



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

North Ayrshire Council

A Meeting of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 25 September 2019** at **14:00** to consider the undernoted business.

- 1 Apologies**
- 2 Declarations of Interest**
Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.
- 3 Previous Minutes**
The accuracy of the Minutes of meeting held on 26 June 2019 will be confirmed and the Minutes signed in accordance with Paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).
- 4 Provost's Report**
Submit report by the Provost for the period from 17 June 2019 - 15 September 2019 (copy enclosed).
- 5 Leader's Report**
Submit report by the Leader of the Council for the period from 17 June - 15 September 2019 (copy enclosed).
- 6 North Ayrshire Council Minute Volume (issued under separate cover)**
Submit, for noting, the Minutes of meeting of committees of the Council held in the period 24 April 2019 - 10 September 2019.

7 Decriminalised Parking Enforcement and the Introduction of Car Parking Charges

Submit report by the Chief Executive inviting the Council to determine its position on decriminalised parking enforcement and the introduction of car parking charges (copy enclosed).

8 Appointments to Committee

Submit the undernoted appointments, for noting:-

Ayrshire Regional Economic Joint Committee

| Sector | Representative | Substitute |
|-----------|--------------------------------------|------------|
| Education | Carol Turnbull (Ayrshire College) | - |

Ayrshire Regional Economic Partnership Sub-Committee (the Partnership Board)

| Sector | Representative | Substitute |
|---------------------------|------------------|-------------|
| University of Strathclyde | Adrian Gillespie | Tim Bedford |

9 Annual Review of Governance

Submit report by the Chief Executive on the review of the key Governance documentation regulating the operation of Council, its Committees and Officers and to report on a self-assessment review of the Audit and Scrutiny Committee (copy enclosed).

10 Committee Timetable 2020

Submit report by the Chief Executive on the proposed committee timetable for 2020 (copy enclosed).

11 Ardrossan North Shore: Proposed Education and Community Campus

Submit report by the Interim Executive Director (Communities) on (a) the Scottish Government announcement to include the Ardrossan Education and Community Campus proposal in the initial phase of investment in Scotland's Learning Estate Strategy; (b) the proposed inclusion of a new swimming pool in the Statutory Public Consultation proposal for a new education and community campus, located at North Shore, Ardrossan; (c) the proposal to explore the option for community use and/or ownership of the swimming pool building at Auchenharvie Leisure Centre, subject to the outcome of the Statutory Public Consultation on the proposal to develop a new education and community campus at Ardrossan; and (d) the timetable for the Statutory Public Consultation on the proposal to develop a new education and community campus at Ardrossan (copy enclosed).

12 Questions

In terms of Standing Order 12, submit:-

(1) a question by Councillor Marshall to the Cabinet Member for Health and Social Care in the following terms:-

"How does one reconcile the fact that there are over 90 persons awaiting a care at home package, 50 persons awaiting an increase in their care packages and almost 50 persons awaiting a Self Directed Payment, with a projected end of year deficit of ca. £2.8m in the HSCP Budget?"

(2) a question by Councillor Ferguson to the Cabinet Member for Place in the following terms:-

"Can the Cabinet Member for Place please clarify the current policy regarding dogs being allowed within Children's Playparks"

(3) a question by Councillor Marshall to the Chair of Audit and Scrutiny in the following terms:-

"Is the Chair of Audit exhibiting hyperbole when endorsing the recent Audit Committee Agenda Item 11- Planning for EU Exit Appendix 2 "no Deal EU Exit - Impacts on North Ayrshire" where at Number 19 the claims were made that "Extreme right wing groups may exacerbate racial tension" and would give rise to "recurrence of Irish troubles - greater sectarian impacts in West Scotland including North Ayrshire" - or is the Chair just being irresponsible?"

(4) a question by Councillor McNicol to the Cabinet Member for Place in the following terms:-

"Will the Portfolio Holder for Place inform members if there has been any time over the past 30 days when any CCTV camera(s) operated by North Ayrshire Council as part of the scheme to enhance public confidence and prevent crime has not been operational: if so which camera(s) and what was the duration of the period during which the camera(s) did not function?"

(5) a question by Councillor McNicol to the Cabinet Member for Education in the following terms:-

"On the 9th September the Scottish Government - via the Scottish Futures Trust Programme - confirmed they would give financial backing to North Ayrshire Council for a new Educational and Community facility at the North Shore site in Ardrossan.

Will the Portfolio Holder for Education inform members what other sites were considered for this facility, why were Local Elected Members not informed or consulted on sites, and who made the decision on the preferred site being North Shore in Ardrossan?"

(6) a question by Councillor Ferguson to the Leader of the Council in the following terms:-

"Was the Leader of the Council advised of an increase in civic disturbances occurring in Dalry recently and what work is being undertaken to eradicate antisocial behaviour within our communities?"

(7) a question by Councillor McClung to the Cabinet Member for Education in the following terms:-

"I am sure we are all grateful to the SNP-led Scottish Government for prioritising the building of a new Ardrossan Academy, as without this intervention such a project could not be achieved at this time. I would like to ask the Cabinet member for Education to provide an accurate figure for the amount of money pledged by the Scottish Government."

(8) a question by Councillor Davidson to the Cabinet Member for Communities in the following terms:-

"Can the Cabinet Member please confirm the total amount spent on the recent refurbishment of the gym at Harvies Leisure Centre, and further, break down the cost on the amounts spent individually on:

- 1) Building construction and all associated costs.
- 2) The gym equipment/machines.
- 3) Any other costs involved"

(9) a question by Councillor Billings to the Leader of the Council in the following terms:-

"Question to the Leader of the Council:

The ongoing issues with the reliability of the Arran Ferry are well known, added to which at the Council meeting in May 2019 the Council voted that it would be acceptable to have additional disruption whilst the harbour at Ardrossan is being redeveloped. Both these factors are likely to cause significant disruption to the Arran ferry service over the next 2 years at least. How will the Council ensure that the residents on Arran will have equality of access to the full range of Council and health services during this period of increased disruption to the ferry service?"

(10) a question by Councillor Billings to the Cabinet Member for the Economy in the following terms:-

"Question to the Cabinet Member for Economy:

At the Council meeting in May 2019 the members were provided with an update on the development plans for Ardrossan Harbour. We were told that construction work would start mid 2020 and that 'The appointment of a dedicated resource to oversee the regeneration at Ardrossan will support and facilitate more and regular consultation and engagement.' Can the member provide the Council and the people of Arran details of when this consultation and engagement will start given that construction is due to begin in around 9 months' time?"

(11) a question by Councillor Brahim to the Cabinet Member for the Economy in the following terms:-

"Can the Portfolio Holder for Economy advise what progress has been made to ensure the realignment of the B714 will be financed as part of the Ayrshire Growth Deal?"

(12) a question by Councillor Davidson to the Cabinet Member for Education in the following terms:-

"Just before the school summer holidays, via Local Press, the news broke that North Ayrshire Council's Early Years staff were left in Limbo, and in fear of whether they would have a job to return to following the end of summer break six weeks later.

Can the Portfolio holder give me an update on the situation as it is currently, in particular in relation to:

- How many staff members were affected by moves.
- Were maximum efforts made to ensure any final moves were fair to staff, including travelling distances from home to the workplace.
- How staff received these moves and how staff morale is currently perceived to be.
- Most importantly, were there any job losses resulting in NAC staff becoming unemployed."

(13) a question by Councillor Stephen to the Cabinet Member for Place in the following terms:-

"When will the report on the levels of contamination at the proposed site of Ardrossan Academy be made public, and how will the public be assured that the site can be made safe for both residents and the school"

(14) a question by Councillor Murdoch to the Chair of Planning in the following terms:-

"NAC Planning were consulted on the second (EIA) Screening for the Hunterston Decommissioning Site on the 11th March 2019. A reply was sent to Marine Scotland on the 9th April 2019.

What part of the project did NAC consider in order to draw the conclusion that this was not an (EIA) project?"

(15) a question by Councillor Murdoch to the Chair of Planning in the following terms:-

"When considering the original (EIA) screening and planning applications in 2017/2018 and the second (EIA) screening in 2019, what tide lines did NAC use as part of their determination? Was it means high water springs or means low water springs?"

(16) a question by Councillor Murdoch to the Leader of the Council in the following terms:-

"Can the Leader of the Council please confirm if anyone at NAC enquired either verbally, or in writing, regarding the availability or procurement of between 70 & 100,000 tonnes of dredged sand from the sea bed at Hunterston and if so what was the sand to be used for?"

(17) a question by Councillor McMaster to the Cabinet Member for the Economy in the following terms:-

"I would like to address my question to the Cabinet Member for Economy and Islands:

In 2020 Scotland celebrates its Coasts and Waters with a Year long programme of events and activities to highlight the impact our waters have had on Scotland; from the formation of outstanding natural features to our industrial heritage. In light of this and with The Coig tourism initiative, and the NAC Tourism Action Plan (2018-2022) in mind, would the Cabinet Member support placing the Waverley's boiler refit appeal badge on the NAC website in order to raise awareness of the appeal which aims to raise £2.3 million to cover the cost of the refit?

The Waverley is an important part of our Clyde Coast heritage and as the last sea-going paddle steamer in the world plays an integral part in the tourism economy of North Ayrshire's Clyde Coast and Islands. Through continuing the Clyde Coast tradition of going "Doon the Watter" Waverley brings over 8000 visitors to Arran, with three calls a week to the Island during peak season;(and more scheduled for 2020 due to the new pier at Brodick), regularly carries 1500 to Largs and calls at Cumbrae 2 days a week. Based on 2015 figures this brought £3.5 million to the Scottish tourist economy and the economic impact assessment noted that many Waverley passengers have additional on shore spend which boosts local economies.

Due to the complete failure of her boilers The Waverley had to be removed from service earlier this year and needs help to raise the £2.3million required for a boiler refit. £900 thousand has been raised so far,the refit will be carried out at Dales Marine Services in Greenock and the aim is to have Waverley back in service for the full 2020 summer Clyde season. Therefore, I ask that the Cabinet Member support efforts to raise awareness of the appeal and help ensure that this unique maritime heritage experience continues to enhance peoples enjoyment of our beautiful coastal waters and Islands and is saved for future generations to appreciate and enjoy."

13 Motions

In terms of Standing Order 13, submit:-

(1) a motion by Councillor Foster, seconded by Councillor Sweeney, in the following terms:-

"North Ayrshire Council endorses the support that has been offered by St Louis-based obstetrician-gynaecologist, Dr Dionysios Veronikis to travel to Scotland to train fellow obstetricians in the safe removal of transvaginal and other mesh implants from persons affected by the mesh implant situation in Scotland. Through our endorsement, we recognise the pain that some of our constituents feel due to mesh implants and we are committed to ensuring our local constituents and other persons in Scotland receive humane and fair treatment in regard to their painful and debilitating symptoms.

We now call upon the UK government to respond as a matter of urgency to allow our constituents and others to receive expeditious treatment. We also agree that mesh should not be re-introduced until a full, thorough review of the devices has been completed to ensure public safety.

We call upon all other Scottish local authorities to support us to show solidarity with Scottish people affected by this issue."

(2) a motion by Councillor Marshall, seconded by Councillor Ferguson, in the following terms:-

"That all proposals for the erection of 50 or more Council Houses be required to be determined by a formal Planning Application to ensure complete public transparency and engagement."

(3) a motion by Councillor McPhater, seconded by Councillor Foster, in the following terms:-

“Data published in 2018 showed that Scotland has the highest level of drug related deaths across Europe, here in North Ayrshire the level of drug related deaths are above the Scottish average.

Accordingly North Ayrshire Council agrees:

1. To declare a drugs death emergency and requests the Health and Social Care Partnership to convene a drugs death summit of Community Planning Partners to consider multi-disciplinary local drug policy, funding and service improvements.
2. That the Chief Executive write to the Cabinet Secretary for Health and Sport to strongly urge the Scottish Government to declare drug related deaths as a public health emergency in Scotland and seek a commitment to making real terms funding increases towards Alcohol and Drug Partnerships following a £15.4million reduction in government allocations from 2016/17 which has resulted in real terms funding cuts.
3. That the Chief Executive write to the Home Secretary seeking the devolution of drug powers to Scotland that would allow Drug Consumption Rooms in Scotland and permit the decriminalisation of drug possession which has proved hugely successful in countries such as Portugal.”

(4) a motion by Councillor Gurney, seconded by Councillor Davidson, in the following terms:-

"It is increasingly likely that our citizens will soon be asked to go to the polls and cast their vote. It is not controversial to suggest that it is important that as many people as possible are given the opportunity to exercise their democratic rights and that it is the duty of this Council to encourage that expression.

Indeed it is the duty of the Returning Officer to promote electoral awareness. That is unlikely to happen in the current circumstances when most common comment heard at polling stations is to the effect that one would hardly know that there was an election.

That position would be exacerbated if, as expected, we have an incredibly short run up to any possible poll. It is quite likely that, between calling an election and the election day itself, we might have as few as 25 days.

It is clear that we have a duty to promote the largest demonstration of democratic involvement that we can. Traditionally one of the most effective promotion techniques was to utilise election signs. Indeed signage was historically the most visible means of making the public aware that an election was upcoming.

Taking these circumstances into account it is imperative that every effort is made to raise electoral awareness and to facilitate that Council will implement a pilot project to allow election signage for the next poll.

Our previous policy on these matters was clear and comprehensive and so would be used verbatim, subject to any updating required by the Returning Officer who would have the delegated authority to do so if a poll were to be called before the next Council meeting. This policy was discussed by Council on the 2nd of April 2014 and may be found here:-

<https://north-ayrshire.cmis.uk.com/north-ayrshire/CommitteesMeetings/MeetingsCalendar/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/339/Committee/4/Default.aspx>

This report made clear that:

- The policy of allowing posters on Council property had proven fit for purpose
- The previous Chief Executive's clear recommendation to Council was to approve a policy which allowed for such signage. It is therefore clear that this is the right thing to do from an unbiased electoral perspective, especially given that the Chief Executive is also the Returning Officer."

Following this pilot Council will receive a report on the issues in the following terms:

- Benefits in terms of Public awareness
- Cost to the Council in terms of having to remove posters
- Environmental issues relating to inadequately secured posters becoming litter
- Road safety issues

Following this pilot, there should be a public consultation on whether the policy should continue for future polls."

(5) a motion by Councillor Murdoch, seconded by Councillor Hill, in the following terms:-

"That Council has No Confidence in the North Ayrshire Council representatives on the (SSG) Site Stakeholders Group, and removes Councillors Barr, Ferguson, Marshall, Glover and Gallagher as its representatives on the Group and seeks nominations today for five replacement representatives"

13 Urgent Items

Any other items which the Provost considers to be urgent.

Webcasting

Please note: this meeting may be filmed for live and subsequent broadcast via the Council's internet site. At the start of the meeting, the Provost will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 1998. Data collected during the webcast will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Generally, the press and public seating areas will not be filmed. However, by entering the Council Chambers and using the press or public seating area, you are consenting to being filmed and consenting to the use and storage of those images and sound recordings and any information pertaining to you contained in them for webcasting or training purposes and for the purpose of keeping historical records and making those records available to the public.

If you have any queries regarding this and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact committeeservices@north-ayrshire.gov.uk.

North Ayrshire Council Sederunt

Ian Clarkson (Provost)
Robert Barr (Depute Provost)
John Bell
Timothy Billings
Joy Brahim
Marie Burns
Joe Cullinane
Scott Davidson
Anthea Dickson
John Easdale
Todd Ferguson
Robert Foster
Scott Gallacher
Alex Gallagher
Margaret George
John Glover
Tony Gurney
Alan Hill
Christina Larsen
Shaun Macaulay
Jean McClung
Ellen McMaster
Ronnie McNicol
Louise McPhater
Davina McTiernan
Tom Marshall
Jimmy Miller
Jim Montgomerie
Ian Murdoch
Donald Reid
Donald L Reid
Angela Stephen
John Sweeney

Chair:

Apologies:

Attending:

IRVINE, 26 June 2019 - At a Meeting of North Ayrshire Council at 2.00 p.m.

Present

Ian Clarkson, Robert Barr, John Bell, Timothy Billings, Joy Brahim, Marie Burns, Joe Cullinane, Anthea Dickson, John Easdale, Robert Foster, Scott Gallacher, Alex Gallagher, Margaret George, John Glover, Tony Gurney, Alan Hill, Christina Larsen, Shaun Macaulay, Tom Marshall, Jean McClung, Ellen McMaster, Ronnie McNicol, Louise McPhater, Davina McTiernan, Jimmy Miller, Jim Montgomerie, Ian Murdoch, Donald Reid, Donald L. Reid, Angela Stephen and John Sweeney.

In Attendance

C. Hatton, Chief Executive; L. Friel, Executive Director (Finance and Corporate Support); K. Yeomans, Executive Director (Economy and Communities); S. Brown, Director (Health and Social Care Partnership); R. McCutcheon, Head of Service (Commercial) (Place); and A. Fraser, Head of Democratic Services, A. Craig, Senior Manager (Legal Services), J. Hutcheson, Senior Communications Officer; E. Gray and A. Little, Committee Services Officers and M. Anderson, Committee and Member Services Manager (Chief Executive's Service).

Chair

Provost Clarkson in the Chair.

Apologies

Scott Davidson and Todd Ferguson.

1. Provost's Remarks

The Provost welcomed those present to the meeting and dealt with preliminary matters, which included an announcement that the Council meeting would be webcast.

2. Apologies

The Provost invited intimation of apologies for absence, which were recorded.

3. Declarations of Interest

There were no declarations of interest in terms of Standing Order 10 and Section 5 of the Councillors' Code of Conduct.

There were no declarations of the Party Whip.

4. Previous Minutes

The accuracy of the Minutes of the Meeting held on 15 May 2019 was confirmed and the Minutes signed in accordance with Paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973

5. Provost's Report

Submitted report by the Provost for the period from 7 May – 16 June 2019.

The Provost highlighted the following elements of his written report:

- Superhero Day, which took place on 10 May 2019 to raise funds for Cash for Kids;
- the Robert Burns World Federation Schools Junior Finals event held on 11 May 2019;
- the opening of the General Assembly of the Church of Scotland in Edinburgh on 18 May 2019;
- an 'Unforgotten Forces' information event held on 31 May 2019 in Ayr Town Hall;
- attendance at a number of events which highlighted the valued role of volunteers within the community, including the 1st Largs Boys Brigade end of session display and presentation, the Ayrshire Community Trust Oscars and the Children's Hearings award ceremony; and
- visits to schools within North Ayrshire.

The Provost concluded his remarks by inviting Members to join him in the Members' Lounge following the meeting, to mark the final meeting of the Council before the summer recess.

Noted.

6. Leader's Report

Submitted report by the Leader of the Council for the period from 7 May – 16 June 2019.

Noted.

7. Council Minute Volume

Submitted for noting, the Minutes of meetings of committees of the Council held in the period 7 December 2018 – 11 June 2019.

Noted.

8. North Ayrshire Community Planning Partnership (CPP) Board: Minutes of meeting held on 16 May 2019

Submitted report by the Chief Executive on the Minute of the last meeting of the CPP Board held on 16 May 2019.

The Chief Executive highlighted a minor typographical error within the final item of section 2.1 of the report, where the word “spit” should read “split”.

Noted.

9. Appointments Committee

In terms of Standing Order 7.2, the Council was invited to note a change to the SNP Group representation on the Integration Joint Board.

The Council agreed to note (i) the resignation of Councillors Larsen and Dickson as main representative and named substitute, respectively, on the Integration Joint Board; (ii) the appointment of Councillors Dickson and Larsen to serve as main representative and named substitute, respectively, on the Integration Joint Board; and (iii) that the changes would come into effect from 2 July 2019.

10. Outside Body Appointment

The Council was invited to note an officer appointment to serve on the DBFM Board.

The Council agreed to note the appointment of the Head of Physical Environment (Place) as a Council representative on the DBFM Board.

11. North Ayrshire Council Plan

Submitted report by the Chief Executive on the Council Plan 2019-24 and the supporting delivery and performance management arrangements.

The Council agreed to:

- (a) note the responses received to consultation on the draft Council Plan 2019-2024; and
- (b) agree (i) the Council Plan 2019-2024 attached at Appendix 1 to the report; (ii) the Council Plan Performance Management Framework attached at Appendix 2; (iii) the Council Plan Delivery Plan 2019-2020 attached at Appendix 3; (iv) the North Ayrshire Council Transformation Plan attached at Appendix 4; (iv) that future annual Delivery Plans would be approved by Cabinet and thereafter considered by the Audit and Scrutiny Committee; and (vii) that reports on performance against the Delivery Plan and the Performance Management Framework would be submitted twice a year to Cabinet, and thereafter considered by the Audit and Scrutiny Committee.

12. Unaudited Annual Accounts 2018/19

Submitted report by the Executive Director (Finance and Corporate Support) on the unaudited Annual Accounts for the year to 31 March 2019 to the Council.

Members asked a question, and received clarification, on the repayment schedule in respect of the Integration Joint Board's deficit.

The Council agreed to:

- (a) approve the Annual Accounts for 2018/19, subject to audit;
- (b) note that Deloitte LLP planned to complete their audit of the Accounts by mid-September 2019 and would present their annual audit report to the Council's Audit and Scrutiny Committee by 30 September 2019; and
- (c) authorise the Audit and Scrutiny Committee to consider, and approve for signature, the audited annual accounts within the required timeframe.

13. North Ayrshire Charitable Trusts: Unaudited Trustees' Annual Report 2018/19

Submitted report by the Executive Director (Finance and Corporate Support) on the unaudited Trustees' Annual Report for the year to 31 March 2019 to the Council, as trustees. The Trustees' report was set out in the appendix to the report.

The Executive Director (Finance and Corporate Support) referred Members to page 125 of the agenda, a revised version of which had been circulated.

The Council agreed, as trustees of the North Ayrshire Council Charitable Trusts, to approve the Annual Report for 2018/19 set out at Appendix 1, subject to audit.

14. Treasury Management and Investment Annual Report 2018/2019

Submitted report by the Executive Director (Finance and Corporate Support) on the Treasury Management and Investment Annual Report and Prudential Indicators for 2018/19. A copy of the report was set out at Appendix 1.

The Council agreed to note (i) the Treasury Management and Investment Annual Report for 2018/19 set out at Appendix 1 to the report and (ii) the Prudential and Treasury Indicators contained therein.

15. Becoming a Trauma-Informed Council

Submitted report by the Director (Health and Social Care Partnership) on activity designed to deliver the Council's aspiration to become trauma-informed. The report provided an update on the work carried out following a motion passed by the Council at its meeting on 28 February 2018, and outlined plans for further activity in this area.

Noted.

16. Questions

In terms of Standing Order No. 12 submitted:

(1) a question by Councillor Burns to the Leader of the Council in the following terms:

“I welcome the decision of the First Minister and subsequently the Leader of the Council to declare a climate change emergency. This Council has taken a pro-active approach to tackling climate change since the publication of the first Environmental Sustainability & Climate Change Strategy (ESCCS) in 2014 and I welcome the process, set out in the recent Cabinet paper, which will initiate the preparation of an updated ESCCS for publication in 2020. If we are to take the climate change emergency declaration seriously, can I ask the Leader to review the decision to remove climate change from the Council's risk register as recently reported to the Audit and Scrutiny Committee?”

Councillor Cullinane thanked the Member for her question and responded in the following terms:

“The Strategic Risk Register forms part of the Council's risk management processes and has clear links with the Council's Internal Audit Plan which was recently approved by the Audit and Scrutiny Committee. The Risk Register allows Council Services to identify actions to help mitigate against strategic risks.

The assessment of risk carried out by officers is based on the Council's risk matrix which considers the likelihood of occurrence and the significance of the impact should it occur, both on a scale from 1 to 5 with a maximum score of 25. Only those risks rated as high or very high (10 or above) feature on the Strategic Risk Register to ensure a focus on managing the most significant risks.

Using the scoring matrix, officers risk scored Climate Change as 9 in 2019-20 – broken down as likelihood 3 and impact 3. This compared to 12 in 2018-19 when impact was scored higher at 4.

The most significant risk associated with Climate Change in North Ayrshire at this time is flooding with the areas at most risk being Millport and the Garnock Valley. The controls currently being developed by the Council, through the design of flood protection schemes in these areas, were the reason why the risk score was reduced as they will lower the impact of any incidences of major flooding. This is in line with our Flood Risk Management Strategy and local Flood Risk Management Plan.

Our decision to declare a climate change emergency in North Ayrshire is not linked to a scoring matrix of perceived risk to Council Services but is a clear demonstration of our consideration of the magnitude of this issue, its impact on the planet and on future generations.

The approach we have taken, through the Climate Change: Just Cool It consultation, and the acceleration of the next Environmental Sustainability and Climate Change Strategy demonstrates our wider commitment to ensuring that the Council continues to provide civic leadership in tackling climate change.”

As a supplementary question, Cllr Burns asked again whether the Leader would reconsider his position regarding the removal of climate change from the Council’s Strategic Risk Register, intimating that, failing this, she would propose to Members of the Scrutiny and Audit Committee that they take a role in the matter.

Councillor Cullinane responded by referring to the previous SNP Administration, during which, as a result of the scoring matrix, a number of risk registers were presented in which climate change did not feature. The Leader noted that the then Cabinet made no amendments to the registers presented by officers. Councillor Cullinane also noted that the Internal Audit Plan approved by the current Audit and Scrutiny Committee identified carbon reduction and sustainability as low or medium priority, and that the committee had not challenged this or subjected it to review. He concluded by stating that the issue was not about a matrix or scoring but about taking action. Having declared a climate change emergency, the challenge for all members was to make decisions to tackle the situation.

(2) a question by Councillor Dickson to the Leader of the Council in the following terms:

“Can I ask the Leader how he feels local businesses, community groups and political parties are best able to promote events in North Ayrshire?”

Councillor Cullinane thanked the Member for her question and responded in the following terms:

“The Council is currently engaged in improving the coordination of its processes to advise and support event organisers as a result of the Council Motion in 2018. Aspects of events support have already been improved and processes across departments and inter-agency partners are now being improved by a member/officer group supported by the Transformation team.

We have recognised that audiences for events seek their information in many different ways. We therefore encourage and work with event organisers to take advantage of multiple channels to promote their events.

Ayrshire Social media campaigns are the preferred method for many but there can still also a role for leaflets and flyers in local shops and venues, as well as promotion through local newspapers and media. North Ayrshire Council support local events, often through our communications team promoting them via our social media channels. For larger events, we can also direct partners to support through Visit Scotland and their forward events calendar. For events that the Council are advancing, we aim to ensure maximum local buy in and support by working directly with local groups and the locality planning framework.”

As a supplementary question, Councillor Dickson, referring to the recent Cabinet decision on advertising space on roundabouts, asked whether the Leader felt such promotional advertising opportunities should be for the few (namely fee-paying businesses) and not for the many (local community groups, organisers of civic events and those promoting participation in electoral processes).

Councillor Cullinane responded by reminding the Member that income from advertising space on roundabouts formed part of the SNP's budget motion in terms of municipalisation. The Leader added that the working group on events was the right forum for Members to discuss visual advertising, and noted that the Cabinet decision on advertising space on roundabouts was subject to a call-in to be considered by the Audit and Scrutiny Committee.

(3) a question by Councillor Gurney to the Cabinet Member for Place in the following terms:

"It is now policy to allow large swathes of council land to revert to their natural state in the hope of encouraging biodiversity.

What steps are being taken to ensure that the resultant foliage achieves that goal and does not simply become overtaken by a weed monoculture or, worse, non-indigenous invasive species?"

Councillor Montgomerie thanked the Member for his question and responded in the following terms:

"The Council has a Biodiversity Action Plan which encourages relaxed grass cutting for environmental benefits. We also know from the very successful participatory budget approach to grounds maintenance that communities also want to see more wildflower areas and naturalised areas.

The Council's Streetscene service has a wealth and depth of knowledge of managing our landscape. Areas identified for relaxed cutting (wild flower meadow creation) have been chosen for their appropriate location and to ensure they complement the existing maintained grounds the people of North Ayrshire enjoy. Relaxed grass cutting and the promotion of biodiversity still requires areas to be monitored and maintained, with at least an annual grass cut to ensure seed dispersal and growth to provide a good mix where wild flower species can grow.

In respect of the question on weeds, the un-predictability of relaxed grass cutting means that weeds may appear, as well as many other wild species - that's nature - but areas will continue to be monitored to ensure attractiveness and appropriate appearance.

In respect of non-indigenous invasive species the Council will take all appropriate measures to control this as it does at the moment for its land, including spraying, stem injection and indeed any other appropriate measures to ensure it is controlled and/or eradicated.

The new and tested relaxed grass cutting approach will continue to be monitored as the wild flower meadow species continue to develop.”

(4) a question by Councillor Hill to the Cabinet Member for the Economy in the following terms:

“Can the Portfolio Holder explain why the consultation from Peel Holdings in respect of the Hunterston site was passed to the Planning Committee for comment rather than Cabinet, and why no views were sought from local Elected Members?”

Councillor Gallagher thanked the Member for his question and responded in the following terms:

“The Peel Ports Master Plan is not a formal document within the Planning Regulatory System, but it was felt that it would be appropriate, in the interests of openness and transparency, for both the company and for the public of North Ayrshire, to put on record the Council's position on the content of the Master Plan.

While the consultation response could have gone to either Planning Committee or Cabinet, on balance it was thought preferable to take it to Planning as the proposed Master Plan raised issues which were relevant to the developing LDP2 as well as other issues, which the Planning Committee was familiar with through planning applications and consultations. The wider economic regeneration context was fed into the report. An updated response will be prepared in the light of the comments from the planning committee.

There were opportunities for views on the Master Plan to be communicated directly with the Peel Ports' senior management team at a briefing specially arranged for local members held on 15 May 2019 at Cunninghame House. In addition, public consultation events were held by Peel Ports Group at Fairlie Village Hall (4-6 June) and Garrison House, Millport (6 June). Peel Port Group's consultation runs until Friday 28 June.”

(5) a question by Councillor Murdoch to the Chair of Planning in the following terms:

“Can the Chair of Planning confirm that no councillor or officer at North Ayrshire Council suggested that the Oil Rig Decommissioning Planning application should be lodged in three parts?”

Councillor Marshall thanked the Member for his question and responded in the following terms:

“The question arises from a meeting between a Planning Officer, Scottish Natural Heritage and representatives of Peel Ports. The meeting was not minuted and the Planning Officer has since retired. It is not known who proposed lodging three applications. It was the applicant’s decision to submit three applications. The approach was accepted and the application determined by the Planning Committee on 25 April 2018.”

As a supplementary question, Councillor Murdoch asked why, if he was not clear who had proposed lodging three applications, Councillor Marshall had claimed the idea as his own while at a meeting of Fairlie Community Council.

Councillor Marshall responded by indicating that there had been some debate as to whether to allow three separate applications and, as part of this, his view had been sought in addition to that of the planning officers. Councillor Marshall advised that, since the proposals had three distinct parts, he had been happy to give his view that three applications be permitted.

The meeting ended at 2.45 p.m.



PROVOST'S REPORT

For the period covering: 17 June 2019 – 15
September 2019

The attached report gives a summary and brief details to Council, of meetings and events attended by the Provost of North Ayrshire Council, Councillor Ian Clarkson.

PROVOST'S REPORT

For the period covering: 17 June 2019 – 15 September 2019

Since the last meeting of the Council I have attended various events throughout North Ayrshire.

Visit to St Mary's School, Largs, 17 June

I was delighted to pay a visit to the P6 class at St. Mary's Primary School, Largs, on 17 June with our Waste Awareness Officer. I previously received letters from the pupils outlining their concerns about food waste. This was a great opportunity to explain to the young people how North Ayrshire Council are addressing their concerns.

Launch of Beehavin' Project, Garnock Campus, Glengarnock, 19 June

On 19 June, I visited Garnock Campus to launch their new project, Beehavin', which gives pupils the opportunity to learn about beekeeping and gain and develop new skills. An apiary has been installed in the school and it is hoped that the pupils will be producing and marketing their own honey in the local community. The project is supported by the Prince's Trust and Developing Young Workforce. Projects like this aim to improve young people's employability skills.

Cash for Kids Ascot Day, Gailes Hotel, Irvine, 20 June

On 20 June, West FM Cash for Kids held their annual Ascot Day to raise funds for disadvantaged children in Ayrshire. I was happy to support the event and highlight the activities of Cash for Kids and the excellent work they carry out in Ayrshire. A large proportion of funds raised is allocated to groups and individuals in North Ayrshire.

Ground-breaking Event, Flatt Road, 24 June

On 24 June, I was delighted to attend the "ground-breaking" event at Flatt Road, Largs. This new housing development will continue the Council's ambitious affordable house building programme. 122 new homes are being built, including general needs housing, amenity bungalows, wheelchair livable properties, sheltered housing and supported accommodation.

Active Travel Hub Launch, Trinity Church, Irvine, 25 June

On 25 June, along with several of my colleagues, I attended the launch of the Trinity Active Travel Hub in the former Trinity Church in Irvine. The Hub provides advice on local active travel routes and public transport as well as access to bikes, maintenance and equipment, and training on cycle confidence. After the launch we visited the new closed circuit cycle route at The Circuit, Quarry Road, Irvine. The loop will be used to provide cycling training to local people and groups.

Citizenship Ceremony, Saltcoats Town Hall, 26 June

On 26 June, I had the pleasure of welcoming new UK citizens to North Ayrshire at a special citizenship ceremony held in Saltcoats Town Hall. These celebratory events mark the end of the journey for those applying for UK citizenship.

Care Home Open Day, Fullarton Care Home, Irvine, 28 June

On 28 June, I visited Fullarton Care Home in Irvine. The theme of the Open Day was "Celebrating Art in Care". A range of activities were arranged on the day including arts and crafts and musical entertainment. It was good to get the opportunity to speak to some of the residents and staff.

Scottish Parliament's 20th Anniversary, Scottish Parliament, Edinburgh, 29 June

On 29 June, I attended the Scottish Parliament's 20th Anniversary celebration. Her Majesty The Queen, accompanied by His Royal Highness The Duke of Rothesay, formally addressed Members of the Scottish Parliament and guests. The ceremony also included performances celebrating the best of Scottish music and culture. Earlier in the year, the Scottish Parliament announced a year-long programme to mark the 20 years since its creation.

Armed Forces Day Parade, Irvine, 30 June

Along with many community organisations, veterans and serving Armed Forces personnel, I took part in the Armed Forces Day Parade in Irvine on 30 June. The event gave us a great opportunity to show our appreciation of those brave men and women who serve or have served in our Forces.

North Ayrshire Open Art Exhibition, Eglinton Park, Kilwinning, 5 July

I was delighted to attend the preview of this year's North Ayrshire Open Arts Exhibition which took place in Eglinton Park on 5 July. The event, which is now in its 23rd year, is arranged by a team of volunteers who provide support and encouragement to the local arts community. An excellent range of art works were on show, highlighting the artistic flair and talent of individuals in North Ayrshire and beyond.

BEINGS Exhibition, Eglinton Country Park, Kilwinning, 25 July

I visited the BEINGS exhibition on 25th July in Eglinton Country Park. The exhibition was arranged in partnership with the National Galleries of Scotland, North Ayrshire Health and Social Care Partnership and North Ayrshire Alcohol and Drug Partnership.

Young people from North Ayrshire, alongside others from across Scotland, created the exhibition, which explored mental health and wellbeing. It charted their emotions with powerful works of art, offering up creative insights into young people's minds.

Chinese Consul General Farewell Reception, Chinese Consulate, Edinburgh 30 July

On 30 July, I attended an event in the Chinese Consulate in Edinburgh to bid farewell to Consul General Pan, who has retired from office and has returned to China. Consul General Pan, during his term of office, attended many events in North Ayrshire and was very supportive of cultural activities in our schools and in our local communities. I look forward to meeting the new Consul General in due course and welcoming them to North Ayrshire.

Scottish Ahlul Bayt Society, 5th Annual Eid Fellowship Dinner, Holyrood Hotel, Edinburgh, 13 August

I was delighted to attend the 5th Annual Eid Fellowship Dinner on 13 August in Edinburgh. The Scottish Ahlul Bayt Society is a body committed to enhancing relations across people of faith and no faith in Scotland. They have committed to hold an Eid Dinner annually to sustain and strengthen the bonds of friendship and fellowship between Muslims and members of Scotland's faith families marking the auspicious Islamic festival.

