

POLICY AND RESOURCES COMMITTEE

27 AUGUST 2019

ESTABLISHMENT OF A SPECIAL SUB COMMITTEE

REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT

This Report proposes the establishment of a Special Sub Committee of the Policy and Resources Committee with full delegated powers to make decisions on behalf of Angus Council to deal with all matters relating to Seagreen Alpha Wind Energy Limited - Firth of Forth Offshore Wind Farm Phase 1 (Onshore Infrastructure Works) Compulsory Purchase Order 2019.

1. RECOMMENDATION(S)

It is recommended that the Committee:

- (i) notes the contents of the Report;
- (ii) approves the establishment of a special sub committee of Policy and Resources Committee with full delegated powers to make decisions on behalf of Angus Council to deal with all matters relating to Seagreen Alpha Wind Energy Limited - Firth of Forth Offshore Wind Farm Phase 1 (Onshore Infrastructure Works) Compulsory Purchase Order 2019; and
- (iii) approves the make-up of the sub committee and appoint members, taking into account the need to mitigate any potential conflict of interest.

2. ALIGNMENT TO THE COUNCIL PLAN

This Report contributes to the achievement of our priority that the council is efficient and effective as detailed in our Council Plan for 2017 – 2022.

3. BACKGROUND

Seagreen Alpha Wind Energy Limited were granted planning permission in principle for an electricity route relating to an offshore wind development. This was approved by full Council on 8 December 2016.

The approval/consideration of matters specified in conditions attached to that planning permission in principle is still outstanding. Such application for approval will be determined by the Development Standards Committee.

A meeting of the Executive Sub Committee of the Policy and Resources Committee was arranged during the Council's summer recess to advise members that Seagreen Alpha Wind Energy Limited had submitted a Compulsory Purchase Order and seeking approval to submit an objection on behalf of Angus Council to the CPO, an action necessary in order to protect Angus Council's position should the Council and Seagreen Alpha Wind Energy Limited fail to reach agreement over the cable route and related matters

The Executive Sub Committee agreed:

- “(i) to note the detail of the Compulsory Purchase Order submitted by Seagreen Alpha Wind Energy Limited, as outlined in the Report and the Appendix;

- (ii) to delegate authority to the Director of Legal and Democratic Services to submit an objection to the CPO on behalf of Angus Council, together with such follow up action and correspondence as was appropriate in order to protect the Council's position; and
- (iii) requests that the Director of Legal and Democratic Services bring a Report to Policy and Resources Committee on 27 August 2019 recommending that a sub committee be established with full delegated powers to make decisions on behalf of Angus Council relating to the said compulsory purchase order submitted by Seagreen Alpha Wind Energy Limited. "

4. PROPOSALS

In order to mitigate any potential conflict of interests which may arise, it is proposed that members involved in making the decision on the CPO matter would not be involved when considering any planning matter. It is suggested that the appropriate means for this to be achieved is the establishment of a special sub committee of the Policy and Resources Committee.

Standing Order 33(1) makes provision for the establishment of a sub committee:-

"Subject to any statutory provision, and to these Standing Orders, each Standing Committee shall appoint the Standing Sub-Committees specified in its Order of Reference, and may at any time appoint such other Sub-Committees for any purpose as it deems necessary".

The membership of a sub committee must be drawn from members of the parent committee. In setting out options for membership of the special sub committee, it is proposed that members of the Policy and Resources Committee who are also members of the Development Standards Committee should not be considered as potential members as this could give rise to a conflict of interests given that matters specified in the original planning application will be considered at some stage by the Development Standards Committee.

In addition, in considering the make- up of the Sub Committee members need to be mindful of the principles of political balance as set out in Standing Order 34(1):-

"In appointing members to Sub-Committees, a Standing Committee shall, so far as possible, give effect to the principles regarding political balance set out in the 1989 Act save in the case of the Scrutiny and Audit Committee."

It is proposed that the special sub committee consist of 5 elected members. The rationale for a sub committee consisting of 5 members is that extending it beyond 5 to, for example 7, extends the scope of potential conflict of interests to more members. To apply the principles of political balance it is suggested that the sub committee be made up of 3 Administration members (Convener and Vice Convener *ex officio* + 1) and 2 non Administration members.

There are a number of options for members to consider in relation to the allocation of the two non administration places.

- Allocate 2 places to the SNP Group. Political balance would be achieved, however, as the one SNP Carnoustie and District member is not a member of the parent committee and therefore not eligible to be appointed to the sub committee, there would be no Carnoustie ward member on the sub committee. Whilst the interests of the Council in differing capacities is impacted by the CPO throughout its entire length from Carnoustie to Tealing, the greatest impact on the Council as landowner is the proposed compulsory acquisition of rights to bring the electric cable ashore at Carnoustie and lay it through the golf links there, and, therefore, the inclusion of a local member might inform the deliberations of the sub committee.
- Allocate 1 place to the SNP and 1 place to be taken up by the independent Carnoustie member who is on the parent committee but not on the Development Standards Committee (ie: Cllr Boyd). While not strictly complying with political balance, this would allow the views of a local member to form part of the sub

committee's deliberations. There would be a justifiable argument that this benefit outweighs the need for strict political balance.

Members are asked to give consideration to these options and make appointments to the sub committee.

5. FINANCIAL IMPLICATIONS

There are no financial implications arising from this Report.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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