

## **Item: 12**

**Development and Infrastructure Committee: 7 September 2021.**

**Development and Marine Planning – Staffing Resource.**

**Report by Interim Executive Director of Finance, Regulatory, Marine and Transportation Services.**

### **1. Purpose of Report**

To consider establishing the temporary post of Marine Planner in the Development and Marine Planning function on a permanent basis.

### **2. Recommendations**

The Committee is invited to note:

#### **2.1.**

That the Marine (Scotland) Act 2010 includes provision for local stakeholders to prepare statutory regional marine plans at local levels, which is the marine equivalent of a local development plan.

#### **2.2.**

That the Delegation of Functions (Regional Marine Plan for Scottish Marine Region for the Orkney Islands) Direction 2020 commenced on 27 November 2020, delegating regional marine planning functions to the Council, which are supported by annual funding from Marine Scotland and a written assurance from the Minister for Environment, Climate Change and Land Reform.

#### **2.3.**

That the Development and Marine Planning service is carrying out the delegated functions, by preparing a statutory Orkney Islands Regional Marine Plan and facilitating the governance arrangements in respect of the Orkney Marine Planning Partnership.

#### **2.4.**

That the workload of the partnership is substantial and includes governance and meetings of the Marine Planning Partnership and processes associated with the drafting of a Regional Marine Plan, which include public participation, evidence gathering and interactions with stakeholders such as Marine Scotland.

#### **2.5.**

The current staffing establishment within Marine Planning, as follows:

- One permanent post of Senior Policy Planner.
- One temporary post of Marine Planner.
- One temporary post of Graduate Marine Planner.

## **2.6.**

The proposal to establish the temporary post of Marine Planner on a permanent basis, in order to ensure that the Marine Planning function is correctly resourced to meet the requirements of the Marine (Scotland) Act 2010 and the Delegation of Functions (Regional Marine Plan for Scottish Marine Region for the Orkney Islands) Direction 2020.

## **2.7.**

That costs associated with making the temporary post of Marine Planner permanent will be met from Scottish Government funding via Marine Scotland.

**It is recommended:**

## **2.8.**

That the temporary full-time post of Marine Planner (Development and Marine Planning), G9, be established on a permanent basis.

# **3. Background**

## **3.1.**

The Marine (Scotland) Act 2010 introduced a new era for the management of Scotland's seas, including provision for local stakeholders to prepare statutory regional marine plans at the local level. A regional marine plan is the marine equivalent of a local development plan, containing statutory local policies and spatial plans to guide marine consenting and management decisions. The Orkney Islands Regional Marine Plan is being prepared by the Orkney Marine Planning Partnership, with the Council as the lead partner.

## **3.2.**

The Delegation of Functions (Regional Marine Plan for Scottish Marine Region for the Orkney Islands) Direction 2020, which commenced on 27 November 2020, states that the Regional Marine Plan is to be prepared by November 2024 and that the Plan must be kept under review, with monitoring and evaluation of Plan implementation. The Direction delegates functions in perpetuity unless revoked by Scottish Ministers.

# **4. Resource Requirements**

## **4.1.**

The temporary post of Marine Planner was recruited to in October 2019 and has recently worked to gain approval from the Council and Marine Scotland for the

Statement of Public Participation for the Regional Marine Plan. The postholder is also the lead on planning policy input for marine related planning applications and responses to consultation requests from Marine Scotland on marine licences in Orkney waters for the Council, as a statutory consultee. This is in addition to assisting the Senior Policy Planner on other works associated with the Regional Marine Plan.

#### **4.2.**

Within the Development and Marine Planning Team there is very limited ability for this workload to be completed by other staff members as workloads include statutory provisions such as the Local Development Plan, Biodiversity, Strategic Environmental Assessments and the Council's Public Access responsibilities. It is, perhaps, worth noting that, within the Marine Planning function, only one team member is on a permanent contract.

