Abstract: This report sets out for ratification, proposed amendments to the governance arrangements of the Dundee, Perth, Angus and North Fife Strategic Development Planning Authority as it relates to the Minute of Agreement, Scheme of Delegation and Financial Regulations.

1 RECOMMENDATION

1.1 It is recommended that Committee:-

1. note that in relation to the Minute of Agreement, the Joint Committee agreed that the number of ordinary meetings held each year should be reduced to two from the current number of four;

2. note that with exception of the change outlined above, the Joint Committee agreed the changes set out in Report 06_2011 as they relate to the existing Minute of Agreement, Scheme of Delegation and Financial Regulations;

3. agree the amendments to existing Minute of Agreement, Scheme of Delegation and Financial Regulations as agreed by the Joint Committee at their meeting of 24 May 2011; and

4. note that a revised Minute of Agreement, Scheme of Delegation and Financial Regulations will be prepared by Dundee City Council (as Clerk to the Joint Committee) for execution by the constituent Councils on these amendments.

2 BACKGROUND

2.1 The governance framework for the TAYplan Strategic Development Planning Authority was established by the Joint Committee at their meeting of February 2009. Reference is also made to the ratification of this position by Infrastructure Services Committee at their meeting of 21 April 2009. (Report 344/09 refers).

2.2 Now after two years in operation a review has been undertaken of the Scheme of Delegation, Minute of Agreement (between the four constituent Councils) and the Financial Regulations to consider whether any amendments should be made to allow greater efficiency in the operational working of TAYplan.

2.3 The Joint Committee of TAYplan Strategic Development Plan Authority (SDPA) considered Report SDPA 06-2011 TAYplan Governance Review at their meeting of 24 May 2011. A copy of Report SDPA 06-11 TAYplan Governance Review is attached as Appendix 1 of this report. The Joint Committee agreed the proposed changes set out in the report as they related to the Scheme of Delegation and Financial Regulations. In addition while they agreed most of the changes relating to the Minute of Agreement they decided that in relation to the number of ordinary
meetings held in a year (paragraph 6.2 of Joint Committee Report 06_2011) that this should be reduced to ‘at least two ordinary meetings each year’ rather than the three proposed in the report and the current requirement for at least four ordinary meetings each year. Under the existing governance arrangements the proposed changes need to be ratified by the constituent Councils.

2.4 This report seeks ratification of the decision by the Joint Committee.

3 DISCUSSION

3.1 The process of delivering the first Strategic Development Plan is now well advanced. The proposed changes to the Minute of Agreement, Scheme of Delegation and Financial Regulations as set out in SDPA Report 06-2011 will reinforce the key role of the Joint Committee and its relationship with the Manager and assist in reducing time delays in seeking ratification of the four constituent Councils for parts of the process. The Director of Infrastructure has no objections to the amendments as proposed.

4 FINANCIAL IMPLICATIONS

4.1 There are no financial implications arising directly from the recommendations contained in this report.

5 HUMAN RIGHTS IMPLICATIONS

5.1 There are no human rights implications arising directly from this report.

6 EQUALITIES IMPLICATIONS

6.1 The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

7 SINGLE OUTCOME AGREEMENT

7.1 This report does not directly contribute to the local outcome(s) contained within the Single Outcome Agreement for Angus.

8 CONSULTATION

8.1 The Chief Executive, Director of Corporate Services, Head of Law & Administration, and Head of Finance, have been consulted in the preparation of this report.

9 CONCLUSION

9.1 The proposed amendments to the current governance arrangements will give greater flexibility to both the Joint Committee and the Strategic Development Planning Manager and will assist in ensuring delivery of the new style strategic development plan for the Dundee, Perth, Angus and North Fife areas.

ERIC S LOWSON
DIRECTOR OF INFRASTRUCTURE SERVICES
NOTE: The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

- Report 344/09 to Infrastructure Services Committee 21 April 2009;
- SDPA 06-2011 TAYplan Governance Review to the Strategic Development Plan Joint Committee Meeting, 24 May 2011
- SDPA 02-2009 Scheme of Delegation and Amendments to Minute of Agreement, TAYplan to the Strategic Development Plan Joint Committee Meeting, 24 February 2009;
- SDPA 03-2008 Formation of Joint Committee for the Dundee City Region Strategic Development Planning Authority Strategic Development Plan Interim Joint Committee Meeting, 19 August 2008;

P&T/GWC/GDP/IAL
24 May 2011
Appendix 1: Copy of SDPA Report 06-2011 to the Joint Committee of 24 May 2011

