

# STRATEGIC DEVELOPMENT PLANNING AUTHORITY

FRIDAY, 26 MARCH, 2010

## CORPORATE GOVERNANCE – MINUTE OF AGREEMENT AND PERFORMANCE INDICATORS

1. With reference to the meeting of the Authority of 3<sup>rd</sup> December, 2008, the Authority had before it a report by the Strategic Development Plan Manager which proposed amendments to the Minute of Agreement between Aberdeen City Council and Aberdeenshire Council which governs the operation of the Aberdeen City and Shire Strategic Development Planning Authority (SDPA). The report also proposed a series of performance indicators which would monitor the performance of the SDPA.

The report explained that over the past eighteen months, the Minute of Agreement has been put into practice and this has highlighted a range of issues which mean that it is appropriate to review the Agreement, and propose amendments to it, for the approval of the SDPA and subsequently both Councils.

The report explained that there are a total of six amendments proposed to the Minute of Agreement as follows (further details were set out in Appendix 1 to the report):-

- Aims and Objectives – the Minute of Agreement includes 16 specified aims and objectives for the SDPA. Due to the establishment of the SDPA during the preparation of the Structure Plan, Aim 3 was to complete the Structure Plan which was being prepared pending the preparation of the Strategic Development Plan. The preparation of the Structure Plan is now complete and this Aim can therefore be deleted.
- ACSEF – the Regional Economic Development Partnership changed its name in 2008. It is proposed to update references to its new name, “Aberdeen City and Shire Economic Future”.
- Preparation of Accounts – the original Minute of Agreement had been prepared on the basis that the SDPA’s accounts would not be audited independently of the two Councils. However, in early 2009 the SDPA received notification that Audit Scotland had decided to treat all four SDPAs as independent public bodies for audit purposes. Rather than the timetable set out in the Minute of Agreement, draft accounts now need to be prepared, agreed by the SDPA and submitted to Audit Scotland by the end of June each year.
- Freedom of Information – the Minute of Agreement currently requires the SDPA to publish a “Publication Scheme” under the Freedom of Information (Scotland) Act 2002. However, discussions have taken place with the Scottish Information Commissioner and have concluded that such a requirement is unnecessary. It is therefore proposed to remove this obligation from the Minute of Agreement.
- Financial Regulations – the Minute of Agreement specified the use of Aberdeenshire Council’s financial regulations by the SDPA. However, the audit position of the SDPA and the opinion of Audit Scotland as expressed in

its "Report to Members 2008/09" means that the SDPA's own regulations are required. The SDPA agreed its own set of financial regulations at its meeting of June, 2009 and this now needs to be reflected in the Minute of Agreement.

- Data Protection – matters relating to data protection were not covered in the original Agreement but it is important that the position of the SDPA is clarified. Given the joint nature of the SDPA, it is necessary that Aberdeen City Council and Aberdeenshire Council both act as Data Controller and Data Processor for the purposes of the legislation.

The report explained that the Minute of Agreement which established and guides the operation of the SDPA is between Aberdeen City Council and Aberdeenshire Council. Section 8.2 of the Agreement allows for modifications to be proposed and agreed should the need arise. It is therefore proposed to refer this report for ratification by both Aberdeen City Council and Aberdeenshire Council at the following meetings:-

- Aberdeen City Council – Enterprise, Planning and Infrastructure Committee (20<sup>th</sup> April, 2010); and
- Aberdeenshire Council – Infrastructure Services Committee (13<sup>th</sup> May, 2010).

The report explained that the outcome of these meetings will then be reported back to the next meeting of the SDPA on 18<sup>th</sup> June, 2010.

The report explained that at its meeting of 17<sup>th</sup> June, 2009, the SDPA considered a draft annual report for 2008/09 and the report proposed the development of a set of performance indicators to be reported in the second and subsequent annual reports.

The report explained that a set of sixteen indicators has been developed for the SDPA (these were attached at Appendix 2 to the report). The indicators cover statutory performance indicators; staffing and personnel; transparency and accountability; plain English/equalities in human rights; and environmental responsibility.

The report explained that the other three SDPAs do not yet have performance indicators, although TAYplan are proposing to develop some in the near future. The SDPA will continue to work with the other SDPAs to enable the benchmarking of performance and facilitate strategies for improvement. In the meantime, these indicators were developed taking the experience of NESTRANS into account.

The report advised that with one exception, data will be able to be reported for all sixteen indicators in 2009/10 annual report. The indicator that will not be able to be reported until 2010/11 relates to office paper consumption. One additional indicator (website usage) can only be reported for the second half of the year due to the implementation of new monitoring software following the review of the website carried out during 2009.

**The report recommended:-**

that the SDPA –

- (a) agree to propose the seven changes to the Minute of Agreement (outlined in Appendix 1 to the report), to the two Councils and refer this report and the associated draft minute extract for the agreement of Aberdeen City Council's

Enterprise, Planning and Infrastructure Committee on 20<sup>th</sup> April, 2010 and Aberdeenshire Council's Infrastructure Services Committee on 13<sup>th</sup> May, 2010; and

- (b) agree the performance indicators as detailed at Appendix 2 to the report.

**The Authority resolved:-**

to approve the recommendations contained in the report.