#### **4.3.**

It should be noted that if the Delegation of Functions role is considered by Scottish Ministers not to be resourced fully, funding and the function itself could be removed.

### **5. Human Resource Implications**

#### **5.1.**

The post of Marine Planner (Development and Marine Planning) has an approved job description and person specification, attached as Appendix 1 to this report, and is graded at G9, with a salary range from SCP (spinal column point) 41 (£33,313) to SCP 45 (£37,200), including Distant Islands Allowance.

#### **5.2.**

Should the recommendation be accepted, and the post made permanent, then the post will need to be recruited to in line with the Council Recruitment and Selection Policy and Procedure.

#### **5.3.**

Should the recommendation not be accepted, then the current postholder could continue in the current role until the end of their current temporary contract. After this point there are a number of options to consider. Firstly, whether the workload can be distributed to other members of the team and secondly if this temporary contract could be extended again.

### **6. Corporate Governance**

This report relates to the Council complying with governance and its duties as an employer and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

## **7. Financial Implications**

### **7.1.**

The cost of the temporary post of Marine Planner (Development and Marine Planning) is £47,400 for financial year 2021/22, based on a current staff cost range of £42,600 to £47,700.

### **7.2.**

Annually the Scottish Government, through Marine Scotland, fund the marine planning duties of the Council through a grant. For 2019/20 this grant funding was £68,000. Scottish Government has confirmed that while they are committed to funding regional marine planning in Orkney, as funding decisions are made as part of the annual budget cycle, they are not in a position to provide specific longer term funding commitments.

### **7.3.**

Grant funding of £70,000 has been received from Scottish Government for 2021 / 2022.

### **7.4.**

The cost of the Marine Planner post has been included within the Marine Planning revenue budget for financial year 2021/22 forming part of the £139,300 of staff costs within an approved gross expenditure budget of £146,100. The gross expenditure is subject to grant income of £70,000 being confirmed during the financial year, leaving a net cost of £78,100 for the Council to meet.

## **8. Legal Aspects**

### **8.1.**

The Delegation of Functions (Regional Marine Plan for Scottish Marine Region for the Orkney Islands) Direction 2020 states that the Regional Marine Plan is to be prepared by November 2024 and that the Plan must be kept under review: with monitoring and evaluation of Plan implementation. The Direction delegates functions in perpetuity unless revoked by Scottish Ministers.

### **8.2.**

Section 64(1) of the Local Government (Scotland) Act 1973 obliges the Council to appoint such officers as they think necessary for the proper discharge of their functions.

### **8.3.**

Any amendment to an employee's terms and conditions of employment and job description must be reflected in the contract of employment.

## **9. Contact Officers**

Gareth Waterson, Interim Executive Director of Finance, Regulatory, Marine and Transportation Services, Email [gareth.waterson@orkney.gov.uk](mailto:gareth.waterson@orkney.gov.uk)

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## **10. Appendix**

Appendix 1: Job Description and Person Specification – Marine Planner.



1. <b>Service</b>	Development and Infrastructure
2. <b>Service Area/Function</b>	Planning, Development and Regulatory Services - Development and Marine Planning
3. <b>Job Title</b>	Marine Planner
4. <b>Location</b>	Council Offices, School Place, Kirkwall
5. <b>Reporting To</b>	Planning Manager (Development and Marine Planning)
6. <b>Grade</b>	G9
7. <b>Job Evaluation Reference</b>	A4972
8. <b>Competency Band</b>	B1

**9. Job Purpose**

To take a leading role in delivering the delegated functions conferred under the Marine (Scotland) Act 2010 to prepare, monitor and keep under review the Orkney Islands Regional Marine Plan (including associated assessments, coastal and marine related supplementary guidance, other planning policies and the implementation of strategic projects).

**10. Job Specific Duties and Responsibilities**

Supporting the preparation, monitoring and review of the Regional Marine Plan including having responsibility for key marine related policies and projects, liaising with stakeholders, development of strategy and policy with minimal supervision from senior management.