Marymass Festival, Irvine, 15-26 August

This year's Marymass Festival in Irvine was a great success. The festival took place over twelve days, with an extensive programme of events and special activities. I participated in as many events as I was able to and witnessed first-hand all the excellent work that goes into the festival by a huge number of volunteers. The festival attracts thousands of people each year to Irvine where communities come together and celebrate the town's history and heritage. I hosted a civic reception on Irvine Moor after the Marymass Festival parade, welcomed guests from home and abroad, and was given the opportunity of showcasing Irvine at its very best.

Dickson Drive Development, Irvine, 16 August

I was pleased to return to the development at Dickson Drive to mark the start of an exciting new stage in the works. Five of the 24 houses were handed over to the Council's Building Services team, who will now complete the internal construction. A dedicated team is currently working hard to deliver these properties whilst expanding their housebuilding experience, and I am really looking forward to going back later this year to see the completed homes. Alongside general needs homes, wheelchair properties and amenity bungalows, this site will also include two unique 'Sustainable Demonstrator Homes'. These homes will showcase the latest sustainable design and technology and set a benchmark for building sustainable properties in our extensive housebuilding programme.

Upgrade of Nelson's Gun Battery Site, Saltcoats, 23 August

The Nelson's Gun Battery site, which lies at the top of Auchenharvie steps in Saltcoats was recently upgraded. I was delighted to attend the official launch on 23 August with those involved in initiating this project.

Greenwood Academy Prizegiving, 28 August

I attended the Greenwood Academy Prizegiving on 28 August. It is always a pleasure to attend events like these where we can promote and celebrate our talented pupils who excel in many areas.

Opening of Largs Viking Festival, Largs, 31 August

On 31 August, I had the privilege of opening the 40th Largs Viking Festival. The festival is a highlight in Scotland's rich and diverse annual events programme, spanning eight days and incorporating a wide range of events and special activities. I am continually inspired by the extraordinary and invaluable voluntary work that goes on in our communities throughout North Ayrshire. My thanks go to all those volunteers who were involved in staging this year's festival.

Syrian Crafts and Culture Exhibition, Heritage Centre, Saltcoats, 2 September

On 2 September, I attended an exhibition in the Heritage Centre, Saltcoats, called "Syrian Crafts and Culture". Members of our Syrian community created artwork that culturally represents the lives of those now living in North Ayrshire, which consisted of photographs, paintings, crafts and costumes.

Beating Retreat and Reception, Penicuik House, Midlothian, 2 September

On 2 September, I attended a Ceremony of Beating Retreat at Penicuik House in Midlothian. The 2nd Battalion of The Royal Regiment of Scotland with their pipes, drums and bugles, supported by the band of the Royal Regiment of Scotland, were welcomed on the evening. This was a thoroughly enjoyable event providing excellent networking opportunities.

Irvine Royal Academy Prizegiving, 5 September

I was delighted to attend the prizegiving ceremony in Irvine Royal Academy on 5 September. This was a great opportunity to meet staff and pupils and to congratulate them on their outstanding achievements.

Ayrshire Apprentice of the Year, Park Hotel, Kilmarnock, 6 September

I was delighted to host a table of apprentices from North Ayrshire at the Ayrshire Apprentice of the Year Awards, held in the Park Hotel, Kilmarnock on 6 September. The event, arranged by Irvine Incorporated Trades, was a success and highlighted the excellent work of apprentices and their employers in Ayrshire.

251 (Ayrshire) Transport Squadron Open Day, Army Reserve Centre, Dreghorn, Irvine, 7 September

On the morning of 7 September, I attended the 251 (Ayrshire) Transport Squadron Open Day at the Army Reserve Centre in Dreghorn. I received an insight into the excellent work carried out by the men and women of the unit and how they engage with the local community.

Garnock Valley Carves, Beith, 7 September

I attended Garnock Valley Carves in Beith on the afternoon of 7 September. Many visitors attended this popular chainsaw carving event to see the skills of the talented wood carvers. Garnock Valley Carves was arranged by volunteers who put in an immense amount of work into the event and to their local community.

Corsehill Primary School - Garden Festival, Kilwinning, 11 September

It is always a pleasure to visit our primary schools, and on 11 September I went along to Corsehill Primary School for their Garden Festival. This was an excellent environmentally friendly event with music, plant and vegetable sales and garden games.

PROVOST'S REPORT



A handwritten signature in black ink that reads "Ian Clarkson". The script is fluid and cursive.

Councillor Ian Clarkson
Provost North Ayrshire Council



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

LEADER'S REPORT

For the period covering: 17 June – 15 September
2019

The attached report gives a summary and brief details to Council, of meetings and events attended by the Leader of North Ayrshire Council, Councillor Joe Cullinane.

LEADER'S REPORT

For the period covering: 17 June – 15 September 2019

VISIT TO KILWINNING EARLY YEARS and AUCHENHARVIE ACADEMY, 18 June

On 18 June, together with Provost Clarkson, I visited Kilwinning Early Years in Pennyburn Primary School and Auchenharvie Academy following investment from the Capital Investment Fund Project.

Auchenharvie Academy

With £5.38m Capital Investment being injected into Auchenharvie, much of the refurbishment work has been carried out by Ashleigh Scotland Ltd and includes:

- Toy Library and music store being combined to create a modern and spacious new PE block, making better use of existing space
- New windows have been installed in all classrooms as well as the Assembly Hall and Gym Area creating brighter and more inviting areas for pupils and staff
- Landscaping at the front of the building

Extensive overcladding and reroofing of the school has already been carried out by D&B Facades UK Ltd and this can be seen by anyone passing the school.

These works, however, are not only cosmetic but have also made the school much more energy efficient.

Kilwinning Early Years

Kilwinning Early Years Centre received a £670,000 upgrade as North Ayrshire Council continues with its Early Years Expansion Programme.

The extensive refurbishment project, co-ordinated and carried out by North Ayrshire Council's Property Management and Investment Team, has included the following:

- refurbishment of the two existing playrooms, along with the creation of quiet rooms for each.
- Toilets and changing spaces relocated to allow direct access from each playroom to promote child independence. A new multi-purpose space gives opportunities for children



to eat lunch outside the playrooms, as well as participate in other activities. The space can also be used for workshops and parental engagement sessions.

- Free flow access to the outdoor area was also created, leading to a new covered canopy area and revamped garden beyond. A pallet of natural and calming colours was carefully selected for indoor areas to ensure the most inclusive environment for staff and pupils.
- The shared entrance to both the school and early years centre was completely overhauled to create a more welcoming environment with significantly improved security. This saw the relocation of office facilities, the installation of a new entry system, the formation of a parent greeting room and the relocation of the staff toilets.

I would like to thank Headteachers, Calum Johnston and Ann Hamilton for taking the time out of their day to show me round their schools and thanks also to Head of Service, Caroline Amos, for accompanying us.

Work in both schools has been of a great standard and I would like to pass on congratulations and thanks to those involved, Ashleigh Ltd Construction, D&B Facades UK Ltd and of course, our fabulous Property Management and Investment team for all their sterling work.



Head Teacher Calum Johnston with Council Leader, Joe Cullinane, Provost Clarkson and two of the managers from Ashleigh Construction.

PENNYBURN PRIMARY SCHOOL SUMMER SHOW, 18 June

Later in the evening of 18 June, I was delighted to attend the Pennyburn Primary school summer show. A fantastic show with much enthusiasm from the teachers and pupils alike.

ASK THE LEADER (Basic Income), 19 June

On 19 June, I held the second of my ASK THE LEADER live social media engagement sessions, this time about a Universal Basic Income. These sessions enable members of the public to hear

more about work that is currently being undertaken by North Ayrshire Council via Twitter and Facebook and to ask any questions they may have.

North Ayrshire Council is one of four local authorities (the three others are Fife, Glasgow City and Edinburgh City) taking part in a feasibility study for a citizen's basic income pilot. The Scottish Government confirmed in May 2018 that £250,000 would be provided over two years to support the feasibility work in Scotland.

The four local authorities are working with NHS Health Scotland, the Improvement Service and Scottish Government to explore the feasibility of basic income pilot studies.

There was good engagement with the public and some interesting questions were asked. These have all been fed into the Basic Income Steering Group for them to consider going forward.

FLATT ROAD, LARGS GROUND BREAKING, 24 June

On 24 June, I attended the ground-breaking ceremony at the Flatt Road housing development in Largs. This development forms part of our ambitious house building programme and will see the provision of 122 new homes which will include general need housing, amenity bungalows, wheelchair liveable properties, sheltered housing and supported accommodation.

All these new houses will showcase the latest in assistive technologies including safety monitors and sensors and our sheltered housing will be fitted with automatic lights that can be voice controlled.

In line with our sustainability strategy, the site will have a biomass district heating system installed which will provide affordable heating and hot water to all 122 properties.

ACTIVE TRAVEL HUB LAUNCH, 25 June

On 25 June, I was delighted to be invited along to the launch of the Active Travel Hub and to see the closed cycle loop at the Circuit based at Quarry Road. Officially opened by the Active Nation Commissioner, the Trinity Active Travel Hub located in the former Trinity Church at Bridgegate, has been transformed into an activity space with working offices.

The Travel Hub will provide local advice on local active travel routes and public transport as well as access to bikes and maintenance equipment. There will also be training on cycle confidence and volunteering activities. The cycle loop will be used to provide cycle training to local residents, employees and other groups.

The project will support and complement the active travel infrastructure improvements being delivered locally through the implementation of the Irvine Cycle Friendly Town study (ICFT).

ECONOMIC, DEVELOPMENT AND REGENERATION BOARD MEETING, 25 June

Also, on the 25 June, I attended the Economic, Development and Regeneration meeting held in Cunninghame House. Board members were provided with updates on the Ayrshire Growth Deal (AGD) following the Heads of Term signing, the AGD Inclusive Growth Plan and the work of the Ayrshire Regional Economic Partnership.

At the March 2019 meeting of the Ayrshire Regional Economic Partnership (REP), the Board noted that work is underway to develop a new Ayrshire Regional Economic Strategy (RES). The Strategy will be owned by the REP and will provide the overarching strategic framework for economic development in the region.

It was agreed that work to refine the strategy and engage businesses and communities will take place over coming months with a draft strategy document being presented to the Joint Committee at its September 2019 meeting.

“GET HEARD” EVENT, 23 July

On 24 July, I was pleased to be asked to speak at the launch of the Poverty Alliance's “Get Heard” initiative at the Townhouse in Irvine. “Get Heard” will be a series of community engagements sessions that will be held throughout various local authorities with the aim of combating poverty. The sessions will aim to find out more about the issues that are affecting our communities, what is working, what isn't and what needs to change. These findings will be then passed to the Scottish Government.

At the outset of becoming Leader of North Ayrshire Council three years ago, I was clear that tackling poverty and inequality would be the overarching priority for our Administration. It is clearly unacceptable that so many children are living in poverty and it is something, that we, and politicians in particular should not shy away from and try and hide. Instead, I believe we should focus our attention on just how big the problem is and raise awareness of the lived experiences of people in our own communities. That is why I am glad we will be holding a series of “Get Heard” engagement events in each of our localities later this year.

VISIT TO QUARRY ROAD, 25 July

On 25 July, I was pleased to have a tour of The Circuit at Quarry Road in Irvine. This brand new facility sees £5.9m investment to create an innovative business hub, sports facilities and office accommodation. This is part of North Ayrshire Council's wider regeneration and business growth strategy. I look forward to attending the official launch later this year.

VISIT TO IRVINE ROYAL ACADEMY, EXAM RESULTS, 6 August

I visited Irvine Royal Academy on 6 August to meet with some pupils who had received their exam results. Congratulations to all pupils in North Ayrshire for working hard and sitting their exams. Exam time can be a stressful and anxious time but there is a lot of support out there for pupils who feel they need help before exams and afterwards. I would suggest that they speak to teachers in the first instance who will be able to provide them with more information.

FAIR FOR ALL COMMISSIONER MEETING, 8 August

On 8 August, I attended the second Fair For All Commissioner meeting at Fullarton Connexions. Our Fair For All Commissioners heard some more profound stories about those who have experienced hardships in the past and how they have struggled to survive. FFA Commissioners will continue to meet until May 2020 before a report will be submitted to the Scottish Government.

PICNIC IN THE PARK, 8 August

Later on the 8 August, I popped along to "Picnic in the Park" held at McGavin Park in Kilwinning. It was another fabulous event and well attended by locals and others from further afield. Congratulations to all those involved in organising an event that is enjoyed by so many in our local communities.

FAIR SAY STAFF ENGAGEMENT EVENT, 21 August

On 21 August, together with North Ayrshire Council Chief Executive, Craig Hatton, I took part in the staff engagement FAIR SAY event held in Cunninghame House. This engagement event provides North Ayrshire Council employees the opportunity to put any questions to myself or our Chief Executive, on Council related matters, specifically in relation to our new Council Plan. There will be several FAIR SAY events held throughout North Ayrshire to enable staff based in other localities to come along and participate.

VISIT TO LARGS ACADEMY, 23 August

I was delighted to meet with Corrie Shepherd at her school, Largs Academy, on 23 August to find out more about her inspirational concept called "Clearer Minds".

"Clearer Minds" is a programme aimed at improving pupils' mental health. Working with Mental Health specialists "Headstrong", the school is promoting positive health through various

Assemblies, parent and teacher support and 1-1 training. The project received £30,200 from North Ayrshire Council's Community Investment fund with some of the money being used to train up Mental Health Ambassadors with the training delivered by Headstrong.

The programme has already received praise from teachers and parents and to date, approximately 15 pupils have benefitted from 1-1 sessions.



Principal Teacher of Pastoral Support, Grace Furey, Head Teacher Heather Burns, Corrie Shepherd and Council Leader, Joe Cullinane

PAN AYRSHIRE EMPLOYEE OWNERSHIP EVENT, 26 August

On 26 August, I gave a welcome speech at the Pan Ayrshire Employee Ownership Event held at the Riverside hotel. The event entitled “Succession Masterclass” was hosted by Scottish Enterprise and North, South and East Ayrshire Councils and attended by many local businesses.

The event focused on equipping business owners/senior managers with the tools to consider the future operation of their business should they wish to sell the business, retire or pass it on to family or a member of staff.

This event also provided the platform for me to talk about Community Wealth Building and how that can help our local and family-run businesses. Community Wealth Building is one of the most strategic pieces of work that North Ayrshire Council will be involved in over the next few years and the Council has commissioned the Centre for Local Economic Strategies (CLES) to produce a diagnostic report for North Ayrshire. In this report, CLES have commented on the importance of the local economy and of securing a future for existing businesses and safeguarding their jobs.

One of the recommendations of the CLES report is for family-owned businesses and local businesses to consider employee ownership as an option for safeguarding their businesses in the future and to protect them in times of economic difficulty. I am pleased to say that our Team North Ayrshire will be proactively working with our local and family businesses to explore the option of employee ownership.

FAIR FOR ALL ADVISORY PANEL, 28 August

I attended the Fair For All Advisory Panel on 28 August held here in Cunninghame House. The meeting was also attended by a visiting delegation from North Tyneside, who were keen to hear more about the work we are doing around “Kindness” and to exchange ideas of Best Practice. These discussions proved to be really interesting for both parties and my thanks again to the delegation for sharing their experiences with us.

The FFA panel also received presentations from Alliance Scotland and the Child Poverty Action Group to hear more about the work they are currently involved in. Thank you again to both organisations for speaking to us.

AYRSHIRE REGIONAL ECONOMIC PARTNERSHIP BOARD MEETING, 9 September

On the 9 September I attended the Ayrshire Regional Economic Partnership (AREP) Board Meeting held at East Ayrshire Council Headquarters in Kilmarnock. Board members heard presentations regarding transport projects for the area, an update on our Economic strategy and heard more about some of the work currently being done by the Ayrshire Growth Deal Programme Management Office following the signing of the Heads of Terms earlier this year in March.

Together with our Head of Economic Development and Regeneration, Caitriona McAuley, I spoke in some depth about developing an Ayrshire approach to Community Wealth Building. I believe strongly that there is a real opportunity for Ayrshire to be a pioneer in the local wealth building approach in Scotland. There is a strong case for Ayrshire to embrace a pan-Ayrshire Community Wealth Building approach particularly within the employment and procurement pillars, underpinned by a focus on ownership and assets.

AYRSHIRE REGIONAL ECONOMIC JOINT COMMITTEE MEETING, 10 September

On 10 September I was back in Kilmarnock, this time for the Ayrshire Regional Economic Joint Committee meeting. Attendees discussed some of the key national issues which may have an impact on Ayrshire's economy highlighting where there may be an opportunity to devise a response on a regional basis.

Members were also provided with an update on the work being taken forward to progress both the Ayrshire Growth Deal and the wider Regional Economic Partnership as approved by the Economic Joint Committee earlier in April

1ST TIER JCC AND CORPORATE HEALTH AND SAFETY GROUP MEETING, 12 September

Later on 12 September I chaired a meeting of the 1st Tier JCC and the Corporate Health and Safety Group held in Cunninghame House. I am proud to lead a Council which is committed to supporting women in their working environment and improving the well-being of all employees. This guidance will support employees in managing their health and raise awareness of the menopause throughout the workplace.



A handwritten signature in black ink, appearing to read 'Joe Cullinane'. The script is fluid and cursive.

Councillor Joe Cullinane
Leader North Ayrshire Council

NORTH AYRSHIRE COUNCIL

25 September 2019

North Ayrshire Council

| | |
|------------------------|--|
| Title: | Decriminalised Parking Enforcement and the Introduction of Car Parking Charges |
| Purpose: | To determine the Council's position on decriminalised parking enforcement and the introduction of car parking charges. |
| Recommendation: | It is recommended that Council consider (a) the decision taken by Cabinet on 11 June 2019 around decriminalised parking enforcement (DPE) and the introduction of car parking charges in light of the recommendations of the Audit and Scrutiny Committee in relation to the inclusion of Arran in DPE and the introduction of car parking charges in Brodick. |

1. Executive Summary

- 1.1 The Council is asked to consider the position on decriminalised parking enforcement and the introduction of car parking charges.
- 1.2 This matter was originally the subject of a report to the Cabinet on 11 June 2019. Thereafter, the decision taken by Cabinet was the subject of a call-in to the Audit and Scrutiny Committee on 27 June 2019, seeking the following outcomes:
 - Parking charges should not be introduced to Brodick; and
 - Enforcement of parking on Arran should remain under the control of the Police
- 1.3 The Audit and Scrutiny Committee agreed with the terms of the Call-In and referred the matter back to Cabinet for further consideration. Cabinet agreed to partially accept the recommendation of the Audit and Scrutiny Committee to reconsider its earlier decision. Therefore, in terms of Standing Order 24.7, the matter has been referred to the Council for determination.

2. Background

- 2.1 At its meeting on 11 June 2019, Cabinet considered a report on decriminalised parking enforcement and the introduction of car parking charges (Appendix 1) and agreed:
 - (a) that an application seeking the introduction of Decriminalised Parking Enforcement across the North Ayrshire Council area be finalised and submitted to Scottish Government;

- (b) to the introduction of car parking charges at identified short stay car parks and identified on-street parking at Brodick as detailed in Appendix 1 to the report;
- (c) that a review of the current Town Centre Car Parking Strategy in support of proposals to introduce car parking charges be carried out;
- (d) to note the proposed recruitment of a Car Parking Manager to progress the introduction of car parking charges and application for Decriminalised Parking Enforcement;
- (e) to further engagement with local Ward members, to review existing parking restrictions, potential vehicle displacement and the introduction of resident parking permit schemes, as appropriate;
- (f) that officers proceed with the necessary Traffic Regulation Orders required to introduce parking charges in the designated car parks and on-street in Brodick;
- (g) to note the next steps as outlined in section 2.31 of the report; and
- (h) to receive progress update reports as appropriate.

2.2 A Call In request was subsequently received from Councillors Billings, McMaster and Gurney. The full terms of the Call In were set out in a report to the Audit and Scrutiny Committee on 27 June 2019 (Appendix 2).

2.3 The Audit and Scrutiny Committee agreed with the terms of the Call In (see Appendix 3 – Minute Extract), the desired outcomes of which were:

- Parking charges should not be introduced to Brodick; and
- Enforcement of parking on Arran should remain under the control of the Police

2.4 The matter was thereafter referred back to Cabinet for further consideration with supplementary information provided by the Interim Head of Service (Commercial) (see Appendix 4).

2.5 At its meeting on the 27 August 2019, Cabinet (a) agreed not to accept the recommendation of the Audit and Scrutiny Committee to reconsider its earlier decision to include Arran in the Council's DPE application. They expressed the view that plans to introduce parking charges in Brodick should not be progressed at this time and that officers should work with local ward Members to review parking issues across the island, including consideration of appropriate traffic restrictions. Accordingly, in terms of Standing Order 24.7, the matter is referred Council for determination (see Appendix 5 - extract from the minute of the Cabinet meeting held on 27 August 2019).

3. Proposals

3.1 It is recommended that Council consider (a) the decision taken by Cabinet on 11 June 2019 around decriminalised parking enforcement and the introduction of car parking charges in light of the recommendations of the Audit and Scrutiny Committee in relation to the inclusion of Arran in DPE and the introduction of car parking charges in Brodick.

4. Implications/Socio-economic Duty

Financial

4.1 Refer to the report in Appendix 1 for financial implications.

Human Resources

4.2 Refer to the report in Appendix 1 for human resource implications.

Legal

4.3 Refer to the report in Appendix 1 for legal implications.

Equality/Socio-economic

4.4 Refer to the report in Appendix 1 for equality/socio-economic implications.

Environmental and Sustainability

4.5 Refer to the report in Appendix 1 for environmental and sustainability implications.

Key Priorities

4.6 Refer to the report in Appendix 1 for implications on the Council's key priorities.

Community Wealth Building

4.7 Refer to the report in Appendix 1 for community wealth building implications.

5. Consultation

5.1 Refer to the report in Appendix 1 for details on consultations which have taken place.

Craig Hatton
Chief Executive

For further information please contact **Euan Gray, Committee Services Officer**, on 01294 324130.

Background Papers

N/A

NORTH AYRSHIRE COUNCIL

11 June 2019

Cabinet

Title: **Decriminalised Parking Enforcement and the Introduction of Car Parking Charges**

Purpose: To seek Cabinet approval to: (1) progress and submit an application to Scottish Government to introduce Decriminalised Parking Enforcement within North Ayrshire; and (2) introduce car parking charges at identified short stay car parks in Irvine, Kilwinning, Saltcoats, Largs and charges for on street parking at Brodick as detailed within Appendix 1.

Recommendation: Cabinet are asked to: (i) agree that an application seeking the introduction of Decriminalised Parking Enforcement across the North Ayrshire Council area will be finalised and submitted to Scottish Government; (ii) agree to the introduction of car parking charges at identified short stay car parks and identified on street parking at Brodick as detailed in Appendix 1; (iii) agree that a review of the current Town Centre Car Parking Strategy in support of proposals to introduce car parking charges will be carried out; (iv) note the proposed recruitment of a Car Parking Manager to progress the introduction of car parking charges and application for Decriminalised Parking Enforcement; (v) agree that there will be further engagement with local Ward members, to review existing parking restrictions, potential vehicle displacement and the introduction of resident parking permit schemes as appropriate; (vi) agree that officers will proceed with the necessary Traffic Regulation Orders required to introduce parking charges in the designated car parks, and on-street in Brodick; and (vii) note the next steps as outlined in paragraph 2.31 and agree to receive progress update reports as appropriate.

1. Executive Summary

1.1 Effective management of parking and the development of alternative travel modes are central aspects within the development of economic and environmentally sustainable town centres. The Council's agreed Town Centre Car Parking Strategy sets out to:

- Enhance and support local economies;
- Improve traffic flows and reduce congestion;
- Manage parking spaces to ensure adequate availability and the prioritisation of prime spaces;

- Reduce carbon emissions and improve air quality; and
 - Promote alternative modes of travel.
- 1.2 At its Budget setting meeting on 28 February 2018 North Ayrshire Council agreed to develop the introduction of Decriminalised Parking Enforcement (DPE) and the introduction of car parking charges.
 - 1.3 A previous project undertaken in 2011/12 identified that the introduction of DPE was not financially viable on its own and would require to be supported by the introduction of car parking charges. Consequently, the introduction of DPE was not taken forward at that time.
 - 1.4 Parking offences in North Ayrshire are therefore still a criminal offence and any violation of parking restrictions are only enforceable by Police Scotland. The Road Traffic Act 1991 permits local authorities to apply for the legal powers to take over the enforcement of on-street, as well as off-street, car parking regulations from Police Scotland. In areas where DPE has been granted parking offences become civil offences enforceable by the local authority.
 - 1.5 A Project Steering Group, comprising of officers from Roads, Economy & Communities, Legal, Finance, Communications and Customer Services was established to oversee and co-ordinate the development of a proposal to introduce car parking charges and to introduce DPE. The Steering Group has met with Transport Scotland's Policy Section who have provided guidance on the statutory process the Council requires to follow to apply for DPE powers. Feasibility studies for the introduction of car parking charges and DPE have been undertaken and reports on their outcomes prepared which have informed the proposals in this paper.

2. Background

- 2.1 Since the withdrawal of the Traffic Warden Service by the Police in 2012, the enforcement of parking violations has reduced significantly and is now generally only undertaken by the Police in response to complaints or issues of obstructive parking. This has led to a significant increase in visible parking violations and poor parking behaviours and an increase in complaints to the Council who are currently powerless to take any enforcement action.
- 2.2 The Town Centre Parking Strategy (July 2014) was developed to ensure a consistent and coherent approach to parking which enhances and supports the local economy. This identified the need to manage the availability of parking through the introduction of short stay parking in selected car parks in Irvine, Kilwinning and Saltcoats. This aimed to increase the turnover of spaces to ensure adequate provision of parking spaces and support town centre activities.
- 2.3 This was introduced on a voluntary basis in November 2016 in the five selected car parks listed below. This approach aimed to provide the opportunity for the Council to encourage good practice and change parking behaviour without introducing enforcement measures. It was implemented through the installation of signage stating "Short stay parking only, maximum stay three hours" at the following locations:
 - Bridgegate, Irvine;

- Kirkgate, Irvine;
- Oxenward East, Kilwinning;
- Oxenward West, Kilwinning; and
- Vernon Street, Saltcoats.

As the introduction of the short stay parking limit was advisory, it relied on user compliance with the signage. Surveys of car park usage established that this had some initial success in terms of compliance including a desired increase in the turnover of vehicles and in the numbers visiting per day. Subsequent surveys later established that without enforcement, compliance and associated improvements had declined. This approach has therefore not achieved the required change in parking behaviour. To ensure compliance with short stay parking restrictions and generate the desired turnover of available parking spaces in our town centres to support town centre activities, enforcement is required.

2.4 Decriminalised Parking Enforcement (DPE) is a regime which enables the local authority to administer parking penalties, including the issuing of Penalty Charge Notices (PCNs) to vehicles. In areas with DPE, stationary traffic offences cease to be criminal offences enforced by the Police and instead become civil penalties enforced by the local authority. Local authorities retain the income from penalty charges from on and off-street parking offences. Any surpluses are used firstly for the provision and maintenance of off-street parking facilities and secondly for road improvement and public transport purposes in the local authority area.

2.5 Currently 21 out of 32 local authorities in Scotland have put DPE in place. The main benefits of acquiring parking enforcement powers are:

- A co-ordinated parking enforcement service will be established;
- Compliance levels will improve;
- Overall improved environmental conditions including safer traffic conditions, and less pollution due to better traffic circulation;
- Parking enforcement would become more locally accountable, consistent and adaptable to local needs;
- Enhanced levels of enforcement for future parking controls:
 - (i) to tackle indiscriminate parking near schools;
 - (ii) for residents parking schemes; and
 - (iii) for disabled parking bays
- Support for public transport and active travel initiatives through encouragement to consider alternatives to the private car;
- Improved safety for pedestrians and vulnerable groups;
- Enhanced turnover of parking in town centres to provide more short stay parking opportunities for shoppers, service users and long stay parking for the business community;
- Improved conditions for servicing (i.e. delivery vehicles), particularly through reduced competition for road space.

2.6 While the principal objective of introducing DPE in North Ayrshire is to improve compliance with parking regulations and the efficiency of the parking operation a Business Case previously developed in 2011/12 found that DPE would not be financially viable without the support of introducing car parking charges and the proposal was therefore not taken forward at that time.

- 2.7 The proposed introduction of car parking charges along with DPE will ensure a consistent and coherent approach to parking that meets the objectives of the Town Centre Car Parking Strategy in managing prime town centre parking spaces to ensure there is a turnover of sufficient parking spaces. The Council's car parking strategy does not currently support either off street or on street car parking charges. It is recognised that there are significant drivers for a change to this policy to ensure that it continues to meet the identified objectives. These include: increasing parking pressure within town centres; increasing reliance on cars for everyday journeys; decreasing patronage on public transport; ensuring that ongoing enforcement is economically viable; and reducing revenue budgets for the management and maintenance of car parks. The Strategy will therefore require to be reviewed and amended should Cabinet approve this proposal. It is also noted that the recent consultation on the forthcoming Transport Bill proposed the introduction of powers in relation to double and pavement parking for local authorities for which enforcement arrangements may be required.
- 2.8 While the previous study into the introduction of DPE proved not to be financially viable on its own, further work has now recently been undertaken which confirms the introduction of car parking charges together with DPE could potentially generate a net income stream of approximately £350,000 per annum. The income generated from penalty charges from on and off-street parking violations must be retained to finance the operation, enforcement and adjudication of the DPE regime. Car parking income should firstly be used to manage and maintain the car park infrastructure and enforcement, thereafter any surpluses can be used for other Council initiatives, for example road improvements, road safety projects or active travel schemes.
- 2.9 To obtain DPE powers the Council must follow a statutory process and make an application to Scottish Government. Transport Scotland assesses DPE applications on behalf of Scottish Ministers. Provided Ministers are content, Scottish Statutory Instruments are then drafted which will decriminalise parking offences and allow the local authority to take over enforcement from the Police. The process for applying for DPE can take up to 18 months and is set out as follows:
- Local authority undertakes DPE feasibility study (draft study completed)
 - Local authority prepares draft application
 - Local authority consults locally on draft proposals
 - Local authority submits draft application to Transport Scotland
 - Transport Scotland replies to local authority with comments, and begins to prepare the necessary Scottish Statutory Instruments (SSIs)
 - Local authority reviews comments and submits final application to Transport Scotland
 - Transport Scotland considers final application, and finalises SSIs
 - Subject to Ministerial approval, Transport Scotland consults on draft SSIs
 - Transport Scotland notifies Ministers of the consultation outcome and finalises SSIs
 - Subject to Ministerial approval, SSIs are made and laid before the Scottish Parliament
 - Provided there are no objections raised, SSIs come into force
- 2.10 A Project Steering Group was established, and officers met with Transport Scotland's Policy Officer last year to discuss the process for obtaining DPE powers.
- 2.11 The Project Steering Group set up a working group to progress operational matters concerning the introduction of DPE and Car Parking Charges. Due to limited in-house

resources, specialist expertise was obtained from our Framework Consultant RPS to provide feasibility reports into the Introduction of DPE and Car Parking Charges.

- 2.12 A financial assessment of introducing DPE has identified options for in-house and external operation of a DPE regime within the North Ayrshire area. The financial models show that DPE on its own is not financially viable, with in house operation of the controls costing an estimated £121,000 per annum net, after income from penalty charges.
- 2.13 A financial assessment of introducing car parking charges in our car parks has also been carried out to identify the expected cost of necessary infrastructure, management and operational running requirements. Furthermore, the assessment also identifies:
- a range of charging times and differing tariffs.
 - recommendations on which off-street car parks should be included within the charging scheme, considering potential revenue generated, enforcement requirements, location, infrastructure costs and maintenance.
 - full financial assessment of the introduction of car parking charges
- 2.14 On reviewing the feasibility assessments, local circumstances and taking account of the Council's current Town Centre Car Parking Strategy, a 'one size fits all' approach is not appropriate. Each town and village has been considered and each has a unique infrastructure and usage pattern. No two towns have the same traffic flow conditions. In addition, we require to assess the impact of the Dalry bypass on traffic in the Garnock Valley.
- 2.15 It is therefore not considered appropriate to introduce car parking charges at the current time within Skelmorlie, West Kilbride, Fairlie, Millport, Lochranza, Lamlash, Whiting Bay (and other villages on Arran – with exception of Brodick), Ardrossan, Stevenston, Beith, Kilbirnie, Dalry, Barmill, Glengarnock, Dreghorn or Springside. Whilst it is not proposed to introduce car parking charges at these towns and villages at the current time the introduction of DPE powers will facilitate the control of parking behaviour within all towns and villages through the enforcement of existing on street parking waiting restrictions. This will improve existing parking behaviour and create an increased availability of town centre parking for those wishing to visit the town and village centres for a few hours or less. Whilst it is not intended to introduce car parking charges within these towns and villages at this time, this will be kept under review to monitor the effectiveness of the introduction of DPE powers. Existing on street parking restrictions and local needs will also continue to be monitored with local Ward Elected Members going forward to identify any required amendments to existing controls.
- 2.16 It is recommended at this time that car parking charges be introduced at the identified short stay car parks in Irvine, Kilwinning, Saltcoats and Largs, and for on street parking at Brodick as shown in Appendix 1. Free parking will however be retained in all other car parks. This approach will ensure the provision of parking spaces to support town centre activities and achieve the Parking Strategy objectives.

Irvine

- 2.17 In Irvine consideration was given to the specific traffic dynamics of the town and current parking behaviour. There is regularly a lack of available short stay parking within the town centre and on street parking restrictions are not being adhered to. There is however parking available at a number of locations. It is proposed to introduce parking charges in 3 town centre car parks at Kirkgate, West Road and East Road. This equates

to approximately 10% of the available parking within the Town, therefore the majority of parking will remain free of charge. Current on street restrictions will also be enforced via DPE powers to ensure the appropriate use of all available parking. Officers will meet with Irvine Ward Members to agree local needs, including a review of current on street parking restrictions and the need for Resident Parking Permits as a result of displacement following the introduction of car parking charges and introduction of DPE controls. These controls will contribute to an increased availability of town centre parking spaces for use by visitors to the numerous town centre businesses and facilities whilst the retention of free long stay parking will be available for those wishing to visit all day or to park whilst at work, whilst also meeting the needs of town centre residents.

Kilwinning

- 2.18 Kilwinning has unique circumstances with very limited town centre on street parking, a busy college and a restricted vehicular access to the Main Street. Whilst existing car parks at Oxenward are designated as voluntary short stay car parks, these provisions are not being adhered to. All these factors contribute to a lack of available short stay parking spaces to service the town centre. There are also several residential properties within the town centre. It is proposed to introduce car parking charges in 2 car parks, these being at Almswall Road and one of the car parks at Oxenward, with the remaining Oxenward car park being designated as a free long stay car park. Free short stay parking (up to 1 hour) will also be provided at Oxenward. Officers will meet with Kilwinning Ward Members to agree local needs, including a review and agreement of the most suitable car park to charge in at Oxenward, agree the specifics of the introduction of some free short stay (up to 1 hour) parking, and review the need for Resident Parking Permits. These controls will contribute to an increased availability of town centre parking spaces for use by visitors to the numerous town centre businesses and facilities whilst the retention of free long stay parking will be available for those wishing to visit all day or to park whilst at work, whilst also meeting the needs of town centre residents.

Saltcoats

- 2.19 The town centre car parks within Saltcoats are well used and tend to be subject to all day parking which reduces the availability of car parking spaces for visitors wishing to spend a few hours or less in the centre. There is regularly a lack of available short stay parking within the town centre and on street parking restrictions are not being adhered to. There is however parking available at several locations. It is therefore proposed to introduce short stay car parking charges in the car parks at Vernon Street, Bradshaw Street, Windmill Street and Kirkgate. Current on street restrictions will also be enforced via DPE powers to ensure the appropriate use of all available parking. Officers will meet with Saltcoats Ward Members to agree local needs, including a review of current on street parking restrictions and the need for Resident Parking Permits as a result of displacement following the introduction of car parking charges and introduction of DPE controls. These controls will contribute to an increased availability of town centre parking spaces for use by visitors to the numerous town centre businesses and facilities whilst the retention of free long stay parking will be available for those wishing to visit all day or to park whilst at work, whilst also meeting the needs of town centre residents.

