

**DUNDEE, PERTH, ANGUS AND NORTH FIFE
STRATEGIC DEVELOPMENT PLANNING AUTHORITY
JOINT COMMITTEE MEETING**

DATE: 24 FEBRUARY 2009

**REPORT ON: SCHEME OF DELEGATION AND AMENDMENTS TO
MINUTE OF AGREEMENT**

REPORT BY: INTERIM STRATEGIC DEVELOPMENT PLAN MANAGER

REPORT NO: 02-2009

1 PURPOSE OF REPORT

- 1.1 The report sets out a proposed scheme of delegation of the strategic development planning functions (subject to specified exceptions) from the Joint Committee to the Strategic Development Plan Manager and the necessary amendments to the Minute of Agreement to allow for the proposed scheme of delegation and the adoption, by the Joint Committee, of the financial regulations as set out in Report 03-2009 also on this agenda.

2 RECOMMENDATION

- 2.1 It is recommended that the Joint Committee:
- a) Approve the proposed scheme of delegation as set out in Appendix 1.
 - b) Refer the proposed scheme of delegation to the constituent councils for ratification.
 - c) Approve the proposed amendments to the Minute of Agreement as set out in Section 5 of this Report.
 - d) Refer the proposed amendments to the Minute of Agreement to the constituent councils for ratification.
 - e) Remit to the Clerk to prepare an appropriate Minute of Amendment for execution by the constituent councils on the amendments being duly ratified.

3 SCHEME OF DELEGATION

- 3.1 The Interim Joint Committee at its meeting on the 19 August 2008 approved Report 03-2008 (Formation of Joint Committee for the Dundee City Region Strategic Development Planning Authority). The report was subsequently ratified by each of the constituent authorities.
- 3.2 Clauses Second, Fifth and Ninth of the Minute of Agreement contain the functions currently delegated to the Joint Committee. These cover all the functions required by the Act for the preparation and review of the Strategic Development Plan subject to the following being ratified by the Constituent Councils:

- the proposed boundary of the Dundee, Perth, Angus and North Fife Strategic Development Plan area;
 - the content of any Strategic Development Plan;
 - the officer support arrangements; and
 - the financial arrangements
- 3.3 The Minute of Agreement did not include provision for the Joint Committee to delegate any of its powers to an officer nor did it refer to other strategic development planning requirements of the Planning etc (Scotland) Act 2006 including Development Plan Schemes and Action Programmes.
- 3.4 It is recognised that the preparation and review of the SDP will be a cyclical process and which will require rigorous management to ensure that the plan can be delivered on time. To achieve this it is considered that there will be the need to make decisions outwith the regular cycle of 4 meetings per annum of the Joint Committee.
- 3.5 It is considered that a scheme of delegation from the Joint Committee to an Officer is required. The scheme of delegation will provide a framework which will allow the plan to be progressed without the need to constantly seek approval.
- 3.6 However, it is recognised that the Joint Committee and Constituent Councils should retain strategic decision making powers in relation to the Strategic Development Plan content. This would include the key stages of the plan preparation process including the Main Issues Report and the Proposed Plan and response to objections.

4 DELEGATION FROM JOINT COMMITTEE TO OFFICERS

- 4.1 Under the proposed scheme of delegation (see Appendix 1) the Strategic Development Plan Manager (SDPM) will be responsible for the day to day management of the plan. The scheme of delegation will allow him to progress until key points in the process before referring to the Joint Committee.
- 4.2 While this delegation should allow progression of work, appropriate periodic reporting of delegated decisions will be required to the Joint Committee.
- 4.3 Finally, it is recognised that the scheme of delegation will need to be kept under review as the process of strategic development planning matures. Any changes to the scheme of delegation would require the agreement of all Constituent Councils.

5 AMENDMENTS TO THE MINUTE OF AGREEMENT

- 5.1 In order to delegate the above matters to the SDPM some amendments are required to the Minute of Agreement. As outlined above the Agreement sets out the matters currently delegated from the Constituent Councils to the Joint Committee.