Having responsibility for the production and review of marine related supplementary guidance, other planning policy statements, and site development briefs with minimal supervision from senior management.

Supporting and facilitating integration between terrestrial and marine planning policy and projects at the local and national level.

Preparation and review of assessments related to the Regional Marine Plan including a state of the environment assessment, strategic environmental assessment, business regulatory impact assessment and equalities impact assessment.

Carrying out public participation, publicity and other project work associated with marine planning policy development including preparation of State of Public Participation, presentation at public consultation events and directing the proper recording and dissemination of consultation responses.

Provision of effective responses to enquiries by the public and other key external stakeholders who interact with the planning service and internal services relating to planning policy, including unanticipated problems/situations.

Taking a central role in contributing to the implementation and monitoring of the Regional Marine Plan and planning projects.

Preparation of committee reports on marine planning issues in a timely fashion and in a manner which makes them readily understood, presenting to Committees and dealing effectively with enquiries from Elected Members.

Developing and maintaining effective communication with staff of Marine Scotland, other Council Services, members of the public, the Council Communications Office and with statutory and other consultees, to explain and discuss marine planning issues.

Providing comments and advice to Development Management in response to consultations on proposals (mainly planning applications and works licences) for developments which could impact on the marine and coastal environments.

Providing Council responses when consulted during pre-application consultation under the Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013.

Providing Council responses when acting as a statutory consultee in the marine licensing processes under the Marine Licensing (Consultees) (Scotland) Order 2011.

Providing and coordinating responses on behalf of the Orkney Islands Marine Planning Partnership when consulted on local decisions made under the Crown Estate Pilot Scheme.

Organise meetings for and provide secretariat services to the Orkney Islands Marine Planning Partnership Advisory Group.

Making public presentations on marine planning issues to relevant stakeholders.

Performing any other duties and responsibilities as may be appropriate to ensure the efficiency and effectiveness of service delivery, as directed by the Head of Planning, Development and Regulatory Services.

## **11. General Duties and Responsibilities**

### **Responsibility for Employees**

No responsibilities for staff but will undertake research and information gathering to inform policy formulation including the direction of others.

### **Financial Resources**

Contributing to the monitoring of small budgets and being accountable and responsible for ensuring value for money and effective utilisation of financial resources.

### **Information Systems**

Operating computer systems within the service and maintaining and where appropriate relevant information systems.

### **Working Environment**

The postholder will predominately be office based, but duties and responsibilities will involve travelling between locations both within and outwith the Council's administrative boundaries.

### **Communication**

The postholder will be required to deal with members of the public, service users, external agencies, elected members, senior management and other internal Council Services.

## 12. Corporate Responsibilities

As an employee of Orkney Islands Council the postholder is required to:-

Observe the Council's policies with regard to the data protection and confidentiality of information.

Observe the Council's Health and Safety and Risk Management policies particularly in relation to being a VDU operator.

Be aware and adhere to the Council's policy on Equal opportunities and Diversity.

Undertake any training as necessary to carry out the duties of the post.

Participate in the Employee Review and Development Scheme as appropriate.

Undertake any other work as required up to and commensurate with the grade for the post.

The post holder may be called upon to support the response required to an emergency in line with the Civil Contingencies Act 2004.

## 13. Criminal Records Checks - please select the relevant option(s)

- This post does not require a check on criminal conviction history
- Under the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2015 you are required to disclose all criminal convictions from the 'offences which must always be disclosed' list and non-spent convictions from the 'offences which are to be disclosed subject to rules' list.
- This post requires a satisfactory Basic Police Act Disclosure check.
- This post requires a satisfactory Standard Police Act Disclosure check.
- This post requires a satisfactory Enhanced Police Act Disclosure check.
- This post requires PVG Scheme membership in respect of regulated work with Children.
- This post requires PVG Scheme membership in respect of regulated work with Adults.

