
Report To:	Environment & Regeneration Committee	Date:	27 August, 2020
Report By:	Corporate Director Environment, Regeneration & Resources	Report No:	E+R/20/08/06/AP
Contact Officer:	Scott Allan	Contact No:	01475 712761
Subject:	Clyde Muirshiel Regional Park - Future Operating Arrangements		

1.0 PURPOSE

- 1.1 The purpose of this report is to seek Committee approval for the future operating arrangements for the Clyde Muirshiel Regional Park (CMRP).

2.0 SUMMARY

- 2.1 The Committee was advised at the March meeting that North Ayrshire Council intended to withdraw from the Clyde Muirshiel Park Authority (CMPA) from the 1 April, 2020 leaving Renfrewshire Council and Inverclyde Council as the remaining Councils contributing to the costs of delivery and involved in the governance of the Park Authority.
- 2.2 The Committee was advised that a report would be prepared by officers outlining options for consideration. Officers have liaised with colleagues from Renfrewshire Council and would recommend that Option 3, whereby each Council assumes responsibility for the delivery of services and employees within their geographical boundary supported by a joint Forum for development of shared strategic aims and promotion of the Park, be approved.
- 2.3 If Option 3 is approved then it would be the intention that the next meeting of the Park Authority would be asked to approve a date the winding up of the Joint Committee along with addressing any other matters with the intention that the new arrangements will be fully in place by 1 April, 2021.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that the Committee considers the contents of the report, the options outlined in Section 5 and thereafter approves Option 3 as the Council's preferred operating arrangement for the Clyde Muirshiel Regional Park from 1 April, 2021.
- 3.2 It is recommended that the Committee notes that an update on progress will be presented to a future Committee.

Scott Allan
Corporate Director
Environment Regeneration & Resources

4.0 BACKGROUND

- 4.1 The Clyde Muirshiel Park Authority (CMPA) came into existence in 1990 and covers an area of 12000ha on land between Renfrewshire Council, Inverclyde Council and North Ayrshire Council.
- 4.2 The Clyde Muirshiel Regional Park Authority Joint Committee is governed by a Minute of Agreement (MoA) which was most recently agreed by Renfrewshire Council, Inverclyde Council and North Ayrshire Council in 2004.
- 4.3 Administration of the Joint Committee is undertaken by Renfrewshire Council, which also employs all of the relevant staff. Responsibility for maintenance of individual assets within the park authority area lies with the respective Councils.
- 4.4 The current governance of CMPA requires the Joint Committee and Sub Groups to meet several times per year, furthermore production of Annual Accounts and Audit are required incurring associated secretariat and accountancy support costs from Renfrewshire Council.
- 4.5 The Joint Committee provides oversight of annual objectives through reporting from the lead officer within Renfrewshire Council.
- 4.6 The Committee was advised at the March meeting that North Ayrshire Council intended to withdraw from the CMPA from the 1 April, 2020 leaving Renfrewshire Council and Inverclyde Council as the remaining Councils contributing to the costs of delivery and governance of the Park Authority.
- 4.7 The CMPA approved a 2020/21 Budget on 14 February, 2020 on the basis of no contribution from North Ayrshire Council and also approved the utilisation of the reserves balance to meet the resultant projected deficit which at the time of setting the budget was £82,400.
- 4.8 At the same meeting it was agreed that officers from both Councils would obtain approval for the preferred future governance and operating arrangement with the intention that this become operational no later than 1 April, 2021.

5.0 OPTIONS REVIEWED

- 5.1 Officers have considered 3 options for the future operation of the Clyde Muirshiel Park:
 1. Status Quo with the remaining 2 Councils and retaining the Joint Committee and associated governance requirements
 2. Lead Authority Model with Renfrewshire Council continuing to supply the employees, provide the administrative support but the Joint Committee being wound up and performance etc issues being dealt with the through individual Committees/Boards
 3. Each Council assume responsibility for the delivery of services and employees within their geographical boundary supported by a joint Forum for development of shared strategic aims and promotion of the Park.
- 5.2 Appendix 1 contains a review of the options. Based on this officers would recommend Option 3 for approval on the basis of localisation of decision making, making the best use of the Park's considerable assets and opportunities for cost efficiencies whilst retaining strategic joint working with other partners with a vested interest in the Clyde Muirshiel Regional Park.
- 5.3 If Option 3 is approved then it would be the intention that the September meeting of the Park Authority would be asked to approve a date the winding up of the Joint Committee along with addressing any other matters with the intention that the new arrangements will be fully in place by 1 April, 2021.

6.0 IMPLICATIONS

6.1 Finance

The 2020/21 Council contribution to the CMPA is £124,600 however this resulted in a £82,400 deficit. A report to the Joint Committee in June advised that this deficit could increase to £166,700 due to loss of income arising from the closure of facilities due to COVID-19. The Reserves Balance at 31.3.2020 is £112,000.

The Council would have a 30% share of the ultimate deficit.