Largs

- 2.20 A review of current parking behaviour and traffic flow within Largs confirms the town is extremely busy and particularly at weekends. Currently there are local arrangements in place to assist with the management of available parking spaces during busy summer weekends through the introduction of parking marshals. The marshals do not have any

enforcement powers but have been successful in assisting drivers in locating available parking within the town. The Largs shorefront car park is well used and is currently operated on a pay and display basis. There is regularly a lack of available short stay parking within the town centre as existing on street parking restrictions are not being adhered to. It is proposed to introduce short stay parking charges in Gateside Street car park. With the introduction of DPE powers the existing on-street parking restrictions will also be better controlled to create a turnover of town centre parking spaces. Officers will meet with North Coast Ward Members to agree local needs, including a review of on street restrictions and the need for Resident Parking Permits following the introduction of car parking charges and DPE controls.

- 2.21 Within Largs, an opportunity has also become available to negotiate the purchase of an area of land adjacent to Bellman's Close. A business case has been developed to assess the financial viability of purchasing the site to operate as a fee-paying car park which has identified an anticipated 3.5 years payback period on the initial investment. Officers are currently pursuing the purchase of this ground which will be operated as a "Pay and Display" car park and will assist in the provision of 15 car parking spaces within the town centre.
- 2.22 Where future opportunities are identified for the provision of new additional parking in other towns or villages, these will be considered on a self-financing basis. A business case will be developed for each location being considered to review costs and potential payback period for the required investment. Income to offset costs will be generated from the introduction of car parking charges on any identified sites.

Brodick

- 2.23 The Island of Arran is a well visited tourist destination and attracts a number of cars and other vehicles, particularly since the introduction of the Road Equivalent Tariff (RET). The existing on street parking available at Brodick shorefront is well used by both visitors and residents of the island. It is proposed to introduce seasonal parking charges along Brodick Shorefront to meet the needs of tourists and visitors. Officers will also meet with Ward Members to discuss local needs including the introduction of an Islander Parking Permit scheme for the Brodick shorefront on street parking area where an "all-day" tariff will also be considered and introduced. It is anticipated this will provide for enhanced turnover of vehicles parked on the shorefront whilst still facilitating island resident parking needs when choosing to leave their cars on the island whilst visiting the mainland.
- 2.24 The proposed short stay parking tariff will be introduced between 9:00am and 5:00pm Monday to Friday. Parking charges will be introduced 7 days a week in Largs and Brodick due to high visitor numbers at weekends. Charging in Brodick to be seasonal from April to October and will include an all-day parking tariff. Free parking will be retained for Blue Badge Holders in all car parks. Location plans of the proposed locations where car parking charges are to be introduced are shown in Appendix 1. The suggested tariffs are:

| Proposed Tariff | |
|-----------------|---------------|
| Time (Mins) | Short Stay |
| 60 | £1.00 |
| 120 | £1.50 |
| 240 | £3.00 |
| All Day | Not Permitted |

Whilst the proposed introduction of car parking charges at identified locations, together with the introduction of DPE powers, will facilitate several benefits, an income will also be generated. Based on the above suggested tariff being introduced, an annual gross income of approximately £471,000 is predicted. It is estimated that the annual revenue costs associated with the introduction of DPE will be £121,000 per year. These costs will be offset against the predicted income from car parking charges, therefore the potential net income is estimated to be £350,000 per year.

- 2.25 The financial assessments show that outsourcing the operation of the DPE regime is the most economical model, however this option comes with its risks. The Council would be required to control and monitor the contractor, in certain areas overzealous enforcement has been reputationally damaging and the contractor's commercial strategy may not align with the Council's wider corporate objectives. Consequently, it is recommended that enforcement is retained in-house, together with the requirement for the administration and processing of PCNs.
- 2.26 To implement and manage the DPE and car parking charges regime additional management and enforcement staff will be required. It is considered that the Council will require to create the positions of a new Parking Manager who would be supported by an enforcement team comprising a 1 Supervising Parking Attendant and 5.7 FTE Parking Attendants. This will enable 130 hours of on and off-street enforcement. Shift working will be required for the Parking Attendants to ensure enforcement can be delivered over the full week across North Ayrshire.
- 2.27 It should be noted that both East Ayrshire and South Ayrshire Councils operate a DPE regime. East Ayrshire Council have recently completed a review of parking within their area. They currently only apply parking charges in Kilmarnock from which they generated an income of £1.273 million in 2017/18. They have recently approved an increase in the parking charges to £1 per hour to a maximum of £5 in their long stay car parks and discarded their existing short stay car parks and introduction of an £8 tariff for all day parking in their existing short stay car parks. East Ayrshire are also considering the introduction of parking charges on Saturdays and extending the car parking charges into other towns. South Ayrshire currently only charge for parking in Ayr but are considering extending charging into Prestwick and Troon.
- 2.28 It will be necessary to introduce car parking charges at the same time as DPE powers as the income required from car parking charges is essential to make the introduction of DPE viable. The statutory process for DPE will take an anticipated 18 months. It is not considered appropriate to introduce car parking charges before DPE powers are available. The parking enforcement powers are essential to ensure the control of displacement of cars on to adjacent streets and any increase in poor parking practices. It is therefore considered appropriate to introduce DPE and car parking charges at the same time. It is also hoped that the nominal fee structure will encourage the use of the short stay facilities by shoppers and visitors, whilst the long stay parking will be available for those working in our town centres.

2.29 An exercise is also necessary to review our existing restrictions and Traffic Regulation Orders and to ensure existing road markings and sign plates are compliant to enable enforcement of on street parking restrictions. Car park directional signage will also be reviewed and further improved as necessary within towns.

2.30 Displacement of vehicles from car parks and by controlling existing on street parking restriction compliance will potentially result in a number of requests for Resident Parking Permit schemes to be introduced to combat indiscriminate parking in residential locations close to the town centres. Resident parking schemes will therefore require to be designed. It is also likely that there will be an increase in on street parking when charging is first introduced, however this will reduce, as acceptance of the charging regime grows. Meetings will be held to consider parking restrictions to control displacement into residential streets close to the town centres. Officers will meet local Elected Members on a Ward basis to review local circumstances.

2.31 The next stages in the process are:

- Submit draft application for DPE to Transport Scotland
- Recruitment of a Parking Manager
- Meet local Ward Members to review local circumstances
- Undertake review and consolidation of Traffic Regulation Orders
- Submit finalised application for DPE to Scottish Government
- Promote the Traffic Regulation Order to enable charging in our off-street car parks
- Promote the Traffic Regulation Order to enable charge on-street in Brodick
- Consider any objections to the Traffic Regulation Orders
- Review options for back office and administrative support
- Consultation and engagement
- Review of cashless technology for parking charges
- Procurement of car parking charges infrastructure
- Installation of car park charging infrastructure
- Recruitment of enforcement staff and back office support

2.32 In order to progress this project it is recommended that the recruitment of the necessary Parking Manager required to manage the DPE regime and charging within our car parks is now progressed.

3. Proposals

3.1 It is proposed Cabinet agree that an application seeking the introduction of Decriminalised Parking Enforcement across the North Ayrshire Council area will be finalised and submitted to Scottish Government

3.2 It is proposed Cabinet agree to the introduction of car parking charges at identified short stay car parks and identified on street parking at Brodick as detailed in Appendix 1.

3.3 It is proposed Cabinet agree that a review of the current Town Centre Car Parking Strategy in support of proposals to introduce car parking charges will be carried out.

- 3.4 It is proposed Cabinet notes the proposed recruitment of a Car Parking Manager to progress the introduction of car parking charges and application for Decriminalised Parking Enforcement.
- 3.5 It is proposed Cabinet agree that there will be further engagement with local Ward members, to review existing parking restrictions, potential vehicle displacement and the introduction of resident parking permit schemes as appropriate.
- 3.6 It is proposed Cabinet agree that officers will proceed with the necessary Traffic Regulation Orders required to introduce parking charges in the designated car parks, and on-street in Brodick.
- 3.7 It is proposed Cabinet notes the next steps as outlined in paragraph 2.31 and agree to receive progress update reports as appropriate

4. Implications/Socio-economic Duty

| | |
|-------------------------|--|
| Financial: | It is estimated that the annual revenue costs associated with the introduction of DPE will be £121,000 per year. These costs will be offset against a predicted income of £471,000 by introducing car parking charges in our short stay car parks and on-street in Brodick, therefore the potential net income is estimated to be £350,000 per year. Costs associated with land purchase at the available site in Largs at Bellman's Close and associated pay and display infrastructure will be met from the existing General Fund Capital Programme. |
| Human Resources: | The introduction of DPE and Car Parking Charges will require the creation of a new Parking Manager supported by a number of Enforcement Officers. |

| | |
|--|---|
| Legal: | Legislation contained in The Road Traffic Act 1991 enables local authorities to decriminalise parking offences and allows local authorities to introduce their own parking penalty regime. A Traffic Regulation Order will be required to consolidate our on-street parking restrictions and a Traffic Regulation Order will be required to introduce parking charges in our car parks. Any further on street parking restrictions will also require a Traffic Regulation Order to be approved. |
| Equality/Socio-economic Duty: | Improved car parking opportunities and better management of parking would improve accessibility to town centres for all. |
| Children and Young People: | Enhanced levels of enforcement will contribute to improvements in road safety. |
| Environmental & Sustainability: | The introduction of DPE and car parking charges supports improved environmental conditions, including improved traffic management and safer traffic conditions. Reduced pollution due to less illegal parking and better circulation of traffic and increased attractiveness of sustainable travel across North Ayrshire, which could result in increased use of public transport and reduced travel by car will reduce carbon emissions and improve air quality. |
| Key Priorities: | The introduction of DPE and car parking charges will contribute to the Council's key priorities contained in the draft new Council Plan relating to growing our economy, increasing employment and regenerating towns through the creation of improved turn over in parking spaces in town centres and new and improved opportunities for sustainable and active travel to key employment areas, town centres, services and local attractions. |
| Community Benefits: | Improved availability of car parking enhances and supports town centre economy. |

5. Consultation

- 5.1 The Policy Advisory Panel were consulted on the proposals at a Special Advisory Panel Meeting held on 29 May 2019.
- 5.2 Consultation with key stakeholders and businesses will be necessary as part of the statutory process of applying for DPE.

- 5.3 Engagement with local Elected Members on a ward basis will be carried out to review existing parking restrictions, potential vehicle displacement and the introduction of resident parking permit schemes as part of the introduction of car parking charges and DPE controls.

RUSSELL McCUTCHEON
Head of Commercial Services

For further information please contact **Campbell Dempster, Senior Manager (Network)**, on **01294 324845**.

Background Papers

Insert titles of any background papers or N/A

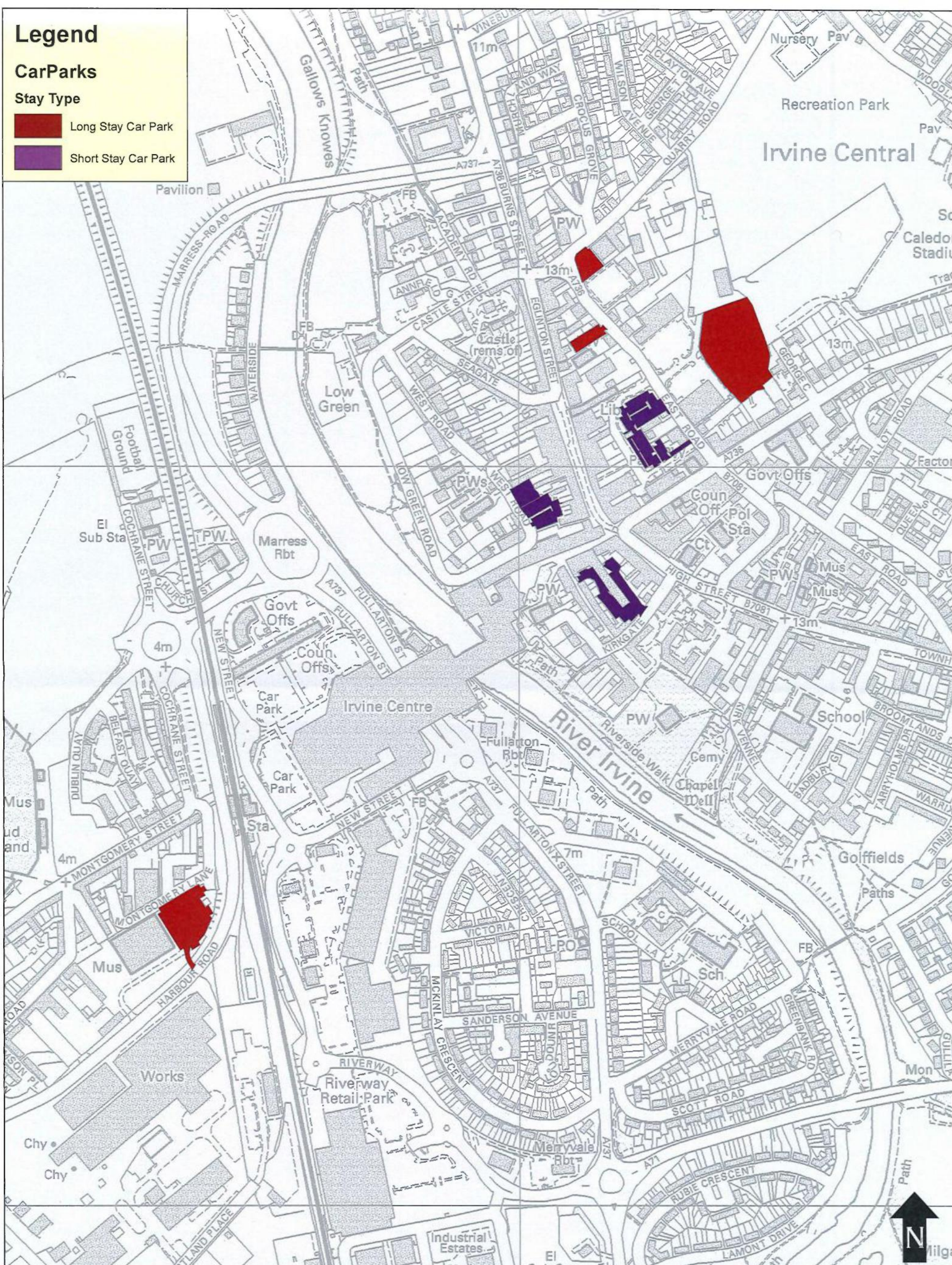
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CarParks

Stay Type

Long Stay Car Park

Short Stay Car Park



Title:

Irvine
Traffic Orders
Long / Short Stay Car Parks

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NORTH AYRSHIRE
COUNCIL
Commercial Services
Roads

Section: Asset Management

Date: 23 May 2019

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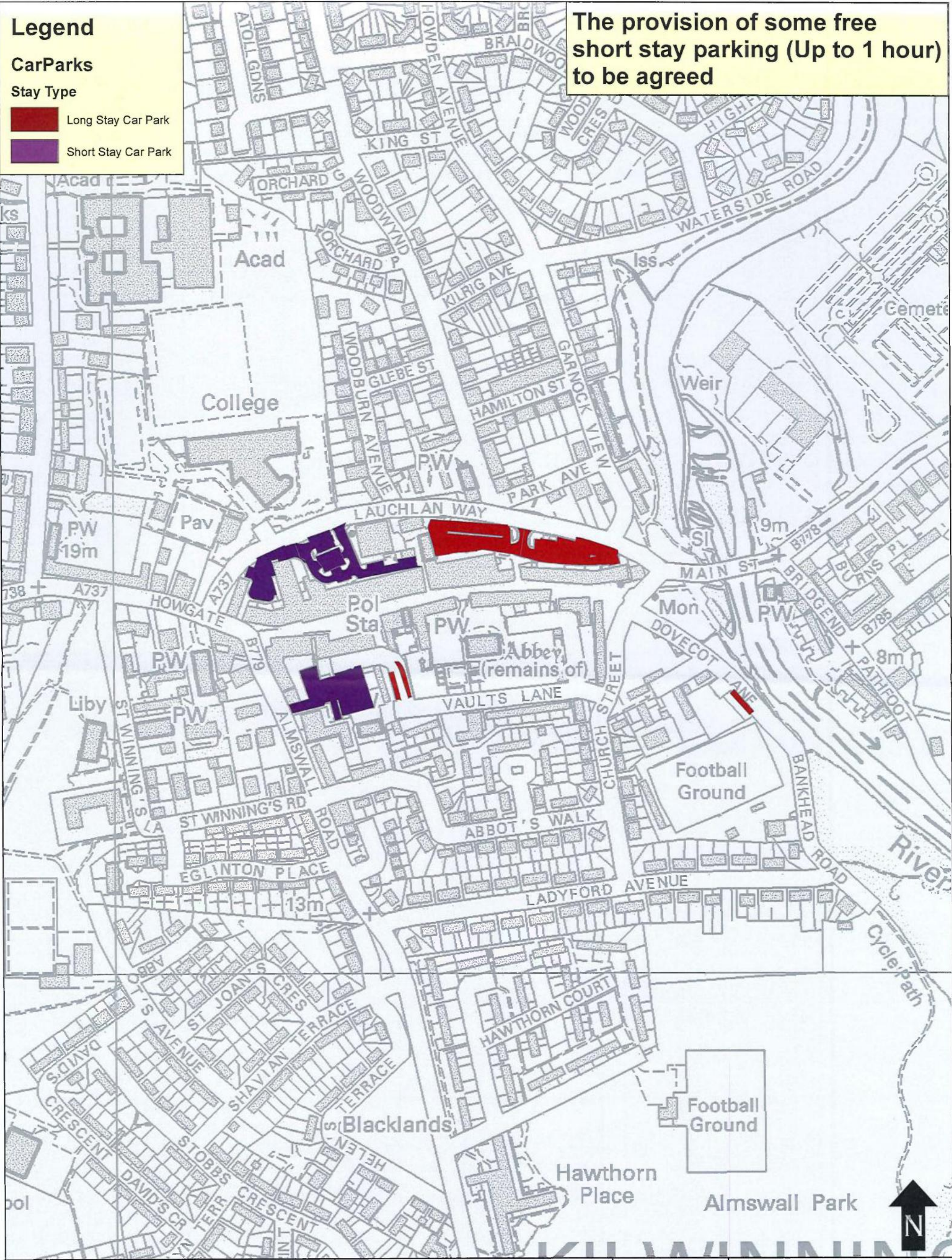
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CarParks

Stay Type

- Long Stay Car Park
- Short Stay Car Park

The provision of some free short stay parking (Up to 1 hour) to be agreed



Title:
Kilwinning
Traffic Orders
Long / Short Stay Car Parks

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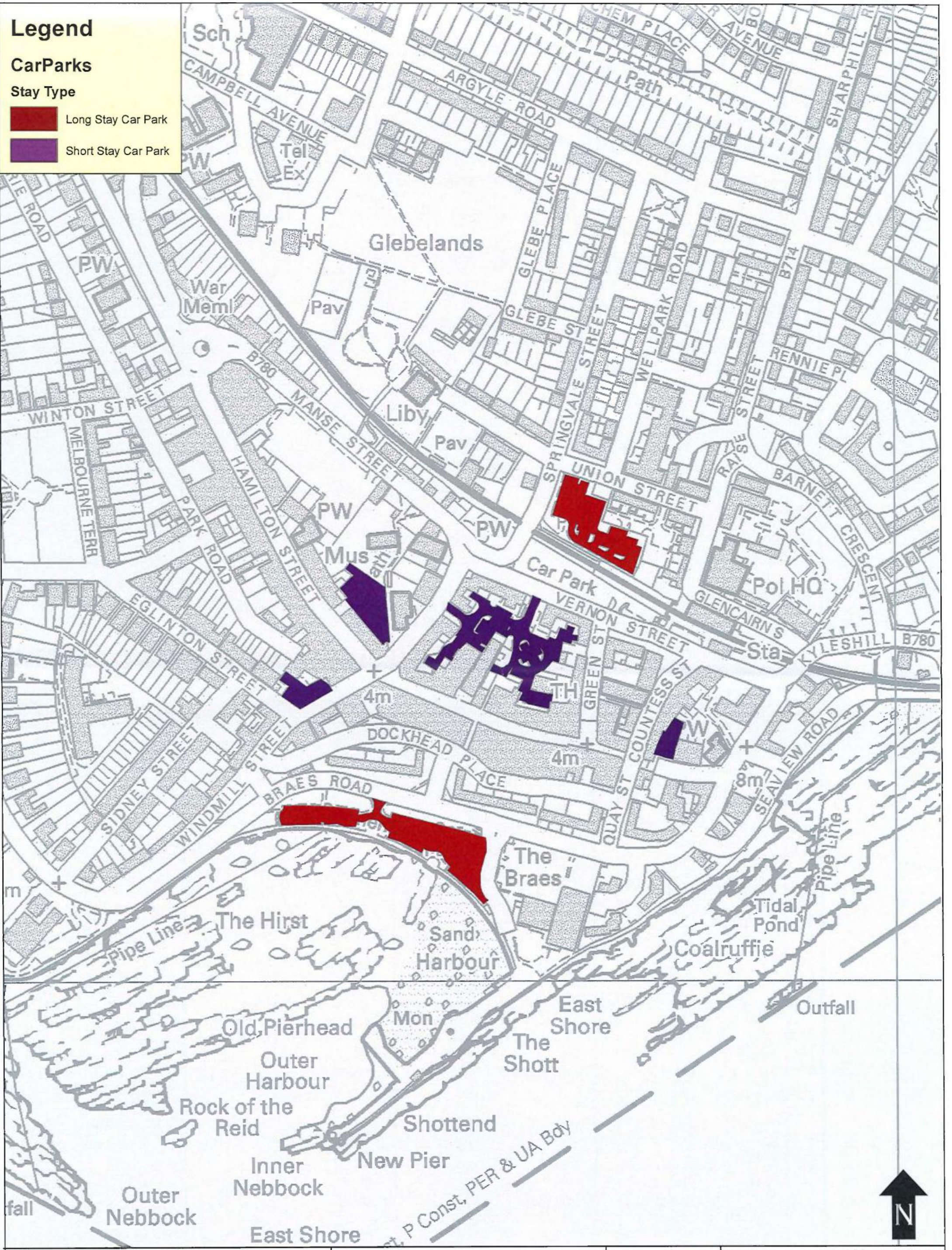
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CarParks

Stay Type

- Long Stay Car Park
- Short Stay Car Park



Title:
Saltcoats
Traffic Orders
Long / Short Stay Car Parks

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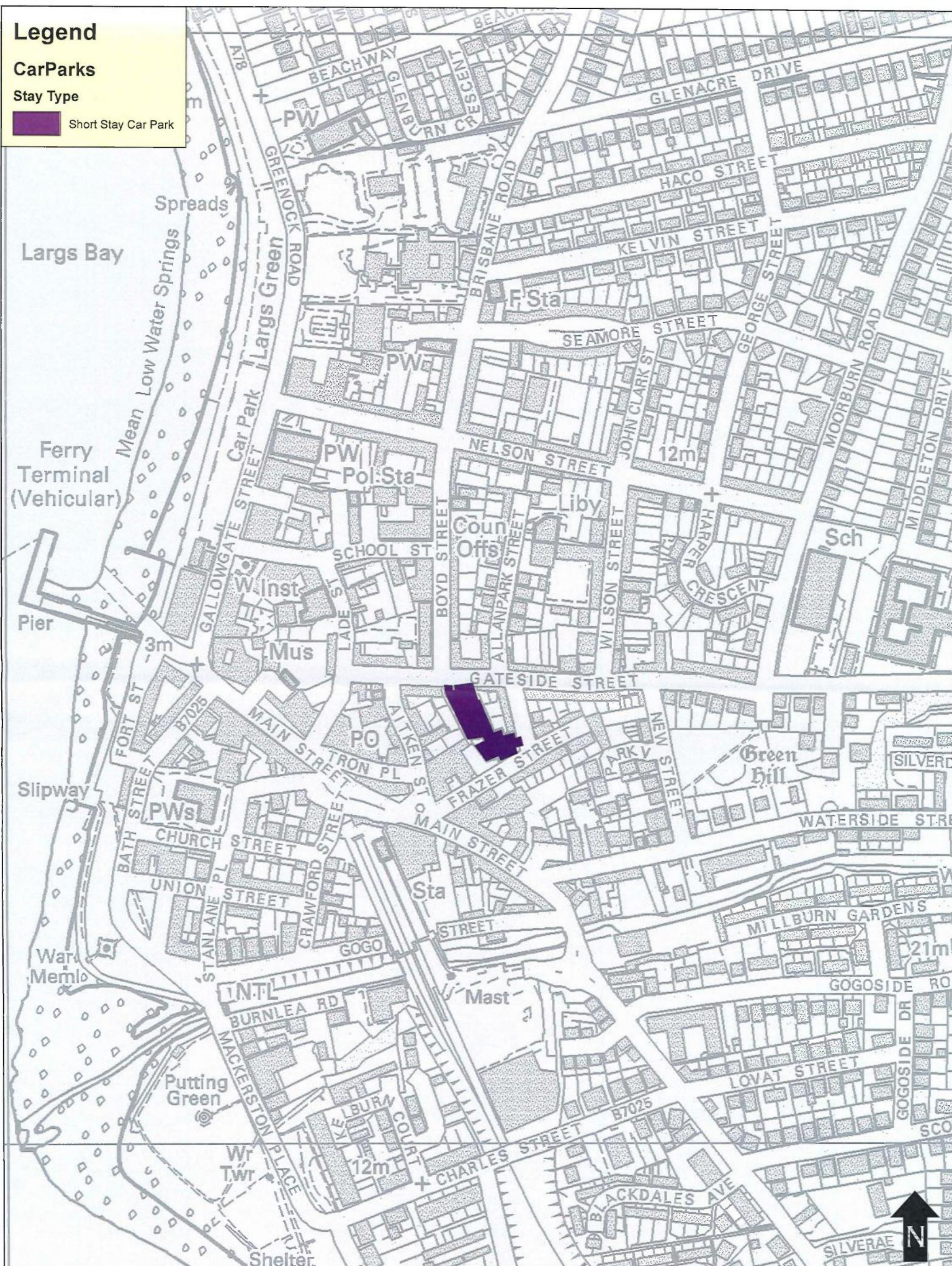
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| Scale: | 1:3,000 |
| Drawing No: | |

Legend

CarParks

Stay Type

 Short Stay Car Park



Title:

Largs
Traffic Orders
Long / Short Stay Car Parks

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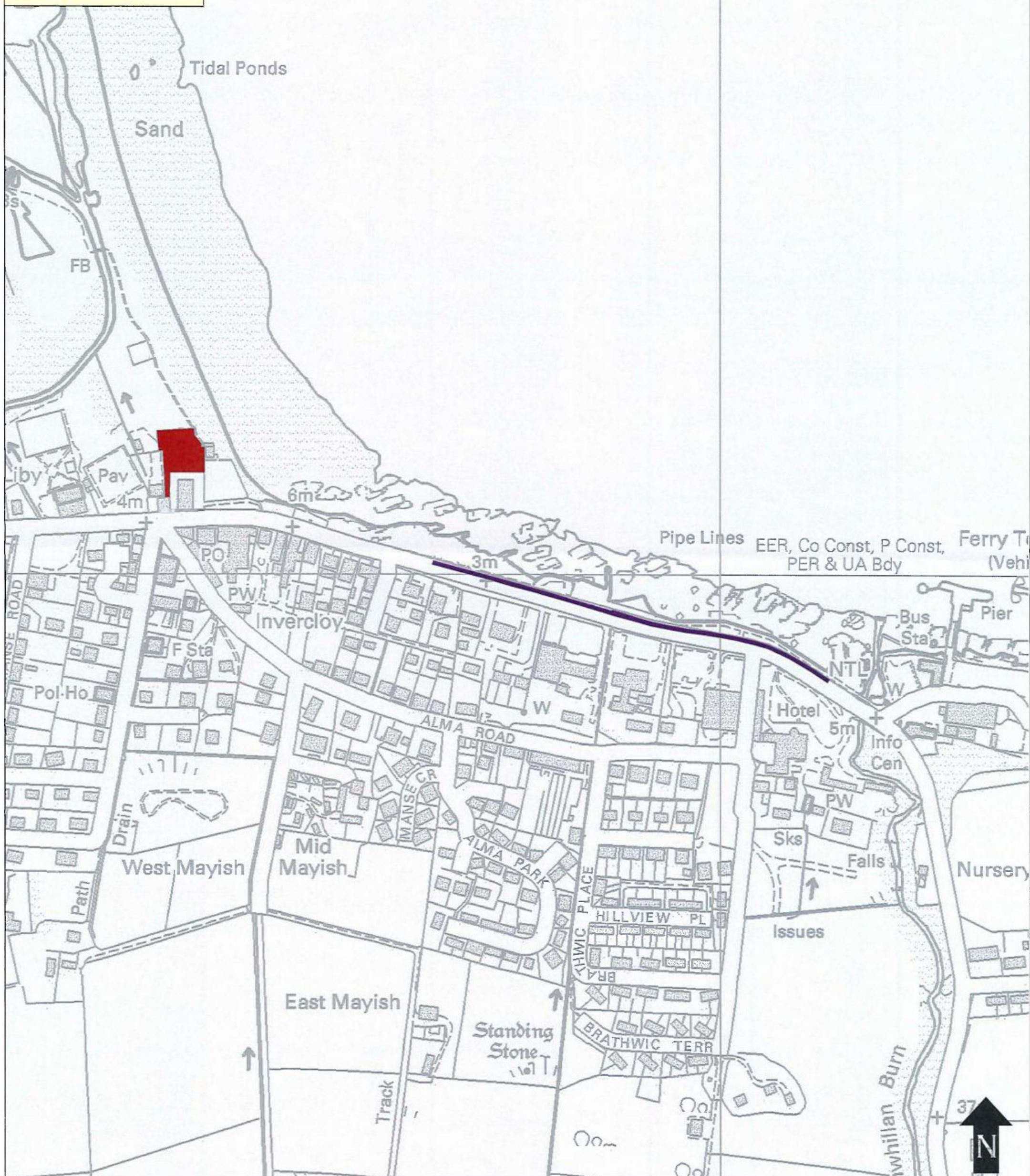
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CarParks

Stay Type

- Long Stay Car Park
- Short Stay Car Park



Title:

**Brodick
Traffic Orders
Long / Short Stay Car Parks**

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**NORTH AYRSHIRE
COUNCIL**
Commercial Services
Roads

Section: Asset Management

Date: 23 May 2019

Scale: 1:3,500

Drawing No:

NORTH AYRSHIRE COUNCIL

27 June 2019

Audit and Scrutiny Committee

Title: **Decriminalised Parking Enforcement and the Introduction of Car Parking Charges**

Purpose: To allow the Committee to consider a Call In Request in respect of the decision taken by Cabinet at its meeting on 11 June 2019 to introduce seasonal parking charges along Brodick Shorefront to meet the needs of tourists and visitors.

Recommendation: That the Committee considers the terms of the Call In and agrees, or otherwise, to make a recommendation to the Cabinet.

1. Executive Summary

- 1.1 In terms of the Scheme of Administration (Section 24), the Audit and Scrutiny Committee has a remit to consider Call in Requests and invite at least one of the Members who has requested the reference to Call In to attend the Committee to explain the request.
- 1.2 This report sets out the background to the Call In Request in respect of the decision taken by Cabinet at its meeting on 11 June 2019 in relation to the report on the decriminalised parking enforcement and the introduction of car parking charges.

2. Background

- 2.1 The Cabinet, at its meeting on 11 June 2019, considered a report on the decriminalised parking enforcement and the introduction of car parking charges.
- 2.2 A request was received in terms of the Call In procedure set out in the Council's Scheme of Administration and Standing Orders, that the Audit and Scrutiny Committee examine the decision taken by the Cabinet.
- 2.3 The Call In Request, which was signed by Councillors Billings, McMaster and Gurney is in the following terms:-

Reason for Call In

This Call In relates to section 2.23 of the Cabinet report and the map of Brodick contained within Appendix 1.

Brodick Car Parking

This call in relates to the proposed introduction of car parking charges to Brodick. This paper will show that the Brodick parking proposals are contrary to the Council's agreed Car Parking Strategy and will not achieve the supposed benefits of introducing parking charges as set out in the proposal.

As a reminder, the stated aims of the Car Parking Strategy are:

- Enhance and support local economies
- Improve traffic flows and reduce congestion
- Manage parking spaces to ensure adequate availability

The stated benefits of introducing parking charges are:

- Safer traffic conditions
- Improved safety for pedestrians and vulnerable groups
- Short stay is for shoppers, and long stay is for business community
- Reduced competition for road spaces
- Community will benefit from improved parking that will support the local economy

Brodick currently has a clear separation of parking, with the majority of the long stay parking happening close to the ferry, where people leave cars when visiting the mainland, and the majority of short stay parking is further along the shore road for people using the village facilities.

Parking is available at the ferry terminal, however, long stay overnight parking at the terminal is in the process of being stamped out as there are not enough parking spaces for the volume of traffic/parking required for day long journeys to the mainland. Consequently, Arran residents long stay parking is carried out predominantly along the sea front as this is the nearest available area. Free long stay parking is necessary for Island residents when using the ferry to access mainland based medical services, retail centres, onward travel destinations for trains and flights; as due to our Island geography there is often no choice but to travel to the mainland to gain access to services which most mainlanders take for granted.

With this geographical restriction on access to services in mind it is important to note that according to the Scottish Index of Multiple Deprivation (SIMD) approximately 44% of Arran's population live in data zones that are in the top 15% most access deprived in Scotland. Access being defined by SIMD as the measure of private vehicle and public transport drive times to GP surgeries, Post Offices, retail centres, schools and petrol stations and that's before we attempt to access services on the mainland!

This SIMD information and the Council's Fair for All strategy was to the forefront during the development of the Locality Priorities for Arran and consequently the priorities which emerged from community engagement are; transport, social isolation and housing. Lack of good public transport to service connections between all Arran's villages and the main town of Brodick being a major cause for concern due to lack of accessibility to basic services and a cause of social isolation for many islanders. Hence many islanders' reliance on the use of private vehicles and the need for free and accessible car parking as a requisite to quality of life on the island. The introduction of parking charges would impose an unnecessary extra layer of inequality on the islanders. Using public transport is not an option for many journeys and making parking more difficult within the main commercial centre on Arran will further deprive residents access to services. Isolation is one of the priority issues to address on Arran and making it harder to park will make this even worse.

In addition to the parking already mentioned, owners of businesses can park in areas behind their businesses, leaving on-street parking for customers. Lastly, on-road parking is supplemented with specific parking for the large Co-op, Arran Active, and the car park behind the small co-op.

There is an adequate supply of these different types of parking, that naturally separate themselves out because the ferry is at one end and the village facilities towards the other end, or businesses have their own customer parking.

The system works well with minimal issues of inappropriate parking, disruptions to traffic flow and people can get easily to where they want to go. This encourages people to park and stay within Brodick, supporting the shops and businesses along the front with no pressures about how long they are allowed to stay or fear of 'getting a ticket'.

The Isle of Arran is a place that people come to live and visit because it has a fundamentally different feel to the mainland. It is relaxed, easy-going with a holiday feel. This is what makes Arran special.

The introduction of parking charges will disrupt this status quo and has the potential for significant disruption to traffic flow, increased congestion, poor management of parking spaces, and will cause inconvenience to both residents and visitors, and will be detrimental to the economy making it harder for people to visit shops and other village facilities.

With free parking continuing to exist in close proximity to the charged parking spaces, parking behaviour will change leading to displacement parking. Affected areas will be the Douglas Hotel, large Co-op, Arran Active, Brodick medical centre, and in parking bays outside the row of small shops further along the front. In addition, the narrow roads behind the main street will see an increase in parking, and these roads don't have pavements.

The easy-going approach to life on Arran will be lost, and that feeling Arran has of being 'different' will be eroded.