## 14. Significant/Regular demands associated with the Role

Task	Relevant (please tick) ✓	Task	Relevant (please tick) ✓
Driving (Car/Van)		Exposure to Excessive noise	
Driving (HGV/PCV)		Use of vibrating tools	
Display screen use	✓	Contact with skin irritants	
Food handling		Contact with lung irritants	
Lone working		Work involving strenuous effort	
Shift working		Working at height	

Night working		Working in static and/or awkward positions	
Working with people requiring physical assistance		Working in confined spaces	
Working with people with challenging behaviour		Sea going post	
Working with vulnerable adults		Wearing breathing apparatus	
Working with children		Working in close proximity to traffic	
Administration of prescribed medication		Other (please specify)	

**15. Politically Restricted Post**

Yes (where indicated only)

This post is classed as a politically restricted post under the provisions of the Local Government and Housing Act 1989.

**16. Contractually Required Professional Registration**

Holding, maintaining and evidencing as requested registration with the identified professional body/organisation is a contractual requirement of working in this post. The specific level of registration required to be held is specified in the Person Specification under Qualification/Attainments.

- General Teaching Council for Scotland (GTCS)
- Scottish Social Services Council\* (SSSC)
- The Law Society of Scotland
- The Chartered Institute of Personnel and Development (CIPD)
- Other, please specify below:

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\* or other relevant professional accepted by the SSSC.

**17. Unsocial and Other working arrangements relevant to this post**

The working pattern for this post requires that contractually you are required:

- To work on a rota that requires regular 5 day over 7 working including weekends for which you will be paid 10% Unsocial Hours Allowance;
- To work on a rota that requires regular 5 day over 7 working including weekend and nights for which you will be paid 15% Unsocial Hours Allowance;
- To work all contracted hour at weekends, for which you will be paid a 25% Unsocial Hours Allowance;
- To work all contacted hours during the night, for which you will be paid a 33% Unsocial Hours Allowance;
- To participate in a rota of Sleep In cover at your place of work, for which you can claim sleep over allowance;
- To participate in a standby duty rota, for which you can claim standby allowance.
- To work additional hours depending on the exigencies of the services.

## PERSON SPECIFICATION

<b>Service:</b> Development and Infrastructure		<b>Area:</b> Planning, Development and Regulatory Services - Development and Marine Planning	
<b>Post Title:</b> Marine Planner			
<b>Factor</b>	<b>Criteria</b>	<b>Essential or Desirable</b>	<b>How Assessed *</b>
<b>Knowledge and Experience</b>	Relevant Experience in marine planning, marine ecology or marine resource management.	Essential	Application Form/Interview
	Sound knowledge of the issues affecting the sustainable management of the marine environment in the Orkney context.	Essential	Application Form/Interview
	Sound knowledge of relevant marine planning and management legislation and practice.	Essential	Interview
	Experience of development management processes and preparing consultation responses as part of statutory consenting processes.	Essential	Application Form/Interview
	Experience in project management and inter-disciplinary working.	Essential	Application Form/Interview
	Working knowledge of IT applications, particularly in relation to Microsoft Office e.g. Word and Excel.	Essential	Application Form/Interview
	Experience in marine policy or plan making.	Essential	Interview
	Working knowledge of GIS packages.	Desirable	Interview
	Experience of making professional presentations.	Desirable	Interview
	Experience of working within, or knowledge of a local government department or similar public sector organisation.	Desirable	Interview
Experience of facilitating stakeholder consultation	Desirable	Interview	

