

EAST AYRSHIRE COUNCIL

CABINET MEETING – 17 SEPTEMBER 2008

TOWARDS A SHARED PLANNING SERVICE FOR AYRSHIRE

Report by the Depute Chief Executive/Executive Director of Corporate Support

1. PURPOSE OF REPORT

1.1 To advise Cabinet regarding proposals, recommended by the Pan-Ayrshire Group on Shared Services, to continue with an Ayrshire wide planning service suitably modified to meet the requirements of the Planning etc (Scotland) Act 2006 and to obtain approval for the Solicitor to the Council to sign a new Minute of Agreement setting out revised governance arrangements to replace the current agreement.

2. THE CHANGING PLANNING SYSTEM

2.1 The Planning etc (Scotland) Act 2006 removes the need for the Ayrshire Authorities to prepare a structure plan. Much of the work previously undertaken for the Ayrshire Structure Plan will, in future, be subsumed into the new style Local Development Plans to be prepared by each Council. As a result, the Pan-Ayrshire Group on Shared Services were invited to review the desirability of retaining the Joint Ayrshire Structure Plan and Transportation Committee and supporting officer team.

2.2 The review concluded that there are distinct advantages to the Ayrshire Councils in retaining the current strategic planning resource but there was a need to mould it to respond effectively to the new planning arrangements under the Act and current conditions. Specifically the Group concluded and recommends that the team could focus on

- establishing an integrated planning data management service relevant to all three Councils' planning service;
- future scanning and identifying barriers to development;
- preparing information-based reports required for the new local development plans as well as monitoring and environmental reports;
- assisting with the preparation of supplementary planning guidance for local development plans;
- assisting in the delivery of pan-Ayrshire action plans: e.g. the Biosphere proposal;
- developing common new policy areas: e.g. climate change, biodiversity, environmental management, integration of the Water Framework Directive into policy, spatial and environmental aspects of rural policy, strategic flood appraisal;

- specialist topic advice, e.g. retail, energy, aviation, marine environment; and
- supporting the delivery of current strategic planning policy from the approved structure plan e.g. wind farms, sustainable development.

3. REVISED WORKING ARRANGEMENTS

3.1 In order to enable the proposed shared service, a new Minute of Agreement will be required. Appendix 1 includes a Minute of Agreement for consideration by Cabinet. The principal provisions are:

- recognising that there is still a need for the three Ayrshire Councils to come together to discuss future directions for the joint planning function but that this can be more limited in both number of meetings (proposed two per year, previously four) and in councillors attending (proposed two from each authority as opposed to twelve in total under current arrangements);
- that the name be changed to the **Ayrshire Joint Planning Steering Group** which would reflect more appropriately future practice;
- the removal of transportation (in recognition of the development of Regional and Local Transport Strategies and the enhanced role of the former Strathclyde Passenger Transport Executive as the Strathclyde Partnership for Transport) as a key role for the team except for some data management or land use integration to promote approved joint structure plan policies;
- that management arrangements be updated to reflect future workload responsibilities;
- that most of the previous administrative arrangements remain as before but be updated in line with current practice; and
- that new terms of reference are required to reflect its future work responsibilities.

4. FINANCIAL IMPLICATIONS

4.1 There are no financial implications arising from the proposed revised arrangements as recommended. The Council's financial commitments to the current Joint Ayrshire Structure Plan and Transportation Committee will be transferred to the proposed Ayrshire Joint Planning Steering Group.

5. PERSONNEL IMPLICATIONS

5.1 There no personnel implications arising from the proposed revised working arrangements.

6. POLICY/COMMUNITY PLANNING IMPLICATIONS

6.1 There are no policy implications directly arising from the proposals. The proposed arrangements will assist the Council in discharging its responsibilities under the Planning etc (Scotland) Act 2006 more effectively. The work of the proposed Ayrshire Joint Planning Steering Group will assist in the implementation of many actions contained in the Community Plan's particularly those contained within the Improving the Environment Action Plan 2007-2011.

7. LEGAL IMPLICATIONS

7.1 A new Minute of Agreement to establish governance arrangements for the proposed Ayrshire Joint Planning Steering Group is attached (Appendix 1) to this report. The proposed Minute of Agreement remains subject to final textual amendments to be agreed with the other two Ayrshire Councils.

8. RECOMMENDATIONS

8.1 It is recommended that Cabinet:

- (i) agrees to the formation of the Ayrshire Joint Planning and Steering Group with supporting officer team as outlined in the report;**
- (ii) authorises the Solicitor to the Council to sign the Minute of Agreement in the form set out in appendix 1 to this report subject to any minor revisions considered appropriate;**
- (iii) appoints the spokespersons for Environment and Regeneration to the Ayrshire Joint Planning Steering Group to represent East Ayrshire Council, subject to approval by Council; and**
- (iv) otherwise notes the contents of the report.**

**Elizabeth Morton
Depute Chief Executive/
Executive Director of Corporate Support**

FV - 7 August 2008 (KD/IMB)

LIST OF BACKGROUND PAPERS

1. Report entitled 'Towards a Shared Planning Service for Ayrshire: Revised Working Arrangements' to Ayrshire Integrated Service Delivery and Governance Modelling Project meeting of 20 June 2008 and associated minute.