There is no local support to these proposals, and it is clear that the proposals were written without any understanding of how the existing car parking is used, what effects the introduction of parking charges will have on peoples parking behaviour, and what the consequences of these changes will be on residents, businesses or visitors. The report makes sweeping assumptions about the benefits of parking charges whilst providing no evidence to back them up.

In the case of Arran, the Cabinet has made a mistake as this proposal is clearly in opposition to the stated and agreed aims of the Council. Therefore, the Audit and Scrutiny Committee should recommend that parking charges are not introduced on Arran, and that Arran is excluded from the Decriminalised Parking Enforcement proposals.

Discussion on Specific Benefits and Policy Aims

Disruption of the Status Quo – as has already been said, there is a natural distribution of longer and shorter-term parking that meets the needs of residents and visitors. Any introduction of parking charges will change people's behaviour displacing cars to where parking is free. This will lead to:

- Long term parking in front of shops and services
- Longer parking in free car parks, such as the Co-op, Arran Active and the public car park, leading to poorer turnover of parking, thereby making it harder for customers to park and use these facilities.
- Increased on-street parking along the opposite side of the shore road, where it will remain free, leading to congestion and disruption to traffic flow
- Increased on-street parking in rear residential streets, making it more difficult for traffic to navigate, and creating a hazard for pedestrians where there is no footpath on either side of the road.

It has been suggested that resident permits can be used, however, not every resident will get a permit for their car, some will not be able to afford it, some will make do with remaining free parking arrangements. Also, visitors looking for longer term parking will not be able to park along the front, moving them to spaces currently used as short-term parking.

Disruption to Traffic Flow – it has already been stated that currently there are limited occasions where traffic is disrupted due to inappropriate parking. With an increase in parking in areas that will continue to be free will:

- prevent residents from parking in their streets,
- create bottle necks along roads where having two-way traffic past parked cars is challenging,
- increase in cars going along side roads looking for free parking.

Poor Management of Parking Spaces – there is currently a good management of parking spaces. Introducing charging for one area of the front will move long stay parking towards what should be short stay parking, and short stay parking on to deregulated areas or private ground. Even if exemptions are allowed for some residents, there will be sufficient other drivers who will be affected by these changes.

Disruption to the Economy – Brodick is an important hub for trade, and is used by residents and visitors for shopping, attractions, restaurants and banking services. The current parking arrangements support all these commercial activities by providing free and accessible parking close to where people want to go. There is a good turnover of cars in front of shops, with longer term parking taking place along the front where there are more visitor attractions, and resident long-term parking at the ferry end.

Disruption to the current parking patterns that will displace parked cars will mean that people will no longer have easy access to where they want to go, thereby making visiting village facilities less attractive by clogging up parking spaces.

Decreased Community Benefits – Brodick currently has good availability of parking spaces located in areas that support the surrounding businesses and activities. This proposal will not increase the numbers of parking spaces and will force car drivers in to areas away from where they would naturally want to park. Almost half Arran's population already live in the most access deprived areas of Scotland. Using public transport for many trips is not an option, so making it harder to park in Brodick will increase the island's transport deprivation.

People want to come to live and visit Arran because, like other Scottish islands, there is a perception that they are places of refuge away from the hustle of the mainland. Creating parking restrictions and the subsequent chaos will chip away at that special feeling that Arran has, making it less attractive as a place to stay and visit. Once that specialness is lost it cannot be recovered, and people will go elsewhere. There are national policies encouraging people to living in the more remote areas of Scotland, so the introduction of parking charges is working against that policy.

Decreased Pedestrian Safety – all along Brodick's sea front road there are parking bays marked. Parking takes place within those bays. It is very uncommon to have parking on that road outside of a marked bay. However, there are other areas that could be used for parking, such as the other side of the road from the bays, but it just does not happen at the moment.

The roads running back from the sea front will have a few cars parked along them, mostly residents parking outside their homes. Many of these roads don't have any pavements and are only wide enough for one line of traffic, but with the minimal number of parked cars, and the roads normally used by residents there is little traffic along the roads.

When cars are displaced from the sea front parking in to alternative free parking spaces, there will be an increase in cars being parked on both sides of the shore road, and cars parked along residential streets. This will make it harder for pedestrians to cross the main road due to reduced sight lines, and along residential streets not only will there be more traffic, pedestrians will have to walk in the road to avoid the cars.

Reduced Enforcement of Parking Across the Island – the proposal is that North Ayrshire Council will take over control of all parking issues across Arran, not just in Brodick. Around the island there are car parks and parking areas that have controls in place. Currently, the police are able to act if there is a specific parking issue. They are resident on the island, and they have additional staff employed to cover the busier summer period.

A parking attendant whilst they may be able to come over to Arran from time to time will not be available on the island and will not be able to respond to specific issues as they arise. This will lead to a decrease in enforcement of parking issues at a time when they are likely to increase due to the new parking regulations being put in place.

Mitigation Actions

The proposal does include suggestions that are aimed to mitigate the adverse effects that will be seen from the introduction of parking charges. These include:

- Island resident parking permits
- All day charges for the 'short term' parking area (shown in green on the map)

These mitigating actions may reduce the impact of some elements of the proposal for some people. However, the majority of the adverse effects will not change, and will not prevent the significant changes to parking behaviour that will be seen.

Resident Parking Permits – it is suggested that they could be available so that residents could park for the longer term in the short-term parking. The proposal is silent on the possible cost of the permit or the cost of the longer-term parking. However, this will be a regressive tax on island living. Islanders don't have a choice when leaving the island; they have to use the ferry. If travelling as a foot passenger one can use the bus, however, they don't connect to all the ferries, are often very busy and not suitable for carrying large luggage, and for the majority of the island run every 3 hours or so, which does not allow passengers returning to the island to pop in to the Co-op on the way home. Therefore, there are a large number of islanders who park their cars, sometimes for days at a time, when visiting the mainland. Residents with cars will have no option but to purchase 'a resident parking permit if they want to be able to park within reasonable walking distance of the ferry terminal. This will hit those less able to pay most hard, such as those on low incomes and the elderly. If they cannot afford a parking permit, then those least able to walk the extra distance will be the ones having to park at the far end of the street. Hardly 'Fair for All', and would further increase the island's already high levels of access deprivation.

Long term parking in the short-term parking areas – if one does not have a resident parking permit, allowing people to park longer term all along the front does offer a solution that would enable everybody to park in that area. However, common sense would suggest that rather than pay say £5 for all day parking, one could walk another 100 meters and park for free in front of the shops, or in the Co-op or Arran Active's car park. This is not a viable solution as people will change behaviour if a free option is available close by.

Conclusion

It is clear that the parking proposals are not appropriate for introduction to Brodick, and the suggested mitigating factors will not address the adverse consequences of this proposal. The proposals work against the stated aims of the Council's Parking Policy, are contrary to the Council's priorities for Arran, will reduce fairness, and not only will the benefits suggested in the report not be achieved, the traffic situation will actually get worse.

Therefore, the Audit and Scrutiny Committee should recommend to the Cabinet that it is not appropriate to charge for parking in Brodick, and that the current system of parking and parking control for Arran should be retained.

Desired Outcome

Parking charges should not be introduced to Brodick.

Enforcement of parking on Arran should remain under the control of the police.

- 2.4 A copy of the original report presented to Cabinet on 11 June 2019 is attached as at Appendix 1 to the report. An updated briefing note has been provided by the Head of Service (Commercial) and is attached at Appendix 2.
- 2.5 The Call In Request is valid for consideration by the Committee. The request was received within the appropriate timescale, it was signed by three Elected Members and details were provided on both the reason for the Call In and the desired outcome.
- 2.6 The Elected Members who have submitted the Call In will be invited to address the Audit and Scrutiny Committee to explain the Call In Request. The appropriate Cabinet Member, accompanied by senior officers, will then be invited to clarify the reasons for the decision. The Committee will have an opportunity to ask questions of both parties and of those officers in attendance.
- 2.7 The Committee will then debate the Call In Request and decide whether or not it agrees with the decision of the Cabinet.

2.8 Where the Committee does not agree with the decision of the Cabinet, the matter will be referred to the next meeting of the Cabinet with recommendations from the Audit and Scrutiny Committee for alternative action. The Audit and Scrutiny Committee therefore has to:-

- i) decide if it agrees or not with the decision of the Cabinet; and
- ii) consider what alternative action the Committee would recommend to the Cabinet if it does not agree with the decision.

2.9 When the matter is considered by the Cabinet, the Chairperson or another member of the Audit and Scrutiny Committee will have the right to attend the Cabinet and speak in support of any recommendation.

2.10 In the event the Cabinet declines to accept the recommendation from the Audit and Scrutiny Committee, the matter will be referred to the next ordinary meeting of the Council for determination. The decision of the Council will be final.

3. Proposals

3.1 It is proposed that the Committee considers the Call In Request.

4. Implications/Socio-economic Duty

Financial

4.1 The financial implications are outlined in the Decriminalised Parking enforcement and the Introduction of Car Parking Charges report attached at Appendix 1.

Human Resources

4.2 The human resource implications are outlined in the Decriminalised Parking enforcement and the Introduction of Car Parking Charges report attached at Appendix 1.

Legal

4.3 The human resource implications are outlined in the Decriminalised Parking enforcement and the Introduction of Car Parking Charges report attached at Appendix 1.

Equality/Socio-economic

4.4 The equality/social-economic implications are outlined in the Decriminalised Parking enforcement and the Introduction of Car Parking Charges report attached at Appendix 1.

Environmental and Sustainability

4.5 The environmental and sustainability implications are outlined in the Decriminalised Parking enforcement and the Introduction of Car Parking Charges report attached at Appendix 1.

Key Priorities

4.6 The key priorities are outlined in the Decriminalised Parking enforcement and the Introduction of Car Parking Charges report attached at Appendix 1.

Community Benefits

4.7 The community benefits are outlined in the Decriminalised Parking enforcement and the Introduction of Car Parking Charges report attached at Appendix 1.

5. Consultation

5.1 No further consultation has been undertaken in compiling this report.

Craig Hatton
Chief Executive

For further information please contact **Angela Little, Committee Services Officer**, on **01294 324132**.

Background Papers

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NORTH AYRSHIRE COUNCIL

11 June 2019

Cabinet

Title: **Decriminalised Parking Enforcement and the Introduction of Car Parking Charges**

Purpose: To seek Cabinet approval to: (1) progress and submit an application to Scottish Government to introduce Decriminalised Parking Enforcement within North Ayrshire; and (2) introduce car parking charges at identified short stay car parks in Irvine, Kilwinning, Saltcoats, Largs and charges for on street parking at Brodick as detailed within Appendix 1.

Recommendation: Cabinet are asked to: (i) agree that an application seeking the introduction of Decriminalised Parking Enforcement across the North Ayrshire Council area will be finalised and submitted to Scottish Government; (ii) agree to the introduction of car parking charges at identified short stay car parks and identified on street parking at Brodick as detailed in Appendix 1; (iii) agree that a review of the current Town Centre Car Parking Strategy in support of proposals to introduce car parking charges will be carried out; (iv) note the proposed recruitment of a Car Parking Manager to progress the introduction of car parking charges and application for Decriminalised Parking Enforcement; (v) agree that there will be further engagement with local Ward members, to review existing parking restrictions, potential vehicle displacement and the introduction of resident parking permit schemes as appropriate; (vi) agree that officers will proceed with the necessary Traffic Regulation Orders required to introduce parking charges in the designated car parks, and on-street in Brodick; and (vii) note the next steps as outlined in paragraph 2.31 and agree to receive progress update reports as appropriate.

1. Executive Summary

1.1 Effective management of parking and the development of alternative travel modes are central aspects within the development of economic and environmentally sustainable town centres. The Council's agreed Town Centre Car Parking Strategy sets out to:

- Enhance and support local economies;
- Improve traffic flows and reduce congestion;
- Manage parking spaces to ensure adequate availability and the prioritisation of prime spaces;

- Reduce carbon emissions and improve air quality; and
 - Promote alternative modes of travel.
- 1.2 At its Budget setting meeting on 28 February 2018 North Ayrshire Council agreed to develop the introduction of Decriminalised Parking Enforcement (DPE) and the introduction of car parking charges.
 - 1.3 A previous project undertaken in 2011/12 identified that the introduction of DPE was not financially viable on its own and would require to be supported by the introduction of car parking charges. Consequently, the introduction of DPE was not taken forward at that time.
 - 1.4 Parking offences in North Ayrshire are therefore still a criminal offence and any violation of parking restrictions are only enforceable by Police Scotland. The Road Traffic Act 1991 permits local authorities to apply for the legal powers to take over the enforcement of on-street, as well as off-street, car parking regulations from Police Scotland. In areas where DPE has been granted parking offences become civil offences enforceable by the local authority.
 - 1.5 A Project Steering Group, comprising of officers from Roads, Economy & Communities, Legal, Finance, Communications and Customer Services was established to oversee and co-ordinate the development of a proposal to introduce car parking charges and to introduce DPE. The Steering Group has met with Transport Scotland's Policy Section who have provided guidance on the statutory process the Council requires to follow to apply for DPE powers. Feasibility studies for the introduction of car parking charges and DPE have been undertaken and reports on their outcomes prepared which have informed the proposals in this paper.

2. Background

- 2.1 Since the withdrawal of the Traffic Warden Service by the Police in 2012, the enforcement of parking violations has reduced significantly and is now generally only undertaken by the Police in response to complaints or issues of obstructive parking. This has led to a significant increase in visible parking violations and poor parking behaviours and an increase in complaints to the Council who are currently powerless to take any enforcement action.
- 2.2 The Town Centre Parking Strategy (July 2014) was developed to ensure a consistent and coherent approach to parking which enhances and supports the local economy. This identified the need to manage the availability of parking through the introduction of short stay parking in selected car parks in Irvine, Kilwinning and Saltcoats. This aimed to increase the turnover of spaces to ensure adequate provision of parking spaces and support town centre activities.
- 2.3 This was introduced on a voluntary basis in November 2016 in the five selected car parks listed below. This approach aimed to provide the opportunity for the Council to encourage good practice and change parking behaviour without introducing enforcement measures. It was implemented through the installation of signage stating "Short stay parking only, maximum stay three hours" at the following locations:
 - Bridgegate, Irvine;

- Kirkgate, Irvine;
- Oxenward East, Kilwinning;
- Oxenward West, Kilwinning; and
- Vernon Street, Saltcoats.

As the introduction of the short stay parking limit was advisory, it relied on user compliance with the signage. Surveys of car park usage established that this had some initial success in terms of compliance including a desired increase in the turnover of vehicles and in the numbers visiting per day. Subsequent surveys later established that without enforcement, compliance and associated improvements had declined. This approach has therefore not achieved the required change in parking behaviour. To ensure compliance with short stay parking restrictions and generate the desired turnover of available parking spaces in our town centres to support town centre activities, enforcement is required.

2.4 Decriminalised Parking Enforcement (DPE) is a regime which enables the local authority to administer parking penalties, including the issuing of Penalty Charge Notices (PCNs) to vehicles. In areas with DPE, stationary traffic offences cease to be criminal offences enforced by the Police and instead become civil penalties enforced by the local authority. Local authorities retain the income from penalty charges from on and off-street parking offences. Any surpluses are used firstly for the provision and maintenance of off-street parking facilities and secondly for road improvement and public transport purposes in the local authority area.

2.5 Currently 21 out of 32 local authorities in Scotland have put DPE in place. The main benefits of acquiring parking enforcement powers are:

- A co-ordinated parking enforcement service will be established;
- Compliance levels will improve;
- Overall improved environmental conditions including safer traffic conditions, and less pollution due to better traffic circulation;
- Parking enforcement would become more locally accountable, consistent and adaptable to local needs;
- Enhanced levels of enforcement for future parking controls:
 - (i) to tackle indiscriminate parking near schools;
 - (ii) for residents parking schemes; and
 - (iii) for disabled parking bays
- Support for public transport and active travel initiatives through encouragement to consider alternatives to the private car;
- Improved safety for pedestrians and vulnerable groups;
- Enhanced turnover of parking in town centres to provide more short stay parking opportunities for shoppers, service users and long stay parking for the business community;
- Improved conditions for servicing (i.e. delivery vehicles), particularly through reduced competition for road space.

2.6 While the principal objective of introducing DPE in North Ayrshire is to improve compliance with parking regulations and the efficiency of the parking operation a Business Case previously developed in 2011/12 found that DPE would not be financially viable without the support of introducing car parking charges and the proposal was therefore not taken forward at that time.

- 2.7 The proposed introduction of car parking charges along with DPE will ensure a consistent and coherent approach to parking that meets the objectives of the Town Centre Car Parking Strategy in managing prime town centre parking spaces to ensure there is a turnover of sufficient parking spaces. The Council's car parking strategy does not currently support either off street or on street car parking charges. It is recognised that there are significant drivers for a change to this policy to ensure that it continues to meet the identified objectives. These include: increasing parking pressure within town centres; increasing reliance on cars for everyday journeys; decreasing patronage on public transport; ensuring that ongoing enforcement is economically viable; and reducing revenue budgets for the management and maintenance of car parks. The Strategy will therefore require to be reviewed and amended should Cabinet approve this proposal. It is also noted that the recent consultation on the forthcoming Transport Bill proposed the introduction of powers in relation to double and pavement parking for local authorities for which enforcement arrangements may be required.
- 2.8 While the previous study into the introduction of DPE proved not to be financially viable on its own, further work has now recently been undertaken which confirms the introduction of car parking charges together with DPE could potentially generate a net income stream of approximately £350,000 per annum. The income generated from penalty charges from on and off-street parking violations must be retained to finance the operation, enforcement and adjudication of the DPE regime. Car parking income should firstly be used to manage and maintain the car park infrastructure and enforcement, thereafter any surpluses can be used for other Council initiatives, for example road improvements, road safety projects or active travel schemes.
- 2.9 To obtain DPE powers the Council must follow a statutory process and make an application to Scottish Government. Transport Scotland assesses DPE applications on behalf of Scottish Ministers. Provided Ministers are content, Scottish Statutory Instruments are then drafted which will decriminalise parking offences and allow the local authority to take over enforcement from the Police. The process for applying for DPE can take up to 18 months and is set out as follows:
- Local authority undertakes DPE feasibility study (draft study completed)
 - Local authority prepares draft application
 - Local authority consults locally on draft proposals
 - Local authority submits draft application to Transport Scotland
 - Transport Scotland replies to local authority with comments, and begins to prepare the necessary Scottish Statutory Instruments (SSIs)
 - Local authority reviews comments and submits final application to Transport Scotland
 - Transport Scotland considers final application, and finalises SSIs
 - Subject to Ministerial approval, Transport Scotland consults on draft SSIs
 - Transport Scotland notifies Ministers of the consultation outcome and finalises SSIs
 - Subject to Ministerial approval, SSIs are made and laid before the Scottish Parliament
 - Provided there are no objections raised, SSIs come into force
- 2.10 A Project Steering Group was established, and officers met with Transport Scotland's Policy Officer last year to discuss the process for obtaining DPE powers.
- 2.11 The Project Steering Group set up a working group to progress operational matters concerning the introduction of DPE and Car Parking Charges. Due to limited in-house

resources, specialist expertise was obtained from our Framework Consultant RPS to provide feasibility reports into the Introduction of DPE and Car Parking Charges.

- 2.12 A financial assessment of introducing DPE has identified options for in-house and external operation of a DPE regime within the North Ayrshire area. The financial models show that DPE on its own is not financially viable, with in house operation of the controls costing an estimated £121,000 per annum net, after income from penalty charges.
- 2.13 A financial assessment of introducing car parking charges in our car parks has also been carried out to identify the expected cost of necessary infrastructure, management and operational running requirements. Furthermore, the assessment also identifies:
- a range of charging times and differing tariffs.
 - recommendations on which off-street car parks should be included within the charging scheme, considering potential revenue generated, enforcement requirements, location, infrastructure costs and maintenance.
 - full financial assessment of the introduction of car parking charges
- 2.14 On reviewing the feasibility assessments, local circumstances and taking account of the Council's current Town Centre Car Parking Strategy, a 'one size fits all' approach is not appropriate. Each town and village has been considered and each has a unique infrastructure and usage pattern. No two towns have the same traffic flow conditions. In addition, we require to assess the impact of the Dalry bypass on traffic in the Garnock Valley.
- 2.15 It is therefore not considered appropriate to introduce car parking charges at the current time within Skelmorlie, West Kilbride, Fairlie, Millport, Lochranza, Lamlash, Whiting Bay (and other villages on Arran – with exception of Brodick), Ardrossan, Stevenston, Beith, Kilbirnie, Dalry, Barmill, Glengarnock, Dreghorn or Springside. Whilst it is not proposed to introduce car parking charges at these towns and villages at the current time the introduction of DPE powers will facilitate the control of parking behaviour within all towns and villages through the enforcement of existing on street parking waiting restrictions. This will improve existing parking behaviour and create an increased availability of town centre parking for those wishing to visit the town and village centres for a few hours or less. Whilst it is not intended to introduce car parking charges within these towns and villages at this time, this will be kept under review to monitor the effectiveness of the introduction of DPE powers. Existing on street parking restrictions and local needs will also continue to be monitored with local Ward Elected Members going forward to identify any required amendments to existing controls.
- 2.16 It is recommended at this time that car parking charges be introduced at the identified short stay car parks in Irvine, Kilwinning, Saltcoats and Largs, and for on street parking at Brodick as shown in Appendix 1. Free parking will however be retained in all other car parks. This approach will ensure the provision of parking spaces to support town centre activities and achieve the Parking Strategy objectives.

Irvine

- 2.17 In Irvine consideration was given to the specific traffic dynamics of the town and current parking behaviour. There is regularly a lack of available short stay parking within the town centre and on street parking restrictions are not being adhered to. There is however parking available at a number of locations. It is proposed to introduce parking charges in 3 town centre car parks at Kirkgate, West Road and East Road. This equates

to approximately 10% of the available parking within the Town, therefore the majority of parking will remain free of charge. Current on street restrictions will also be enforced via DPE powers to ensure the appropriate use of all available parking. Officers will meet with Irvine Ward Members to agree local needs, including a review of current on street parking restrictions and the need for Resident Parking Permits as a result of displacement following the introduction of car parking charges and introduction of DPE controls. These controls will contribute to an increased availability of town centre parking spaces for use by visitors to the numerous town centre businesses and facilities whilst the retention of free long stay parking will be available for those wishing to visit all day or to park whilst at work, whilst also meeting the needs of town centre residents.

Kilwinning

- 2.18 Kilwinning has unique circumstances with very limited town centre on street parking, a busy college and a restricted vehicular access to the Main Street. Whilst existing car parks at Oxenward are designated as voluntary short stay car parks, these provisions are not being adhered to. All these factors contribute to a lack of available short stay parking spaces to service the town centre. There are also several residential properties within the town centre. It is proposed to introduce car parking charges in 2 car parks, these being at Almswall Road and one of the car parks at Oxenward, with the remaining Oxenward car park being designated as a free long stay car park. Free short stay parking (up to 1 hour) will also be provided at Oxenward. Officers will meet with Kilwinning Ward Members to agree local needs, including a review and agreement of the most suitable car park to charge in at Oxenward, agree the specifics of the introduction of some free short stay (up to 1 hour) parking, and review the need for Resident Parking Permits. These controls will contribute to an increased availability of town centre parking spaces for use by visitors to the numerous town centre businesses and facilities whilst the retention of free long stay parking will be available for those wishing to visit all day or to park whilst at work, whilst also meeting the needs of town centre residents.

Saltcoats

- 2.19 The town centre car parks within Saltcoats are well used and tend to be subject to all day parking which reduces the availability of car parking spaces for visitors wishing to spend a few hours or less in the centre. There is regularly a lack of available short stay parking within the town centre and on street parking restrictions are not being adhered to. There is however parking available at several locations. It is therefore proposed to introduce short stay car parking charges in the car parks at Vernon Street, Bradshaw Street, Windmill Street and Kirkgate. Current on street restrictions will also be enforced via DPE powers to ensure the appropriate use of all available parking. Officers will meet with Saltcoats Ward Members to agree local needs, including a review of current on street parking restrictions and the need for Resident Parking Permits as a result of displacement following the introduction of car parking charges and introduction of DPE controls. These controls will contribute to an increased availability of town centre parking spaces for use by visitors to the numerous town centre businesses and facilities whilst the retention of free long stay parking will be available for those wishing to visit all day or to park whilst at work, whilst also meeting the needs of town centre residents.

Largs

- 2.20 A review of current parking behaviour and traffic flow within Largs confirms the town is extremely busy and particularly at weekends. Currently there are local arrangements in place to assist with the management of available parking spaces during busy summer weekends through the introduction of parking marshals. The marshals do not have any

enforcement powers but have been successful in assisting drivers in locating available parking within the town. The Largs shorefront car park is well used and is currently operated on a pay and display basis. There is regularly a lack of available short stay parking within the town centre as existing on street parking restrictions are not being adhered to. It is proposed to introduce short stay parking charges in Gateside Street car park. With the introduction of DPE powers the existing on-street parking restrictions will also be better controlled to create a turnover of town centre parking spaces. Officers will meet with North Coast Ward Members to agree local needs, including a review of on street restrictions and the need for Resident Parking Permits following the introduction of car parking charges and DPE controls.

- 2.21 Within Largs, an opportunity has also become available to negotiate the purchase of an area of land adjacent to Bellman's Close. A business case has been developed to assess the financial viability of purchasing the site to operate as a fee-paying car park which has identified an anticipated 3.5 years payback period on the initial investment. Officers are currently pursuing the purchase of this ground which will be operated as a "Pay and Display" car park and will assist in the provision of 15 car parking spaces within the town centre.
- 2.22 Where future opportunities are identified for the provision of new additional parking in other towns or villages, these will be considered on a self-financing basis. A business case will be developed for each location being considered to review costs and potential payback period for the required investment. Income to offset costs will be generated from the introduction of car parking charges on any identified sites.

Brodick

- 2.23 The Island of Arran is a well visited tourist destination and attracts a number of cars and other vehicles, particularly since the introduction of the Road Equivalent Tariff (RET). The existing on street parking available at Brodick shorefront is well used by both visitors and residents of the island. It is proposed to introduce seasonal parking charges along Brodick Shorefront to meet the needs of tourists and visitors. Officers will also meet with Ward Members to discuss local needs including the introduction of an Islander Parking Permit scheme for the Brodick shorefront on street parking area where an "all-day" tariff will also be considered and introduced. It is anticipated this will provide for enhanced turnover of vehicles parked on the shorefront whilst still facilitating island resident parking needs when choosing to leave their cars on the island whilst visiting the mainland.
- 2.24 The proposed short stay parking tariff will be introduced between 9:00am and 5:00pm Monday to Friday. Parking charges will be introduced 7 days a week in Largs and Brodick due to high visitor numbers at weekends. Charging in Brodick to be seasonal from April to October and will include an all-day parking tariff. Free parking will be retained for Blue Badge Holders in all car parks. Location plans of the proposed locations where car parking charges are to be introduced are shown in Appendix 1. The suggested tariffs are:

| Proposed Tariff | |
|-----------------|---------------|
| Time (Mins) | Short Stay |
| 60 | £1.00 |
| 120 | £1.50 |
| 240 | £3.00 |
| All Day | Not Permitted |

Whilst the proposed introduction of car parking charges at identified locations, together with the introduction of DPE powers, will facilitate several benefits, an income will also be generated. Based on the above suggested tariff being introduced, an annual gross income of approximately £471,000 is predicted. It is estimated that the annual revenue costs associated with the introduction of DPE will be £121,000 per year. These costs will be offset against the predicted income from car parking charges, therefore the potential net income is estimated to be £350,000 per year.

- 2.25 The financial assessments show that outsourcing the operation of the DPE regime is the most economical model, however this option comes with its risks. The Council would be required to control and monitor the contractor, in certain areas overzealous enforcement has been reputationally damaging and the contractor's commercial strategy may not align with the Council's wider corporate objectives. Consequently, it is recommended that enforcement is retained in-house, together with the requirement for the administration and processing of PCNs.
- 2.26 To implement and manage the DPE and car parking charges regime additional management and enforcement staff will be required. It is considered that the Council will require to create the positions of a new Parking Manager who would be supported by an enforcement team comprising a 1 Supervising Parking Attendant and 5.7 FTE Parking Attendants. This will enable 130 hours of on and off-street enforcement. Shift working will be required for the Parking Attendants to ensure enforcement can be delivered over the full week across North Ayrshire.
- 2.27 It should be noted that both East Ayrshire and South Ayrshire Councils operate a DPE regime. East Ayrshire Council have recently completed a review of parking within their area. They currently only apply parking charges in Kilmarnock from which they generated an income of £1.273 million in 2017/18. They have recently approved an increase in the parking charges to £1 per hour to a maximum of £5 in their long stay car parks and discarded their existing short stay car parks and introduction of an £8 tariff for all day parking in their existing short stay car parks. East Ayrshire are also considering the introduction of parking charges on Saturdays and extending the car parking charges into other towns. South Ayrshire currently only charge for parking in Ayr but are considering extending charging into Prestwick and Troon.
- 2.28 It will be necessary to introduce car parking charges at the same time as DPE powers as the income required from car parking charges is essential to make the introduction of DPE viable. The statutory process for DPE will take an anticipated 18 months. It is not considered appropriate to introduce car parking charges before DPE powers are available. The parking enforcement powers are essential to ensure the control of displacement of cars on to adjacent streets and any increase in poor parking practices. It is therefore considered appropriate to introduce DPE and car parking charges at the same time. It is also hoped that the nominal fee structure will encourage the use of the short stay facilities by shoppers and visitors, whilst the long stay parking will be available for those working in our town centres.

2.29 An exercise is also necessary to review our existing restrictions and Traffic Regulation Orders and to ensure existing road markings and sign plates are compliant to enable enforcement of on street parking restrictions. Car park directional signage will also be reviewed and further improved as necessary within towns.

2.30 Displacement of vehicles from car parks and by controlling existing on street parking restriction compliance will potentially result in a number of requests for Resident Parking Permit schemes to be introduced to combat indiscriminate parking in residential locations close to the town centres. Resident parking schemes will therefore require to be designed. It is also likely that there will be an increase in on street parking when charging is first introduced, however this will reduce, as acceptance of the charging regime grows. Meetings will be held to consider parking restrictions to control displacement into residential streets close to the town centres. Officers will meet local Elected Members on a Ward basis to review local circumstances.

2.31 The next stages in the process are:

- Submit draft application for DPE to Transport Scotland
- Recruitment of a Parking Manager
- Meet local Ward Members to review local circumstances
- Undertake review and consolidation of Traffic Regulation Orders
- Submit finalised application for DPE to Scottish Government
- Promote the Traffic Regulation Order to enable charging in our off-street car parks
- Promote the Traffic Regulation Order to enable charge on-street in Brodick
- Consider any objections to the Traffic Regulation Orders
- Review options for back office and administrative support
- Consultation and engagement
- Review of cashless technology for parking charges
- Procurement of car parking charges infrastructure
- Installation of car park charging infrastructure
- Recruitment of enforcement staff and back office support

2.32 In order to progress this project it is recommended that the recruitment of the necessary Parking Manager required to manage the DPE regime and charging within our car parks is now progressed.

3. Proposals

3.1 It is proposed Cabinet agree that an application seeking the introduction of Decriminalised Parking Enforcement across the North Ayrshire Council area will be finalised and submitted to Scottish Government

3.2 It is proposed Cabinet agree to the introduction of car parking charges at identified short stay car parks and identified on street parking at Brodick as detailed in Appendix 1.

3.3 It is proposed Cabinet agree that a review of the current Town Centre Car Parking Strategy in support of proposals to introduce car parking charges will be carried out.

- 3.4 It is proposed Cabinet notes the proposed recruitment of a Car Parking Manager to progress the introduction of car parking charges and application for Decriminalised Parking Enforcement.
- 3.5 It is proposed Cabinet agree that there will be further engagement with local Ward members, to review existing parking restrictions, potential vehicle displacement and the introduction of resident parking permit schemes as appropriate.
- 3.6 It is proposed Cabinet agree that officers will proceed with the necessary Traffic Regulation Orders required to introduce parking charges in the designated car parks, and on-street in Brodick.
- 3.7 It is proposed Cabinet notes the next steps as outlined in paragraph 2.31 and agree to receive progress update reports as appropriate

4. Implications/Socio-economic Duty

| | |
|-------------------------|--|
| Financial: | It is estimated that the annual revenue costs associated with the introduction of DPE will be £121,000 per year. These costs will be offset against a predicted income of £471,000 by introducing car parking charges in our short stay car parks and on-street in Brodick, therefore the potential net income is estimated to be £350,000 per year. Costs associated with land purchase at the available site in Largs at Bellman's Close and associated pay and display infrastructure will be met from the existing General Fund Capital Programme. |
| Human Resources: | The introduction of DPE and Car Parking Charges will require the creation of a new Parking Manager supported by a number of Enforcement Officers. |

| | |
|--|---|
| Legal: | Legislation contained in The Road Traffic Act 1991 enables local authorities to decriminalise parking offences and allows local authorities to introduce their own parking penalty regime. A Traffic Regulation Order will be required to consolidate our on-street parking restrictions and a Traffic Regulation Order will be required to introduce parking charges in our car parks. Any further on street parking restrictions will also require a Traffic Regulation Order to be approved. |
| Equality/Socio-economic Duty: | Improved car parking opportunities and better management of parking would improve accessibility to town centres for all. |
| Children and Young People: | Enhanced levels of enforcement will contribute to improvements in road safety. |
| Environmental & Sustainability: | The introduction of DPE and car parking charges supports improved environmental conditions, including improved traffic management and safer traffic conditions. Reduced pollution due to less illegal parking and better circulation of traffic and increased attractiveness of sustainable travel across North Ayrshire, which could result in increased use of public transport and reduced travel by car will reduce carbon emissions and improve air quality. |
| Key Priorities: | The introduction of DPE and car parking charges will contribute to the Council's key priorities contained in the draft new Council Plan relating to growing our economy, increasing employment and regenerating towns through the creation of improved turn over in parking spaces in town centres and new and improved opportunities for sustainable and active travel to key employment areas, town centres, services and local attractions. |
| Community Benefits: | Improved availability of car parking enhances and supports town centre economy. |

5. Consultation

- 5.1 The Policy Advisory Panel were consulted on the proposals at a Special Advisory Panel Meeting held on 29 May 2019.
- 5.2 Consultation with key stakeholders and businesses will be necessary as part of the statutory process of applying for DPE.

- 5.3 Engagement with local Elected Members on a ward basis will be carried out to review existing parking restrictions, potential vehicle displacement and the introduction of resident parking permit schemes as part of the introduction of car parking charges and DPE controls.

RUSSELL McCUTCHEON
Head of Commercial Services

For further information please contact **Campbell Dempster, Senior Manager (Network)**, on **01294 324845**.

