



Item 6



SCHEME OF DELEGATION

25 August 2008

Report by Director of City Development, City of Edinburgh Council

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1 INTRODUCTION

- 1.1 This report sets out for approval a draft scheme of delegation for SESplan, the Strategic Development Planning Authority (SDPA).

2 BACKGROUND

- 2.1 A previous report to Committee in June 2008 set out proposals for the creation of SESplan. SESplan has been established to carry out the duties of the Strategic Development Planning Authority. A constitution set out at that meeting makes it clear that SESplan is advisory only and its decisions will not be binding on Member Councils.
- 2.2 Scottish Government guidance sets out how planning authorities should work together to prepare strategic development plans (SDPs). The level of delegation to SDP joint committees is not prescribed by the Scottish Government. Guidance indicates that it is expected that major decisions, for instance about the content of SDPs, will require to be ratified by individual member councils. More routine decisions such as responding to consultation may be delegated to the joint committee. The level of delegated authority on decision making and spending will be for individual authorities to decide.
- 2.3 This report presents a scheme of delegation for SESplan's approval.

3 THE SCHEME OF DELEGATION

- 3.1 The scheme may be amended at any time with the agreement of all Member Councils and will be kept under review as SESplan matures.

Delegation from member councils to SESplan

- 3.2 Member Councils will retain strategic decision making powers, as major decisions on the content of the SDP are not delegated to SESplan. At the key stages of plan preparation - Main Issues Report and Proposed Plan - SESplan will be required to remit recommendations to the Member Councils for decisions to be taken. Member Councils must put in place streamlined arrangements to make decisions outwith their regular cycle of meetings, if necessary to ensure that such decisions can be taken timeously.
- 3.3 The scheme of delegation proposes that these decisions should be made by consensus. In the case of the Proposed Plan there is provision in the legislation to allow individual authorities to put forward alternative proposals to Ministers.
- 3.4 Outwith the key stages it is proposed that SESplan is able to make decisions about the day to day work on the plan. This ability to make “tactical” decisions quickly should help to keep the SDP project on track. The scheme of delegation proposes that the decisions extend to:
- Responding to consultations
 - Management of work on the SDP
 - Initiation of engagement
 - Commissioning studies
 - Recruitment of staff to SDP project team
 - Arrangements for premises
 - Spending (within parameters)
 - Advising on referred planning proposals
 - Advising on conformity with the SDP

Delegation from SESplan to officers

- 3.5 A dedicated team of officers will manage the SDP process. They will carry out the work to prepare and review the SDP. Delegation from SESplan to the project Board and onto the Strategic Development Plan Manager and dedicated team is required to ensure that decisions can be taken to allow the project to progress between SESplan meetings. It is proposed that officers will be responsible for the day to day management of the plan and the scheme allows them to progress until key points in the process before referring to SESplan. The scheme proposes delegation of the following to officers:
- Recruitment below manager level
 - Day to day management of staff
 - Liaison with other bodies on SESplan matters
 - Implementation of financial resources as authorised
 - Preparation of the SDP up to drafting main stage outputs
 - Management of consultation exercises
- 3.6 While the delegation to officers should allow them to progress work, appropriate periodic reporting of delegated decisions will be required to SESplan.

4 CONCLUSIONS

- 4.1 The SDP project is a continuous process which requires rigorous project management to ensure that the plan can be delivered on time. The scheme of delegation provides a framework which should allow the project to be progressed without the need to constantly seek approval; however, it retains for Member Councils strategic decision making powers in relation to the SDP.

5 RECOMMENDATION

- 5.1 It is recommended that SESplan
- a) endorses the scheme of delegation; and
 - b) refers the scheme of delegation to Member Councils for approval.