Anyone wishing further information should contact Karl Doroszenko, Development Planning and Regeneration Manager, Tel: 01563 576751.

Implementation officer: Alan Neish, Head of Planning and Economic Development.

MINUTE OF AGREEMENT

between

(FIRST) THE NORTH AYRSHIRE COUNCIL, having its principal place of business at Cunninghame House, Friars Croft, Irvine (hereinafter referred to as “the First Party”) **(SECOND) THE EAST AYRSHIRE COUNCIL**, having its principal office at London Road Centre, London Road, Kilmarnock (hereinafter referred to as “the Second Party”) and **(THIRD) THE SOUTH AYRSHIRE COUNCIL**, having its principal office at County Buildings, Wellington Square, Ayr (hereinafter referred to as “the Third Party”) all of which parties are constituted in terms of the Local Government, etc. (Scotland) Act 1994 (hereinafter referred to as “the Three Councils”)

WHEREAS the Three Councils are Local Authorities in terms of the Local Government, etc. (Scotland) Act 1994 and in terms of the Local Government in Scotland Act 2003 responsible for Best Value and Accountability and the Power of Well Being under Parts 1 and 3 of the said 2003 Act and in terms of the Planning etc. (Scotland) Act 2006;

And **WHEREAS** the Three Councils wish to retain a central team of officers (the “Support Team”) to undertake joint planning functions across Ayrshire;

And **WHEREAS** The Three Councils wish to set out the arrangements for discharge of such functions by the the Support Team;

Therefore the Three Councils **DO HEREBY AGREE** as follows:-

ONE

TITLE

The Three Councils shall establish an Ayrshire Joint Planning Steering Group to facilitate and promote the concept of joint working on planning and related matters of mutual interest (hereinafter referred to as “the Steering Group”).

TWO

POWERS AND DUTIES OF THE STEERING GROUP

The Steering Group shall consider reports from the Technical Management Team and shall recommend to each of the three Councils work or functions which fall within the Terms of Reference detailed in Clause 15 hereof which should be discharged by the Support Team. The Steering Group will also be responsible for considering issues relating to the said Terms of Reference or the work undertaken by the Support Team, and making recommendations to the three Councils on any matters arising therefrom.

THREE

MEMBERSHIP

The Steering Group shall consist of two council members from each of the Three Councils.

FOUR

CHAIR

The Chair of the Steering Group shall be elected by the members attending the first meeting and shall hold office for a period of one year. Thereafter the Chair shall be elected from one of the two other councils and on a rotating basis.

FIVE

QUORUM

The quorum of any meeting of the Steering Group shall be one member being present from each of the Three Councils.

SIX

MINUTES

The minutes of meetings of the Steering Group shall be circulated prior to the next meeting, and shall be formally agreed by the Steering Group.

SEVEN

STEERING GROUP MEETINGS

The Steering Group should generally have the ability to meet as required but in any case not less than twice a year. Meetings shall be convened at the instance of the Chair who shall give not less than three days notice of the meeting.

EIGHT

RULES OF MEMBERSHIP

Any of the Three Councils may withdraw from the shared service, but shall give the other councils two years prior written notice of their intention to withdraw.

NINE

REPRESENTATION

Representative members shall be appointed for such terms as each council may determine having regard to the desirability of continuity; But representatives may only remain members of the Steering Group while they continue to be supported by the appointing body.

TEN

SUPPORT SERVICES

The council of whom the Chair is a member for each year shall provide the Steering Group with such administrative, financial, legal and other secretarial support as is required, the cost of which shall be borne for the year by the party of which the then Chair is a member.

ELEVEN

SUPPORT TEAM

The Steering Group shall be supported by a core team comprising staff seconded from the constituent councils and possessing the required technical and support skills. A Team Manager shall be appointed and will be responsible to the Head of Planning Services for each of the Three Councils. The Team Manager shall be responsible for the day-to-day management and administration of the service.

TWELVE

TECHNICAL MANAGEMENT TEAM

A Technical Management team comprising the Head of Planning Service from each council and the Team Manager (hereinafter referred to as “the Technical Management Team”) shall be formed. The Technical Management Team shall be responsible for managing and preparing the budget for the Support Team and to ensure proper integration between issues raised as appropriate matters to be dealt with by the Steering Group. As necessary, the Technical Management Team shall be able to co-opt additional relevant officers from any of the three councils to provide technical advice and assistance.

Officers who are members of the Technical Management Team shall meet as necessary or as the Steering Group may direct.

THIRTEEN

ATTENDANCE OF OFFICERS

Officers who are members of the Technical Management Team shall be required to attend meetings of the Steering Group to provide such technical and professional advice as is required by any member of the Steering Group.

FOURTEEN

FINANCE

The expenses of the Steering Group, including all staffing matters, shall be met by an annual contribution from each of the Three Councils in equal proportions. The resources of the Support Team will be administered by one of the Three Councils, and the two other councils shall ensure transfer of their proportion of the budget timeously.