Background Papers

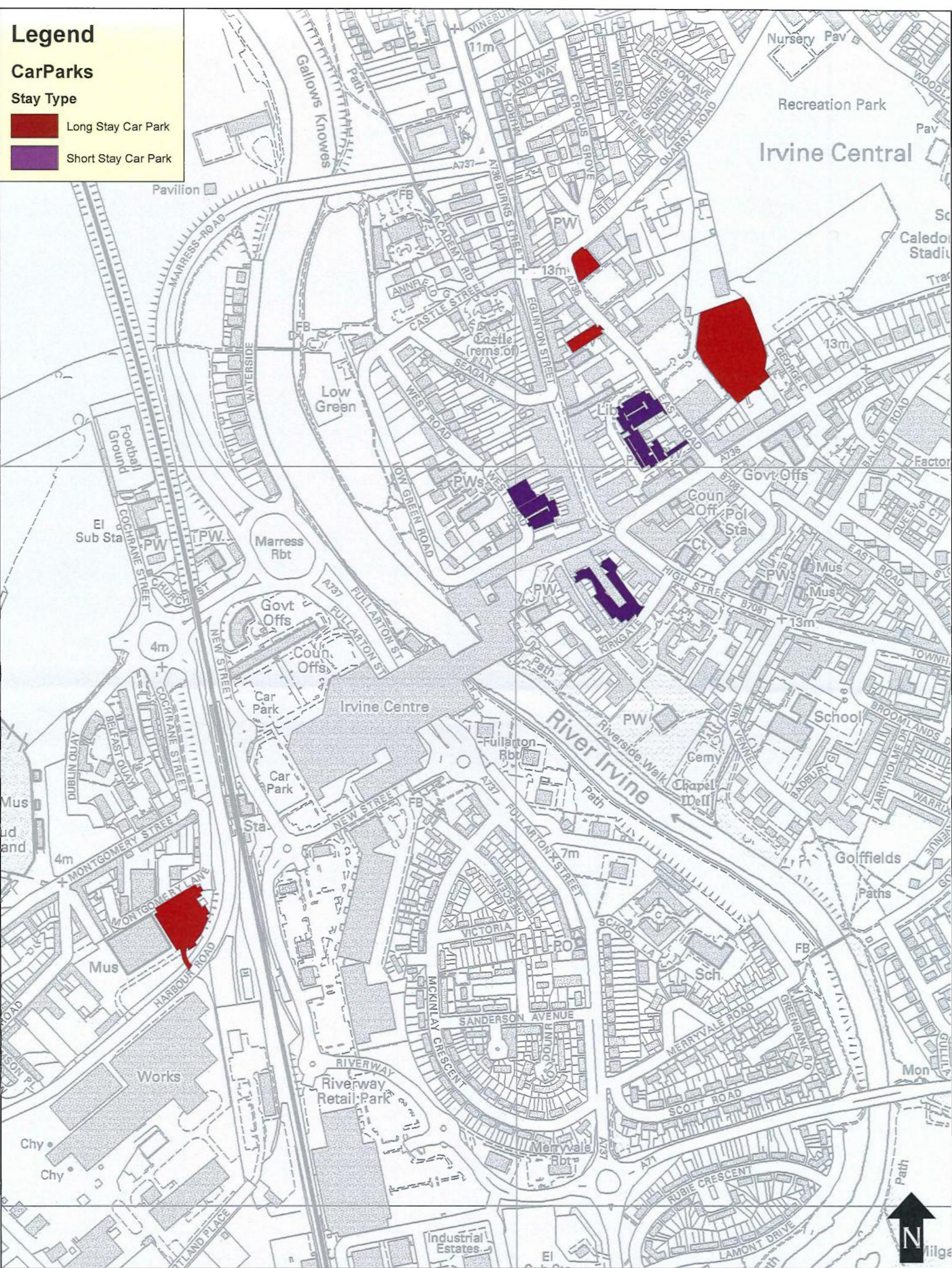
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Legend

CarParks

Stay Type

- Long Stay Car Park
- Short Stay Car Park



Irvine
Traffic Orders
Long / Short Stay Car Parks

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| Date: | 23 May 2019 |
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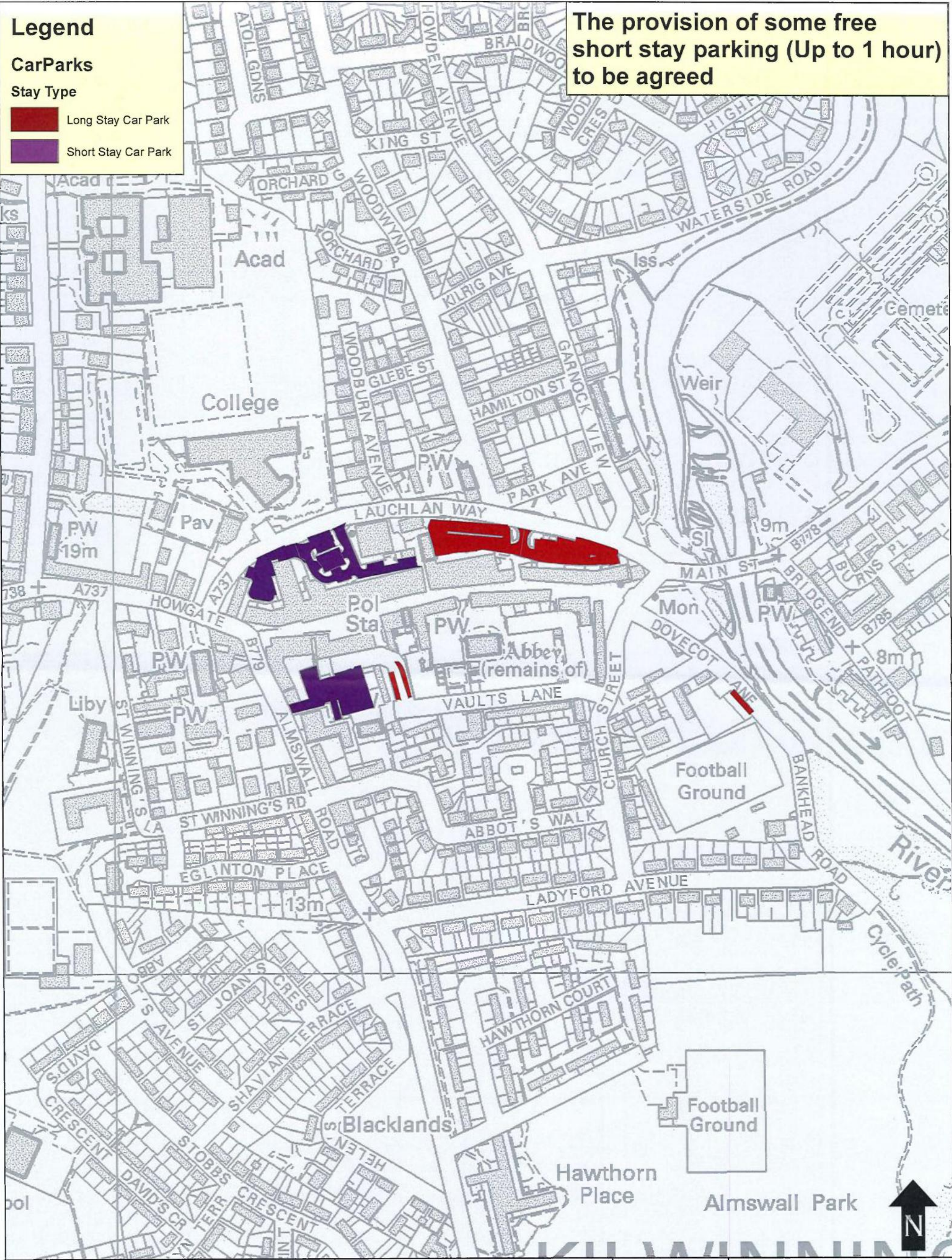
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CarParks

Stay Type

- Long Stay Car Park
- Short Stay Car Park

The provision of some free short stay parking (Up to 1 hour) to be agreed



Title:
Kilwinning
Traffic Orders
Long / Short Stay Car Parks

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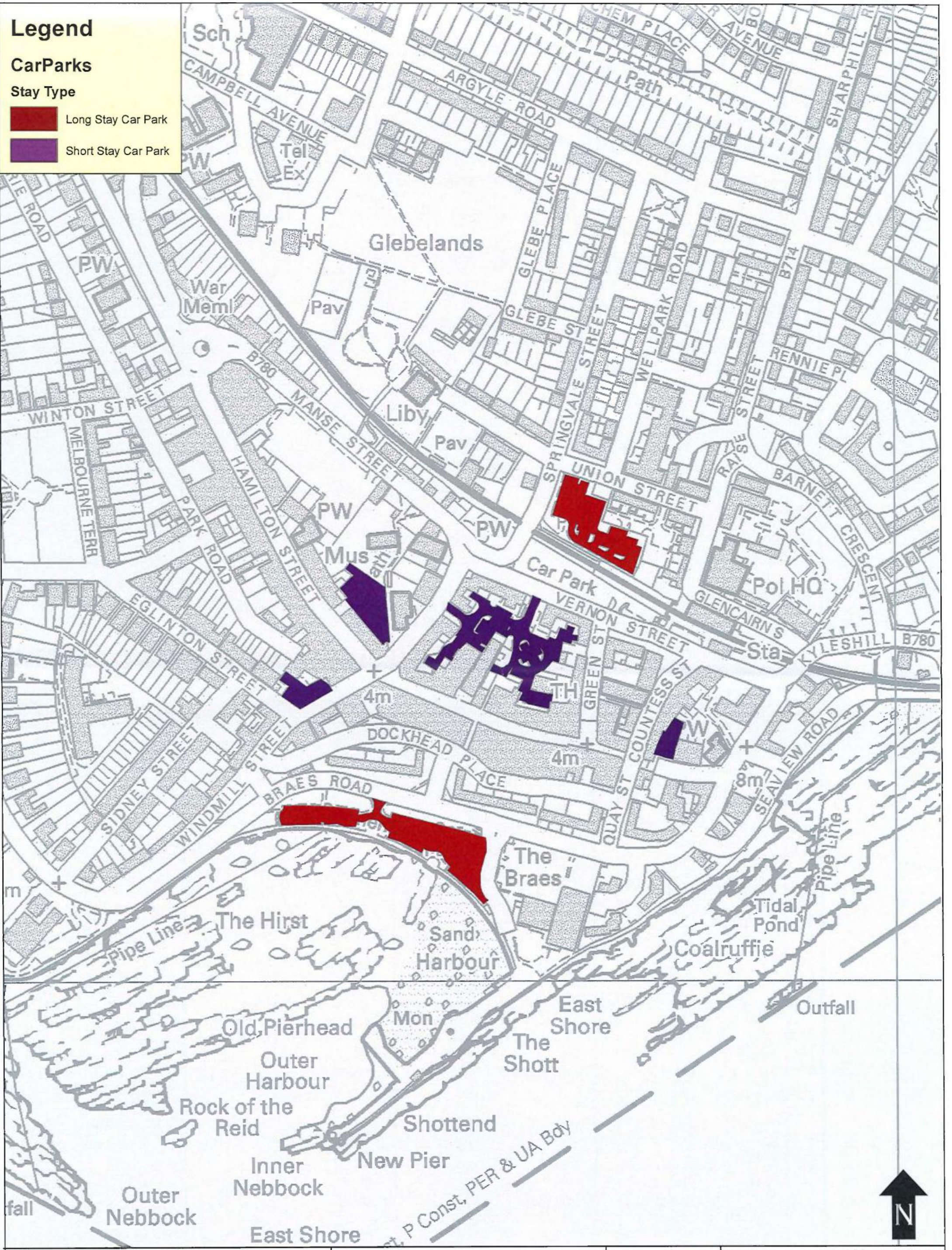
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| Section: | Asset Management |
| Date: | 23 May 2019 |
| Scale: | 1:3,000 |
| Drawing No: | |

Legend

CarParks

Stay Type

- Long Stay Car Park
- Short Stay Car Park



Title:
Saltcoats
Traffic Orders
Long / Short Stay Car Parks

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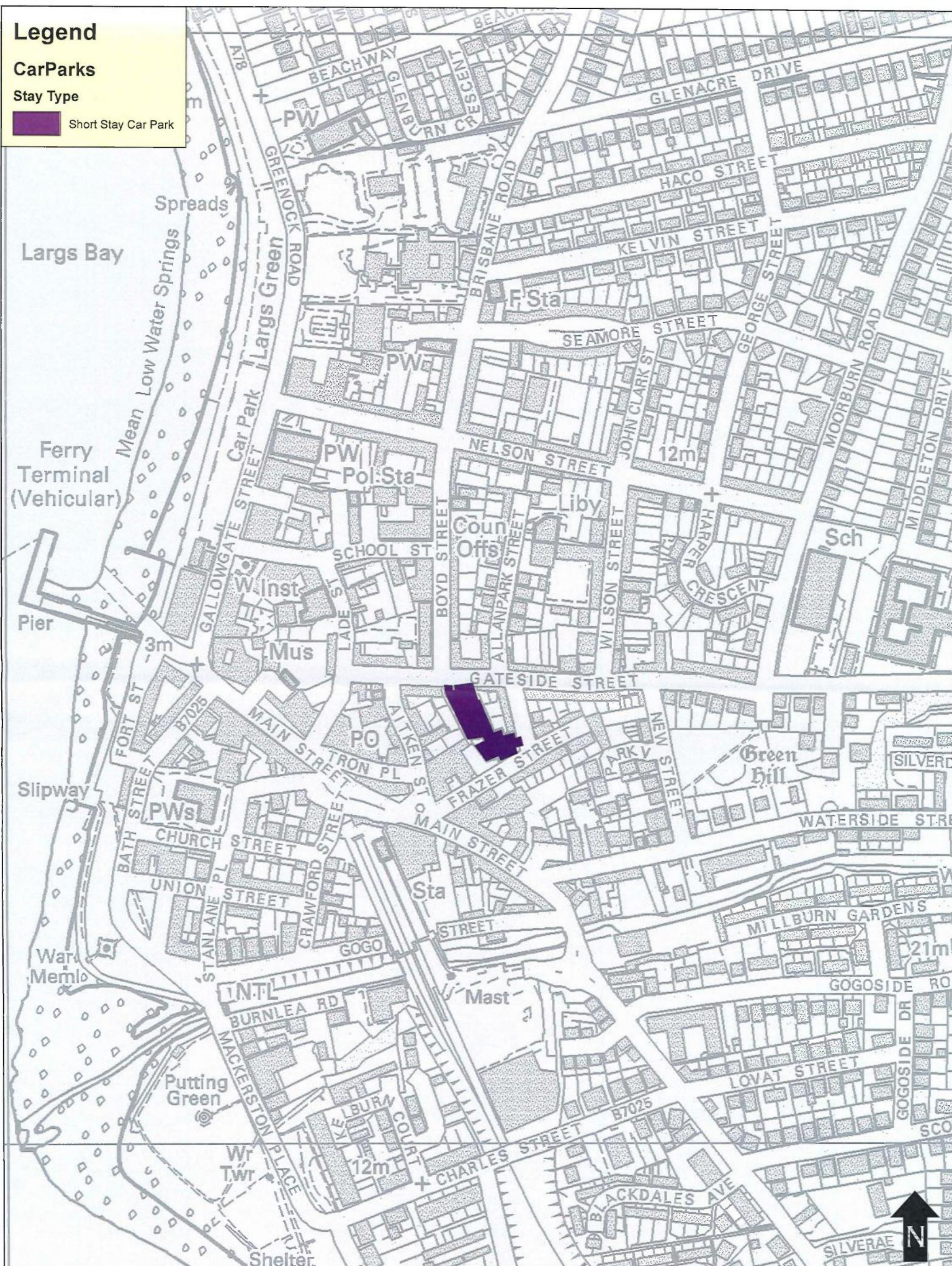
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| Section: | Asset Management |
| Date: | 23 May 2019 |
| Scale: | 1:3,000 |
| Drawing No: | |

Legend

CarParks

Stay Type

 Short Stay Car Park



Title:
Largs
Traffic Orders
Long / Short Stay Car Parks

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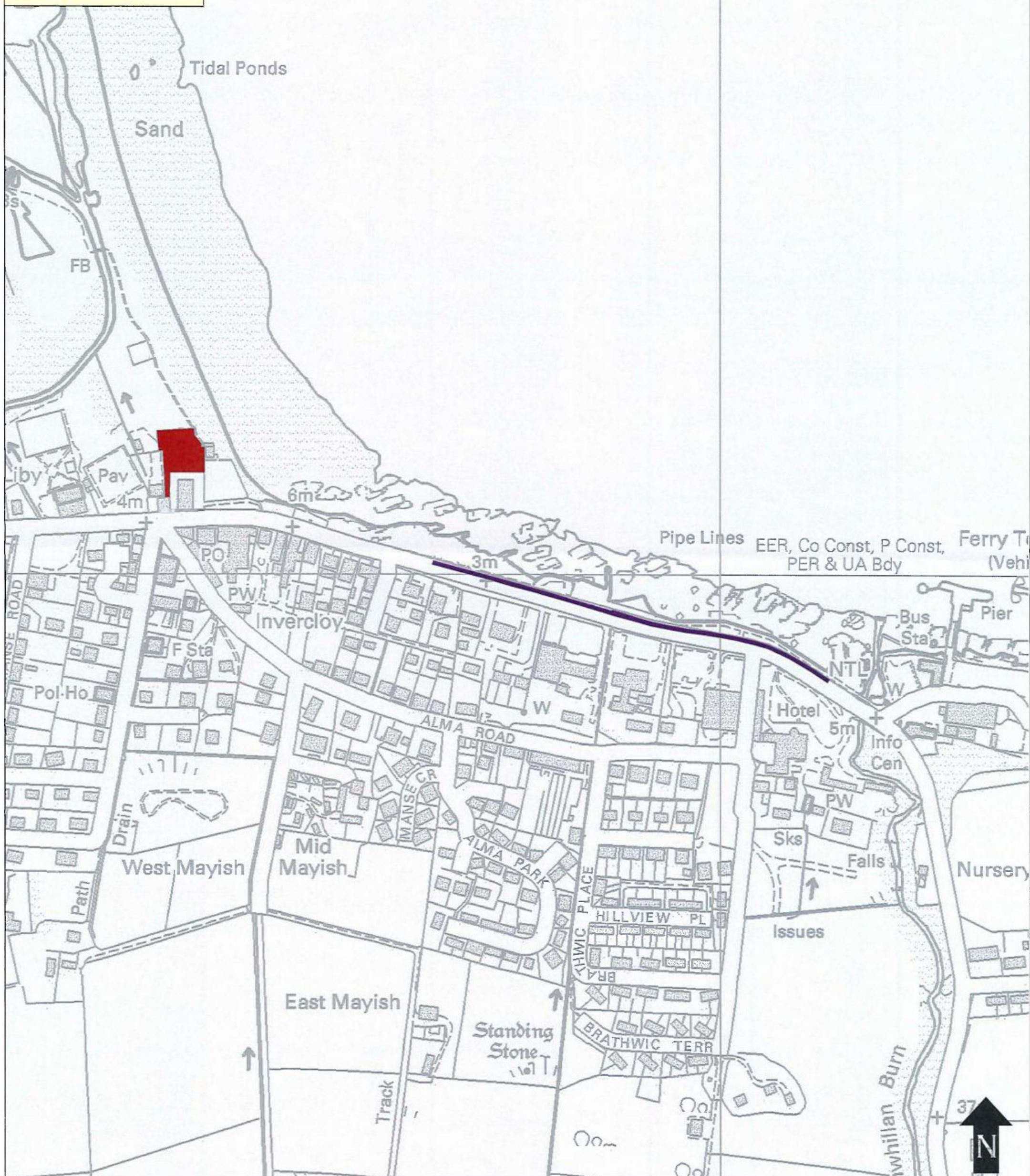
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| Section: | Asset Management |
| Date: | 23 May 2019 |
| Scale: | 1:3,000 |
| Drawing No: | |

Legend

CarParks

Stay Type

- Long Stay Car Park
- Short Stay Car Park



Title:

**Brodick
Traffic Orders
Long / Short Stay Car Parks**

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**NORTH AYRSHIRE
COUNCIL**
Commercial Services
Roads

Section: Asset Management

Date: 23 May 2019

Scale: 1:3,500

Drawing No:

NORTH AYRSHIRE COUNCIL

Audit and Scrutiny Committee

27 June 2019

Consideration of Call In Request re Cabinet decision of 11 June 2019 re:**Decriminalised Parking Enforcement and the Introduction of Car Parking Charge**Overview

At the Council's budget setting meeting in February 2018, it was agreed that a proposal to introduce decriminalised parking enforcement and car parking charges would be developed.

Cabinet considered the attached report seeking approval to progress with the submission of an application to the Scottish Government for Decriminalised Parking Enforcement powers in the North Ayrshire Council area and to introduce car parking charges in the identified short stay car parks in Irvine, Kilwinning, Saltcoats, Largs and on-street in Brodick.

Proposal

Approval was sought to agree an application would be submitted to the Scottish Government to introduce Decriminalised Parking Enforcement (DPE) in the North Ayrshire Council area, to review the current Car Parking Strategy in support of the proposals to introduce car parking charges, to agree that there would be further engagement and that officers would meet with members on a ward basis to agree local needs. This would include a review of parking restrictions, displacement and need for resident parking permit schemes, to refine the parking regime and to agree that officers proceed with the necessary Traffic Regulation Orders required to introduce parking charges in the designated car parks and on-street in Brodick.

Supporting information

A proposal was presented to the Policy Advisory Panel to seek Member views. The initial proposal had included introducing short stay car parking in 3 car parks in Lamlash and introducing short stay car parking along Brodick sea front.

There were some concerns expressed by Members regarding displacement of cars into residential streets close to the town centres. The Arran Members raised concerns regarding introducing car parking charges in the car parks in Lamlash which would impact on local businesses and on street in Brodick as this was mainly used by islanders when travelling to the mainland.

In view of the concerns the proposal to introduce charging in the 3 car parks in Lamlash was dropped and it was agreed to introduce an Island Parking Permit Scheme on Arran so that island residents would not be disadvantaged by the proposal.

There are a number of benefits associated with introducing decriminalised parking enforcement and parking charges including:-

- i A coordinated local parking enforcement service which is more locally accountable consistent and adaptable to local needs
- ii Enhanced levels of enforcement to address concerns such as indiscriminate parking near schools
- iii Increased turnover of parking in town centres to provide readily accessible short stay parking through the enforcement of existing on street time restrictions.

The Council's officers will meet with Members on a ward basis to discuss local needs such as resident parking permits schemes, to review the current on street parking restrictions and make amendments as considered necessary.

Specific Queries

The introduction of decriminalised parking enforcement has overarching benefits for the whole of North Ayrshire. However the introducing of decriminalised parking enforcement on its own would cost the Council £121,000 per annum. Therefore income from parking charges is necessary to operate the regime.

Police Scotland are supportive of the Council introducing DPE as they do not have adequate resources to address the current abuse of car parking restrictions.

The Council wants Arran to remain an attractive visitor destination and recognise the needs of island residents. The introduction of the new ferry is anticipated to increase visitors to Arran and it is important to future proof arrangements for the anticipated increase in visitor numbers.

As contained in the Cabinet report it is recognised that “a one size fits all” approach to the introduction of decriminalised parking enforcement and car parking charges is not appropriate.

Local Ward Members will play a key role in co-designing and co-developing arrangement to help address local needs such as reviewing current on street restrictions, long and short stay parking, potential vehicle displacement and island parking permit schemes.

Conclusion

This proposal would allow the Council to provide a coordinated parking enforcement service throughout North Ayrshire based on local needs. It is recognised that Local Ward Members have a key role to play in co-designing and co-developing local controls to mitigate potential community concerns. Officers will work with ward members to develop local controls.

Russell McCutcheon
Head of Commercial Services
North Ayrshire Council

Audit and Scrutiny Committee

27 June 2019

3. Call In: Decriminalised Parking Enforcement and the Introduction of Car Parking Charges

Submitted report by the Chief Executive on a Call In Request received in respect of the decision taken by the Cabinet at its meeting on 11 June 2019 to decriminalise parking enforcement and introduce car parking charges. A copy of the Cabinet report was provided at Appendix 1 to the report and a briefing paper from the Services at attached at Appendix 2.

At its meeting on 11 June 2019, the Cabinet received a report by the Head of Service (Commercial Services) on the proposal to introduce decriminalised parking enforcement (DPE) in North Ayrshire and introduce car parking charges at identified short stay car parks in Irvine, Kilwinning, Saltcoats, Largs and charges for on street parking at Brodick, as detailed within the appendix to the report.

The Cabinet agreed (a) that an application seeking the introduction of Decriminalised Parking Enforcement across the North Ayrshire Council area be finalised and submitted to Scottish Government; (b) to the introduction of car parking charges at identified short stay car parks and identified on-street parking at Brodick as detailed in Appendix 1 to the report; (c) that a review of the current Town Centre Car Parking Strategy in support of proposals to introduce car parking charges be carried out; (d) to note the proposed recruitment of a Car Parking Manager to progress the introduction of car parking charges and application for Decriminalised Parking Enforcement; (e) to further engagement with local Ward members, to review existing parking restrictions, potential vehicle displacement and the introduction of resident parking permit schemes, as appropriate; (f) that officers proceed with the necessary Traffic Regulation Orders required to introduce parking charges in the designated car parks and on-street in Brodick; (g) to note the next steps as outlined in section 2.31 of the report; and (h) to receive progress update reports as appropriate.

Subsequently, a Call In request was received from Councillors Billings, McMaster and Gurney in the following terms:-

Reason for Call In

“This Call In relates to section 2.23 of the Cabinet report and the map of Brodick contained within Appendix 1.”

Brodick Car Parking

“This call in relates to the proposed introduction of car parking charges to Brodick. This paper will show that the Brodick parking proposals are contrary to the Council’s agreed Car Parking Strategy and will not achieve the supposed benefits of introducing parking charges as set out in the proposal.

As a reminder, the stated aims of the Car Parking Strategy are:

- Enhance and support local economies
- Improve traffic flows and reduce congestion
- Manage parking spaces to ensure adequate availability

The stated benefits of introducing parking charges are:

- Safer traffic conditions
- Improved safety for pedestrians and vulnerable groups
- Short stay is for shoppers, and long stay is for business community
- Reduced competition for road spaces
- Community will benefit from improved parking that will support the local economy

Brodick currently has a clear separation of parking, with the majority of the long stay parking happening close to the ferry, where people leave cars when visiting the mainland, and the majority of short stay parking is further along the shore road for people using the village facilities.

Parking is available at the ferry terminal, however, long stay overnight parking at the terminal is in the process of being stamped out as there are not enough parking spaces for the volume of traffic/parking required for day long journeys to the mainland. Consequently, Arran residents long stay parking is carried out predominantly along the sea front as this is the nearest available area. Free long stay parking is necessary for Island residents when using the ferry to access mainland based medical services, retail centres, onward travel destinations for trains and flights; as due to our Island geography there is often no choice but to travel to the mainland to gain access to services which most mainlanders take for granted.

With this geographical restriction on access to services in mind it is important to note that according to the Scottish Index of Multiple Deprivation (SIMD) approximately 44% of Arran's population live in data zones that are in the top 15% most access deprived in Scotland. Access being defined by SIMD as the measure of private vehicle and public transport drive times to GP surgeries, Post Offices, retail centres, schools and petrol stations and that's before we attempt to access services on the mainland!

This SIMD information and the Council's Fair for All strategy was to the forefront during the development of the Locality Priorities for Arran and consequently the priorities which emerged from community engagement are; transport, social isolation and housing. Lack of good public transport to service connections between all Arran's villages and the main town of Brodick being a major cause for concern due to lack of accessibility to basic services and a cause of social isolation for many islanders. Hence many islander's reliance on the use of private vehicles and the need for free and accessible car parking as a requisite to quality of life on the island. The introduction of parking charges would impose an unnecessary extra layer of inequality on the islanders. Using public transport is not an option for many journeys and making parking more difficult within the main commercial centre on Arran will further deprive residents access to services. Isolation is one of the priority issues to address on Arran and making it harder to park will make this even worse.

In addition to the parking already mentioned, owners of businesses can park in areas behind their businesses, leaving on-street parking for customers. Lastly, on-road parking is supplemented with specific parking for the large Co-op, Arran Active, and the car park behind the small co-op.

There is an adequate supply of these different types of parking, that naturally separate themselves out because the ferry is at one end and the village facilities towards the other end, or businesses have their own customer parking.

The system works well with minimal issues of inappropriate parking, disruptions to traffic flow and people can get easily to where they want to go. This encourages people to park and stay within Brodick, supporting the shops and businesses along the front with no pressures about how long they are allowed to stay or fear of 'getting a ticket'.

The Isle of Arran is a place that people come to live and visit because it has a fundamentally different feel to the mainland. It is relaxed, easy-going with a holiday feel. This is what makes Arran special.

The introduction of parking charges will disrupt this status quo and has the potential for significant disruption to traffic flow, increased congestion, poor management of parking spaces, and will cause inconvenience to both residents and visitors, and will be detrimental to the economy making it harder to people to visit shops and other village facilities.

With free parking continuing to exist in close proximity to the charged parking spaces, parking behaviour will change leading to displacement parking. Affected areas will be the Douglas Hotel, large Co-op, Arran Active, Brodick medical centre, and in parking bays outside the row of small shops further along the front. In addition, the narrow roads behind the main street will see an increase in parking, and these roads don't have pavements.

The easy-going approach to life on Arran will be lost, and that feeling Arran has of being 'different' will be eroded.

There is no local support to these proposals, and it is clear that the proposals were written without any understanding of how the existing car parking is used, what effects the introduction of parking charges will have on peoples parking behaviour, and what the consequences of these changes will be on residents, businesses or visitors. The report makes sweeping assumptions about the benefits of parking charges whilst providing no evidence to back them up.

In the case of Arran, the Cabinet has made a mistake as this proposal is clearly in opposition to the stated and agreed aims of the Council. Therefore, the Audit and Scrutiny Committee should recommend that parking charges are not introduced on Arran, and that Arran is excluded from the Decriminalised Parking Enforcement proposals.

Discussion on Specific Benefits and Policy Aims

Disruption of the Status Quo – as has already been said, there is a natural distribution of longer and shorter-term parking that meets the needs of residents and visitors. Any introduction of parking charges will change people's behaviour displacing cars to where parking is free. This will lead to:

- Long term parking in front of shops and services
- Longer parking in free car parks, such as the Co-op, Arran Active and the public car park, leading to poorer turnover of parking, thereby making it harder for customers to park and use these facilities
- Increased on-street parking along the opposite side of the shore road, where it will remain free, leading to congestion and disruption to traffic flow
- Increased on-street parking in rear residential streets, making it more difficult for traffic to navigate, and creating a hazard for pedestrians where there is no footpath on either side of the road.

It has been suggested that resident permits can be used, however, not every resident will get a permit for their car, some will not be able to afford it, some will make do with remaining free parking arrangements. Also, visitors looking for longer term parking will not be able to park along the front, moving them to spaces currently used as short-term parking.

Disruption to Traffic Flow – it has already been stated that currently there are limited occasions where traffic is disrupted due to inappropriate parking. With an increase in parking in areas that will continue to be free will:

- prevent residents from parking in their streets
- create bottle necks along roads where having two-way traffic past parked cars is challenging
- increase in cars going along side roads looking for free parking.

Poor Management of Parking Spaces – there is currently a good management of parking spaces. Introducing charging for one area of the front will move long stay parking towards what should be short stay parking, and short stay parking on to deregulated areas or private ground. Even if exemptions are allowed for some residents, there will be sufficient other drivers who will be affected by these changes.

Disruption to the Economy – Brodick is an important hub for trade, and is used by residents and visitors for shopping, attractions, restaurants and banking services. The current parking arrangements support all these commercial activities by providing free and accessible parking close to where people want to go. There is a good turnover of cars in front of shops, with longer term parking taking place along the front where there are more visitor attractions, and resident long-term parking at the ferry end.

Disruption to the current parking patterns that will displace parked cars will mean that people will no longer have easy access to where they want to go, thereby making visiting village facilities less attractive by clogging up parking spaces.

Decreased Community Benefits – Brodick currently has good availability of parking spaces located in areas that support the surrounding businesses and activities. This proposal will not increase the numbers of parking spaces and will force car drivers in to areas away from where they would naturally want to park. Almost half Arran's population already live in the most access deprived areas of Scotland. Using public transport for many trips is not an option, so making it harder to park in Brodick will increase the island's transport deprivation.

People want to come to live and visit Arran because, like other Scottish islands, there is a perception that they are places of refuge away from the hustle of the mainland. Creating parking restrictions and the subsequent chaos will chip away at that special feeling that Arran has, making it less attractive as a place to stay and visit. Once that specialness is lost it cannot be recovered, and people will go elsewhere. There are national policies encouraging people to living in the more remote areas of Scotland, so the introduction of parking charges is working against that policy.

Decreased Pedestrian Safety – all along Brodick's sea front road there are parking bays marked. Parking takes place within those bays. It is very uncommon to have parking on that road outside of a marked bay. However, there are other areas that could be used for parking, such as the other side of the road from the bays, but it just does not happen at the moment.

The roads running back from the sea front will have a few cars parked along them, mostly residents parking outside their homes. Many of these roads don't have any pavements and are only wide enough for one line of traffic, but with the minimal number of parked cars, and the roads normally used by residents there is little traffic along the roads.

When cars are displaced from the sea front parking in to alternative free parking spaces, there will be an increase in cars being parked on both sides of the shore road, and cars parked along residential streets. This will make it harder for pedestrians to cross the main road due to reduced sight lines, and along residential streets not only will there be more traffic, pedestrians will have to walk in the road to avoid the cars.

Reduced Enforcement of Parking Across the Island – the proposal is that North Ayrshire Council will take over control of all parking issues across Arran, not just in Brodick. Around the island there are car parks and parking areas that have controls in place. Currently, the police are able to act if there is a specific parking issue. They are resident on the island, and they have additional staff employed to cover the busier summer period.

A parking attendant whilst they may be able to come over to Arran from time to time will not be available on the island and will not be able to respond to specific issues as they arise. This will lead to a decrease in enforcement of parking issues at a time when they are likely to increase due to the new parking regulations being put in place.

Mitigation Actions

The proposal does include suggestions that are aimed to mitigate the adverse effects that will be seen from the introduction of parking charges. These include:

- Island resident parking permits
- All day charges for the 'short term' parking area (shown in green on the map)

These mitigating actions may reduce the impact of some elements of the proposal for some people. However, the majority of the adverse effects will not change, and will not prevent the significant changes to parking behaviour that will be seen.

Resident Parking Permits – it is suggested that they could be available so that residents could park for the longer term in the short-term parking. The proposal is silent on the possible cost of the permit or the cost of the longer-term parking. However, this will be a regressive tax on island living. Islanders don't have a choice when leaving the island; they have to use the ferry. If travelling as a foot passenger one can use the bus, however, they don't connect to all the ferries, are often very busy and not suitable for carrying large luggage, and for the majority of the island run every 3 hours or so, which does not allow passengers returning to the island to pop in to the Co-op on the way home. Therefore, there are a large number of islanders who park their cars, sometimes for days at a time, when visiting the mainland. Residents with cars will have no option but to purchase 'a resident parking permit if they want to be able to park within reasonable walking distance of the ferry terminal. This will hit those less able to pay most hard, such as those on low incomes and the elderly. If they cannot afford a parking permit, then those least able to walk the extra distance will be the ones having to park at the far end of the street. Hardly 'Fair for All' and would further increase the island's already high levels of access deprivation.

Long term parking in the short-term parking areas – if one does not have a resident parking permit, allowing people to park longer term all along the front does offer a solution that would enable everybody to park in that area. However, common sense would suggest that rather than pay say £5 for all day parking, one could walk another 100 meters and park for free in front of the shops, or in the Co-op or Arran Active's car park. This is not a viable solution as people will change behaviour if a free option is available close by.

Conclusion

It is clear that the parking proposals are not appropriate for introduction to Brodick, and the suggested mitigating factors will not address the adverse consequences of this proposal. The proposals work against the stated aims of the Council's Parking Policy, are contrary to the Council's priorities for Arran, will reduce fairness, and not only will the benefits suggested in the report not be achieved, the traffic situation will actually get worse.

Therefore, the Audit and Scrutiny Committee should recommend to the Cabinet that it is not appropriate to charge for parking in Brodick, and that the current system of parking and parking control for Arran should be retained."

Desired Outcome

“Parking charges should not be introduced to Brodick; and Enforcement of parking on Arran should remain under the control of the Police.”

The Head of Democratic Services summarised the procedure for considering the Call In request and set out the circumstances surrounding the Cabinet decision.

Thereafter, the Members who had requested the Call In were invited to speak. Councillor McMaster addressed the Committee in support of the Call In request, advising that Arran does not have the same parking issues as the rest of North Ayrshire. Brodick has a clear separation of parking, with the majority of the long stay parking happening close to the ferry and the majority of short stay parking further along the Shore Road for people using the village facilities. Approximately 44% of Arran’s population live in SIMD data zones that are in the top 15% of the most access deprived in Scotland. There is a lack of good public transport to service connections between all Arran’s villages, the main town of Brodick and the ferry. Free long stay parking is necessary for Island residents when using the ferry to access mainland based services.

Councillor Billings, as a signatory to the Call In, referred to a map that had been circulated which illustrated the existing parking areas in Brodick and the proposed chargeable areas. This showed that there is an adequate supply of different types of parking, with ferry parking at one end and village parking at the other. The system works well with minimal issues of inappropriate parking.