APPENDICES

Appendix 1: SESplan Scheme of Delegation

Background papers

1. Report to ESESDP Joint Committee by Director of city Development, City of Edinburgh Council: "Creating the Edinburgh & South East Scotland SDP Joint Committee", 27 June 2008
2. Circular 2/2008: Statutory Guidance on Strategic Development Planning Authorities, Scottish Government, April 2008

APPENDIX 1



SCHEME OF DELEGATION

- 1.0 Powers delegated in this scheme must be carried out within the financial parameters set out by the separate minute of agreement on finance.

Commencement of the Scheme

- 1.1 The scheme shall commence and have effect as from 25 August 2008.

The Interpretation of the Scheme

- 1.2 In the scheme the following words shall have the meanings assigned to them, that is to say:-

Member Councils are the City of Edinburgh, East Lothian, Fife, Midlothian, Scottish Borders and West Lothian Councils;

2006 Act means the Planning etc. (Scotland) Act 2006;

“SESplan” means the Strategic Development Planning Authority for Edinburgh and South East Scotland;

“Officer” means an official carrying out a function of SESplan, whether the project board or its appointees, directly employed, seconded or otherwise.

Alteration of Scheme

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

2.0 DELEGATION FROM MEMBER COUNCILS TO SESPLAN

- 2.1 Member Councils delegate to the joint committee (“SESplan”) the power to discharge the functions conferred by the 2006 Act on the Member Councils as joint SDPA authorities.

- 2.2 This delegation does not prevent any or all the member councils from discharging those statutory functions.

- 2.3 Delegation covers:

- a) Responding to relevant consultations from other bodies
- b) Managing work on SDP preparation, monitoring and review
- c) Initiating public consultation and stakeholder engagement
- d) Commissioning 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
- h) Advising on certain defined types of planning proposals referred from member councils according to the Joint Code of Practice.
- i) Advising and making recommendations to the Member Councils on conformity of local plans and local development plans with the strategic development plan.

2.4 Reports will be submitted to individual Member Councils, for information only, on substantive decisions taken and action authorised under delegated authority.

2.5 Delegation **does not extend** to major decisions on SDP content. These will require to be ratified by all six Member Councils.

- i. The exception is at the stage of submitting a proposed plan to Scottish Ministers. At that stage a majority vote by SESplan will be sufficient to refer a proposed plan to Member Councils for ratification.
- ii. Ratification by at least four out of the six Member Councils will then be required to allow the proposed plan to be submitted to Ministers. The Act allows one or more Member Council to set out alternative proposals, along with their reasons for those alternatives.

2.6 Urgent Matters

Where urgent decisions are required to be taken and do not fall within the scope of delegation to SESplan, Member Councils will convene special committee meetings, if necessary, to ensure that decisions can be made timeously and to prevent delay to the preparation of the SDP.

2.7 Disputes

If SESplan fails to reach consensus on matters delegated to it, then the matter will be referred to individual Member Councils.

3.0 DELEGATION FROM SESplan TO OFFICERS

3.1 SESplan delegates to officers:

- a) Recruitment below manager level, so long as such posts are within the approved structure and budget
- b) Day to day management of staff in the SDP project team
- c) Liaison with and representation of SESplan to central government and other bodies as necessary on matters relating to the SDP area
- d) Implementation of financial resources as authorised by SESplan
- e) Preparation of SDP up to drafting main stage outputs:

- i. Preparation of main issues report and supporting documents – subject to approval by SESplan, and ratification by all Member Councils.
 - ii. Preparation of proposed plan – subject to approval by SESplan, and ratification by Member Councils
 - iii. Modification of proposed plan – subject to approval by SESplan and ratification by all Member Councils
- f) Initiation and management of consultation exercises subject to agreement of SESplan

3.2 The provisions of the scheme of delegation to officers are intended to assist in the efficient and effective management of SESplan's activities. Officers must pay due regard to the need for appropriate periodic reporting of delegated decisions to SESplan.

3.3 Urgent Matters

Where urgent decisions are required to be taken to allow work on the SDP to progress and they do not fall within the scope of delegation to officers, SESplan will, if necessary, convene a special committee meeting.