

28<sup>th</sup> January 2022

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## **UPDATED MEMORANDUM OF UNDERSTANDING WITH NATURAL RESOURCES WALES**

### **Purpose**

1. To seek members approval for an updated Memorandum of Understanding with Natural Resources (NRW).

### **Background**

2. A Memorandum of Understanding (MoU) was first drawn up with Natural Resources Wales back in 2018/19. It was intended to improve working relations following a meeting between Cllr Debbie Wilcox and the (then) Minister responsible for NRW, Hannah Blythyn. At that meeting, Cllr Wilcox fed back on areas for improvement (as well as positive feedback) identified by local authorities in response to an exercise she asked WLGA to undertake.
3. The protocol was not taken to a WLGA political meeting for discussion and endorsement. In September 2018, an initial version was signed off *after* a WLGA Council meeting by Cllr Debbie Wilcox, Councillor Andrew Morgan (as WLGA Environment Spokesperson) and the then-interim chair of NRW, Madeleine Havard. It was subsequently endorsed and signed in February 2019 by the incoming Chair of NRW, Sir David Henshaw, at a meeting with Cllr Wilcox. The MoU was then circulated to Directors of Environment in all local authorities and disseminated to key officers within NRW.
4. Unfortunately, the protocol has had limited impact. Frequent staff changes were taking place in NRW at the time and that resulted fairly quickly in low awareness of the protocol. Also, the governance arrangements around the protocol were not particularly well-developed. One positive outcome of the protocol was the introduction of monthly meetings between WLGA officers and a small group of NRW staff. Those meetings have been productive. They facilitate a useful, ongoing, two-way exchange of information about key developments. Overall, though, the MoU has not really influenced day-to-day working relations between NRW and local authorities in the way that had been hoped.
5. In May 2021 a report was prepared for the WLGA Executive Board which set out the wide range of areas where local authorities and NRW work closely together, highlighting the importance of this relationship. Once again, however, a range of difficulties and concerns were highlighted by local authorities.
6. Some of those issues have been worked through and more meetings have been taking place at a senior level between WLGA officers and NRW. One of the actions that was agreed was to revisit the MoU and bring a revised version back to both

the WLGA Executive Board and the NRW Board for more formal endorsement.

## **The updated Memorandum of Understanding**

7. The revised MoU is attached at Annex 1. It has been kept deliberately brief and strategic, focusing on high-level principles (Section 3). More attention has been given to governance arrangements. These are set out in section 6, where a structured annual programme of WLGA/NRW/ liaison is proposed including:
  - Annual meeting between NRW Chair and WLGA leader
  - Biannual meeting between NRW Chief Executive and WLGA Chief Executive
  - Quarterly meeting between the Executive Director of Operations for Natural Resources Wales and Director of Regeneration and Sustainable Development for WLGA
  - Monthly meetings at Director level involving other relevant officers as required to discuss emerging policy and operational issues [requiring strategic or tactical discussion]
  - Regular liaison between NRW Heads of Place and relevant Local Authority Directors (Heads of Service).
8. The intention is that a series of complementary joint working protocols will be produced. These will provide the detail for specific service areas, informed by the principles in the MoU. Initial areas, where work is already underway that could contribute to this proposed approach, include coal tip safety, flood response and fly tipping. In all of such areas there is a need for clear understanding of respective roles and responsibilities.
9. The MoU has been the subject of discussion between, and input from, WLGA officers and a range of NRW staff, so it has been co-produced. It is now being brought to Leaders for their views. From a local authority perspective, the next step would be to take the MoU to a meeting of Environment directors and encourage widespread dissemination within LAs. NRW also plan to put a significant effort into raising awareness throughout the organisation once the document has been approved.

## **Recommendations**

### **10. Members are asked to:**

- 10.1 Endorse the updated Memorandum of Understanding with Natural Resources Wales in Annex 1**
- 10.2 Agree to the Leader of WLGA signing the Memorandum of Understanding on behalf of all local authorities following negotiation with the Chair of Natural Resources Wales (and co-signatory) over any changes requested by the WLGA Executive Board or by the Board of Natural Resources Wales; and**

- 10.3** Approve the proposed development of protocols to sit underneath the Memorandum of Understanding in relation to specific services, with these to be reported to future meetings or agreed by the WLGA Spokesperson as appropriate.

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**Report cleared by: Cllr Andrew Morgan, Transport, Environment and Climate Change Spokesperson**

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Dated: .....

**MEMORANDUM OF UNDERSTANDING between Natural Resources Body for Wales (NRW) of 29 Newport Road, Cardiff, CF24 0TP and Welsh Local Government Association (WLGA), of One Canal Parade, Dumballs Rd, Cardiff, CF10 5BF.**

**Aim and purpose of the Memorandum**

- 1.1. This Memorandum records the understanding of NRW and WLGA in respect of their common objectives relating to matters of mutual interest, primarily operational activity and facilitating strategic and policy collaboration with local authorities through the WLGA. It will support better working arrangements and communication whilst public sector resources are reducing to ensure efficient and effective provision of frontline services. It sets out a framework through which the parties seek to enhance the delivery of mutual objectives by sharing knowledge and information.
- 1.2. This Memorandum recites the responsibilities of the parties and establishes the general principles for their cooperation, further details will be set out in specific protocols.
- 1.3. This Memorandum shall be effective from the date recorded above and it will be reviewed annually in accordance with paragraph 6 of this Memorandum and managed in accordance with the governance arrangements for the MOU and associated protocol

**2. Roles and functions of the signatories: Both organisations have a wide range of roles and duties which managed collaboratively can bring benefits to each organisation and the people of Wales.**

**2.1. NRW**

2.1.1 NRW is a Welsh Government Sponsored Body. NRW's purpose is to pursue sustainable management of natural resources in relation to Wales and apply the principles of sustainable management of natural resources in the exercise of its functions, so far as consistent with their proper exercise.