The Chair then invited Councillor Cullinane to address the meeting on behalf of Councillor Montgomerie, as the relevant Cabinet Member.

Councillor Cullinane made reference to involvement of Members in the budget process that had included decriminalised parking enforcement and the introduction of car parking charges. Concerns had been raised by local Arran Members at the Policy Advisory Panel relating to Lamlash and had these had been accommodated. He advised that local Members would play a key role in co-designing and co-development arrangements to help address local needs such as reviewing current on street restrictions, long and short stay parking, potential vehicle displacement and island parking permit schemes.

Members then asked questions, and received clarification, on the following:-

- the findings of a business case, that DPE would not be financially viable without the support of the introduction of car parking charges; and
- that officers will work with ward members to develop local controls.

Councillor Hill, seconded by Councillor George, moved to accept the Call In on the basis that the removal of Brodick from the proposal would be cost neutral.

As an amendment, Councillor Reid, seconded by Councillor Sweeney, moved that the Call In be rejected in order to prevent any further delay to the process.

On a division, there voted for the amendment 3 and for the motion 3, and on the casting vote of the Chair, the motion was declared carried.

Accordingly, the Committee agreed that the terms of the Call In be referred to the Cabinet for further consideration.

NORTH AYRSHIRE COUNCIL

Cabinet Meeting 27 August 2019

Decriminalised Parking Enforcement and the Introduction of Car Parking Charge

Supplementary information following Audit & Scrutiny Committee decision to uphold the Call In that

1. Parking charges should not be introduced to Brodick.
2. Enforcement of parking on Arran should remain under the control of the police.

Car Parking Charges:

In the interest of consistency, fairness and equity it is recommended that car parking charges be introduced in Brodick in line with the original proposal to introduce car parking charges at appropriate locations across North Ayrshire. It is acknowledged that there is no “one size fits all” approach which will meet the needs of all local communities, therefore refining of arrangements through engagement with local Elected Members is proposed as part of the implementation plan. The specifics and local circumstances within Brodick would then be fully discussed with local Elected Members to refine in line with local needs and circumstances. On implementation, there will be an opportunity to further refine any car parking charging locally going forward at specific locations as and when any need arises.

Introduction of parking charges in Brodick, whilst clearly contributing to the overall financial position, is also a key strand to facilitate the management of traffic and driver/parking behaviour with a view to achieving greater turnover in parking spaces available for visitors. At the same time, the local community impact requires to be considered, and the proposal to fully engage with local Elected Members, as outlined in the original Cabinet report is designed to achieve this. There has been a significant increase in vehicular traffic visiting the island as a result of reduced ferry charges associated with the Road Equivalent Tariff (RET). This requires to be taken into consideration, when reviewing local circumstances in Brodick.

The financial contribution by introducing car parking charges across North Ayrshire is estimated to generate a net income of £350k. It is estimated that approximately £10k net will be generated in Brodick. However, the introduction of car parking charges at appropriate locations across North Ayrshire is not only designed to generate an income, but to provide a tool to help achieve the management of traffic and to contribute as a means to control driver/parking behaviour.

DPE:

Officers are of the view that DPE should be introduced across the full Council area, including the Isle of Arran, to ensure a consistent approach is applied to parking enforcement. It is strategically important to ensure fairness and consistency in our approach to the enforcement of parking controls across the whole of North Ayrshire. The Council can choose where to target enforcement in specific areas to address problems should they arise.

Transport Scotland have been contacted to seek confirmation that Decriminalised Parking Enforcement can be introduced in part of the Council area. Contact has also been made with

Police Scotland to seek their views on only introducing DPE on mainland North Ayrshire and excluding the Isle of Arran.

Transport Scotland have confirmed that the Council can, if they choose, apply for DPE for the mainland area only and exclude Arran. However, should we wish to introduce DPE on Arran in the future then the Council would require making a further application for this.

It is entirely possible that the continued trend in vehicular traffic visiting Arran will steadily increase, and place further demands on available parking. If DPE was not introduced on Arran, the Council would not be able to control any existing or new issues with parking behaviour. This would create an inconsistency with the remaining parts of North Ayrshire.

Transport Scotland have also advised that no other authority has applied for DPE in part of their area, all other authorities have applied for DPE across their full area, however some have focused their enforcement activities on a select number of locations across the area.

Police Scotland have confirmed that they would welcome the transfer of parking enforcement powers to the Council. They have advised that police enforcement on Arran is minimal but that parking problems do occur, especially in Brodick and Lamlash. Police Scotland further consider, as do our Officers, that an all-encompassing Local Authority DPE regime should be implemented to ensure a consistent approach to parking enforcement is applied across the full Council area.

David Hammond
Interim Head of Commercial Services
North Ayrshire Council

4. Decriminalised Parking Enforcement and the Introduction of Car Parking Charges

Submitted a report by the Chief Executive on the recommendations of the Audit and Scrutiny Committee following a Call-In Request relating to decriminalised parking enforcement and the introduction of car parking charges for Brodick. The Minute of the Audit and Scrutiny Committee meeting which took place on 27 June 2019 was set out at Appendix 1 and supplementary information provided by the Interim Head of Service (Commercial Services) following the Audit and Scrutiny Committee meeting was set out at Appendix 2 to the report.

The Cabinet considered the request by the Audit and Scrutiny Committee to reconsider its earlier decision to include Arran in the Council's DPE application. Members expressed the view that Arran should be included, but that plans to introduce parking charges in Brodick should not be progressed at this time and that officers should work with local ward Members to review parking issues across the island, including consideration of appropriate traffic restrictions.

Accordingly, the Cabinet (a) agreed not to accept the recommendation of the Audit and Scrutiny Committee to reconsider its earlier decision to include Arran in the Council's DPE application; and (b) noted that, in terms of Standing Order

NORTH AYRSHIRE COUNCIL

25 September 2019

North Ayrshire Council

Title: Annual Review of Governance

Purpose: To review the key Governance documentation regulating the operation of Council, its Committees and Officers and to report on a self-assessment review of the Audit and Scrutiny Committee.

Recommendation: To review and approve with effect from 1 November 2019 the revised versions of (1) Standing Orders for Meetings and Proceedings of the Council attached at Appendix 1; (2) the Scheme of Administration attached at Appendix 2; (3) the Scheme of Delegation to Officers attached at Appendix 3, and (4) the Financial Regulations attached at Appendix 4.

1. Executive Summary

1.1 This report suggests revisals to the key governance documents which regulate the operation of Council, its Committees and Officers. The key governance documents comprise the following:

- Standing Orders relating to Meetings and Proceedings
- Scheme of Administration
- Scheme of Delegation to Officers
- Guidelines on Member Officer Relations
- Standing Orders for Contracts
- Financial Regulations

2. Background

2.1 Audit Scotland in their report "Roles and Working Relationships- Are you Getting it Right" stress the importance of having governance arrangements that are fit for purpose and up to date. They note that such documents are critical in clarifying roles, responsibilities and expected behaviour and lead to sound decision making. While the key governance documents were adopted by Council on 17 May 2017, reviewed by Council on 28 June 2018 and since then have been the subject of further changes as required, the opportunity has again been taken to review them.

2.2 Since last reviewed in June 2018, the key governance documents have been subject to the following additional changes:

- Scheme of Administration- 7 Nov 2018- changes to the composition of the Staffing and Recruitment Committee to include Conservative and Unionist and Independent representation and to form the Ayrshire Economic Joint Committee
- Standing Orders for Meetings- a) 7 November 2018- changes to congratulatory questions and motions, and voting arrangements recommended by the Short Life Member Working Group on Questions and Motions; and b) 27 March 2019- new 12.9 added regarding factually correct questions

Standing Orders

2.3 The Standing Orders for Meetings set out the rules for decision taking and define how a Council and its committees conduct their business democratically. The main revisions which have been made in comparison to the previous Standing Orders are:

- To extend the notice period for lodging Motions by a week. In other words, motions will have to be lodged by 2pm a fortnight before Council. The reason for this is that current deadline of 2pm a week before Council, the agenda is sent out the next day. Due to the timetabling of Group meetings, motions are invariably received in the 24 hours prior to the deadline. This meant there is no opportunity to screen or impact-assess a motion in relation to equalities, the Fairer Scotland (socio-economic) Duty or the forthcoming island-proofing duty. Nor is there an opportunity to fine tune motions to minimise equality impacts or maximise equality advantages. As the Council is legally required to ensure that the equality impacts of decisions are assessed before being made, the current timescale makes decisions vulnerable to challenge.
- To extend the period for lodging Questions to 2pm on the Monday of the week prior to Council, in other words to extend the notice period by 48 hours. As Questions cannot result in a decision, they do not have the same equalities issues. However, if questions are lodged slightly earlier than at present this gives Officers an opportunity to discuss any issues with Members, and for Members to fine tune their Question should they so wish. In the case of both Questions and Motions these would still not be shared with any other Member until the agenda is issued.
- To allow the Provost to change the start time of a Council meeting from 2pm to 1pm if the volume of business or weather conditions merits this.
- To provide a 10-minute time limit for Members speaking in support of a Call-in and for the Portfolio Holder responding thereto. Currently there is no time limit.
- In relation to petitions, to clarify that the expectation that petitioners will have made previous attempts to resolve the issue should include use of the Council's complaints scheme
- Other changes are minor, either for clarification or to deal with typos.

Scheme of Administration

2.4 The Scheme of Administration sets out the functions reserved to Council, the powers delegated to its committees, and the remit and constitution of those committees. The main revisions which have been made in comparison with the previous Scheme of Administration are: -

- To make it clear that interim appointments of Chief Officers can be made by the Chief Executive;
- To add new functions introduced by the Planning (Scotland) Act 2019, albeit these still need to be brought into force by commencement order;
- To add general policy functions to the remit of Cabinet which recognise the developing agenda of subsidiarity, of participation, and working with communities and partners.

2.5 In their Interim Report on 2018/19, the Council's External Auditors recommended that to assess the effectiveness of the current Audit and Scrutiny committee a self-assessment should be undertaken in line with best practice frameworks. A self-assessment exercise using an adapted CIPFA assessment template was undertaken by Members of the Audit and Scrutiny Committee during August and reported to that Committee on 10 September. Having regard to the questions contained in the template, the overall conclusion is that the Council's audit and scrutiny arrangements remain fit for purpose. While no changes are required to the Scheme of Administration, the Committee will implement a number of changes including:

- A half-yearly agenda item to enable the Committee to identify topics which they wish to consider in more depth;
- Receipt of a twice-yearly report on risk assessment
- An annual self-assessment of the Committee

Scheme of Delegation to Officers

2.6 The Scheme of Delegation to Officers lists the functions delegated to individual Directors and the Head of Democratic Services. In turn those officers can delegate these functions to other officers within their services. As previously, the Scheme of Delegation to Officers provides that any functions which are not otherwise reserved to Council or Committee, will be dealt with by officers. It also retains the core provision that delegated powers should not be exercised by Officers where any decision would represent a departure from Council policy or procedure or would be contrary to a standing instruction of Council (or Committee) or would itself represent a significant development from policy or procedure. The only exception to this is in the case of urgency where the Officer may, after consultation with the relevant Cabinet Portfolio Holder or Convenor of the appropriate Committee, exercise delegated powers. Should such powers be exercised in urgent circumstances, a report will be submitted to the next appropriate Committee for noting.

2.7 The main revisions which have been made in comparison with the previous Scheme of Delegation to Officers are:

- To reflect the transfer, as a result of restructuring, of functions between and within Directorates;
- To add new functions introduced by the Planning (Scotland) Act 2019, albeit these still need to be brought into force by commencement order;
- To reflect the developing agenda of subsidiarity, of participation, and working with communities and partners.
- To allow officers to approve sales up to a value of £300,000 and leases up to a value of £120,000, to facilitate the letting of properties at i3 as part of the Ayrshire Growth Deal

Financial Regulation

2.8 Financial Regulations have been amended to reiterate provisions on conflict of interest. These are already incorporated into the Standing Orders for Contracts and the Code of Conduct for Employees.

Guidelines on Member Officer Relations

2.9 The Guidelines on Member Officer Relations set out the way in which Members and officers of the Council should behave towards one another. They define the roles and responsibilities of Members and Officers. They incorporate the model Protocol for Relations between Councillors and Employees which comprises Appendix C of the Councillors Code of Conduct. These have been reviewed and no changes are proposed.

Standing Orders Relating to Contracts

2.10 It is proposed to report to Cabinet on the role of community wealth building in procurement and as part of this, to consider any proposed changes to the Standing Orders for Contracts, both in relation to community wealth building and otherwise. Any changes to the Standing Orders recommended by Cabinet would then be the subject of a separate report to Council.

3. Proposals

3.1 It is recommended that Council review and approve with effect from 1 November 2019, the revised 1) Standing Orders for Meetings and Proceedings of the Council attached at Appendix 1; (2) the Scheme of Administration attached at Appendix 2; (3) the Scheme of Delegation to Officers attached at Appendix 3 and (4) and the Financial Regulations attached at Appendix 4.

4. Implications/Socio-economic Duty

Financial

- 4.1 Approval of the key governance documents is an essential component of the Council's financial governance arrangements

Human Resources

- 4.2 None.

Legal

- 4.3 Approval of the key governance documents is an essential component of the Council's legal and administrative arrangements

Equality/Socio-economic

- 4.4 None.

Environmental and Sustainability

- 4.5 None.

Key Priorities

- 4.6 Clear, transparent governance arrangements promote good decision making. In turn this supports the achievement of the key priorities

Community Wealth Building

- 4.7 None.

5. Consultation

- 5.1 There has been consultation with Executive Directors and Group Leaders regarding the documents.

Craig Hatton
Chief Executive

For further information please contact Andrew Fraser, Head of Democratic Services, on 01294 324125.

Background Papers

N/A



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Committee Services

**Standing Orders Relating to Meetings and
Proceedings of the Council and Committees**

Published By Committee Services,
North Ayrshire Council, Cunninghame House, Irvine KA12 8EE

Draft Final
Classification: Public

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North Ayrshire Council

Standing Orders Relating to Meetings and proceedings of the Council and Committees

Part I Preliminary

1. **These Standing Orders are made under Section 62 and Paragraph 8 of Schedule 7 of the Local Government (Scotland) Act 1973.** With the exception of the North Ayrshire Integration Joint Board, the Ayrshire Shared Services Committee, the Ayrshire Regional Economic Joint Committee and Sub-Committees thereof, the foregoing Standing Orders for meetings shall as far as applicable be the rules and regulations for the proceedings of Committees and Sub-Committees and therefore reference to the term 'Council' in the said Standing Orders should be interpreted accordingly. The North Ayrshire Integration Joint Board, the Ayrshire Shared Services Committee and Ayrshire Regional Economic Joint Committee and Sub-Committees thereof have their own Standing Orders for meetings. The term 'Provost' shall also be deemed to include the Chair of any Committee or Sub-Committee but only in relation to such Committees or Sub-Committees.

Part II Standing Orders

1. First Meeting of the Council after Elections

1.1 The first meeting of North Ayrshire Council after an ordinary election of Councillors shall be held within twenty-one days from the date of the election. The Chief Executive will decide the date, time and venue of this first meeting.

1.2 At the first meeting of the Council after an ordinary election of Councillors, the Returning Officer or the Chief Executive shall assume the Chair until the Provost is elected. The Council shall deal with the following business:

- i. To note the election of Councillors;
- ii. To elect the Provost of the Council;
- iii. To elect the Depute Provost of the Council;
- iv. To take the sederunt, noting which Councillors have executed the Declaration of Acceptance of Office;
- v. To elect the Leader of the Council;
- vi. To elect the Depute Leader of the Council;
- vii. To agree the Scheme of Administration setting out the committee structure of the Council;
- viii. To appoint Members to any such Committees;
- ix. To appoint Members of the Licensing Board;
- x. To appoint representatives to outside bodies;
- xi. To approve Constitutional Documents, including Standing Orders for Meetings;
- xii. To agree the Timetable of Meetings;
- xiii. To approve Members' Remuneration;
- xiv. To deal with any other business specified in the notice calling the first meeting of the Council.

2. Ordinary Meetings of the Council

- 2.1 Unless otherwise agreed to by Council, ordinary meetings of the Council shall be held in the Council Chamber, Cunninghame House, Irvine at 2pm on the Wednesday of the sixth week of each six-weekly cycle determined by the Council. If there is a large volume of business, or adverse weather conditions are expected, the Provost has power to change the start time to 1pm.
- 2.2 No sound, film, video tape, digital or photographic recording of the proceedings of any meeting, other than webcasting of the proceedings by the Council or its committees, shall be made without the prior approval of the Council. All phones should be switched off or on silent and Members should not correspond, whether by email, text, social media or any other electronic means with any other Member or other person during a Council meeting. Research through the internet is permitted providing it is done in a manner which respects the authority of the Provost and does not interfere with the business of the meeting.

3. Special Meetings of the Council

- 3.1 Special meetings of Council may be convened under the following circumstances: -
 - i. A Special Meeting may be called at any time by decision of the Council
 - ii. Urgent Items
 - iii. By Requisition
- 3.2 The Provost may convene a Special Meeting if it appears to him/her that there are items of urgent business to be considered. Such meetings will be held at a time, date and venue as determined by the Chief Executive. If the office of Provost is vacant, or if the Provost is unable to act for any reason, the Depute Provost of the Council may at any time call such a meeting. If the Offices of Provost and Depute Provost are both vacant or if neither the Provost nor the Depute Provost are able to act for any reason the Leader of the Council, in consultation with the Leader of the Opposition may call such a meeting. In the event of these offices being vacant or otherwise unable to act, the Chief Executive may convene such a meeting.
- 3.3 A Special Meeting may be called by the Provost providing he/she has received a written requisition which specifies the purpose of the business proposed to be transacted at the meeting and is signed by at least eight Members of the Council. The date, time and venue of the meeting will be as determined by the Chief Executive but must be within fourteen days of receipt of the requisition.

4. Notice of Meetings

4.1 Public Notification

Public notification of meetings shall be given by posting a notice at the Council Offices and on the Council's website, at least three Clear Working Days before the meeting. The notice of the meeting shall comprise:

- i. The date, time and place of the meeting; and
- ii. The list of items of business to be transacted. Except in the case of business which is legally required to be transacted at a meeting of Council or any other business brought before the meeting as a matter of urgency in accordance with these standing orders, no business shall be transacted at a meeting of the Council other than that specified in the notice of meeting.

Notice to Councillors

4.2 Notice of meetings shall be given by the Chief Executive to all Councillors in accordance with the provisions of the 1973 Act as amended, by posting, delivering or sending by electronic means the following:

- i. The date, time and place of the meeting; and
- ii. The list of items of business to be transacted.

4.3 The validity of any meeting of the Council shall not be affected by the failure of any Member to receive notice of a meeting.

5. Provost and Depute Provost

Election and Terms of Office

5.1 The Council will elect a Convener and Depute Convener from its Membership, to be known as 'Provost' and 'Depute Provost' respectively.

5.2 The terms of office of the Provost and Depute Provost shall be the term of office of the Council, or, in the case of a person appointed to fill a casual vacancy, the remainder of that term.

5.3 A person holding the office of Provost or Depute Provost shall be eligible for re-election but shall cease to hold the office upon ceasing to be a Councillor.

5.4 On a casual vacancy arising in the offices of Provost or Depute Provost, an election to fill the vacancy shall be held as soon as practicable at a meeting of the Council. The notice for the meeting shall specify the filling of the vacancy as an item of business.

Duties and Powers of Provost/Depute Provost

5.5 At a meeting of the Council, the Provost or in his/her absence the Depute Provost, which failing such other Member as the meeting may decide, shall preside.

5.6 Respect will at all times be paid to the authority of the Provost or the Depute Provost, or such other Member presiding, when chairing any meeting of the Council.

5.7 It shall be the duty of the Provost to:

- Preserve order and ensure fairness in debate;
- Decide all matters of order, competency and relevancy;
- Ensure that Standing Orders are observed;
- Determine any questions of procedure for which no express provision has been made in these Standing Orders;
- Maintain order and at his/her discretion, order the exclusion of any member of the

public who is deemed to have caused disorder or misbehaved;

- Adjourn a meeting in the event of disorder arising to a time, which the Provost may then or afterwards, fix (the quitting of the Chair by the Provost shall be the signal that the meeting is adjourned). In the event the Provost quits the Chair without disorder having arisen, the meeting shall not be adjourned and the Depute Provost or in his/her absence another Member of the Council chosen by those Members present shall assume the Chair;
- Decide whether to have a recess during a meeting.

5.8 The decision of the Provost on all matters within his/her powers shall be final and shall not be open to question or discussion.

6. Suspension of Members

In the event of any Member disregarding the authority of the Provost or obstructing the meeting or conducting him/herself offensively and the Provost calling the attention to the same, the Council may, on the motion of any Member, duly seconded and supported by the vote of a majority of the Members present and voting, suspend such Member for the remainder of the sitting. No debate will be allowed on such a motion. The Member concerned shall forthwith leave the Council Chamber or meeting place. The Provost may be entitled to call for such assistance as he/she deems necessary to enforce a decision to suspend any such Member taken in terms of these Standing Orders

7. Appointment and Removal of Members

- 7.1 Wherever possible, Officers will give 10 Clear Working Days' notice of a vacancy on any Committee, Joint Committees, Joint Board or outside body, the filling of which is to be considered at a subsequent Council meeting. Providing Members are given 10 Clear Working Days' notice, no nomination shall be considered for any such post unless (a) the nomination has been intimated in writing and delivered, faxed or e-mailed to the Chief Executive not later than 2:00 p.m. on the Wednesday of the week preceding the meeting and (b) the consent of the person nominated is given at the time of nomination. Where less than 10 days' notice is provided, no nomination will be considered unless it has been intimated in the same manner by 12noon on the day of the meeting.
- 7.2 Where any appointed or nominated Member is a Member of a political group within the Council, then where such member resigns from a Committee or the Integration Joint Board, any replacement may be nominated by the political group notifying the Chief Executive. At least 10 Clear Working Days' notice is required before the change is implemented.
- 7.3 Subject to the provisions of Section 35 of the 1973 Act, if a Member fails throughout a period of six consecutive months to attend any meeting of the Council, Committee, Joint Committee or Joint Board to which any function of the Council has been delegated, or to attend as a representative of the authority at a meeting of any body of person, she/she shall, unless the failure to attend was due to some reason approved by Council cease to be a Member of North Ayrshire Council.

8. Quorum

- 8.1 Subject to the provisions of the 1973 Act, no business will be transacted at a meeting of the Council unless nine Members are present.
- 8.2 If at a time ten minutes after the appointed commencement for the meeting a quorum is not present the meeting will stand adjourned. If at any time after a meeting has commenced a quorum of Members is not present the Provost or in his/her absence, the Depute Provost of the Council shall adjourn the meeting and any business not considered will be postponed to and considered at the next meeting.
- 8.3 The quorum of other Committees and Sub-Committees of the Council will be dealt with in the Scheme of Administration. However, where no specific reference is made to a quorum, it will be one quarter of the membership of the Committee or Sub-Committee, subject to a minimum requirement of two Members.
- 8.4 If the Provost and the Depute Provost are absent from a Council meeting and the Council fail to elect another Member to chair that meeting, the meeting will not be convened.

9. Order of Business

- 9.1 At all meetings of the Council other than the meeting held in accordance with Standing Order 1.2 above, the order of business shall be:
- i. The Chair shall be taken in accordance with these Standing Orders;
 - ii. The sederunt shall be taken;
 - iii. Any apologies shall be tendered;
 - iv. Any Declaration of Interest shall be tendered;
 - v. Declaration of whether a Party Whip has been applied to any item;
 - vi. Approval of the accuracy of Minutes of Council Meetings. There shall be no discussion of the minutes, except upon their accuracy and any question on their accuracy shall be raised by motion;
 - vii. Provost's report
 - viii. Leader's report;
 - ix. Minutes of meetings of Committees of the Council- submission for noting, and for approval of any recommendations;
 - x. Minutes of the Community Planning Partnership Board - submission for noting;
 - xi. Requests to recognise the work of individuals or groups within North Ayrshire
 - xii. Presentations
 - xiii. Business expressly required by statute to be done at the meeting;
 - xiv. Business (if any) remaining from the last meeting;
 - xv. Any items from the Cabinet referred for determination;
 - xvi. Any items referred by any of its Committees for determination by the Council;
 - xvii. Appointment to Committees, Joint Committees, Joint Boards or outside bodies
 - xviii. Any business as per the agenda
 - xix. Questions;
 - xx. Motions.

- 9.2 Items 9.1 vii, viii, xi, xv, xvi, xvii, xix and xx shall be business for Council meetings only, not for any Committee.
- 9.3 No item will be removed from the agenda unless with the agreement of all Members present.
- 9.4 The Provost at any meetings of the Council may at his/her discretion and on cause shown alter the order of business to facilitate the conduct of the meeting.

Urgent Items

- 9.5 At all ordinary, special and statutory meetings of the Council, no business other than that on the agenda shall be discussed in terms of Section 50B of the 1973 Act except where by reason of special circumstances which shall be specified in the Minutes, the Provost is of the opinion that the item should be considered at the meeting as a matter of urgency. The test for urgency is whether the matter could wait to a subsequent meeting. Any request for urgent business must be intimated to the Provost prior to 12 noon on the day of the meeting. The Provost will advise Council of the terms of the request and advise whether the item is to be considered, and if so, at what stage during the meeting

Declaration of Party Whip

- 9.6 When a Party Group represented on the Council has applied the party whip binding party Members to adhere to their decision on an item of business before the Council, a declaration to this effect must be made by the Leader or Depute Leader of that Party, whom failing a Member of that party at the commencement of the meeting.

Provost and Leader's reports

- 9.7 The reports by the Provost and Leader shall be heard by the Council as matters of information and shall not be subject to questions, debate or motions.

10. Declarations of Interest

- 10.1 If any Member of the Council has a financial or non-financial interest in any contract or any other matter as defined by section 5 of the Code of Conduct for Councillors and is present at any meeting at which the matter is to be considered, he/she must, as soon as practical, after the meeting starts, disclose that he/she has an interest and the nature of that interest. The Member must leave the meeting unless the interest is covered by one of the exclusions in the Councillors' Code of Conduct, or is so remote or insignificant that a member of the public, knowing all the relevant facts, would reasonably regard the interest as so insignificant that it would be unlikely to prejudice the Councillor's discussion or decision making.
- 10.2 Where a Member declares an interest and leaves the meeting the facts will be recorded in the minutes of the meeting.
- 10.3 All Members of the Council must observe the Code of Conduct for Councillors and any guidance issued by the Standards Commission for Scotland.

11. Public Access to Meetings

- 11.1 Every meeting of the Council shall be open to the press and public to the extent that they are not excluded under the provisions of Sections 50A(2) and (4) of the 1973 Act.
- 11.2 The Council may by resolution at any meeting exclude the press and public therefrom during consideration of an item of business where it is likely in view of the nature of the business to be transacted or of the nature of the proceedings that if Members of the press and public were present there would be a disclosure to them of exempt information as defined in Schedule 7(A) of the 1973 Act or it is likely that confidential information would be disclosed in breach of an obligation of confidence. The categories of exemption, which may apply under Schedule 7(A) of the 1973 Act, are set out in Appendix A.
- 11.3 These provisions shall be without prejudice to the Provost's powers of exclusion in order to suppress or prevent disorderly conduct or other misbehaviour at a meeting as detailed in Standing Order 5.7 hereof.

12. Questions

Questions submitted in advance of a meeting

- 12.1 Any Member may ask a question at any meeting of the Council concerning any relevant and competent business not arising upon the agenda provided the terms of the question have been intimated in writing and delivered, faxed or e-mailed to the Chief Executive not later than 2.00 p.m. on the Monday of the week preceding the meeting.
- 12.2 No discussion shall be competent on any questions so intimated, but the Member asking the question will be permitted a maximum 2-minute preamble to set the context of the question. The Provost may at his or her discretion allow a supplementary question arising out of the answer given to the original question.
- 12.3 Such questions may be directed to the Leader of the Council, any Cabinet Member, the Chair of any Committee, the Leader of the Opposition or Council representatives on Outside Bodies. Such questions shall relate to the functions of such office holder or member. It will be competent for any Member of the Council to move a question of which the requisite notice has been given.
- 12.4 A Member asking a question or supplementary question or responding thereto shall have a maximum of 3 minutes to deliver their question or answer. This is in addition to the 2-minute preamble referred to in Standing Order 12.2.
- 12.5 Questions contravening legislation. If notice is given of any question that, in the opinion of the Solicitor to the Council, is likely to be illegal, defamatory or in breach of Data Protection principles the Solicitor to the Council shall immediately submit such notice of question to the Provost and it shall not be accepted and placed on the agenda without his/her sanction. In the event of non-acceptance, the Solicitor to the Council shall so inform the Member who submitted the notice of question.

Questions relating to items of business on an Agenda

- 12.6 It shall not be competent to ask a question which seeks to congratulate, commend or recognised any individual or group in relation to their achievements or activities in North Ayrshire.
- 12.7 Except when in debate any Member may ask a question at any meeting of the Council concerning any item of business arising upon the agenda. Such questions must be relevant to the item of business under consideration and must be directed to any senior officer seeking clarification of the terms of a report or to the mover or seconder of any motion or amendment seeking clarity of their motion or amendment.
- 12.8 Except on a point of order or with the agreement of the Provost it shall not be competent for any Member to ask a question once Council is in debate.
- 12.9 In relation to both a question submitted in advance of a meeting and a question relating to an item on the agenda, the person answering must ensure there is a reasonable factual basis for any statement of fact made in their response.

Questions of Order

- 12.10 A Question of Order shall relate only to an alleged breach of a Standing Order. Any Member indicating a desire to raise a question of order shall state at the outset the number or terms of the Standing Order considered to be infringed and the way in which the Member raising it considers that it has been broken. When a Question of Order is raised, the Member then addressing the meeting will stop until the determination of the Question of Order. No Member other than the Member who raised the Question of Order will speak to that question, except with the permission of the Provost.
- 12.11 The decision of the Provost on a Question of Order will be final. After a Question of Order is decided, the Member who was addressing the meeting at the time when it was raised will be entitled to proceed with the discussion, giving effect to the Provost's ruling.

13. Motions

Notices of Motion

- 13.1 No Member shall be entitled to propose a motion other than one directly arising out of an item of business on the agenda of the meeting unless the proposer and seconder have delivered, faxed or e-mailed notice of the terms of the motion to the Chief Executive not later than 2.00 p.m., on the Wednesday two weeks prior to any meeting of the Council. It will be competent for any Member of the Council to move a motion of which the requisite notice has been given.

13.2 Except as otherwise provided in these standing orders, it shall also be competent for any Member to propose a motion or amendment relating to any item of business on the agenda of a meeting, providing such motion or amendment is relevant to the item under consideration. For meetings of North Ayrshire Council only, such motion or amendment shall be recorded.

13.3 Any motion or request signed by at least two Members which seeks to congratulate, commend or recognise any individual or group in relation to their achievement or activities within North Ayrshire shall be included in the agenda item detailed in Standing Order 9.1 (xi). That item will simply detail the name of the person or group to be recognised and the reason for the recognition. In the absence of any dissent, the agenda item will be treated as approved. If there is any dissent as regards and particular individual or group, the matter shall proceed to a vote, without any questions or debate.

Motions arising from requests from Outside Bodies

13.4 In the event of the Chief Executive or the Leader of the Council receiving a request for support of a motion or resolution passed by another local authority or other public body, the procedure set out in Appendix C to these Standing Orders shall apply. The procedures for Motions as provided for in Standing Order 13.1 shall apply equally in such circumstances.

13.5 If notice is given of any motion or amendment that, in the opinion of the Solicitor to the Council is illegal or if agreed is likely to give rise to a contravention by the Council of any enactment or rule of law or of any code of practice made or approved by or under any enactment, the Solicitor to the Council shall immediately submit such notice of motion or amendment to the Provost and it shall not be accepted and placed on the agenda without his/her sanction. In the event of non-acceptance, the Solicitor to the Council shall so inform the Member who submitted the notice of motion or amendment

14. Procedure Prior to Debate

14.1 In relation to items of business on the agenda, the Provost will ask the Council Administration if they wish to propose a motion (except in relation to 9.1 (xx) Motions, when the proposer of the motion shall be given the first opportunity to propose the motion, which failing, any Member may propose the motion). If a member of the Council Administration does not propose a motion, any Member may propose a motion. Any such motion must be immediately seconded. Thereafter the Provost will seek any amendments, which should also be seconded. The proposer and seconder of any motion or amendment may speak to their motion or amendment when proposing it, otherwise shall be allowed to speak to it during debate.

14.2 All motions and amendments must be directly relevant to the item of business under consideration. The Provost shall have the authority to rule out of order any motion or amendment which he/she may consider irrelevant, or any amendment which is substantially the same as the motion or another amendment.

- 14.3 A Member who has moved an amendment but failed to find a seconder may if he/she so requests have his/her dissent to a decision recorded in the minutes. Such a request may also be made by any Member whether or not he/she has moved a motion or amendment.
- 14.4 For meetings of North Ayrshire Council only, any motion or amendment shall be recorded in writing. Notwithstanding this, the terms of such motion or amendment require to be repeated or referred to by the Member moving such.
- 14.5 A motion or amendment once moved and seconded shall not be altered nor withdrawn without the consent of the mover and seconder. Once in debate the consent of Council will be required to the alteration or withdrawal of any motion or amendment. If the motion is withdrawn, the first amendment which is not the direct negative becomes the motion.
- 14.6 No Member shall move or second more than one motion or amendment upon a particular issue although a Member who has moved or seconded a motion or amendment shall not be precluded from moving or seconding a fresh amendment if he or she fails to find a seconder for their motion or if the original motion or amendment is withdrawn.
- 14.7 As detailed in Standing Order 12.1, prior to debate any Member may ask a question at any meeting of the Council concerning any item of business arising upon the agenda. Such questions must be relevant to the item of business under consideration and must be directed to any senior officer seeking clarification of the terms of a report or to the mover or seconder of any motion or amendment seeking clarity of their motion or amendment. A member may also ask the mover and seconder of the motion or amendment if they are prepared to amend or alter their motion or amendment to achieve consensus.

15. Debate

- 15.1 There shall be no debate unless there is a motion and amendment both of which are seconded.
- 15.2 When the Provost is satisfied that there are no more motions, amendments or questions to be raised he or she will state that Council is in debate.
- 15.3 Once in debate, no other motion or amendment will be moved except in the following circumstances: -
- to suspend a Member in terms of Standing Order 6;
 - to adjourn the debate in terms of Standing Order 5.7 or 16.1; or
 - to close the debate in terms of Standing Order 16.2
- 15.4 Once in debate, no question will be asked except in the following circumstances:
- a question of order in terms of Standing Order 12.10;
 - with the agreement of the Provost

15.5 The mover of a motion or an amendment will not speak for more than five minutes, except with the consent of the Provost. Each succeeding speaker will not speak for more than five minutes. When the Member has spoken for the allotted time he/she will be obliged to finish speaking, otherwise the Provost will direct the Member to cease speaking.

15.6 Every Member of the Council who speaks at any meeting of the Council will address the Provost and direct his/her speech to the subject matter of the item of business.

15.7 Subject to the right of the mover of a motion, and the mover of an amendment, to reply, no Member will speak more than once on the same item of business at any meeting of the Council, except:-

- on a question of order;
- with the permission of the Provost
- and in either of these cases no new matter will be introduced.

15.8 The mover of an amendment and thereafter the mover of the original motion will have a right of reply for a period of not more than 5 minutes. He/she will introduce no new matter and once a reply is commenced, no other Member will speak on the subject of debate. Once these movers have replied, the discussion will be held closed and the Provost will call for the vote to be taken.

15.9 Officers present at the meeting, with the exception of the Chief Executive, the Solicitor to the Council, the Chief Financial Officer and the Chief Social Work Officer will not be allowed to address the Council once the Council is in debate, except:-

- where the Officer has been asked a direct question by the Provost;
- where a question of legal or financial propriety or Best Value requires to be addressed or clarified;
- where the Officer is asked to address an issue for clarification by the Provost; and
- where the Provost decides that the Officer's advice is required.

It should be noted that Officers should be treated in accordance with the Protocol for Member/Officer relations.