	<p>associated with planning functions.</p> <p>An appreciation of rural and island communities and of the special issues facing them.</p> <p>Experience of carrying out strategic environmental assessment.</p>	<p>Desirable</p> <p>Desirable</p>	<p>Interview</p> <p>Interview</p>
<b>Qualifications/ Attainments</b>	<p>A degree in marine planning, planning, marine resource management, marine ecology or relevant discipline.</p> <p>Full member of a relevant professional organisation or body.</p>	<p>Essential</p> <p>Desirable</p>	<p>Screening question</p> <p>Application Form</p>
<b>Other Requirements</b>	<p>Ability to travel efficiently and effectively between various work locations within Orkney to meet the operational requirements of the Service.</p>	<p>Essential</p>	<p>Interview</p>

**Core Competencies – These are the target behaviours the post holder should display**  
(Competencies are Essential criteria and are assessed as part of the interview process)

<b>Being Customer/client focused</b>	<ul style="list-style-type: none"> <li>• Promotes the importance of quality customer/client services within the team and aims to exceed customer/client expectations.</li> <li>• Identifies opportunities to improve the way the team delivers customer/client services.</li> <li>• Ensures teams correctly identify customer/client needs and provide satisfactory solutions.</li> <li>• Takes personal responsibility to manage customer/client relationships.</li> <li>• Implements service improvements.</li> <li>• Monitors quality of service.</li> </ul>
<b>Working effectively with others</b>	<ul style="list-style-type: none"> <li>• Treats team members fairly and equally, recognises and demonstrates appreciation of their contribution.</li> <li>• Identifies with and has a shared commitment to achieving team objectives.</li> <li>• Shares knowledge and information with others.</li> <li>• Thanks others for their contribution and efforts.</li> <li>• Fosters good working relationships with teams in own service.</li> <li>• Actively seeks others input and values their contribution.</li> </ul>
<b>Managing Change</b>	<ul style="list-style-type: none"> <li>• Reacts positively to change.</li> <li>• Is flexible and adapts plans in response to change.</li> <li>• Prepares and supports team members during periods of change.</li> <li>• Constructively challenges current thinking and procedures and offers alternative solutions.</li> <li>• Gains acceptance of necessary changes by communicating their benefits with conviction and enthusiasm.</li> </ul>
<b>Taking ownership and responsibility</b>	<ul style="list-style-type: none"> <li>• Takes the initiative to start activities or actions.</li> <li>• Recognises when a decision is needed and commits to act.</li> <li>• Is proactive, acts quickly to address current issues.</li> <li>• Seeks feedback and takes appropriate action.</li> <li>• Takes responsibility for personal development.</li> <li>• Modifies own behaviour to influence different situations.</li> </ul>

<b>Communicating effectively</b>	<ul style="list-style-type: none"> <li>• Uses positive appropriate language in all situations.</li> <li>• Communicates clearly and concisely to influence others.</li> <li>• Uses a variety of methods to communicate in the most effective manner.</li> <li>• Creates a positive confident impression.</li> <li>• Uses interpersonal skills to have a positive impact in meetings.</li> <li>• Keeps written messages simple.</li> </ul>
<b>Planning and decision making</b>	<ul style="list-style-type: none"> <li>• Regularly monitors progress and takes corrective action to ensure priorities are met.</li> <li>• Gathers information from several readily available sources.</li> <li>• Considers information objectively to establish logical options and generate solutions.</li> <li>• Considers options and risks before making decisions.</li> <li>• Determines resources and co-ordinates work logically to ensure tasks are completed effectively.</li> </ul>
<b>Leadership</b>	<ul style="list-style-type: none"> <li>• critically reflects own leadership skills and abilities, and takes responsibility for using and developing these</li> <li>• seeks feedback and evidence to continually enhance own leadership capability.</li> <li>• resilient and focuses on outcomes.</li> <li>• works collaboratively towards a shared purpose and to inspire change</li> <li>• values and respects the contributions of service users and colleagues</li> <li>• shares information and promotes effective knowledge management</li> </ul>

<b>18. Agreement of Job Description</b>		
Manager:	Signature 	Date 16-6-19
Human Resources:		16-6-19

<b>19. Employee Acceptance of Job Description</b>	
Signature: .....	Date: .....