

31st March 2023

WLGA AND NATURAL RESOURCES WALES MEMORANDUM OF UNDERSTANDING – INPUT FROM LEADERS AND CABINET MEMBERS

Purpose

- 1 To provide an update on work towards a Memorandum of Understanding with Natural Resources Wales (NRW) and seek Members' views on various options for greater engagement in this important relationship.

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 the (then) Leader of WLGA, 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, though, 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 had limited impact. Frequent staff changes were taking place 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 continued and have been productive, facilitating 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 number of concerns were highlighted by Leaders. It was agreed to revisit the MoU and bring a revised version back to both the WLGA Executive Board and the NRW Board for more formal endorsement.
- 6 A report with an updated MoU was taken to the Executive Board on 28th January 2022. Whilst some elements of the MoU were broadly acceptable, Leaders expressed concern at the lack of elected Member involvement built into the arrangements. The minute from the meeting read as follows:

“Members raised a number of points and reservations in relation to the draft Memorandum and consequently agreed to defer the report. They called for direct engagement between Leaders and NRW and a stronger regional dimension to be included as part of the MoU. The current focus was considered to be weighted too heavily towards national-level WLGA-NRW engagement. Leaders also asked for the indicative list of protocols to be developed beneath the MoU to be extended to include, for example, phosphates/nutrient management and marine licensing. Officers were asked to arrange a workshop at an appropriate time to enable Leaders to talk these proposed changes/additions through with NRW and to build relations”.

Developments since January 2022

- 7 As the pre-election period was approaching, there was no time to arrange the requested workshop in advance of the May elections. There then followed a period of time whilst the new administrations were establishing themselves in councils.
- 8 In order to make progress, and in discussion with Cllr Andrew Morgan as WLGA Leader and Spokesperson for Climate Change/Environment, WLGA officers organised meetings in each region of Wales with council officers who have regular dealings with NRW. They were asked to identify strengths and areas for improvement in their joint working with NRW. They were also asked to identify where elected Member input would be beneficial but does not currently take place, and how that input might best be realised.
- 9 Following, and in light of, those discussions joint meetings were held in each region involving council officers and senior policy officers from NRW along with their relevant ‘Heads of Place’. The meetings were facilitated by a company called Camlas, who acted as an independent body to draw out views from councils and NRW. In these meetings it was acknowledged that NRW is involved in many and varied ways that impact on council operations. Elected Members would ordinarily be informed and/or involved at some stage if these were purely ‘in-house’ matters.
- 10 The meetings explored current engagement between council members and officers and NRW and considered opportunities for input from Leaders and NRW and how to develop a stronger regional dimension. The views expressed at those meetings have been collated and are summarised in Table 1 below. The table includes the ‘pros and cons’ that were identified with these different (and not mutually exclusive) proposals.
- 11 Key considerations in developing the options were:
 - The relationship with NRW is an important one that spans many areas of council activity, and it is therefore important that Leaders and other elected Members are aware of all important developments.
 - Leaders have heavy workloads and many competing demands on their time so the engagement should be proportionate.
 - Therefore, some aspects of improved elected Member engagement with NRW could usefully involve Cabinet Members with responsibilities for Climate Change and Environment portfolios.
 - As far as possible, engagement should seek to build on current structures/for a rather than creating new ones.

Table 1 – Options for Engagement

Option	Description	Pro	Con
1	<p>It was noted that there are currently regional level meetings for Transport Cabinet Members.</p> <p>Transport arrangements could be used as a model for establishing similar regional meetings for Environment Cabinet Members at which NRW could be invited to attend</p>	<ul style="list-style-type: none"> Would provide a forum for sharing key issues and forward planning / horizon scanning. 	<ul style="list-style-type: none"> Would be an <i>additional</i> meeting for the already busy schedules of Cabinet Members Depending upon terms of reference and the portfolios in councils, the meetings may require more than one cabinet member to attend per LA (e.g. Planning, Flood & Water, Waste, Biodiversity). May place additional demands on a range of officers to attend with the Cabinet Member(s) If any decisions are to be made there would need to be delegated authority or else would need to refer back to each Cabinet/Council.
2	<p>The Ministerial Waste Programme Board (with MCC Julie James) has evolved into the Circular Economy Programme Board. Groups of Environment/Waste Cabinet Members have met at a regional level and agreed delegates to send to the national Board over recent years.</p>	<ul style="list-style-type: none"> With the focus of these regional groups evolving from waste and recycling to a broader circular economy remit too, the meetings provide an opportunity for NRW involvement, input, and updates to/with Members. 	<ul style="list-style-type: none"> As above, may need several Cabinet Members /officers to attend as remit expands Including wider environment and climate change and NRW liaison in the expanded remit may prove cumbersome and lose focus
3	<p>Invite NRW, as and when appropriate, into relevant sub-groups of the Corporate Joint Committees (CJC) in each region.</p> <p>Engagement with Leaders could take place by inviting NRW to the main CJC meetings from time to time to share plans etc.</p>	<ul style="list-style-type: none"> NRW is a statutory consultee for planning purposes. Links to work on Strategic Development Plans NRW could also input into CJC discussions on Regional Transport Plans and work on economic well-being 	<ul style="list-style-type: none"> CJCs are still at an early stage of development. NRW advocacy and its monitoring and regulatory/enforcement roles could be compromised
4	<p>NRW could be invited to attend the WLGA Executive Board meetings (with all 22 Leaders) once or twice a year for an exchange of info and views / agreement on shared objectives for the coming period.</p>	<ul style="list-style-type: none"> Leaders could be provided with a summary report /feedback from work with NRW, including any involvement at the CJCs 	<ul style="list-style-type: none"> General/national issues could be addressed but national level meetings would not enable Leaders to engage on the more localised/regional issues.
5	<p>A senior NRW representative attends each of the Public Service Boards across Wales.</p>	<ul style="list-style-type: none"> There may be opportunities before or after these meetings for 	<ul style="list-style-type: none"> The consensus at regional meetings was that PSBs themselves, given the range of partners present, do not offer