If Option 3 were approved then officers would bring a report back on the financial implications as part of the 2021/22 Budget

Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
Regeneration	PtOB	20/21	Up to £50k		Councils share of the gross 20/21 deficit before use of reserves.

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
Regeneration	PtOB	21/22	tbc		Depends on option chosen and service level agreed.

6.2 Legal

The area of the Clyde Muirshiel Regional Park was designated as such by the Secretary of State for Scotland in December 1990 and was formerly administered by Strathclyde Regional Council. Following local government reorganisation, Renfrewshire, North Ayrshire and Inverclyde Councils entered into the existing joint committee arrangements to establish the Clyde Muirshiel Regional Park Authority by formal Minute of Agreement in April 1996, The Agreement permits any party to withdraw from the joint committee on 31 March in any year provided that not less than 2 years notice is given of such intention. The formal timescales for withdrawal do not appear to have been implemented. It is possible, through the joint committee arrangements in force, to negotiate or accept any agreed variation.

The aims of the Park Authority are to conserve and promote the Park, Any withdrawal from the joint committee will diminish the land area of the Park that is being jointly managed to achieve the aims and objectives of the Park Authority. It will not otherwise diminish the designated area of the Park.

Option 3 does not materially alter the Council's existing obligations to maintain and be responsible for the land and buildings within the area of Inverclyde that are within the Park.

Option 3 does not necessitate a joint committee arrangement and responsibilities for Inverclyde's area of the Park would be reported to the Council and the existing joint committee will cease. An informal forum with Renfrewshire Council will be established for any joint promotion or projects with that Council.

6.3 Human Resources

There may be TUPE implications arising from option 3 and further discussion will be required with Renfrewshire Council to confirm the position. Should option 3 be approved, details on the TUPE implications will be presented to a future Committee.

6.4 Equalities

Equalities

- (a) Has an Equality Impact Assessment been carried out?

	YES (see attached appendix)
X	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required

- (b) Fairer Scotland Duty

If this report affects or proposes any major strategic decision:-

Has there been active consideration of how this report's recommendations reduce inequalities of outcome?

	YES – A written statement showing how this report's recommendations reduce inequalities of outcome caused by socio-economic disadvantage has been completed.
X	NO

- (c) Data Protection

Has a Data Protection Impact Assessment been carried out?

	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
X	NO

6.5 Repopulation

The CMPA has the potential to be a major draw for visitors to Inverclyde and, subject to future decisions by the Council, this would help make the area more attractive to potential residents.

7.0 CONSULTATIONS

- 7.1 Discussions have also taken place with officers in Renfrewshire Council throughout the development of this report.

8.0 BACKGROUND PAPERS

- 8.1 None

Clyde Muirshiel Park – Options Review

<u>Issue Reviewed</u>	<u>Option 1 – Status Quo</u>	<u>Option 2 – SLA with Renfrewshire</u>	<u>Option 3 – Council takes on the operation</u>
1/ Governance	Requires a Joint Committee and Sub Groups which meet several times per year, Annual Accounts, Audit and associated secretariat and accountancy support costs from Renfrewshire Council. Current allowance for these is £40,000	The Joint Committee would disband and the Council would enter into an SLA which would set out a level of service and associated contribution. Performance would be monitored by the Environment & Regeneration Committee. Some existing governance costs would cease but some central costs would remain.	The Joint Committee and all associated governance requirements would cease. Any financial reporting would be absorbed into existing Committee reporting structures. It would be proposed to have a Joint Forum which may include SNH to meet and discuss joint projects/promotion opportunities.
2/ Operations	The Park would be operated by a Park Co-ordinator who deploys resources on a Park wide basis. The Park continues to have a single budget with associated Budget monitoring reported to the Joint Committee.	The Park Co-ordinator post would remain who would deploy resources in line with the SLA. There would be less flexibility for “cross border” deployment than Option 1. The Council would not receive Budget reports.	Responsibility for the operation of the Park within Inverclyde would transfer to the Head of Regeneration & Planning with Environmental Services providing the maintenance duties.
3/ Employees	All employees would remain with Renfrewshire Council.	All employees would remain with Renfrewshire Council.	Relevant employees would TUPE to the Council and thereafter future staffing requirements would be reviewed.

4/ Costs	The 2020/21 Budget has a £82,400 deficit based on this model. Cost reductions would be examined but deficit elimination would be achieved by either an increased contribution from the 2 Councils or material reductions in service delivery.	It would be expected that there would be an overall reduction in costs compared to the status quo however some central costs would remain. The estimated Budget deficit is estimated to reduce by around £30,000. There may be an impact on individual Council contributions.	Subject to officers getting a full understanding of the resource requirements, it is intended that the current service level can be delivered for less cost or an enhanced service for the same budget on the basis that management and budgeting costs would be met from current resources.
5/ Other	The Council can allocate increased funding on a temporary basis for specific projects to be delivered by the Park Co-ordinator.	The Council could enhance delivery in Inverclyde by amending the SLA on a temporary or permanent basis.	There would be greater flexibility for the Council to vary service levels and utilise the Park's considerable resource for the benefit of Inverclyde.