

**DUNDEE CITY REGION STRATEGIC DEVELOPMENT PLANNING AUTHORITY
INTERIM JOINT COMMITTEE MEETING
19 AUGUST 2008**

**REPORT ON: FORMATION OF JOINT COMMITTEE FOR THE DUNDEE CITY
 REGION STRATEGIC DEVELOPMENT PLANNING AUTHORITY**

REPORT BY: INTERIM STRATEGIC DEVELOPMENT PLAN MANAGER

REPORT NO: 03-2008

1 PURPOSE OF REPORT

1.1 To advise Members that the Designation Order for the Strategic Development Planning Authority for the Dundee City Region Area came into force on the 25th June 2008, to agree the proposed Minute of Agreement for the formation and operation of the Joint Committee and to agree that the Interim Joint Committee be converted to the Joint Committee.

2 RECOMMENDATION

2.1 It is recommended that the Interim Joint Committee:

- a agree the proposed amended Minute of Agreement for the formation of the Joint Committee.
- b refer the decision on the proposed Minute of Agreement to each constituent authority for ratification and signing.
- c agree to disband the Interim Joint Committee at the end of this meeting and to constitute the Joint Committee, in accordance with the Minute of Agreement, at the next meeting.
- d refer the decision on the disbanding of the Interim Joint Committee and the formation of the Joint Committee to each constituent authority for ratification.

3 BACKGROUND

3.1 The Town and Country Planning Strategic Development Planning Authority Designation (No3) (Scotland) Order 2008 (SI No197/2008) was laid before Parliament on the 22nd May 2008 and came into force on the 25th June 2008. The Order designates that Angus Council, Dundee City Council, Fife Council and Perth & Kinross Council jointly prepare and keep under review a Strategic Development Plan for their Strategic Development Plan Area.

3.2 Circular 2/2008 advises that Strategic Development Planning Authorities should form a Joint Committee of Members representing the constituent planning authorities.

3.3 In advance of the Strategic Development Planning Authority Designation (No3) (Scotland) Order 2008 coming into force it was recognised that there was the opportunity to carry out preparatory work. For this work to be meaningful it was considered that it should be carried out with the full support and consensus of all the authorities involved.

- 3.4 As a result a 'Shadow Strategic Development Planning Authority for the Dundee City Region' was established to direct and oversee appropriate actions and allow early progress to be made while further details in the form of Consultations and Secondary Legislation were promoted by the Scottish Government.
- 3.5 The Interim Joint Committee of the Shadow Strategic Development Planning Authority for the Dundee City Region met on the 26th March 2008. At the meeting a discussion paper on the 'Constitution and Governance Arrangements' was presented. In approving the discussion paper the Interim Joint Committee remitted Dundee City Council to prepare draft agreements and other documents required for the formally constituted Joint Committee.
- 4.6 Dundee City Council has prepared a proposed Minute of Agreement for the Joint Committee. This is contained in Appendix 1 of this Report.
- 4.7 It is considered that the Minute of Agreement is appropriate subject to the name of the SDP authority being updated when approved by the constituent authorities and the Convenership of the Joint Committee rotating annually (alphabetically and by calendar year). The administration of the Joint Committee would remain with Dundee City Council and not be subject to rotation.
- 4.7 The Minute of Agreement is required to formally constitute the Joint Committee and sets out the form that it will take. It is recommended that the Interim Joint Committee disband at the end of this meeting and the Joint Committee be constituted at the next meeting.

4 CONCLUSIONS

- 4.1 The Town and Country Planning Strategic Development Planning Authority Designation (No3) (Scotland) Order 2008 (No197/2008) came into force on the 25th June 2008.
- 5.2 It is proposed to disband the Interim Joint Committee and constitute a Joint Committee for the Dundee City Region Strategic Development Planning Authority.
- 5.3 The proposed Minute of Agreement is contained in Appendix 1 and has been prepared to enable the operation of the Joint Committee. This is considered appropriate subject to amendments outlined in the report.

6 CONSULTATIONS

- 6.1 The Director of Infrastructure Services, Angus Council, The Director of Planning and Transportation, Dundee City Council, The Head of Development Services, Fife Council and The Executive Director of the Environment Service, Perth & Kinross Council have been consulted and are in agreement with the contents of this report.