- 5.2 The proposed amendments seek to delegate all functions relative to Strategic Development Planning to the Joint Committee except those specifically excepted. The amendments will, in turn allow these aspects to be delegated to the SDPM. The Constituent Councils would retain the requirement for ratification for agreeing the budget for the SDPA and the Staffing Structure. It is also proposed to amend the agreement to the effect of providing for the Joint Committee to adopt its own financial regulations and for the Head of Finance of Dundee City Council to be the Treasurer for these purposes.

6 CONSULTATIONS

- 6.1 The Clerk and 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 (The Environment Service), Perth & Kinross Council have been consulted and are in agreement with the contents of this report.

7 BACKGROUND PAPERS

- 7.1 Report 03-2008: Formation of Joint Committee for the Dundee City Region Strategic Development Planning Authority. Joint Committee Meeting of 19 August 2008.
- 7.2 Minute of Agreement, Dundee, Perth, Angus and North Fife Strategic Development Plan Authority Joint Committee.

Gordon S Reid
Interim Strategic Development Plan Manager

10 February 2009

Appendix 1

SCHEME OF DELEGATION (February 2009)

The powers delegated in this scheme must be carried out within the parameters set out by the approved Minute of Agreement and the approved Financial Regulations.

1 Commencement of the Scheme

- 1.1 The scheme shall commence and have effect as from the last date of execution of the Minute of Amendment referred to in Paragraph 2.1.(e) hereof.

2 The Interpretation of the Scheme

- 2.1 In the scheme the following words shall have the following meanings assigned to them:

- “Member Councils” are Angus, Dundee City, Fife and Perth & Kinross Councils;
- “1997 Act” means the Town and Country Planning (Scotland) Act 1997;
- “Joint Committee” means the Strategic Development Planning Authority for Dundee, Perth, Angus and North Fife;
- “SDPM” means the Strategic Development Plan Manager as appointed in accordance with Clause 12 of the Minute of Agreement.

3 Alteration of Scheme

- 3.1 This scheme of delegation will be kept under review and can be amended with the agreement of all Constituent Councils.

4 Delegation from Constituent Councils to the Joint Committee

- 4.1 Constituent Councils delegate to the Joint Committee the power to discharge the functions conferred by the 1997 Act on them as joint SDPA authorities subject to the provisions of the Revised Minute of Agreement.

- 4.2 The functions delegated will include:

- a) Approving responses to relevant consultations from other bodies
- b) Managing work on SDP preparation, monitoring and review
- c) Initiating public consultation and stakeholder engagement
- d) Setting a programme for relevant studies to assist in the preparation of the SDP
- e) Recruiting and managing staff in the SDP project team
- f) Arrangements for team premises

- g) Authorising spending within the financial parameters set out by the separate agreement on finance
- 4.3 Reports will be submitted to Constituent Councils, for information only, on substantive decisions taken and action authorised under delegated authority.
- 4.4 Delegation does not extend to major decisions on SDP content. These will require to be ratified by all four Member Councils.
- 5 Delegation from the Joint Committee to SDPM**
- 5.1 The Joint Committee delegates to the SDPM:
 - a) Recruitment, so long as such posts are within the approved structure and budget;
 - b) Day to day management of staff in the SDP dedicated team;
 - c) Liaison with and representation to central government and other bodies as necessary on matters relating to the SDP area;
 - d) Expenditure in accordance with approved budgets;
 - e) Preparation of the SDP up to drafting main stage outputs:
 - i) Preparation of main issues report and supporting documents subject to approval by the Joint Committee, and ratification by all Constituent Councils;
 - ii) Preparation of the proposed plan subject to approval by the Joint Committee, and ratification by Constituent Councils;
 - iii) Modification of the proposed plan subject to approval by the Joint Committee and ratification by all Constituent Councils.
 - f) Initiation and management of consultation exercises subject to agreement of the Joint Committee
 - g) Responding to relevant consultations from other bodies
 - h) Commissioning studies to assist in the preparation of the SDP
- 5.2 The provisions of the scheme of delegation to the SDPM are intended to assist in the efficient and effective management of the Joint Committee's activities. The SDPA Manager must pay due regard to the need for appropriate periodic reporting of delegated decisions to the Joint Committee.