		Leaders/Cabinet Members to have a scheduled meeting with the NRW official attending	<p>the right environment for a focus on building Member/-NRW relations.</p> <ul style="list-style-type: none"> Meetings before or after PSB sessions would lend themselves better to face-to-face meetings than virtual, but some PSB meetings are virtual now.
6	Joint NRW-Council officer liaison meetings take place in several areas on a regular basis.	<ul style="list-style-type: none"> A meeting with Leaders/Cabinet Members could be scheduled to take place with NRW officials before or after these meetings to build relationships and enable a sharing of any issues. 	<ul style="list-style-type: none"> As above, depending upon portfolios more than one Cabinet Member might need to be involved. Also depends upon whether the meeting is face-to-face or virtual.
7	Induction Training – ‘all-member’ induction sessions, or Member seminars, could be arranged jointly for councils on the role of NRW (could be delivered virtually/ face to face/or by sharing of info)	<ul style="list-style-type: none"> Would provide clarity on what NRW does, an opportunity for questions and answers and help to develop the interface and relations between NRW/LAs. 	<ul style="list-style-type: none"> Would depend upon individual councils taking the initiative unless a structured approach is taken. Further engagement would be needed so it is not a ‘one off’ exercise.

12 Camlas summarised the options as above and, based on views expressed at the joint meetings, felt that Option 1 had the most overall support. That option focuses on Environment Cabinet Members rather than Leaders.

13 The options have been discussed with Cllr Andrew Morgan as Leader of WLGA and Climate Change/Environment Spokesperson. Some of the options were felt more appropriate than others. An eighth option was suggested as below:

8	High level meetings to be held every four months between senior NRW officials, the WLGA Leader as the lead with NRW and one Leader from each region, plus a couple of Directors of Environment and an appropriate senior WG official for feedback to the Minister. These would focus on strategic matters; items identified prior to the meetings which cannot be addressed at the place level alone and where WLGA and NRW may want to take a generic approach to address any local issues impacting different wards across Wales.	<ul style="list-style-type: none"> This would enable councils, WLGA and NRW to review how the MoU is working in practice and to share information and look ahead jointly at any key developments in the coming period All councils and all parts of NRW could feed in intelligence in advance to inform the discussions 	<ul style="list-style-type: none"> It would depend on the quality of feedback from councils and across NRW, which would take time to collate every few months
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- 14 It was agreed that all the options should be reported for Members' consideration. Whichever option(s) are pursued there will be some resources implications both for councils and for NRW. It is therefore important that they are mutually acceptable.
- 15 In light of views expressed at this Council meeting, a session will therefore be arranged between Leaders and senior NRW personnel to seek agreement on which of the options are felt worthy of pursuing and being built into the MoU. One possibility would be for that meeting to be arranged to follow on after the April WLGA Executive Board meeting. NRW has offered to involve Camlas again to help organise and facilitate the session.
- 16 Following that, the intention would be to produce a final draft of the MoU incorporating the agreed options for engagement. That document can then be formally endorsed by both Leaders and the NRW Board.

Recommendations

17 It is recommended that Members:

- 17.1 Give their initial views on the options 1-8 in Table 1 and offer any further suggestions for achieving greater elected Member engagement;**
- 17.2 Agree to a joint session between Leaders and senior NRW personnel to reach agreement on which of the options to build into a revised MoU; and**
- 17.3 Call for a finalised MoU to be brought back to a future meeting incorporating the options agreed at that joint session.**

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