The Surrey Hills Joint Advisory Committee was established in March 1998. However changes have taken place in its governance and the role of the Surrey Hills JAC has been taken over by a Board made up of the Core Funding partners. The Council's on-going commitment to the AONB partnership is formalised through a Memorandum of Agreement (MOA), signed by all the relevant partners. The MOA includes a commitment to funding the AONB Unit's core costs. The current MOA runs for 6 years from 2005-2011. Natural England wishes to make changes to the legal agreement and the purpose of this report is to seek approval to the Council signing this revised agreement.

## **The Proposed Legal Agreement**

4. A copy of the proposed agreement is attached as Annexe 1 to this report. The timing is dictated by the fact that Natural England is seeking to refresh and standardise the working agreements for all AONBs nationally. The current Surrey Hills agreement needs updating partly because it was between the local authorities and the Countryside Agency (now Natural England) and partly because it refers to local authority representation on the Surrey Hills AONB Joint Advisory Group, which has now been replaced by the Surrey Hills AONB Board.
5. After deciding to refresh these agreements nationally and after consulting with the AONBs in 2008, Natural England decided to change from an MOA to a Memorandum of Understanding (MoU). Some local authorities highlighted

that the MoU did not contain details referring to redundancy. To address these concerns a redundancy clause was added to an amended legal agreement, which is now described as a Partnership Agreement.

6. The previous Surrey Hills MoA ran for a six year period (from April 2005) with a review after 3 years although the 2008 review was not undertaken. Therefore the new Agreement will be partly backdated and partly for the present financial year, therefore the term will be a period of three years to include years 2008/09, 2009/10 and 2010/11.
7. In relation to termination, the previous MoA agreed three months notice from any party terminating its participation in the agreement. This has been changed to one year. The previous MoA stated "The agency will pay grant in respect of inescapable contractual commitments". The new Partnership Agreement states "The Local Authority Funding Partners and Natural England will pay contributions in respect of inescapable contractual agreements."

### **Issues**

8. In terms of the financial contribution to the AONB Partnership, this revised agreement is largely retrospective in that it covers the three financial years up to March 2011. Waverley has already made the contribution for 2010/2011.
9. The section on redundancy is probably the most significant addition. It sets out different liabilities relating to redundancy, depending on the circumstances. In Waverley's case, the potential liability would arise either if the Council withdrew from the agreement or if it were a unanimous decision. In such a case, the potential liability would be split pro-rata based on each parties contribution. In Waverley's case, the annual contribution is only 3% of the total funding for the AONB Partnership.
10. There are clear benefits delivered by the AONB Partnership. This is principally because the AONB Unit prepares and implements the Management Plan. The 25% contribution from the affected local authorities ties in the 75% contribution from Natural England. It is a cost effective way of enabling all the affected authorities to discharge the responsibility of producing an AONB Management Plan.

### **Conclusion**

11. The draft Agreement is similar to those being proposed for all local authority partners in all the 37 AONBs across the country and therefore Waverley would need good reasons if it was to argue that the proposed Agreements were not appropriate for Waverley to sign. Officers, therefore, support the approach of having a standardised agreement.

### **Recommendation**

That the Executive agree to the Council signing the proposed partnership Agreement.

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Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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