16 Procedural Motions

16.1 Any Member of the Council may, at the conclusion of any speech move that the Council adjourns and such motion will have precedence over all other motions. Such a motion must be seconded but need not be reduced to writing. It will be moved and seconded without discussion and will immediately be put to the meeting. When an adjourned meeting is resumed, subject to Standing Order 9 it will commence at the point at which it was broken off at the adjournment.

16.2 It will be competent for any Member who has not already spoken in a debate to move the closure of such debate. On such motion being seconded, the vote will be taken, and if a majority of the Members present vote for the motion, the debate will be closed.

However, closure is subject to the right of the mover of the motion and of the amendment(s) to reply. Thereafter, a vote will be taken immediately on the subject of the debate.

17. Voting

- 17.1 All business of the Council will be decided by a majority vote of those Members present and voting, except in those circumstances where these Standing Orders specify that a two-thirds majority is required in terms of Standing Order 23.
- 17.2 When a motion and two or more amendments to it are before a meeting and any one of the proposals, in the opinion of the Provost, implies negation, the vote shall be taken on the proposal involving negation as soon the debate is completed and before the vote, if any, on the remaining proposals is taken. The proposal involving negation shall be put to the meeting in the form of “proceed” or “not proceed”. If “not proceed” is carried by majority of votes, the remaining proposals shall drop, but if “proceed” is carried a vote shall be taken between the remaining proposals as hereinafter provided.
- 17.3 Where a motion and one amendment only are before the meeting these will be voted on together, but if there are more amendments than one, the amendment first proposed will be put against the motion. The winner will then be put against the second amendment, and so on.
- 17.4 If a Member wishes his/her abstention to be recorded in the minutes, he/she must immediately declare so to the meeting when the vote has been taken.
- 17.5 Where there is more than one amendment, and two thirds of the members present and voting so decide, Council may adopt the following alternative procedure to that detailed in Standing Order 17.3 hereof:- if there are more amendments than one, the amendments will each be the subject of a separate debate, vote and determination, starting with the first amendment. If the first amendment is agreed, the substantive motion will be altered to give effect to the wording of that amendment before debate, vote and determination of the second amendment and so on. Once the debate on the first amendment commences, no new motion or amendment shall be lodged, except in the circumstances set out in Standing Order 15.3. Except as required to give effect to this paragraph, all remaining provisions of Standing Orders shall remain in full force and effect.

Casting Vote

- 17.6 In the case of an equality of votes, the Provost or Depute Provost if presiding, or in the absence of the Provost/Depute Provost, such other Member presiding, shall have a second or casting vote except where the matter which is the subject of the vote relates to the appointment of a Member to any particular office or Committee, in which case the decision shall be by lot.

Roll Call Votes

- 17.7 Voting shall normally be by a show of hands but at the Council Meeting if not less than six of the Members present so request, the name of each Member voting or declining to vote shall be recorded in the minute by the Chief Executive by calling the roll of the Members. In relation to Committees, no less than three Members will be required to request a roll call vote.

Voting by Ballot

- 17.8 If the Council so decides, voting shall be by ballot, which shall be undertaken by the Chief Executive to ensure the secrecy of the vote. A decision to proceed by ballot shall require a majority of those Members present and voting before the ballot may be undertaken.

18. Voting on Appointment of Members

- 18.1 In the case of an appointment where only one vacancy requires to be filled and there are two or more candidates, a vote shall be taken between the candidates and the one receiving the most votes shall be declared duly appointed. In the event of an equality of votes, the candidate selected in a cut of cards as having the highest value card (ace high) shall be declared duly appointed.
- 18.2 In the case of appointments where more than one vacancy requires to be filled and the number of candidates nominated exceeds the number of vacancies, voting shall take place. Each Member shall be entitled to vote for one candidate for each vacancy and the candidates receiving the highest number of votes shall be appointed to the number of vacancies to be filled. In the event of an equality of votes the candidate selected in a cut of cards as having the highest value card (ace high) shall be declared duly appointed.

19. Disclosure of Information

- 19.1 Information, whether contained in a document or otherwise, which is confidential information within the meaning of Section 50A of the 1973 Act, shall not be disclosed to any person by any Member or Officer.
- 19.2 The full or any part of a document marked "not for publication by virtue of the appropriate paragraph of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973" shall not be disclosed to any person unless or until the document has been made available to the public or the press under Section 50B of the 1973 Act.
- 19.3 Any information regarding proceedings of the Council from which the public may have been excluded shall not be disclosed to any person unless or until disclosure has been authorised by the Council or the information has been made available to the press or to the public under Section 50B of the 1973 Act.

19.4 Without prejudice to the foregoing no Member shall use or disclose to any person any confidential and/or exempt information coming to his/her knowledge by virtue of his/her office as a Member where such disclosure would be to the advantage of the Member or of anyone known to him/her or which would be to the disadvantage of the Council.

20. Appointment of Executive Directors

20.1 The appointment of any permanent Chief Officer of the Council shall be undertaken by the Staffing and Recruitment Committee or any other such panel of Elected Members. All appointments made below Chief Officer level shall be made by the relevant Chief Officers in consultation with the Chief Executive.

21. Suspension of Standing Orders

21.1 Any one or more of the Standing Orders in any case of urgency as determined by the Provost upon a motion made, may be suspended at any meeting provided that two thirds of the Members of the Council present and voting shall so decide. It shall not be competent for the Council to suspend any Standing Order which gives effect to any provision of Schedule 7 to the Local Government (Scotland) Act 1973 or any other statutory provision. (This covers the arrangements for meetings and proceedings of Local Authorities).

21.2 Any Member competently moving the suspension of Standing Orders shall be entitled to speak for a period of not more than five minutes and shall confine his/her remarks to the reasons for the proposed suspension. The seconder of any such motion shall not speak other than to formally second the motion (no other Member shall be entitled to speak to the motion or to the amendment).

21.3 If any amendment is made against suspension of Standing Orders the mover of any such amendment shall again be entitled to speak for not more than five minutes and shall similarly confine his/her remarks to the reasons against suspension. The seconder of an amendment shall not speak other than to formally second the amendment.

22. Variation and Revocation of Standing Orders

22.1 It shall not be competent at any meeting of the Council to revoke or vary any of the Standing Orders except:

- i. Upon a resolution to that effect at an Ordinary meeting of Council following a notice given at a previous Ordinary Meeting of the Council; or
- ii. Upon the Chief Executive submitting to any meeting of the Council a report on any new Standing Order or alteration of any existing Standing Order which appears to be required in consequence of any decision regarding the conduct of business which has been taken by the Council or which is otherwise required for the good governance of the Council.

22.2 Any motion to revoke or vary these Standing Orders will, when voted on, be approved by a majority of the Members present and voting.

23. Rescinding/Revocation of Previous Decision/Resolution

- 23.1 Except where required by statute, no Decision of Council may be reconsidered and no item of business reconsidered which is the same or substantially the same as one previously determined by the Council within six months of the date of the making of the previous decision or determination, except where:-
- i. two thirds of the Members for the time being present and voting agree to suspend Standing Orders in accordance with Standing Order 21 above; or
 - ii. In the opinion of the Solicitor to the Council not doing so would, result in a decision which is likely to give rise to a contravention by the Council of any enactment or rule of law or of any code of practice made by or approved by or under any enactment.
 - iii. The original Council Decision cannot be implemented due to reasons outwith the control of the Council; or
 - iv. Where, as a matter of urgency, having regard to the potential loss of life, risk of substantial economic loss to the Council or any third party, (including potential loss or material underutilisation of funds or resources not available at the time of the Decision of Council), it is deemed by the Chief Executive that the matter ought to be reconsidered by the Council.

For the avoidance of doubt this Standing Order does not apply to Questions raised under Standing Order 12. No such Question shall require the suspension of Standing Orders in order to be considered or reconsidered.

24. Decisions of Cabinet: Call-In Process

- 24.1 Minutes of the Cabinet will be sent to all Members of the Council by the end of the Working Day following the meeting, or as soon as practicable thereafter. No action will be taken to implement decisions until the expiry of four further Clear Working Days following the issue of the Minutes. Decisions can then be acted upon unless they have been called in or referred.
- 24.2 Members will be entitled to call-in decisions of the Cabinet on a requisition as set out in the Call in Request Form (Appendix D to these Standing Orders). This must be signed by three Members and delivered to the Chief Executive, or submitted electronically, via an individual email to the Chief Executive from each of the three Elected Members in question. Such requisition must be received no later than 12 noon on the fourth Clear Working Day following, and not counting, the day on which the Cabinet Minute was issued. Such requisition must state the reason for the call in.
- 24.3 The Chief Executive will then immediately refer the matter to the Convener of the Audit and Scrutiny Committee who will be required to call a meeting of the Committee to consider the call-in within five Clear Working Days of receiving notification by the Chief Executive.

- 24.4 The Audit and Scrutiny Committee shall invite at least one of the Members who has requested the call-in to attend the Committee to explain the request. The Committee will also invite a representative from the Cabinet to present their views on the call-in request and thereafter invite any senior officer to provide information on the report presented to the Cabinet and on issues raised by the call-in. Except with the consent of the Chair, Members requesting the call-in will not speak for more than ten minutes in total, and the Cabinet representative will not speak for more than 10 minutes. If none of the Members who have made the reference attend the Audit and Scrutiny Committee the Committee may determine not to scrutinise the decision.
- 24.5 No Member of the Audit and Scrutiny Committee who has signed a call-in request may take part in consideration of the call-in request.
- 24.6 Where the Audit and Scrutiny Committee does not agree on a majority vote with the decision of the Cabinet the matter will be referred to the next meeting of the Cabinet. The Audit and Scrutiny Committee will determine recommendations for alternative action for the Cabinet. The Convener or another Member of the Audit and Scrutiny Committee nominated by the Convener will have the right to attend the Cabinet and speak in support of its recommendation on that matter.
- 24.7 The Cabinet will at its next meeting consider the recommendation from the Audit and Scrutiny Committee and shall either agree to the recommendation or refer the matter to the next meeting of the full Council.
- 24.8 In the event of the matter being referred to the full Council, the decision of the full Council shall be final and binding.

25. Discharge of Functions by Committees and Officers

Scheme of Administration for Committees

- 25.1 The Council may arrange for the discharge of its functions by a Committee or Sub-Committee and will adopt a Scheme of Administration to (a) detail the constitution of the Committees and/or Sub-Committees of the Council (including composition, Chair, and quorum); and (b) determine the terms of reference of the Committees and Sub-Committees and the scope of their powers to exercise functions of the Council.
- 25.2 The Scheme of Administration will establish a Cabinet (which will also act as an Education Committee as required), Audit and Scrutiny Committee and such other Committees or Sub-Committees as the Council may from time to time determine.
- 25.3 In the event that any Group does not appoint to any committee the number of Councillors they are entitled to appoint, Council may appoint any other Member to fill such a vacancy or vacancies.

Working Groups

- 25.4 The Council and its Committees may establish any working group as may be required from time to time but each working group will have a limited time span as may be determined by Council or the parent Committee.

25.5 The membership, Convener and quorum of working groups will be determined by Council or the parent Committee, which membership will comprise Elected Members and, where appropriate, officers from this Council and/or representatives from community groups/partner agencies.

25.6 A working group is not a Committee or Sub-Committee of the Council and will not have any delegated powers to implement its findings but will prepare a report for consideration by Cabinet or the parent Committee.

25.7 Agendas and Reports for consideration at Working Groups will be issued by electronic means to all members no later than two Clear Working days prior to the start of the meeting.

Scheme of Delegation to Officers

25.8 Subject to Section 50G (2)(b) of the 1973 Act, the Council shall maintain a list specifying those powers of the authority which are exercisable from time to time by officers of the authority under the 1973 Act or any other enactment and this list will state the title of the officer by whom each of the powers so specified is for the time being so exercisable.

26. Proceedings of Committees and Sub-Committees

26.1 The business of Committees or Sub-Committees will be conducted as follows:-

- i. The business of the Committee or Sub-Committee will be conducted in accordance with the provisions of Standing Orders and any statutory or regulatory provisions in respect of such business;
- ii. Such business will proceed primarily on the basis of reports submitted by Officers or referrals by Council, other Committees or other relevant bodies.

Notwithstanding the foregoing, Council may, if it considers it appropriate for the proper conduct of the business of the Council, instruct a report on, or consider any matter as it is referred to in the remits of any Committee or Sub-Committee. In relation to functions delegated to North Ayrshire Integration Joint Board, Council will not make decisions, but may make recommendations to the Board.

- iii. The Ordinary Meetings of Committees (excepting the North Ayrshire Integration Joint Board, the Ayrshire Shared Services Committee and Ayrshire Regional Economic Joint Committees and any sub-committees thereof) will commence at times as may be determined by the Council and will meet according to a timetable determined by the Council from time to time. Without prejudice to the foregoing, the Chair of a Committee or Sub-Committee will have power where the circular calling the meeting has not been issued, to rearrange the date, time and place of a Committee or Sub-Committee in cases of urgency, subject to obtaining the agreement of the Council Leader and the Leader of the Opposition. The date, commencement time and timetable of meetings of North Ayrshire Integration Joint Board and any of its sub-committees will be determined by North Ayrshire Integration Joint Board. The date, commencement time and timetable of meetings of the Ayrshire Shared Services

Committee, the Ayrshire Regional Economic Joint Committees and any sub-committees thereof will be determined by whichever of the Councils then holds the Chair.

- iv. A Chair of a Committee or Sub-Committee may at any time give instructions for the calling of a special meeting, but the notice will state the special purpose for which it is called. Such meeting will be held at the time, date and venue as determined by the Chief Executive.

26.2 The exercise of delegated authority by a Committee or Sub-Committee is subject to the following:

- i. The exercise of powers is discretionary and a Committee or Sub-Committee may determine not to exercise its delegated powers.
- ii. The consideration of all Committee business which has not been completed before the meeting is brought to an end shall be postponed to the next meeting of the Committee, whether Ordinary or Special.
- iii. Committees and Sub-Committees shall appoint their own Chair or Vice- Chair if Council has failed to do so. In the absence of the Chair or Vice-Chair the Committee will be required to elect a member from those present to chair the meeting. The Convener of any Sub-Committee must be a member of the Parent Committee.
- iv. In the event that an issue arises which falls within the remit of more than one Committee, the Chairs of said Committees will determine which Committee shall deal with the issue.
- v. There will be no temporary substitution of Members of Committees and Sub-Committees unless specific provision is made for the temporary substitution of Members of a particular Committee or Sub-Committee within these Standing Orders or in any relevant Minute of Agreement, Constitution or similar document.

26.3 Planning Committee Call-in

- 26.3.1 In terms of Section 43(6)A of the Town and Country Planning(Scotland) Act 1997, three or more Elected Members can refer an application which would otherwise be determined by an officer under the Council's Scheme of Delegation to Officers, for determination by the Planning Committee. Any such request must be signed by three Elected Members and delivered to the Chief Executive, or submitted electronically, via an individual email to the Chief Executive from each of the three Elected Members in question. Such requisition must be received no later than 12 noon on the twenty first calendar day (all days inclusive) following validation of the application. Such requisition must state the reasons for the call-in, which must relate to the provisions of the Local Development Plan and any material planning considerations which are relevant to the application. The reasons will be shared with the applicant.

26.3.2 On receipt of such a call-in, the Chief Executive will consult with the Chair of the Planning Committee and if the Chief Executive is satisfied that the call-in complies with the terms of Standing Order 26.3.1, the application shall be referred to the Planning Committee for determination of the application. No Member of the Planning Committee who has signed a call-in request may take part in consideration of the call-in request.

26.3.3 At least one of the Members who has requested the call in will be asked to attend the Planning Committee to explain the request. The Committee may either determine the application or decide not to determine the application, leaving officers to determine the application under delegated powers.

27. Approval and Signing of Minutes

27.1 Minutes of Meetings of Committees with delegated powers shall be submitted to the next meeting of that Committee for approval of their accuracy and thereafter signed by the Chair of that Committee. Subject to the provisions of 24.1, Officers may implement any decision made within the delegated powers of such Committees immediately after the meeting.

27.2 Minutes of Meetings of Committees, which do not have delegated powers, will be submitted to Council or Cabinet as appropriate for approval of the decisions contained therein and to the next meeting of that Committee for approval of their accuracy. Following approval of such minutes (excepting Cabinet, the decision of which cannot be implemented until the expiry of the periods mentioned in Standing Order 24) Officers will be able to implement any decisions contained within the Minutes.

27.3 Where Minutes are submitted for approval of their accuracy, there shall be no discussion of the Minutes, except upon their accuracy and any question on their accuracy shall be raised by motion.

28. Petitions and Deputations

28.1 Every application for the reception of a deputation or petition Committee must be in writing, and delivered, faxed or e-mailed to the Chief Executive no later than 5.00 p.m. on the Tenth Clear Working Day prior to the meeting.

28.2 Procedures for receiving petitions and deputations shall be as set down in Appendix B to these Standing Orders. No petition or deputation shall be received by the Committee in relation to any regulatory or quasi-judicial function of the Council where the opportunity of a hearing or deputation has previously been afforded to any person. No late petition or deputation request shall be received except in accordance with Standing Order 9.5.

29. Contract Standing Orders and Financial Regulations

- 29.1 The Council may make Contract Standing Orders and Financial Regulations for the regulation or making by it, or on its behalf of contracts and for the proper planning, execution and control of its financial affairs. Such Standing Orders and Regulations will form part of these Standing Orders and will be read with them along with any Scheme of Delegation to Officers made by the Council.
- 29.2 Contract Standing Orders and Financial Regulations made by the Council in terms of this Standing Order will apply to Committees, Members of the Council, Officers and agents of the Council as appropriate.
- 29.3 The Scheme of Administration, Scheme of Delegation, Financial Regulations and Contract Standing Orders will have the same standing as Standing Orders and can only be amended in the same manner as Standing Orders.

30. Ultimate Power of the Council

- 30.1 Without prejudice to any decision taken by a Committee in exercise of delegated powers, the Council may at any time deal with any matter included in the terms of reference of a Committee even if no report from the Committee is before it.

31. Definitions

- 31.1 In these Standing Orders the following words and phrases will have the following meanings respectively ascribed to them:-
- i. "Provost" or "Chair " will mean the person appointed to Chair the Council, Committee or Sub-Committee;
 - ii. "Vice-Provost" or "Vice- Chair " will mean the person appointed to Chair the Council, Committee or Sub-Committee in the absence of the Provost or Convener ;
 - iii. "Cabinet Portfolio Holder" will mean the Member who has been given responsibility for a group of services. The postholder will be a Senior Councillor and will receive appropriate remuneration in terms of the Scheme of Allowances;
 - iv. "Chief Executive" will mean the Head of Paid Service of the Council as defined in terms of the Local Government and Housing Act 1989 s4(1)(a) or such other person as may be nominated by him/her;
 - v. The "Chief Financial Officer" will mean the proper officer so designated by the Council in terms of the Local Government (Scotland) Act 1973 s.95 or such other qualified accountant as may be nominated by him/her;
 - vi. "Clear Working Days" will unless otherwise specified, mean the whole 24 hour period of a day, Monday to Saturday inclusive, including public holidays.
 - vii. The "Council" will mean North Ayrshire Council, being a Local Authority constituted under the Local Government Etc. (Scotland) Act 1994;

- viii. A "Decision of Council" will be deemed to have been made where any of the following circumstances occur:-
- i. A motion or amendment in accordance with the provisions of these Standing Orders, has been passed by the necessary majority at Council. Committee or Sub-Committee.
 - ii. The exercise by the appropriate officer of any power delegated to them either by reason of another Decision of Council or in terms of the Scheme of Delegation.
 - iii. The exercise by the Chief Executive of the discretion available to them.
 - iv. Such Decision of Council will be deemed to include any necessary actions required to give effect to such decision.
 - v. Where a Decision of Council is subsequently found to be incapable of implementation because of a defect or a new supervening factor, then subject to the confirmation of the Chief Executive upon advice taken, the Decision of Council may be given effect to with the removal of such defective element, or its replacement with a suitable and in all respect compatible element, provided always that the likely outcome of the resultant Decision of Council is materially the same or sufficiently similar to the original decision. In such circumstances the Chief Executive will be obliged to report such change to the next appropriate meeting of the Council, and any decision on such report will not require the suspension of Standing Orders.
- ix. 'Elected Members' and 'Member' will mean, except where the expression will otherwise so require, a Councillor of the Council only, as the word 'Councillor' is defined by reference to Local Government Etc. (Scotland) Act 1994 s5;
- x. 'Solicitor to the Council' will mean the Head of Democratic Services or such other legally qualified person as may be nominated by him/her;
- xi. 'Party' will mean any grouping of two or more Members, previously intimated to the Chief Executive
- xii. 'Present and voting' or 'present and vote' shall mean Members casting an affirmative or negative vote. Members who abstain from voting are considered as not voting
- xiii. The Interpretation Act 1978 applies to the interpretation of the Standing Orders as it applies to an Act. Any Act or other legislative provision referred to herein will include reference to any amendment, modification or re-enactment of such provision as may from time to time occur.
- xiv. In the event of any dispute or difference as to the interpretation of these Standing Orders and any other document the Standing Orders will prevail.
- xv. The '1973 Act' shall mean the Local Government (Scotland) Act 1973, as amended.

xvi. The '2000 Act' shall mean The Ethical Standards in Public Life etc (Scotland) Act 2000.

31.2 Emails from Elected Members to the Chief Executive in respect of Standing Orders 12, 13 and 24 should be submitted using the Council allocated email address i.e. [MemberName]@north-ayrshire.gov.uk. Such emails will be accepted as having been signed by the Elected Member.

Appendix A

Local Government (Scotland) Act 1973

SCHEDULE 7A: DESCRIPTIONS OF EXEMPT INFORMATION

1. Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office holder, former office-holder or applicant to become an office-holder under, the authority.
2. Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority.
3. Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.
4. Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.
5. Information relating to the adoption, care, fostering or education of any particular child or relating to the supervision or residence of any particular child in accordance with a supervision requirement made in respect of that child under the Social Work (Scotland) Act 1968.
6. Information relating to the financial or business affairs of any particular person (other than the authority).
7. Information relating to anything done or to be done in respect of any particular person for the purposes of any of the matters referred to in section 27(1) of the Social Work (Scotland) Act 1968 (providing reports on and supervision of certain persons).
8. The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services.
9. Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.
10. The identity of the authority (as well as of any other person, by virtue of paragraph 6 above) as the person offering any particular tender for a contract for the supply of goods or services.
11. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office-holders under, the authority.
12. Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:-
 - i. any legal proceedings by or against the authority, or
 - ii. the determination of any matter affecting the authority,

(Whether, in either case, proceedings have been commenced or are in contemplation).

13. Information which, if disclosed to the public, would reveal that the authority proposes -
 - i. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - ii. to make an order or direction under any enactment.
14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
15. The identity of a protected informant.

Appendix B

NORTH AYRSHIRE COUNCIL

GUIDANCE ON DEPUTATIONS AND PETITIONS

1. Introduction

- 1.1 This guidance sets out the process to be followed by persons wishing to make a deputation or submit a petition to the Audit and Scrutiny, Planning, or Licensing Committees.

2. Procedure

- 2.1 Every application for the reception of a deputation or petition must be in writing, duly signed and delivered or faxed or e-mailed to the Chief Executive no later than 5.00 p.m. on the Tenth Clear Working Day prior to the meeting.
- 2.2 The application should give details of the matter to be raised. You should be able to demonstrate that you have taken steps to resolve the issues prior to submitting your application, including submission of a complaint under the Council's Complaints Procedure where relevant. Details of the services or officers approached, together with copies or summaries of the responses received should be submitted along with your application form. Where no covering letter has been submitted, officers will write to the initial signatory of the petition to request the supporting documentation, in the absence of which the Chair of the Audit and Scrutiny Committee may decline to accept the petition.
- 2.3 Petitions or deputations will only be received if they relate to the delivery of Council services or to services which are provided by the Council in conjunction with other partner organisations, or if they relate to decisions that the Council has taken or is about to take. Your petition must contain a minimum of 10 written signatures from different North Ayrshire households. E-petitions may be lodged in support, but not in substitution for the 10 written signatures. The petition should give details of the matter concerned. Again you should be able to demonstrate that you have taken steps to resolve the issue of concern prior to submitting your petition.
- 2.4 A petition will not be competent in the following circumstances: -
- If it relates to a case that is or has been subject to legal or court proceedings, ombudsman complaints, industrial tribunals, appeals procedures;
 - If it requests the Council to do something outwith its powers;
 - If it discloses information which is protected by an interdict or court order;
 - If it reveals commercially sensitive or confidential information;
 - If it would cause personal distress or loss; and
 - If it relates to an individual's circumstances or an individual's grievance
 - If it relates to any regulatory or quasi-judicial function of the Council where the opportunity of a hearing or deputation has previously been afforded to any person.
 - The deputation or petition seeks to review an issue which is the same or substantially the same as a Decision of Council made within the previous six months;
 - It relates to functions delegated to North Ayrshire Integration Joint Board;
 - The deputation or petition seeks to review an issue which has already been considered by the Audit and Scrutiny Committee in terms of 24 (Call-in of Cabinet Decisions)

- 2.5 If 10 or more letters are received on one specific issue, these will be treated in the same way as petitions. If the individual leading the letter writing campaign can be identified, that person will be treated as the principal petitioner and the same procedures will apply as for petitions generally.

3 Determination

- 3.1 When an application for a deputation/petition is received the Chair of the Audit and Scrutiny Committee will be advised of the issues raised and will decide whether the matter should be dealt with at the next Committee meeting.
- 3.2 If your request for a deputation or to submit a petition is refused, the reasons for this will be notified to you.
- 3.3 If your application is approved, you will be invited to attend the Committee meeting. As many Members of your group as wish may attend the meeting, but the number of persons allowed to address the Committee will be limited to a maximum of 3. You will also be asked to identify the principal spokesperson beforehand.

4 Addressing the Committee

- 4.1 You should remain seated at all times during the meeting, until the spokespersons are invited to speak by the Chair.
- 4.2 You will be limited to ten minutes in total to present your case to the meeting. Once you have addressed the meeting, the Members present will be invited to put questions to you. Appropriate Members or officers of the Committee may also be invited to speak and to receive questions. If the officers are presenting a written report, you will be given a copy, if possible, in advance of the meeting.
- 4.3 The Committee will then take a decision on the matter before it, if appropriate, or if it relates to an item elsewhere on the agenda of the meeting may wait until they reach that item before taking a decision. Once you have heard the decision you are free to leave but are welcome to stay to listen to the rest of the meeting if you so wish.
- 4.4 If nobody addresses the Committee in support of the petition, the Committee will still consider the item, having regard to the papers on the agenda.

5 Deputations and Petitions Relating to Planning Applications

- 5.1 The Council has approved separate procedures which apply to requests by objectors to planning applications who are seeking authority for a deputation to address the Planning Committee in support of their objections. Appendix C

North Ayrshire Council

Procedure on Dealing with Requests to the Council from Outside Bodies to Support Resolutions and Motions

1. Purpose

- 1.1 To advise on the procedure for handling requests to the Council from Outside Bodies to support resolutions or motions.

2. Background

- 2.1 From time to time the Chief Executive, or the Leader of the Council, receives requests from Outside Bodies e.g. other local authorities, to support resolutions or motions passed by those bodies. These may relate to subjects of national or local importance and generally the aim is to mobilise national support for a particular position.

3. Procedure

- 3.1 To ensure that such requests are handled in a consistent manner the following steps will be followed.
- 3.2 On receipt of such requests, Committee Services will take the following action: -
 - i. Acknowledge the request and advise the Outside Body that it will be circulated to Group Leaders for their attention. The Outside Body will also be advised that in terms of the procedure, no further action will be taken unless a motion **in support** is subsequently considered by the Council.
 - ii. Circulate the request by email to Group Leaders and Independent Members for their attention. It will be for such Members to decide whether they wish to support the resolution or motion passed by the Outside Body.
- 3.3 Any Member wishing to support the terms of the resolution or motion will be requested to submit a formal notice of motion (properly seconded) to the Chief Executive within the usual timescale for the receipt of such notices for the next ordinary meeting of the Council i.e. 2.00 p.m. on the Wednesday of the week preceding the Council meeting.
- 3.4 All motions will require to be seconded in the usual manner.
- 3.5 On receipt of such a motion, Committee Services will arrange for the motion to be added to the agenda for the next ordinary Council meeting in the usual manner.

The outcome of the Council's deliberation will be communicated to the Outside Body thereafter.

Appendix D

| | |
|--|-----------------------------|
| | Call In Request Form |
| We request in terms of paragraph 24.2 of the Standing Orders Relating to Meetings and Proceeding of the Council that the decision taken by the Cabinet be called in by the Audit and Scrutiny Committee. | |
| Names of Councillors Requesting Call In | |
| 1. | |
| 2. | |
| 3. | |
| Details of the Decision Taken By The Cabinet (Please specify the Minute reference) | |
| | |
| Reasons for Call In (Please specify your reasons for requesting that the Audit and Scrutiny Committee call in the decision) | |
| | |
| Desired Outcome (Please specify your desired outcome) | |
| | |

This form must be received by the Chief Executive's Office not later than midday on the 5th day following the meeting of the Cabinet to which the Call In refers.

| | Date | Time |
|--------------------------------|------|------|
| Received by Chief Executive | / / | |
| Received by Committee services | | |
| Acknowledged | | |

Appendix E

NORTH AYRSHIRE COUNCIL

Quick Guide to Dealing with Items of Business

1. Officer speaks to the terms of the report.
2. Questions by Members to Officers about their report.
3. The Administration move and second the motion. Provost asks if this is agreed. If it is, we move to the next item of business.
4. All Amendments are then moved and seconded.
5. Members can ask questions to the mover or seconder of a motion or amendment seeking clarity of the terms of the motion/amendment. This also gives Members the opportunity to ask if a mover of the motion or amendment is prepared to alter this to achieve agreement.
6. When the Provost is satisfied that there are no more amendments or questions (e.g. once the questions stop and the Provost receives a negative response to the question “are there any further amendments”) he or she will state “we are now in debate”.
7. Debate - At debate stage members are allowed up to 5 minutes each to make submissions. No new amendments or questions are allowed once the debate starts.
8. Summing up in reverse order. In other words, last amendment sums up finishing up with the motion.
9. Voting – The first vote is for the motion against the first amendment. The winner goes against the second amendment and so on.

| Document Control Summary:- | | |
|----------------------------|---|---|
| Location: | I:\Committee Services\Publications\01 Standing Orders Relating to Proceedings of the Council and Committees | |
| Last Revised: | Revised By | Nature of Revision |
| May 2017 | MJA | Standing Orders approved by Council |
| May 2018 | MJA | Para 2 amended by Council to change the frequency of Council meetings from 8-weekly to 6- weekly. |
| June 2018 | MJA | <p>Revised Standing Orders agreed at Council meeting on 27 June 2018:-</p> <p>9 - Order of Business aligned with order in which items appear on the Council agenda;</p> <p>12.4 - A time limit of 3 minutes for questions, supplementary questions and responses</p> <p>13.2 and 14.4 - Motions and amendments for Council to be recorded</p> <p>26.3 - The Call-in procedure for planning applications included</p> <p>Appendix B Deputations and Petitions- additional exceptions added in 2.4 relating to a) functions delegated to the Integration Joint Board; b) where the request seeks to review a decision taken within the last 6 months; or c) seeks to review a matter which has already been reviewed by the Audit and Scrutiny Committee through the Call-in process.</p> |
| Nov 2018 | MJA | Changes as per decision of Council of 7 November 2018 following the recommendations of a Short Life Member Working Group on Questions and Motions. Changes relates to congratulatory questions and motions, and voting arrangements. |
| March 2019 | MJA | New 12.9 added re factually correct questions. Agreed by Council at its meeting on 27 March 2019. |



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Committee Services

Scheme of Administration

25 September 2019

Published by Committee Services,
North Ayrshire Council, Cunninghame House, Irvine KQA12 8EE

Classification: Public – Final Sept 19

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SECTION 1: GENERAL

Purpose

The Scheme regulates: -

- The constitution and membership of the Committees of the Council;
- The functions of the Committees of the Council; and
- The delegation to Committees to exercise the functions of the Council.

Amendment

This Scheme may be amended at any time by a decision of Council by a simple majority.

Interpretation

In this Scheme the following expressions will have the following meaning assigned to them:

“Act” in relation to the functions of the Council means an Act of Parliament or any amendment, replacement or variation thereof including Regulations made thereunder.

“Area” in relation to the geographical area of jurisdiction of the Council will be North Ayrshire as defined in column one of Part 1 of Schedule 1 to the Local Government Etc. (Scotland) Act 1994.

“Committee” where the context permits includes any Sub-Committee of that Committee or Joint Committee.

“Co-opted Member” means any Member of a Committee who is not an Elected Member.

“Council” means the North Ayrshire Council.

“Chief Executive” means the Chief Executive appointed by the Council.

“Chief Officer” means any Chief Officer appointed by the Council.

“Executive Director” means any Executive Director appointed by the Council.

“Member” means a Councillor of the Council elected in terms of the Local Government Etc. (Scotland) Act 1994.

“Provost” means the Civic Head of the Council appointed by the Council.

“Leader” means the Leader for the time being of the Council.

“Depute Leader” means the Depute Leader for the time being of the Council.

“Opposition” means the largest Political or other Group not forming part of the Council Administration.

Conflict with Standing Orders - in the event of any dispute or differences as to the interpretation of this Scheme of Administration and the Standing Orders for Meetings, the Standing Orders for Meetings will prevail.

Committees

Subject to the provisions of the Local Government Etc. (Scotland) Act 1994 and other relevant statutes, the Council will appoint and maintain the following Committees and Sub Committees, namely:

- The Cabinet
- Appeals Committee
- Audit and Scrutiny Committee
- Ayrshire Shared Services Joint Committee
- Education Appeals Committee
- Licensing Committee
- Local Development Plan Committee
- Local Review Body
- Planning Committee
- Police and Fire and Rescue Committee
- Staffing & Recruitment Committee

Functions are also delegated to the North Ayrshire Integration Joint Board, which is a statutory body constituted in terms of The Public Bodies (Scotland) (Integration Joint Board Establishment) (Scotland) Order 2015.

The respective Committees of the Council will have the constitution, quorum, terms of reference and delegated powers hereinafter specified under the appropriate section of the Scheme.

The remit, membership and operation of the Local Negotiating Committee for Teachers will be as previously determined by Council and as stated within its Constitution until Council determines otherwise.

The Council may from time to time appoint such other Committees, Sub Committees etc., and/or Working Parties with such constitution, quorum, terms of reference and delegated powers as the Council may decide.

North Ayrshire Community Planning Partnership has divided North Ayrshire into six localities for the purposes of Section 9 of the Community Empowerment (Scotland) Act 2015, being Irvine, Kilwinning, Three Towns, Arran, Garnock Valley, and North Coast and Cumbraes. Locality Partnerships with membership from Community Planning Partners and communities have been established for each of these localities.

SECTION 2: PROVISIONS APPLICABLE TO ALL COMMITTEES

1. Notwithstanding the reference to one Committee of any class of function, the Council will have power to refer any function on any particular occasion specifically to another Committee whether by reason of the nature of the matter or otherwise.