7 BACKGROUND PAPERS

- 7.1 The Planning etc (Scotland) Act 2006
- 7.2 The Town and Country Planning Strategic Development Planning Authority Designation (No3) (Scotland) Order 2008 (SI No197/2008)

- 7.3 Circular 2/2008: Statutory Guidance on Strategic Development Planning Authorities.
- 7.4 Minute of Meeting of Dundee City Region Strategic Development Plan Interim Joint Committee of 26th March 2008.

Gordon Reid
Interim Strategic Development Plan Manager

GSR/ES

4 August 2008

APPENDIX 1

File: DAB/FB

MINUTE OF AGREEMENT

among

ANGUS COUNCIL, DUNDEE CITY COUNCIL,
PERTH AND KINROSS COUNCIL
AND FIFE COUNCIL

("The Constituent Councils")

2008

Subjects: Dundee City Region Strategic Development
Plan Authority

PATRICIA McILQUHAM
DEPUTE CHIEF EXECUTIVE (SUPPORT SERVICES)
DUNDEE CITY COUNCIL

MINUTE OF AGREEMENT

among

ANGUS COUNCIL, DUNDEE CITY
COUNCIL, PERTH AND KINROSS
COUNCIL AND FIFE COUNCIL

("The Constituent Councils")

WHEREAS:-

FIRST The Constituent Councils are planning authorities constituted under Section 1 of the Town and Country Planning (Scotland) Act 1997 ("the 1997 Act") and Section 2 of the Local Government etc (Scotland) Act 1994 ("the 1994 Act").

SECOND The Scottish Ministers have, by virtue of The Strategic Development Planning Authority Designation (No 3) (Scotland) order 2007 (SI No) designated The Constituent Authorities a group of planning authorities which are jointly to prepare and keep under review a strategic development plan for a strategic development plan area, all in terms of Sections 4 to 14 of the Town and Country Planning (Scotland) Act 1997 as amended.

THIRD It is provided by Section 56(5) of the Local Government (Scotland) Act 1973 ("the 1973 Act") that two or more local authorities may discharge any of their functions by a Joint Committee of theirs.

FOURTH The Constituent Councils wish to appoint a Joint Committee under Section 57(1) of the 1973 Act for the discharge of the above functions.

FIFTH It is anticipated that the said Sections 4 to 14 of the 1997 Act will come into force at different dates under separate commencement orders.

NOW THEREFORE

ONE Commencement

This Agreement shall commence and have effect from the date of its last execution subject to the commencement dates of the above statutory provisions.

TWO Constitution

There is hereby constituted a Joint Committee to be known as "The Dundee City Region Strategic Development Planning Authority" hereinafter referred to as "The Joint Committee" for the discharge of the above functions in terms of this Agreement.

THREE Members

The Joint Committee shall consist of 12 members appointed by the Constituent Councils from among their own members. The number of members to be appointed by the Constituent Councils shall be:- 3 by Angus Council; 3 by Dundee City Council; 3 by Perth and Kinross Council and 3 by Fife Council. The Joint Committee may co-opt additional non-voting members to represent other interests or provide specialist expertise.

FOUR Period of Office

Members appointed by the Constituent Councils to the Joint Committee shall, subject to the provisions of Clause FIVE hereof, hold office, during the pleasure of the Council by which they were appointed, until the next ordinary election of Councillors for the Constituent Councils. Immediately after such election, each Constituent Council shall again appoint its number of members to the Joint Committee.

FIVE Vacancies in Membership

A member ceasing to be a member of the Constituent Council which appointed him/her shall cease to be a member of the Joint Committee as at the same date. In that event, or any other time the Constituent Council by which a member was appointed may appoint a member, to take his/her place for the remaining part of his/her period of office.

SIX Quorum

A quorum of the Joint Committee shall be 4 members appointed by and representing no less than three of the four Constituent Councils. Should the Joint Committee appoint a Sub-Committee, such Sub-Committee shall be as near as may be proportionately representative of the Constituent Councils as the Joint Committee is, and the membership of the Sub-Committee and its quorum shall be determined by the Joint Committee.