**2.2. WLGA**

2.2.1 The WLGA represents the interests of the 22 local authorities in Wales. The three national park authorities and the three fire and rescue authorities are associate members. It seeks to provide representation to local authorities within an emerging framework that satisfies priorities of their members and delivers a broad range of services that add value to Welsh Local Government and the communities they serve.

### **3. Principles of working together**

3.1. NRW and WLGA each recognise the independent remit of the other party and the requirement for each party to exercise its own discretion in all decision making, but will aim to:

- work in line with the Principles of the Well-being of Future Generations Act i.e. Involve each other; work to prevent issues arising; consider long term implications and opportunities in an integrated way and collaborate and work cooperatively where appropriate in the achievement of their shared and respective objectives in the marine and terrestrial environments.
- engage in open discussion in areas of mutual interest to achieve their respective objectives in contributing to the sustainable development of the marine and terrestrial environments.
- operate in a transparent way while undertaking their responsibilities.
- involve and work with each other in areas of shared interest or concern and work jointly with other delivery partners where relevant and agreed. Work together to develop and share reports, data, research, or other information that either party believes would be helpful to the other in connection with the decisions or activities of either party, taking account of their respective obligations under the General Data Protection Regulations (EU) 2016/679 and the Data Protection Act 2018 and subject to any intellectual property or confidentiality restrictions placed on the parties;
- explore further opportunities to develop shared working practices, make improvements to services provided to each other and reduce duplication of effort. Where such opportunities are identified, the specific terms on which the parties will operate will be negotiated and agreed within a separate agreement referred to as a Protocol.
- seek to deliver consistent and coordinated messages when working together on projects and when working with Government, delivery partners and the public.
- Any appraisal of the working practices and relationships will be carried out jointly.

### **4. Status**

4.1 NRW, as a Welsh Government Sponsored Body, is accountable to Ministers and the Welsh Government, as set out in the Establishment Order for the Body and the agreed Governance Framework. WLGA is an unincorporated association of all principal councils in Wales. The WLGA Council is its sovereign body. The Leader of the largest political group is the Leader of the Association and has responsibility for promoting the policies of the Association supported, where there is consensus, by other Officer Holders. The parties recognise that any relevant requirements in these governance arrangements take precedence over this Memorandum.

- 4.2 The parties agree that this Memorandum is not legally binding between them and does not create any form of partnership or legal rights or obligations. It is however a statement of their shared intention to work together in a spirit of co-operation in pursuance of the matters outlined above.
- 4.3 Nothing in this Memorandum of Understanding shall fetter the discretion of NRW or WLGA and its duties to be impartial, fair to all affected persons and to exercise (and be seen to exercise) the functions in accordance with the requirements of relevant legislation at all times. Accordingly, nothing in this Memorandum is to be taken as limiting or affecting the exercise the powers and duties of either party.

## **5. Ways of working**

**The agreement will be informed by and reflect the following ways of working**

- Managers to communicate the MOU and the protocols where relevant to ensure staff understand the arrangements and the escalation hierarchy.
- Each working protocol will develop an escalation route with named roles and contacts
- Issues will be resolved as far as possible at officer/manager level locally.
- Unresolved Issues will be raised early and resolved at relevant level in organisations through the escalation route
- The parties will endeavour to keep each other informed in advance (taking into account confidentiality and other obligations owed to third parties) of any forthcoming significant public policy announcements on material matters of mutual interest including, for example only, early notice of non-restricted significant business developments and non-routine asset sales.

## **6. Governance and Communication**

NRW and WLGA will each nominate a primary contact. These primary contacts will be responsible for encouraging a fluent and (where the commercial interests of the parties allow) transparent relationship between NRW and WLGA, resolving difficulties and monitoring the smooth operation of this Memorandum. These are the Executive Director for Operations for Natural Resources Wales and Director of Regeneration and Sustainable Development for WLGA.

A clear structured programme of WLGA/NRW liaison will be set out annually including:

- **Annual meeting between NRW Chair and WLGA leader**
- **Biannual meeting between NRW Chief Executive and WLGA Chief Executive**
- **Quarterly meeting between** the Executive Director of Operations for Natural Resources Wales and Director of Regeneration and Sustainable Development for WLGA
- **Monthly meetings at Director level** involving other relevant officers as required to discuss emerging policy and operational issues [requiring strategic or tactical

discussion]. Directors may elect to delegate responsibility for leading representation at these meetings.

- **Regular liaison**, this continues to take place between NRW Heads of Place and relevant Local Authority Directors (Heads of Service)

## **7. Review and appraisal of the Memorandum**

7.1 The 'Biannual Meetings' convened by the Executive Director of Operations for Natural Resources Wales and the WLGA Director of Regeneration and Sustainable Development will maintain an overview of the effectiveness of the Memorandum informed by:

7.1.1 review of the shared wider strategic context and exploration of the emerging opportunities for the improvement of joint working practices, and

7.1.2 any substantial changes which occur to the policies, external relationships and structures of the parties concerned, or to the interaction between governments within the UK.

7.1.3 jointly commissioned evaluation of the ways of working and the implementation of the protocols

7.2 Any amendments to this Memorandum consequent upon those reviews will be in writing and incorporated into it by the parties by mutual agreement.

## **8. Signatories**

The parties agree to the terms set out in this Memorandum.

Signature

Signature

Sir David Henshaw

Councillor Andrew Morgan

Chair of

Leader

Natural Resources Body for Wales

Welsh Local Government Association