
**NEW MEMORANDUM OF ASSOCIATION WITH
THE NORTH EAST COMMUNITY FOREST**

**Responsible Cabinet Member(s) - Councillor David Lyonette,
Regeneration and Planning Portfolio**

Responsible Director(s) - John Buxton, Director of Development and Environment

Purpose of Report

1. To seek members approval to ratify the new Memorandum of Association of the North East Community Forest (MOA) currently in draft form (**see attached, appendix A**) and agreement to become a founder member of the same. It also asks Council to nominate an elected member to be a director of the North East Community Forest as well as authorise the Director of Development and Environment to sign the necessary documentation.
2. This report was considered by Cabinet at its meeting on 15 March 2005. Cabinet recommends Council to agree the recommendations set out in this report.

Information and Analysis

3. Darlington Borough Council has been a full member of the Tees Community Forest partnership for five years and during this time over 130 hectares of new public access woodland has been created on the outskirts of Darlington's urban area. In addition the Forest Team has helped with the delivery of a number of countryside initiatives including the Countryside Events programme, Darlington's West Park, The Firthmoor fishing project and the Save the Black Poplar project.
4. The cost of membership to this Authority currently stands at £25,810 per annum. The five Tees Valley Authorities all contribute the same amount and the figure has up till now been matched by the same combined amount from the Countryside Agency. Contributions from Local Authorities would continue at approximately the same level (subject to inflation) in the new arrangements.
5. The existing memorandum of agreement has allowed the partnership to develop through this period with both parties benefiting with increased co-operation and collaboration working over the five year period.
6. The new MOA is a re-wording of the current MOA. The only significant addition is the inclusion of the North East Community Forest as a new strategic partner.
7. The main elements of the existing and new MOA can be summarised thus.

8. Firstly, it is the aim of the Forest(s) to promote the benefit and well being of the inhabitants by facilitating the creation of high quality, well wooded natural environments which improve the quality of life for the inhabitants.
9. In order to carry this out the MOA lists a whole raft of powers and procedures needed for the organisation to do this successfully, ranging from the promotion of countryside tourism through to fund raising and working with other relevant partners.
10. The MOA also covers the legal arrangement needed to fulfil their objectives and includes reference to the roles of the board, who are permitted to be members and the liability of the company (set at £10). It also details the mechanism by which the company could be wound up so that partners are treated equally if or when this occurs. This would see any assets remaining, after the process of debt repayment, go to a similar company with similar aims or to another charity of the board's choosing.
11. The need for a new Memorandum of Agreement follows the process of 'mainstreaming' whereby the Tees Forest establishes a revised business plan following the intended withdrawal of Countryside Agency core funding in March 2005. A key factor in the new memorandum is the provision made for the creation of the North East Community Forests Limited, set up as the delivery mechanism for many of the initiatives the Forest pursues on behalf of the partnership. The North East Community Forest is a company limited by Guarantee and will have Charitable status. The new company will act as the umbrella organisation for the two Community Forests in the region, namely the Great North Forest covering parts of Tyne and Wear and County Durham and The Tees Forest covering much of the land area of the five Tees Valley Authorities. The setting up of the new company also allows for the expansion of the boundaries of the existing forest areas subject to the board's approval.
12. In order for the new company to be fully representative of the partner's interests, all the local authorities are being asked to become members and each will be provided with a seat on the Board.
13. Confirmation in writing from each authority is requested to enable the full mainstreaming process to be implemented on 31 March 2005. Confirmation is also required that each authority wishes to appoint a Director to the Board of Management and an indication who that person will be. It is recommended that this person will hold a senior position within the Council, either an officer or a Member.

Outcome of Consultation

14. The draft memorandum has been viewed and discussed by the Tees Forest Members Steering Group at the meeting held on 17 September 2004. All parties are being consulted fully on the draft memorandum and their decisions are anticipated to be for acceptance of the new agreement.

Legal Implications

15. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those

highlighted in the report.

Section 17 of the Crime and Disorder Act 1998

16. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

Council Policy Framework

17. Darlington Borough Council agreed to become full members of the Tees Forest Partnership at the Economic Development and Planning Committee on 15 June 1999. Since then it has contributed an annual subscription to the partnership and has received the associated benefits that membership has brought.
18. This is a matter for Council.

Recommendation

19. It is recommended that Council:
- (a) gives approval to the new Memorandum of Agreement of the North East Community Forest;
 - (b) agrees to the Council becoming a founder member of the North East Community Forests Limited;
 - (c) asks Council to nominate an elected Member to be a Director of North East Community Forests; and
 - (d) authorises the Director of Development and Environment or his nominated representative to sign the necessary documentation (subject to such minor amendments as may be agreed).

Reasons

20. The recommendations are supported because by agreeing to the new Memorandum of Agreement and by becoming members of the new North East Community Forests, the Council helps establish community forests in the Darlington Borough.

John Buxton
Director of Development and Environment

Background Papers

No Background papers were used in the preparation of this report.

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