FIFTEEN

TERMS OF REFERENCE

The Three Councils hereby agree that the following functions shall be discharged by the Support Team through the Steering Group:-

- (1) To support the Three Councils in the implementation of the Planning etc. (Scotland) Act 2006 to achieve best value, as deemed appropriate by the Steering Group.
- (2) To prepare and take a lead role as required in developing appropriate delivery mechanisms for Strategic Action Plans and other Initiatives as agreed by the Steering Group.
- (3) To monitor changes to the physical, economic, social and environmental characteristics in each of the three council areas.
- (4) To indemnify and advise the Three Councils on the impact of Scottish, UK Government, other national agencies' policies and proposals and European legislation on general planning and other related matters affecting the three council areas.
- (5) To co-ordinate data collection and statistical standards for planning purposes in a way that allows for a consistent

approach across the Three Councils, including the preparation of appropriate forecasts and models.

- (6) To establish and maintain an e-planning spatial data management system, centrally located, web based, collated and updated regularly.
- (7) To develop and implement, in conjunction with the Three Councils, the Ayrshire Biodiversity Action Plan by establishing appropriate environmental data management systems and implementation, reporting and monitoring systems.
- (8) To prepare and publish monitoring reports as necessary on the progress towards achieving planning outcomes defined through the planning process.
- (9) To provide councils with access to expertise in specialist topics that could either not be justified at an individual council level or, in terms of best value, would be better provided centrally.
- (10) To prepare any Alteration to the Ayrshire Joint Structure Plan and/or Supplementary Planning Guidance on any topic defined by the Steering Group.
- (11) To take an overview of development management and local development plan preparation in the three council areas to advise on matters relating to the approved Ayrshire Joint Structure Plan.
- (12) To assist the parties in the preparation of evidence for planning appeals and local plan inquiries that involve strategic issues and to provide specialist witnesses as appropriate.
- (13) To prepare any other reports or plans relating to planning policy as considered necessary.

SIXTEEN

For the avoidance of doubt and purposes of clarification the Minute of Agreement between the North Ayrshire Council, the East Ayrshire Council and the South Ayrshire Council signed on twenty ninth October nineteen hundred and ninety six and modified on the twenty third and twenty seventh October and sixth November Two Thousand shall be superseded by this agreement and will have no further effect. IN WITNESS WHEREOF

**EAST AYRSHIRE COUNCIL
DEPARTMENT OF CORPORATE SUPPORT
COUNCIL/CABINET/GOVERNANCE & SCRUTINY PAPER QUALITY
ASSURANCE CHECKLIST**

Council/Cabinet/Gov & Scrutiny Date	Cabinet 17 September 2008
Title of Paper	Towards a Shared Planning Service for Ayrshire
Author of Paper	Karl Doroszenko
Implementation Officer	Alan Neish

Checklist	Tick Box
Has the paper been proof read to check for typing errors, spelling and grammar?	√
Check tables/graphs for numerical accuracy i.e. do columns/rows total correctly.	√
Is numbering consistent throughout document?	√
Are margins consistent throughout the document?	√
Have Policy Implications been considered and reported?	√
Have Legal Implications been considered and reported?	√
Have Financial Implications been considered and reported?	√
Have Risk Management Implications been considered and reported?	√
Have Community Planning Implications been considered and reported?	√
Have Background Papers been listed in the document?	√
Is the Implementation Officer identified?	√
Are all relevant appendices attached?	√
Has the Cabinet Paper Summary Sheet been completed?	√
Is an Integrated Impact Assessment and/or a Strategic Environmental Assessment required? If so, has it been completed?	N/A
Has the document been placed on the Members Portal?	No

Quality Assurance Sheet Completed KD By: Date: 2/9/08

**EAST AYRSHIRE COUNCIL
DEPARTMENT OF CORPORATE SUPPORT
COUNCIL/CABINET/GOVERNANCE & SCRUTINY PAPER SUMMARY
SHEET**

Council/Cabinet/Gov &
Scrutiny Date

Cabinet 17 September 2008

Title of Paper

Towards a Shared Planning Service for Ayrshire

Author of Paper

Karl Doroszenko

Implementation Officer

Alan Neish

Brief description of report

Shared Services Report on future of Joint Ayrshire Structure Plan Team

Provide details of Elected Members consulted during paper's preparation

Spokespersons

Councillor Buchanan and Councillor McDill

Other

Heads of Service, or their representatives consulted during paper's preparation:

Legal	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>
Finance	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>
Personnel	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>
Other (Specify)						

Trade Union Consultation

Is consultation with Trade Unions? Necessary Desirable

Has Union consultation taken place? Yes No

If so, with whom and when?

Other Relevant Information

N/A

Summary Sheet Completed By: Karl Doroszenko Date: 2/9/08

Quality Assurance Checklist Completed: Yes Date: 2/9/08

Approved by Head of Service: Yes Date: 4/8/08

Approved by Depute Chief Executive/Executive Director: Yes Date: 6/8/08