REPORT TO: DUNDEE, PERTH, ANGUS AND NORTH FIFE
STRATEGIC DEVELOPMENT PLANNING AUTHORITY
JOINT COMMITTEE MEETING ON 24th MAY 2011

REPORT ON: TAYplan GOVERNANCE REVIEW

REPORT BY: PAMELA EWEN, STRATEGIC DEVELOPMENT PLANNING AUTHORITY MANAGER

REPORT NO: SDPA06-2011

1.0 PURPOSE OF REPORT

1.1 To review the governance of TAYplan in respect of the Scheme of Delegation and the Minute of Agreement between the 4 constituent Councils.

2.0 SUMMARY

2.1 The governance framework for TAYplan Strategic Development Planning Authority was established by The Joint Committee at it’s meeting in February 2009. Now, after 2 years in operation, a review has been undertaken of the Scheme of Delegation, the Minute of Agreement and the Financial Regulations to consider whether any amendments should be made to allow greater efficiency in the operational working of TAYplan.

3.0 RECOMMENDATION

3.1 It is recommended that The Joint Committee:

a) Approve the amendment(s) to the Minute of Agreement as set out in Section 6.0 of this Report;

b) Approve the proposed amendments to the Scheme of Delegation, as set out in Section 7.0 of this report;

c) Approve the proposed amendment to the Financial Regulations, as set out in Section 8.0 of this report;

d) Refer the amendment(s) to the Minute of Agreement, the Scheme of Delegation and the Financial Regulations (a, b and c above) to the constituent Councils for ratification; and,

e) Remit the Clerk to prepare a revised Scheme of Delegation, Minute of Agreement and Financial Regulations for execution by the constituent Councils on the amendments being duly ratified.

4.0 FINANCIAL IMPLICATIONS

4.1 The proposed governance changes are expected to result in greater efficiency in TAYplan's operations, with mainly indirect cost savings.
5.0 TAYplan GOVERNANCE

Overview

5.1 In establishing the Strategic Development Planning Authority, the Joint Committee agreed a Scheme of Delegation, a Minute of Agreement between the 4 constituent Councils, and Financial Regulations. The process of delivering the first Strategic Development Plan is now well advanced. During this time there have been some minor areas relating to delegation and the agreement which have been raised. The majority of these have not posed significant problems, but amended would provide greater clarity.

5.2 A change is proposed to the Minute of Agreement as set out in para. 6.3 below, which would delegate authority to the Joint Committee not to modify the Plan and to submit to The Scottish Ministers.

6.0 MINUTE OF AGREEMENT

6.1 The Minute of Agreement covers a range of areas to ensure the establishment and operation of the Joint Committee. This covers: commencement; constitution; members; period of office; vacancies in membership; quorum; standing orders; meetings; powers and duties of the Joint Committee; interim clerk; convenor, vice convenor and clerk to the Joint Committee, resources and amendment of agreement.

6.2 The agreement sets out the number of Joint Committee meetings and states the “Joint Committee shall hold 4 ordinary meeting each year...”. It is proposed that this is amended to at least 3 ordinary meetings each year. This better reflects the operational needs of the Strategic Development Planning Authority, and still allows for more than 3 meetings in a year should that be required. The meeting in June 2010 was not required and prompted a need to re-consider this part of the Agreement.

6.3 The need for ratification of key decisions in the Plan’s preparation has also been considered further. To improve delivering the Strategic Development Plan and to streamline decision making, it is proposed to delegate the decision not to modify the Proposed Plan to The Joint Committee and to submit to Scottish Ministers.

- Where no modifications are made, then the Proposed Plan would be submitted as it was published and approved by The Joint Committee and the constituent Councils.
- If modifications were agreed by The Joint Committee, this would require ratification by the 4 Councils.

6.4 Diagram 1 overleaf illustrates the process and shows the comparison of the current process and timescales (relevant to the current Plan) to that of the amended one which could result from this amendment to the Minute of Agreement and Scheme of Delegation. As diagram 1 overleaf illustrates, making this change to delegation would streamline the process and reduce the project plan at this stage by 7-8 weeks by removing the need for ratification where The Joint Committee were to agree that no modifications should be made to the Plan.
6.5 It is therefore proposed to amend clause nine of the Minute of Agreement. This currently provides that the content of the Strategic Development Plan and the key stages of the Plan preparation process require to be ratified by the constituent Councils. It is proposed to amend this to the effect of delegating authority to the Joint Committee to determine not to modify the Proposed Strategic Development Plan under Sections 10 (3), and 12 A (5) of the Town and Country Planning (Scotland) Act 1997. Section 10 (3) relates to the stage when representations, if any, have been received following publication of the Proposed Plan. Section 12 (A) (5) relates to the situation where Scottish Ministers exercise their powers to order further consultation steps to the taken in the wake of a decision by the Reporter that he/she is not satisfied that the SDPA has complied with its participation statement and this has resulted in further representations received.

