

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 10 MARCH 2004

CONSTITUTION FOR THE EAST AYRSHIRE COALFIELD ENVIRONMENT INITIATIVE

Report by Director of Development Services

1. PURPOSE OF REPORT

- 1.1** To seek Committee approval of the heads of agreement between East Ayrshire Council, Scottish Coal, Scottish Natural Heritage, RSPB and the Scottish Wildlife Trust, with a view to these being adopted as a formal Constitution of the East Ayrshire Coalfield Initiative and registered as such.

2. BACKGROUND INFORMATION

- 2.1** The East Ayrshire Coalfield Environment Initiative was formally launched by East Ayrshire Council in September 2002 in partnership with Scottish Coal, Scottish Natural Heritage, RSPB and the Scottish Wildlife Trust.
- 2.2** The overall aim of the Initiative is to improve the quality of the environment for those local communities in East Ayrshire that are, or have been, most affected by present or past coal mining activity.
- 2.3** The Initiative seeks to achieve these aims through meeting the following general objectives:
- to enhance the natural environment and landscape within the project area, through the partnerships of mining, farming, forestry, conservation, access and other interests;
 - to increase access to and understanding of the environmental and natural heritage of the project area; and
 - to raise awareness of the environmental significance of the project area.
- 2.4** A Project Officer for the Coalfield Environment Initiative was appointed in April 2002, her main role in developing and implementing projects for the Initiative being to consult with existing partners, bringing new partners to the Initiative and listening to their ideas as well as co-ordinating the funding, expertise, manpower and other resources needed to undertake each project. The post was funded for an initial two year period from 2002-2004 by Scottish Coal, with additional support provided by RSPB and East Ayrshire Council.

During that time a number of projects have been developed and Scottish Coal has indicated their commitment to extend the period of the Initiative to at least

2006 as a means of seeking to ensure that projects already developed can be implemented and potential new projects identified.

- 2.5** The CEI Executive Board has decided that the CEI should be more formally constituted to enable the Initiative to be more effective in terms of being able to attract increased partnership funding for existing and potential future projects and become more accountable in terms of its activities in general. A constitution has therefore been drafted and agreed by the CEI partners.

3. CONSTITUTION

- 3.1** A summary of the heads of agreement of the constitution is given below.

Operational Area

- 3.2** The CEI will continue to operate within those communities (and surrounding areas) in East Ayrshire most affected by past and present mining development).

Purpose

- 3.3** The CEI's main purpose is to improve the quality of the environment for local communities within the above Operational Area through achieving the general objectives set out in para 2.3 above.

Powers

- 3.4** The CEI may undertake activities and organise schemes appropriate to raise finance, obtain grants and solicit funding for its purposes as referred to above.
- 3.5** The CEI would also have the powers to appoint and retain employees, including the Project Officer and professional advisors/consultants and to remunerate them accordingly (see paragraph 3.11 below).

Membership

- 3.6** The CEI can be comprised of individuals, public bodies, companies, voluntary associations and other organisations that in the opinion of the Executive Committee should be admitted as members.

Executive Committee

- 3.7** The Executive Committee will comprise the nominated representatives (generally elected Members/senior officers) of the members of the CEI. The Council's nominated representative will be the Chair of the Development Services Committee who will also act as the Chairperson of the Executive Committee.

- 3.8** The Executive Committee shall have the power to regulate the CEI's affairs, act and make decisions necessary to implement the CEI's purposes and to select a Chair of Project Steering Group.

Project Steering Group

- 3.9** The Project Steering Group will consist of nominated representatives (generally officers) of the members of the CEI.
- 3.10** The Project Steering Group will act as an advisory group to the Executive Committee to which it may make recommendations as to how the CEI should operate.

The Project Officer

- 3.11** The Executive Committee has power to appoint a Project Officer for such period and on such terms and pay as it deems appropriate.
- 3.12** The Project Officer will be responsible for the day to day running of the CEI under the direction of the Executive Committee.

General Administration of CEI

- 3.13** The CEI shall hold Executive Committee meetings and, if appropriate, Project Steering Group meetings at least twice each year.
- 3.14** An Annual General Meeting shall be held in every calendar year.

4. POLICY IMPLICATIONS

- 4.1** This Initiative is fully aligned with the Council's policies on restoration of the environment as contained in the Opencast Coal Subject Plan and the environment generally as contained in the Ayrshire Local Biodiversity Action Plan and the Community Plan. The Initiative has the potential to add value to existing restoration plans by maximising the linkages between sites, creating a more diverse range of habitats and utilising habitats on land adjacent to opencast sites. The Initiative also has the potential to add to the attractions of the area to visitors and should become a conduit through which diversification could be promoted under the auspices of the Ayrshire Economic Forum.
- 4.2** It is considered that if adopted by the Council, the terms of the proposed constitution for the CEI as set out in Section 3 above would mean the Initiative could operate in a more formalised way that would enable it to be more responsive to local policy issues in promoting the Council's agenda, and those of its partners for delivering environmental, educational, social and economic benefits to the coalfield area.

5. LEGAL IMPLICATIONS

- 5.1** Nil.

6. FINANCIAL IMPLICATIONS

- 6.1** If Committee approves the heads of agreement of the constitution, the constitution will be forwarded to the Inland Revenue for approval as being suitable for registration of the CEI as having charitable status. This will give the CEI a greater potential to lever in partnership funding for its projects.
- 6.2** Separate professional indemnity insurance will be required to cover the participation of Council Members and officers in the Initiative.
- 6.3** Under the terms of the proposed constitution for the CEI the Council's Finance Department will:-
- (i) administer all monies due to the Initiative and will make payments as directed by the Executive Committee;
 - (ii) prepare accounts of the CEI annually to 31 March and submit them to all CEI members no later than 30 September following;
 - (iii) audit the accounts in accordance with Section 96 of the Local Government (Scotland) Act 1973.
 - (iv) receive a fee or other payment from the CEI Executive Committee as it may determine.
- 6.4** A Council's contribution in kind to the CEI will include the Chair of Development Services chairing the Executive Committee, and officers from the Planning & Building Control Division representing the Council on the project steering group.

7. RECOMMENDATION

- 7.1** It is recommended that the Committee agree:-
- (a) to approve the heads of agreement between the Council, Scottish Coal, SNH, RSPB and the Scottish Wildlife Trust; and
 - (b) that the Head of Administrative and Legal Services circulate the constitution for signature once confirmation is received from the Inland Revenue that the constitution is suitable to register the CEI as a charity.

Stephen Chorley
Director of Development Services
1 March 2004
(JT/MMM)
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LIST OF BACKGROUND PAPERS

1. Draft Minute of Agreement for CEI – East Ayrshire Council, February 2004.
2. Report by Director of Development Services to Development Services Committee: 22 October 2002 – Consideration of Coalfield Environment Initiative Consultative Draft Strategic Plan 2002 – 2004.

Implementation Officer: Alan Neish