

**REPORT TO:** Executive Board Sub-Committee

**DATE:** 4 December 2008

**REPORTING OFFICER:** Strategic Director – Environment

**SUBJECT:** Renewal of Service Level Agreement with Merseyside Environmental Advisory Service for the Provision of Technical Advice

**WARDS:** Borough Wide

## **1.0 PURPOSE OF THE REPORT**

1.1 The purpose of the report is to recommend the renewal of a Service Level Agreement between Halton Borough Council and the Merseyside Environmental Advisory Service for the provision of technical advice in connection with planning matters for a period from 1 April 2008 to 31 March 2009.

**2.0 RECOMMENDATION: That the Service Level Agreement between Halton Borough Council and the Merseyside Environmental Advisory Service is agreed for 1 April 2008 to 31 March 2009 at a cost of £15,943**

## **3.0 SUPPORTING INFORMATION**

3.1 A draft legal agreement dated 27 October 2008, has recently been received from Sefton Metropolitan Borough Council, acting on behalf of the Merseyside Environmental Advisory Service (MEAS), in relation to services provided to Halton Borough Council by MEAS for the provision of technical environmental advice in connection with planning matters.

3.2 The MEAS is based in Maghull and provides a range of specialist advisory services to subscribing authorities. These services include advice on current and emerging European and national environmental policies, assistance with site specific environmental matters including those arising from administration of Development Control processes and support for the implementation of sub-regional initiatives.

3.3 The MEAS has been established for a number of years with the majority of funding for provision of its services being provided by Sefton, St Helens and Knowsley Metropolitan Borough Councils. More recently, Wirral, Liverpool and Halton entered into separate formal agreements to pay MEAS for the provision of some services, these services being proportionate to the monies paid by each of the local authorities.

3.4 A previous service level agreement between Halton Borough Council and the Merseyside Environmental Advisory Service was agreed by the Executive Board Sub Committee on 7 December 2006 to be extended for two years to

cover the period to the 31 March 2008, at an annual cost to HBC of £15,000 in 2006/7 and £15,450 in 2007/8.

- 3.5 A new draft legal agreement for the MEAS service contract for the period 1 April 2008 – 31 March 2009 for the provision of environmental services and technical advice now has to be considered for agreement. Although this is only for a one year contract MEAS intend to move to a 3 year agreement with Halton, Liverpool and Wirral with a new business plan.
- 3.6 The old agreement is being held over pending its formal renewal by this Executive Board Sub Committee.
- 3.7 The schedule in the agreement lists the services that MEAS will provide. These include the following:

#### Strategic and Planning

- Assisting UDP Review and Local Development Framework
- Sustainability Appraisals of Policy Documents
- 'Appropriate Assessment' as required by the Habitat Regulations

#### Projects

- Contaminated Land Information and Management System
- Risk Assessment of Prioritised Sites
- Joint Working on Waste

#### Development Control

- Mersey Gateway Project
- Environmental Impact Assessment

- 3.8 The cost of the services to be provided under this agreement is £15,943. MEAS will provide a substantive review of this agreement on the basis of performance to Halton by the end of March 2009.
- 3.9 MEAS will keep Halton informed of progress relating to this service by reporting to the Merseyside District Planning Officer Group Meetings and the MEAS Directing Group.
- 3.10 MEAS also provide an advisory service on behalf of all its member authorities on sub regional and regional matters that require a joint Merseyside response.

## **4.0 POLICY IMPLICATIONS**

- 4.0 These have been largely outlined in paragraphs above. The new development plans system introduced by the Planning and Compulsory Purchase Act 2004 is onerous in relation to the need to produce background documentation in support of a Local Development Framework. Without the provision of suitable supporting documentation there is potential for a

particular document within the Local Development Framework to fail the test of soundness in relation to the provision of a suitable evidence base. Some of the evidence relating to environmental matters required to progress the Halton Local Development Framework cannot be produced 'in house' and requires the specialist input of MEAS. Similarly, on occasion expertise does not exist within Halton Borough Council to consider environmental information submitted with a planning application and again, this can be dealt with by MEAS. The Service Level Agreement is therefore considered suitable to meet these policy requirements.

- 4.1 A Directing Group, with a representative from each of the Merseyside authorities and Halton meets periodically to review the work priorities of MEAS. Halton's representative is the Operational Director, Environmental and Regulatory Services.
- 4.2 MEAS is one of several specialist organisations that provide support to the Merseyside authorities and Halton, with others including the Merseyside Policy Unit and Merseyside Information Service. It is of note that Halton also has a separate financial arrangement for the development of a joint Merseyside Waste policy document (agreed by Executive Board on 21 September 2006) and another Service Level Agreement with Cheshire County Council for the provision of archaeology and historic environment advice. The continuation of the legal agreement with MEAS for the provision of environmental services would not prejudice any of these other existing arrangements.

## **5.0 OTHER IMPLICATIONS**

- 5.1 It has become apparent from previous working with MEAS that they offer good value for money when compared against the charges made by consultants for equivalent services. Part of the reason for MEAS offering good value for money is that they are able to draw upon existing local knowledge and technical expertise. Additionally, they also provide advice, on occasion, on behalf of all six local authorities, which means that the cost can be shared between the six rather than borne by an individual authority.

## **6.0 RISK ANALYSIS**

- 6.1 The risk from Halton not having recourse to the services of MEAS could result in a degree of failure to provide a suitable evidence base in connection with the Halton Local Development Framework and a lack of advice on certain major planning applications.
- 6.2 Any risk of MEAS failing to meet its obligations in the provision of environmental services to Halton is dealt with by clause 2.1 of the draft legal agreement, which entitles Halton to terminate the future provision of services by written notice and to not make a payment if the services in question are not being provided or performed.

## **7.0 EQUALITY AND DIVERSITY ISSUES**

7.1 There are no Equality and Diversity implications arising from this report.

## **8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

Document	Place of Inspection	Contact Officer
Draft legal agreement Between Sefton MBC and Halton BC for the provision of strategic environmental services	Planning & Policy Division Rutland House	Andrew Pannell