7.0 SCHEME OF DELEGATION

7.1 The Scheme of Delegation sets out the functions of the Strategic Development Planning Authority (subject to exceptions) from the Joint Committee to the Strategic Development Planning Manager. 

Delegation from the constituent Councils to the Joint Committee 

7.2 In reviewing this delegation amendments are proposed in a few areas.

7.3 Firstly, the delegation should cover all documents, not just those set out within the Planning Act, including background documents. The Scheme of Delegation should be amended to state ‘and all other statutory powers’ in relation to the preparation and making of the Plan. Making this change will ensure the delegation is comprehensive and provides greater clarity.

7.4 Secondly, The Joint Committee should have the delegated authority to approve, without ratification, background documents including background technical papers, Equalities Impact Assessment, Schedule of Responses to the Main Issues Report, Monitoring Statement, Development Plan Scheme, and Adoption of Action
Programme at different stages of the Plan process. This change would provide greater clarity on the range of documents. The need for some of these really have emerged through the preparation of the first Strategic Development Plan and as a result allowed reflection on relevant and appropriate changes to the delegation.

7.5 Thirdly, the content of the Summary of Unresolved Issues document should be approved by The Joint Committee without ratification if no modifications are agreed. This document summaries the issues raised by timeous representations not taken account of or not fully taken account of in modifications under section 10 (3) and have not been withdrawn, including a statement of reasons why the authority did not modify the Proposed Plan to take account of the issues raised by the representations. Essentially, this will set out the issues raised, the proposed response, with reasons why relevant modification(s) are not recommended. This draft document will require to be considered by The Joint Committee ahead of making a decision on not to modify the Proposed Plan.

7.6 These proposed changes to delegation, taken together with the proposed changes to the Minute of Agreement, would provide greater clarity and streamline the process.

Delegation from the Joint Committee to the Strategic Development Planning Manager

7.7 The scheme delegates all of the Joint Committee’s duties relating to the production of the Strategic Development Plan to the Strategic Development Planning Manager. There are a few areas of delegation which would benefit from greater clarity. These are Authority to:

- Complete Section 14 procedure (Publication and Publicity following consultation of Plan);
- Respond to requests by the appointed person for further representations and information, under Reg. 22 of the Development Planning Regulation; and,
- Execute all actions necessary to comply with the procedural requirements relating to the functions delegated to The Joint Committee.

8.0 FINANCIAL REGULATIONS

8.1 The Financial Regulations were approved by The Joint Committee in February 2009 (Report 03-2009: Financial Regulations) and subsequently ratified by the 4 constituent Councils. Dundee City Council acts as the Lead Authority for the financial and employment arrangements and resources for the operation of the Strategic Development Planning Authority. This works effectively and there is only one change proposed to reflect a more effective practice.

8.2 The Financial Regulations currently state that the Joint Committee will annually, ‘at the February meeting’, consider all proposals on determining requisition, balances etc. A detailed report on the budget is considered in the October/November meeting to better align with budget setting timescales within the constituent Councils. It is therefore proposed to amend the Financial Regulations to delete reference to the February committee with the retention of this being an annual requirement.

9.0 CONSULTATIONS

9.1 The Treasurer and Clerk to TAYplan, the Director of Infrastructure Services, Angus Council, The Director of City Development, Dundee City Council, The Head of Place
Scene, Fife Council and the Executive Director (Environment), Perth & Kinross Council have been consulted and are in agreement with the contents of this report.

10.0 BACKGROUND PAPERS

10.1 Report 02-2009: Scheme of delegation and Amendments to Minute of Agreement, Joint Committee 24th February, 2009.


10.3 The Planning (Scotland) etc Act 1997.

10.4 The Planning (Scotland) etc Act 2006.

10.5 The Town & Country Planning (Development Planning) (Scotland) Regulations 2008 (No. 426).

10.6 The Town and Country Planning (Miscellaneous Amendments) (Scotland) Regulations 2011 (No. 138).

Pamela Ewen
Strategic Development Planning Authority Manager
12th May 2011