SEVEN Standing Orders

The Joint Committee shall adopt its own Standing Orders. In the event of any inconsistency between Standing Orders and the provisions of this Agreement, the provisions of this Agreement shall prevail.

EIGHT Meetings

The Joint Committee shall hold an ordinary meeting in the months of August, November, February and May each year and may meet on such other occasions as may be necessary when a special meeting may be called in terms of Standing Orders. The venue for ordinary meetings shall be on a rotational basis with a suitable venue in each of the Constituent Council's areas being agreed by the Joint Committee.

Other than as provided for at Clause ELEVEN hereof at all meetings of the Joint Committee, or duly appointed Sub-Committees, a simple majority of those members present and voting shall be required in all voting procedures.

Copies of notices, agendas and minutes of all meetings of the Joint Committee shall be transmitted to the Constituent Councils for their information as soon as practicable.

NINE Powers and Duties of Joint Committee

Without prejudice to the foregoing provisions and subject always to the following provisions hereof the Joint Council shall have the power to undertake the function as referred to in Clause Second hereof, subject to the proposed boundary of the Dundee City Region Strategic Development Plan area, and the content of any Strategic Development Plan, the officer support

arrangements and the financial arrangements being ratified by the Constituent Councils.

Provided always that:

Subject to Clause FIVE above the Joint Committee may appoint from its members such Sub-Committees as it may from time to time consider necessary or desirable for the exercise of its functions and may, subject to such limitations as it may impose, delegate or refer to such Sub-Committees, any of the functions delegated to the Joint committee under this agreement. The Joint Committee shall appoint the Convener of any Sub-Committee appointed under this paragraph.

TEN Interim Clerk

The Chief Executive of Dundee City Council or such other person as may be agreed by the Leaders of the Administration of the four Constituent Councils shall be appointed as Interim Clerk to the Joint Committee for the purposes of convening the first meeting of the Joint Committee at which the Convener and Vice Convener shall be appointed.

ELEVEN Convener, Vice Convener and Clerk to the Joint Committee

At the first meeting of the Joint Committee and at the first meeting of the Joint Committee following an ordinary election of Councillors to the constituent Councils the Convener and Vice-Convener of the Joint Committee (who shall each hold office until the next ordinary election of Councillors to the constituent Councils) shall be elected by the Joint Committee from among their members and in the case of an equality of votes, the Convener and Vice-Convener shall be determined by lot as between those who received an equal number of votes. In the event of a casual vacancy occurring in either of the said offices, the Joint Committee may elect a member to fill the vacancy and the member so elected shall hold office until the remainder of its current term. A person ceasing to hold office to which he is appointed or elected by virtue of the provisions of this Agreement shall, if otherwise qualified, be eligible for re-appointment or re-election.

The Convener, when present, shall preside at all meetings of the Joint Committee. In the absence of the Convener the Vice Convener shall preside and in the absence of both, another member shall preside as the members present appoint.

A Clerk to the Joint Committee who shall be the Monitoring Officer as defined in the Local Government and Housing Act 1989 shall be the Depute Chief Executive (Support Services) of Dundee City Council.

TWELVE Resources

Dundee City Council shall appoint a Strategic Development Plan Manager on behalf of the Joint Committee who shall report to the Joint Committee and be responsible for carrying out the functions delegated to the Joint Committee. For the purposes of employment law and financial accountability Dundee City Council shall be the "employing authority" with financial contributions from all constituent authorities being channelled through Dundee City Council.

THIRTEEN Amendment of Agreement

These presents may be amended but only by a further Minute of Agreement executed by the Constituent Councils in the same fashion as these presents.

FOURTEEN Difference or Dispute

Any difference or dispute between the Joint Committee and any of the Constituent Councils or among the Constituent Councils concerning the interpretation or any matter arising out of this agreement or any dispute thereanent shall be referred to the arbitration of the Sheriff Principal of the Sheriffdom of Tayside, Central and Fife or any person appointed by him, whose decision shall be final and binding: IN WITNESS WHEREOF