Delegated Functions

2. Except otherwise specified herein, subject to the provisions of the Local Government (Scotland) Act 1973, any other relevant statute and the Council's Standing Orders Relating to Meetings and Proceedings of the Council and Committees, where any function of the Council is delegated to a Committee, the Committee will have the power to exercise the function in like manner as the Council could have exercised it had there been no delegation; Provided however that it will be competent for such Committee in relation to any delegated matter, instead of taking a decision thereon to make a recommendation thereon to the Cabinet, in which event, the matter will be decided by the Cabinet after consideration of that recommendation.
3. There will be excluded from delegation to any Committee following:
 - (a) All functions and remits which are in terms of statute or other legal requirement bound to be undertaken by the Council itself;
 - (b) The raising of money by rates or council tax;
 - (c) The approval annually of the General Services Revenue Budget and the setting of the level of the council tax for any year;
 - (d) The approval of the General Services Capital Plan;
 - (e) The approval annually of the Housing Revenue and Housing Capital Budgets and the setting of the level of rents for council houses held in the Housing Revenue Account;
 - (f) The incurring of any net new expenditure not provided for in the estimate of capital or revenue expenditure;
 - (g) Approval of the unaudited Annual Accounts of the Council;
 - (h) Approval of the Council Plan;
 - (i) Any change to the Scheme of Administration regulating the constitution, membership, functions and powers of Committees of the Council;
 - (j) Any change to the Standing Orders Relating to Meetings and Proceedings of the Council and Committees, the Standing Orders for Contracts;
 - (k) Any change to the Scheme of Delegation to Officers, detailing those functions delegated by the Council to its Officers;
 - (l) The making of an order for the compulsory acquisition of any land or buildings;

- (m) Other than to a Committee specifically appointed for the purpose, the appointment or dismissal of the Chief Executive, the Returning Officer or any Executive Director, Monitoring Officer, Chief Social Work Officer, Chief Planning Officer or S95 Financial Officer;
- (n) All matters relating to election of Councillors;
- (o) Matters relating to any alteration to the boundaries or the area of electoral wards and the number of Councillors;
- (p) The appointment of representatives of the Council on outside bodies;
- (q) The decision to co-operate or combine with other Local Authorities in the provision of services other than by way of collaborative agreement;
- (r) The approval or amendment of the Scheme of Establishment for Community Councils;
- (s) Consideration of Provisional Orders or Private Bills affecting the interests of the Council;
- (t) The approval of reasons for the non-attendance of Members at meetings in accordance with Section 35 of the Local Government (Scotland) Act 1973;
- (u) To appoint and nominate and remove Members and nominate and remove Chairs and Vice-Chairs of any Committee unless expressly provided in this Scheme. All subject to where any appointed or nominated Member is a Member of a Group within the Council, then where such member resigns from a Committee or the Integration Joint Board, any replacement may be nominated by the Group notifying the Chief Executive. At least ten Clear Working Days' notice is required before the change is implemented;
- (v) To appoint and nominate and remove Chairs and Vice-Chairs of any Committee unless expressly provided in this Scheme;
- (w) The appointment and setting of salary levels of Senior Councillors in terms of the Local Governance (Scotland Act 2004 (Remuneration) Regulations 2007 as amended;
- (x) Matters relating to the freedom of North Ayrshire;
- (y) Any functions referred to or delegated to any other Committee;
- (z) Any alteration or replacement of the North Ayrshire Integration Scheme;
- (aa) The determination of planning applications for major developments which are significantly contrary to the Local Development Plan; and
- (ab) The determination of applications for national developments as specified in the National Planning Framework;

- (ac) The approval of Policy and Strategy relating to the investment of any funds including Trust, Common Good and Pension Funds under the control or direction of the Council.
- (ad) The approval of the annual Treasury and Investment Strategy relating to the borrowing of money by the Council and treasury management.

General

- 4. The proceedings of any Committee will not be invalidated through any vacancy in membership or any defect in appointment.
- 5. The Committees and any Sub-Committees of the Council will have the terms of reference specified in this scheme in relation to each such Committee or Sub-Committee and such Committees and Sub-Committees will conduct their business within their terms of reference only and will act in accordance with the policies of the Council.
- 6. The Committees and Sub-Committees shall conduct their business always in accordance with the Standing Orders relating to meetings and proceedings of the Council as far as they are applicable. The Integration Joint Board will conduct its business in accordance with the Standing Orders relating to meetings of that Board. The Ayrshire Shared Service Joint Committee will conduct its business in accordance with the Standing Orders relating to meetings of that Committee.
- 7. The Committees and Sub-Committees will conduct their business always in accordance with the Contract Standing Orders and Financial Regulations of the Council.
- 8. The ordinary meetings of Committees (except the North Ayrshire Integration Joint Board and the Ayrshire Shared Service Joint Committee) will commence at such times as may be determined by the Council and will meet according to a timetable determined by the Council from time to time. Without prejudice to the foregoing, the Chair of a Committee or Sub-Committee will have power where the agenda calling the meeting has not been issued to rearrange the date, time and place of a Committee or Sub-Committee in cases of urgency, subject to obtaining the agreement of the Council Leader, and the Leader of the Opposition. The commencement, place and timetable of ordinary meetings of North Ayrshire Integration Joint Board and the Ayrshire Shared Service Joint Committee will be determined by those bodies.
- 9. In the event that an issue arises which falls within the remit of more than one Committee, the Chief Executive will determine which Committee shall deal with the issue.
- 10. There will be no temporary substitution of Members of Committees and Sub-Committees unless specific provision is made for the temporary substitution of Members of any particular Committee or Sub-Committee within this Scheme of Administration or in any Minute of Agreement, Constitution or similar document.

SECTION 3: CABINET

Constitution

The Cabinet will comprise seven Members of the Council including:

- (a) The Leader of the Council;
- (b) The Depute Leader of the Council (who will be the Vice-Chair of the Cabinet);
- (c) Five Members nominated by the Administration;

The Cabinet, when meeting to consider Education Authority business, will have the following additional Members: -

- (a) As voting Members, three persons interested in the promotion of religious education appointed in accordance with Section 124 of the Local Government (Scotland) Act 1973 as amended by Section 31 of the Local Government Etc. (Scotland) Act 1994, and as detailed in Annexation A hereto; and
- (b) As non-voting Members, (a) a representative of the professional teaching associations nominated by the Local Negotiating Committee for Teachers, and (b) two pupil representatives (one male and one female) being members of the Youth Council.

Chair

The Leader of the Council will be the Chair of the Cabinet.

Quorum

Three Members of the Cabinet will constitute a quorum.

Delegated Powers

The Cabinet will have full delegated powers to implement its functions.

Functions Referred

The following functions of the Council will stand referred to the Cabinet:

General

All functions not specifically reserved to Council or delegated to any other Committee, Sub- Committee or officer, including the following: -

A. Policies and Objectives - Except insofar as relating to Health and Social Care functions delegated to the Integration Joint Board: -

1. Guiding the Council (a) in the formulation of its policy objectives and priorities and (b) to keep the policy objectives and priorities under review;
2. Consideration of the broad social, economic and environmental needs of the Council's area and matters of comprehensive importance thereto;
3. Advising the Council generally as to its financial and economic policies;

4. The preparation of all major strategic policy documents;
5. Consideration or alteration within the policy framework established by the Council of policy objectives in relation to all of the Council's functions;
6. Monitoring the performance of the Authority towards achieving its policy objectives and priorities in relation to all functions of the Council;
7. Development of the capacity of organisations, individuals and communities, including young people to become involved in, and contribute to North Ayrshire, its neighbourhoods and communities, in the context of Fair for All and the reduction of inequalities.
8. Development of community and locality planning and Locality Partnerships, including strategy relating to the development of defined locality priorities and community action plans; and the application of Community Investment and Participatory Budgeting.

B.Resources and Services

9. Advising the Council generally on the allocation and control of its financial, workforce management, asset management and land resources;
10. The organisation and administration of all Directorates and Services of the Council;
11. Ensuring that the organisation and management processes of the Council are designed to make the most effective contribution in the achievement of the Council's objectives, reviewing where necessary and recommending to the Council any changes in the Committee structures or the distribution of functions and responsibilities;
12. Initiating and considering the results of reviews of strategic or corporate significance and any such other review as the Cabinet may deem appropriate;
13. Initiating or carrying out reviews of the Council's Risk Management Strategy;
14. Ensuring the Council has adequate and appropriate processes in place to ensure business continuity;
15. The preparation and implementation of the strategy for Performance Management and Review;
16. Reviewing the implementation of the Locality Outcome Improvement Plan, Council Plan, the Council Plan Delivery Plan, and the Council Plan Performance Framework;
17. Ensuring that all the Chief Officers establish and implement satisfactory arrangements for reviewing and appraising their Services' performances against set objectives, levels and standards of service and performance indicators and to receive regular reports on these and to review the outcomes;

C.Financial Management

18. Within the context of the Capital Plan, to advise and make recommendations to the Council on the approval of proposals for capital expenditure, the ranking of priorities and allocation of resources in relation to capital expenditure;
19. Within the context of the Revenue Plan, to advise and make recommendations to the Council of proposals for revenue expenditure and ranking of priorities and allocation of resources in relation to revenue expenditure;
20. Policy and Strategy relating to the banking arrangements of the Council;
21. To advise and make recommendations to the Council on the determination of appropriate levels of council tax each year;
22. The preparation, review and amendment of regulations and arrangements for the proper administration of the Council's financial affairs;
23. Ensuring that Heads of Service maintain effective controls within financial procedures operated within their Services;
24. Performance reporting relating to the borrowing of money by the Council and treasury management;
25. Performance reporting relating to the investment of any funds including trust, common good and pension funds under the control or direction of the Council;
26. Policy and strategy relating to the Council's portfolio of insurance policies;
27. Policy and strategy relating to the collection of council tax, non-domestic rates, community charges, water and sewerage charges (on behalf of Scottish Water) and acting as Collecting Authority therefor in terms of Section 79 of the Local Government etc. (Scotland) Act 1994;
28. The exercise of any discretionary powers under the Council Tax (Variation for Unoccupied Dwellings) (Scotland) Amendment Regulations 2016 to set the amount of any discount or levy on long term empty property;
29. Policy and strategy relating to the initiation of actions and procedures for the recovery of council tax, non-domestic rates, and any other charges for which the Council has authority to charge or recover;
30. Consideration of tenders in excess of £1m. or such revised sum as may be detailed in Financial Regulations of the Council or Contract Standing Orders except where forming part of a previously agreed framework agreement;
31. Policy and strategy relating to the Scottish Welfare Fund, Housing Benefit and Universal Credit;

D.Property, Accommodation and Staffing

32. Policy and strategy relating to the administrative buildings of the Council and providing, furnishing, equipping and maintaining the necessary offices and buildings

for this purpose;

33. Providing advice and making recommendations to the Council on the level of rents for Council dwelling houses;
34. The management and use of lands and building controlled by the Council and the use or disposal of land and buildings declared surplus to the requirements of the Council including Common Good and HRA land
35. Except where reserved to Council as part of approval of the Capital Plan, the approval of acquisitions of land and buildings;
36. Policy and strategy relating to energy management in all properties owned or used by the Council;
37. The assessment and determination of housing needs;
38. The approval, amendment or replacement of a local housing strategy and Strategic Housing Investment Plan (SHIP);
39. Policy and strategy relating to the training, development and welfare of all staff including the preparation and review of Council policies on staffing issues and Health & Safety at Work, pay modernisation and the promotion of good human resource and employment practices;
40. Without prejudice to the functions of the Joint Consultation Committee and the Local Negotiating Committee for Teachers, all matters relating to the conditions of service, remuneration, allowances, attendance, superannuation and pensions of all employees including consultation and negotiation with appropriate Trade Unions as necessary and the ratification of national agreements and significant local agreements;
41. Oversight of use of powers under the Regulation of Investigatory Powers (Scotland) Act;
42. The development and monitoring of policies relating to equalities;

E. Digital

43. Approval of the Council's Digital and Information Strategies;
44. Policy and strategy relating to the Information Technology requirements of the Council;

F. Education

45. Consideration or alteration within the policy framework established by the Council of policy objectives and priorities in relation to Education;
46. Exercising the functions of the Council as Education Authority under the Education (Scotland) Acts and any other relevant statutes. In particular and without prejudice to the above principal terms of reference;

- (a) All policy and strategy relating to education including pre-school education, primary education, secondary education, outdoor and sports education, lifelong education and community learning;
- (b) All policy and strategy relating to Parent Councils;

G. Miscellaneous

- 47. Any participation by the Council in matters relating to careers advice and placement in employment including the Council's interest in and relationship with Careers Scotland;
- 48. All matters relating to the Council's involvement in the provision of national and local youth and adult training schemes;
- 49. Policy and strategy with regard to social, educational, cultural, recreational and community-based activities;
- 50. Determination of community asset transfer requests under either the Council's Community Asset Transfer Scheme or the Community Empowerment (Scotland) Act 2015;
- 51. All matters relating to the administration of bursaries;
- 52. Approval of the Council's Communications Strategy;
- 53. All matters relating to Best Value and the quality of service delivery in respect of all services of the Council in terms of the Local Government in Scotland Act 2003;
- 54. The arrangement of civic hospitality and other receptions;
- 55. The level of annual funding to be provided to Community Councils;
- 56. Determining applications for financial assistance from outside bodies, unless delegated to another Committee;
- 57. Consideration of new legislation or consultation papers, except where the subject matter is within the remit of another Committee or delegated to Officers;
- 58. Policy and strategy relating to Civil Contingencies and Business Continuity;
- 59. Policy and strategy relating to Community and Locality Planning, including approval of the Locality Outcomes Improvement Plan and Locality Plans;
- 60. Policy and strategy relating to mental health functions excluded from delegation to the North Ayrshire Integration Joint Board.
- 61. Decisions in relation to Business Improvement Districts proposed under the Planning etc. (Scotland) Act, including exercise of the Council's veto of bid proposals, and to instruct the holding of a ballot.
- 62. To exercise the functions of the Council as harbour authority and Duty Holder under the Harbours Act 1964, the Port Marine Safety Code, the Millport Piers Order and the Saltcoats Harbour Act in relation to piers, harbours and navigable rivers.

Annexation A

Regulations for nominations of persons interested in the promotion of religious education to be appointed to the Cabinet.

1. The Cabinet will appoint three persons interested in the promotion of religious education to be members of the Cabinet in accordance with Section 124 of the Local Government (Scotland) Act 1973 as amended by Section 31 of the Local Government Etc. (Scotland) Act 1994.
2. The appointment will be made by the Cabinet as soon as possible after the ordinary statutory election of Councillors in the month of May and these persons will be appointed and hold office until the day of the next ordinary election of Councillors.

SECTION 4: APPEALS COMMITTEE

Constitution

The Appeals Committee will comprise a pool of 10 Members, namely the Chair and the three other Members of the Staffing and Recruitment Committee, or if unavailable their named substitutes from that Committee, plus another six Members. Out of this pool, three Members, one of whom shall be a Member (or their substitute) from the Staffing and Recruitment Committee, will determine each individual appeal. Committee Services will select the three Members on an equitable basis, having regard to availability.

Chair

The Chair of the Committee will be appointed by the Committee at each individual meeting, for the duration of that committee meeting.

Quorum

Three members of the Committee will constitute a quorum.

Delegated Powers

The Appeals Committee has full delegated powers to implement its functions, remit and responsibility as detailed above, save that it does not have the power to reverse any decision taken by Council or any other Committee of the Council or to make or amend any policy.

Meetings:

The Appeals Committee will meet as and when business requires.

Functions Referred

1. To determine appeals by employees against dismissal, whether resulting from disciplinary action or incapability, in accordance with the Council's Personnel Policies and Procedures.
2. To determine the outcome of grievance appeals by employees following exhaustion of the grievance stages, up to and including Executive Director, Heads of Service and the Chief Executive.
3. To determine appeals by employees against recruitment and selection at the final stage or internal candidates.

SECTION 5: AUDIT AND SCRUTINY COMMITTEE

Constitution

Seven Members of the Council excluding any Members of the Cabinet and comprising two Members nominated by the Administration, three Members nominated by the main Opposition Group, and two others.

Chair

The Chair of the Committee will not be a Member of the Administration and will be approved by the Council. The Chair and the Vice-Chair will be appointed by the Council.

Quorum

Three Members of the Committee will constitute a quorum.

Delegated Powers

The Audit and Scrutiny Committee has delegated powers to a) approve the audited accounts of the Council and; b) to determine a request under the Asset Transfer Request (Review Procedures) (Scotland) Regulations 2016, to review a decision to either refuse an asset transfer request or grant it subject to conditions. Otherwise it does not have delegated powers, and except for matters reserved to Council. all recommendations of the Committee will be considered by Cabinet.

Functions Referred

The following functions of the Council will stand referred to the Committee:

Performance Functions

1. The preparation and implementation of the strategy for Performance Review.
2. Assurance that Chief Officers establish and implement satisfactory arrangements for setting priorities SMART actions to deliver these, supported by performance indicators and to receive regular reports on these and the to review the outcomes.

Audit Functions

1. Assurance that the Council has proper arrangements to deliver Best Value and value for money, including consideration of quality reviews under EFQM, PSIF etc.
2. Assurance that the Council has appropriate corporate governance arrangements in place.
3. Assurance on the integrity of the financial reporting process.
4. In relation to Internal Audit functions, to oversee its independence, objectivity, performance and professionalism, to support the effectiveness of the internal audit process and promote the effective use of internal audit within the assurance framework.
5. To consider reports from External Audit and inspection agencies and their

implications for governance, risk management or control.

6. Support effective relationships between external audit and internal audit, inspection agencies and other relevant bodies.
7. Review the financial statements, external auditor's opinion and reports, and monitor management actions in response to issues raised by external audit.
8. Ensuring that Heads of Service maintain effective controls within financial procedures operated within their Services.
9. To monitor the effectiveness of the control environment, including arrangements for managing the Council's exposure to Corporate Fraud, Counter Fraud and Corruption are robust, including review of individual case reports.
10. Consider the effectiveness of Risk Management arrangements and the control environment.
11. Approval of the audited accounts of the Council

Scrutiny Functions

1. Monitoring the performance of the Authority towards achieving its policy objectives and priorities in relation to all functions of the Council.
2. Reviewing the effectiveness of all the Council's work and the standard and levels of services provided and questioning Members of the Cabinet thereon.
3. Reviewing the implementation of the Locality Outcome Improvement Plan, Council Plan, the Council Plan Delivery Plan, the Council Plan Performance Framework and Service Budgets.
4. Monitoring the functions of external bodies funded by the Council (Following the Public Pound).
5. Monitoring and reviewing the Council's complaints procedures.
6. As a result of call-in requests, scrutinise decisions of Cabinet, in terms of the procedures set out in the Standing Orders for Meetings.
7. To be responsible for setting its own work programme which will include the right to undertake reviews following input from inter alia the Cabinet, the Council, members of the Audit and Scrutiny Committee itself and Community Planning Partners.
8. The Committee may at its discretion set up short term working groups for review work. Membership of the working group will be open to anyone with the exception of Cabinet Members, whom the Committee considers will assist in the task assigned. The working groups will not be decision making bodies or formal committees but will make recommendations to the Audit and Scrutiny Committee.
9. Promoting the highest standards of conduct by Elected Members including appropriate training.

10. Assisting Elected Members in observing the relevant Codes of Conduct.
11. Monitoring and keeping under review the Codes of Conduct maintained by the Council.
12. Reviewing the personal development and training of Councillors.
13. To receive all petitions and deputations submitted to the Council except those relating to the Council's planning functions, which shall be considered by the Planning Committee. The arrangements for receiving petitions are as set out in Appendix B to the Standing Orders relating to Meetings and Proceedings of the Council and Committees.
14. Determination of a request under the Asset Transfer Request (Review Procedures) (Scotland) Regulations 2016, to review a decision to either refuse an asset transfer request or grant it subject to conditions.

SECTION 6: AYRSHIRE REGIONAL ECONOMIC JOINT COMMITTEE

Constitution

A maximum of thirteen Members, comprising up to three members each nominated by East, North and South Ayrshire Councils, one from Scottish Enterprise, one from Skills Development Scotland, one from the business sector and one from the education sector. Named substitutes are permitted to attend in place of any nominated Member.

Chair

The Chair of the Committee will rotate annually from a Member appointed by East Ayrshire Council to North Ayrshire Council, and to South Ayrshire Council and so on, with each Chair taking up his or her position on 1 September.

Quorum

A quorum of the Joint Committee shall be four members, with at least one member from each Council present.

Standing Orders and Meetings

The Standing Orders for the Joint Committee shall be as determined by East, North and South Ayrshire Councils. The Committee shall determine its timetable of meetings but shall meet at least two times per annum.

Functions Referred

The following functions of the Council will stand referred to the Joint Committee: -

Acting in the interests of Ayrshire as a whole: -

1. To approve the Ayrshire Economic Strategy.
2. To make recommendations to the UK and Scottish Governments, the Ayrshire Councils, public sector partners and business to promote collaborative working and to ensure their priorities, policies and service delivery are aligned with the Ayrshire Economic Strategy and the Ayrshire Growth Deal.
3. To approve the business cases of individual Ayrshire Growth Deal Projects.
4. To receive reports on the effectiveness of the implementation of the Ayrshire Economic Strategy and the Ayrshire Growth Deal and to identify potential improvements and make recommendations to the Constituent Authorities.
5. To make recommendations to the Constituent Authorities in respect of the Ayrshire Growth Deal funding arrangements.
6. To make recommendations to the Constituent Authorities on the setting of budgets for the Ayrshire Growth Deal

7. To approve operational expenditure within agreed with Ayrshire Growth Deal Joint Committee budgets allocated by the Constituent Authorities in order to further the aims of the Ayrshire Growth Deal.

Delegated Powers

The Joint Committee has delegated powers to implement its functions, except as otherwise provided herein. The Joint Committee shall have power to create an Ayrshire Regional Economic Partnership Sub-Committee whose membership, powers and remit shall be as follows: -

Ayrshire Regional Economic Partnership Sub-Committee

Constitution

The Ayrshire Regional Economic Partnership ('the Partnership') is a sub-committee in terms of section 56(1) of the Local Government (Scotland) Act 1973. It shall comprise a maximum of 22 members, being: -

- (a) three representatives nominated by each of East, North and South Ayrshire Councils;
- (b) three representatives of the business sector selected by the Partnership;
- (c) three representatives of the Higher or further Education sector, selected by the Partnership;
- (d) one representative nominated by each of Scottish Enterprise, Highlands and Islands Enterprise, Skills Development Scotland, and Visit Scotland.

The Partnership may also co-opt up to three additional members on the basis of experience or skills, whether from existing members, from other organisations or individuals. Named substitutes are permitted to attend in place of any nominated Member.

Chair

The Chair shall be appointed by the Joint Committee.

Quorum

A quorum of the Partnership shall be six, with at least one nominee from each of the Ayrshire Councils present.

Standing Orders and Meetings

The Standing Orders of the Partnership shall be as determined by East, North and South Ayrshire Councils. The Partnership shall determine its timetable of meetings but shall meet at least six times per annum.

Delegated Powers

The Partnership has delegated powers to implement its functions, except as otherwise provided herein.

Functions Referred

The following functions of the Ayrshire Regional Economic Joint Committee will stand referred to the Partnership: -

Acting in the interests of Ayrshire as a whole, to: -

1. To oversee the development of the Ayrshire Economic Strategy and to make recommendations to the Ayrshire Regional Economic Joint Committee regarding its approval.
2. To provide strategic oversight for the delivery of the strategic priorities and actions contained within the Ayrshire Economic Strategy and any Action Plan forming part of such Strategy.
3. To drive forward the growth of the Ayrshire economy.
4. To prioritise inclusive growth and provide an annual report in line with the Scottish Government's Inclusive Growth Monitoring Framework.
5. To drive increased collaboration and partnership between the Ayrshire Councils, the Scottish & UK Governments and their agencies and the private sector, focussed towards
6. Delivery of the Ayrshire economic priorities.
7. To make recommendations to the Ayrshire Regional Economic Joint Committee, the Ayrshire Councils, public sector partners and business to promote collaborative working and to ensure their priorities, policies and service delivery are aligned with the Ayrshire Economic Strategy and the Ayrshire Growth Deal.
8. Undertake periodic reviews of the Ayrshire Economic Strategy and any Action Plan forming part of the Strategy to ensure that it is consistent with the emerging ambitions of Ayrshire and collaboration with partners.
9. To oversee the development of the business cases of individual Ayrshire Growth Deal Projects and to make recommendations to the Ayrshire Regional Economic Joint Committee regarding their approval.
10. To oversee the implementation of the Ayrshire Regional Economic Strategy and the Ayrshire Growth Deal, to monitor the performance of the Programme Management Office (PMO), to identify potential improvements and make recommendations to the PMO or the Ayrshire Regional Economic Joint Committee.
11. To make recommendations to the Ayrshire Regional Economic Joint Committee in respect of the Ayrshire Growth Deal funding arrangements.
12. To ensure that an effective monitoring and evaluation framework is in place at both a project and programme level, and that each Member Authority is delivering upon its requirements needed to successfully pass the Growth Deal Gateway Review Process.

13. To provide strategic direction and manage the input of any Thematic or other Working Groups.

SECTION 7: AYRSHIRE SHARED SERVICE JOINT COMMITTEE

Constitution

A maximum of twelve Members, comprising up to four members each nominated by East, North and South Ayrshire Councils

Chair

The Chair of the Committee will rotate annually from a Member appointed by North Ayrshire Council to East Ayrshire Council (the current Chair to August 2018), and to South Ayrshire Council and so on, with each Chair taking up his or her position on 1 September.

Quorum

A quorum of the Joint Committee shall be four members where all three Councils elect to participate in a particular Shared Service arrangement, with at least one member representing each of the parties.

Where only two of the Councils elect to participate in a particular Shared Service arrangement the quorum of the Joint Committee shall be three members, with at least one member representing each of the parties.

Standing Orders and Meetings

The Joint Committee shall adopt its own Standing Orders. The Committee shall determine its timetable of meetings.

Delegated Powers

The Joint Committee has delegated powers to implement its functions, except as otherwise provided herein. The Joint Committee shall have power to create Sub-committees, and to determine the powers, membership and Chair of such Sub-Committee.

Functions Referred

The following functions of the Council will stand referred to the Committee in relation to such Shared Services as shall be agreed by the parties from time to time and more specifically detailed in a Minute of Agreement: -

1. To monitor spend within the budget approved by the parties hereto in relation to each Shared Service;
2. To develop and implement a strategic policy framework for the operation of each Shared Service;
3. To receive, scrutinise and approve service plans for implementation of the policies and priorities for service delivery relative to Shared Services including establishing appropriate service targets and performance indicators;
4. To co-ordinate, guide, monitor and review the performance and discharge of Shared Services by officers of the relevant Lead Authority;

5. To consider and approve an annual Service Plan in respect of each Shared Service including the Budget submission. The Joint Committee does not have any delegated authority in relation to setting the budget of any Shared Service;

SECTION 8: EDUCATION APPEAL COMMITTEE

Constitution

The rules for the formal constitution and membership of Education Appeal Committees are laid down in Schedule 1A of the Education (Scotland) Act 1980 as amended.

The Committee will comprise of 3 members, comprising one Member of Council and two Lay Members, drawn from a pool of 4 Members of Council and approximately 9 Lay Members.

Lay Members are deemed to be persons who are not Members of the Council or the Cabinet and are either parents of children of school age or persons having experience in education or persons acquainted with the educational conditions in the area, but not including any person employed by the Authority in an administrative or advisory capacity as respects the discharge of their education functions.

Chair

The Chair shall be nominated by the Committee at each meeting. The Chair of the Appeal Committee will not be a Member of the Cabinet.

Quorum

Three Members of the Committee, comprising one Member of Council and two Lay Members shall constitute a quorum.

Delegated Powers

The Education Appeal Committee has delegated powers to confirm or refuse to confirm the relevant decision of the Council acting as Education Authority. If refusing to confirm a decision, the Council must give effect to the Committee's decision.

Functions Referred

The following functions stand referred to the Committee:

1. Appeals by parents against a decision of the Council acting as Education Authority as to the schools which their child or children should attend, in response to a placing request submitted by the parent.
2. Appeals by a parent against a decision of the Council acting as Education Authority to exclude their child or children.

SECTION 9: LICENSING COMMITTEE

Constitution

Ten Members of the Council comprising three Members nominated by the Administration, three Members nominated by the Opposition, and four other Members.

Chair

The Committee will have a Chair and a Vice-Chair. The Chair and the Vice-Chair will be appointed by the Council.

Quorum

Three Members of the Committee will constitute a quorum.

Delegated Powers

The Licensing Committee will have full delegated powers to implement its functions.

Functions Referred

1. The power to exercise the Council's functions in connection with all licensing and analogous registration matters having effect within the area of the Council unless a licensing issue has been specifically referred to another Committee.
2. The power to make a resolution to licence any activity in terms of the Civic Government (Scotland) Act 1982, or to revoke or rescind any such resolution.
3. The power to make any Policy Statement or policy relating to licensed activities.
4. The power to discharge the Council's statutory functions in relation to Safety at Sports Grounds.
5. The power to carry out the Council's functions under the Civic Government (Scotland) Act 1982, Part V (Public Processions).
6. Registration of private landlords.
7. The power to review licences, take enforcement action and consider and determine all complaints and issues relating to licence holders or licensees.
8. The power to discharge the Council's statutory powers relating to Building Standards in terms of the Building Standards (Scotland) Act 2003 and other legislation.
9. The power to oversee the exercise of all the Council's functions under Parts 7 and 8 of the Antisocial Behaviour (Scotland) Act 2004, and to make such decisions in exercise of these powers as are not delegated to Officers.

SECTION 10: LOCAL DEVELOPMENT PLAN COMMITTEE

Constitution

The Local Development Plan Committee will comprise all 33 Members of the Council.

Chair

The Economic Development Portfolio Holder on the Cabinet shall be the Chair. A Vice-Chair shall be appointed by the Council.

Quorum

Six Members of the Committee shall constitute a quorum

Functions referred

The following functions of the Council will stand referred to the Committee: -

1. To undertake all processes required under Parts 2 of the Planning Etc. (Scotland) Act 2006 for the preparation of the North Ayrshire Local Development Plan;
2. To receive representation from Elected Members, statutory consultees, local authorities and the general public on the content of the Local Development Plan;
3. To consider any representations received and to make any adjustment to the draft Local Development Plan;
4. To finalise the form and content of the Local Development Plan and to present it to the North Ayrshire Council for adoption;
5. To undertake all statutory processes relating to Core Path Planning and to finalise the form and content of the Core Path Plan and submit it to Cabinet for adoption;
6. To undertake all statutory processes relating to a Regional Spatial Strategy in terms of Section 4ZA-C of the Town and Country Planning (Scotland) Act 1997, and to finalise the form and content of the Regional Spatial Strategy and submit it to Cabinet for adoption;
7. To undertake all statutory processes relating to a Local Place Plan in terms of Section 15A of the Town and Country Planning (Scotland) Act 1997;
8. To undertake all statutory processes relating to an Open Space Strategy in terms of Section 3 G of the Town and Country Planning (Scotland) Act 1997, and to finalise the form and content of the Open Space Strategy and submit it to Cabinet for adoption;
9. To undertake all statutory processes relating to Master Plan Consent Areas in terms of Section 54A-F of the Town and Country Planning (Scotland) Act 1997, and to finalise the form and content of any Master Plan Consent Areas and submit it to Cabinet for adoption;
10. To undertake all statutory processes relating to a Forestry and Woodland

Strategy in terms of Section A159 of the Town and Country Planning (Scotland) Act 1997, and to finalise the form and content of the Forestry and Woodland Strategy and submit it to Cabinet for adoption;

SECTION 11: LOCAL REVIEW BODY

Constitution

Ten Members of the Planning Committee.

Chair

The Chair and Vice-Chair shall be appointed by the Council.

Quorum

Three Members of the Local Review Body will constitute a quorum.

Delegated Powers

The Local Review Body has fully delegated powers to implement its functions.

Functions Referred

To conduct reviews in respect of appeals against refusal of planning permission, or unacceptable conditions or failure to determine an application within such period as is prescribed in terms of the Scheme of Delegation to Officers under Section 43(A) (i) of the Town & Country Planning (Scotland) Act 1997 and the Town & Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

Procedure to be followed by the Local Review Body

1. Once a formal Notice of Request for Review is received all parties who have been involved in the application, including consultees and objectors are notified of the Review Request.
2. All parties are permitted a period of time to submit representations to the Local Review Body on the Review Request. No new information shall be permitted except under exceptional circumstances.
3. The Local Review Body will meet to determine whether any additional information is required. If none is considered necessary, they shall determine the review. Where additional information is required the following options may be considered:
 - (a) Call for further written submissions from the parties; or
 - (b) agree to convene a hearing allowing the parties to make oral representations; or
 - (c) agree to carry out a site visit which may be accompanied or unaccompanied. It will be possible to combine more than one of these processes.
4. All parties will be advised of the process to be followed and the timescale within which further information, if any, is to be submitted.

5. The Local Review Body will meet and determine the Appeal based on the procedure chosen at the earlier meeting. The Local Review Body will be supported by a Planning Officer, one who has not been involved in the application under review and, where considered necessary, a Legal Adviser. Committee Services will support the Local Review Body and produce Minutes of their meetings.
6. Once a decision has been taken by the Local Review Body all parties will be notified of the result. Only an appeal to the Court of Session on a point of law can follow thereafter.

SECTION 12: PLANNING COMMITTEE

Constitution

Ten Members of the Council comprising three Members nominated by the Administration, three Members nominated by the Opposition, and four other Members.

Chair

The Committee will have a Chair and a Vice-Chair. The Chair and the Vice-Chair will be appointed by the Council.

Quorum

Three Members of the Committee will constitute a quorum.

Delegated Powers

The Planning Committee will have full delegated powers to implement its functions with the exception of applications for planning permission for development of a class mentioned in Section 38A (1) of the Town and Country Planning (Scotland) Act 1995.

Functions Referred

The following functions of the Council will stand referred to the Committee:

All planning matters under the provisions of the Town and Country Planning (Scotland) Act 1997, the Countryside (Scotland) Act 1967, the Planning and Compensation Act 1991, the Local Government Etc. (Scotland) Act 1994, the Land Reform (Scotland) Act 2003, the Planning Etc. (Scotland) Act 2006 and the Planning (Scotland) Act 2019;

Notwithstanding the above the following powers are delegated to the Committee namely the power to:

1. Determine planning permission;
 - (a) Determine listed building and conservation area consent;
 - (b) Approve amendments and other consents including material and non-material variations;
2. Approve advertisement consent;
3. Determine certificates of lawfulness;
4. Determine screening and scoping opinions;
5. Determine hazardous substances consents;
6. Determine prior notifications for agricultural development and demolition;
7. Determine applications by Statutory Undertakers; and Tree Preservation Orders or other planning related orders where not otherwise delegated.
8. Instruct enforcement and interdict actions including direct action where appropriate.

9. Participate in the preparation of the North Ayrshire Local Development Plan.
10. Receive reports from the Ayrshire Joint Planning Service.
11. To prepare design or development planning briefs.
12. Respond to appropriate planning consultations.
13. Rights of Way, Access, Path Planning and Footpaths.
14. Notwithstanding the terms of paragraphs 1 and 2 above, determine any other regulatory planning matters.

SECTION 13: POLICE AND FIRE AND RESCUE COMMITTEE

Constitution

Seven Members of the Council comprising of three Members nominated by the Administration, two Members nominated by the Opposition, and two other Members. Membership shall, if possible, include a Member who represents each of the six Localities, namely Irvine, Kilwinning, Three Towns, Arran, Garnock Valley and North Coast and Cumbraes.

Chair

The Chair and the Vice-Chair will be appointed by the Council.

Quorum

Three Elected Members of the Council shall constitute a quorum.

Delegated Powers

The Police and Fire and Rescue Committee has full delegated powers to implement its functions except as otherwise provided for herein.

Functions Referred

The following functions of the Council will stand referred to the Committee:

1. Discharge all duties of the Council in connection with the provision by the Police Service of Scotland of police services within North Ayrshire.
2. Discharge all duties of the Council in connection with the provision by the Scottish Fire and Rescue Service of fire and rescue services within North Ayrshire.
3. To consider and comment upon the proposed local operating arrangements for the Police Service of Scotland and the Scottish Fire and Rescue Service.
4. To consider the draft Police and Fire and Rescue Plans for North Ayrshire and to make recommendations on the Plans to Council.
5. To scrutinise the planning, delivery and outcomes of services delivered by the Police Service of Scotland and the Scottish Fire and Rescue Service in North Ayrshire.
6. To request and receive information and reports from the Local Commander (Police) and Local Senior Officer (Fire and Rescue) on any area or aspect of the services deemed appropriate.
7. To receive and comment on performance reports from the Local Commander (Police) and Local Senior Officer (Fire and Rescue), in order to monitor and assess the performance of Police and Fire and Rescue Services against local and national performance frameworks and to make recommendations for improvements.

8. To scrutinise the discharge of the Police Service of Scotland and the Scottish Fire and Rescue consultative and community engagement arrangements in North Ayrshire.
9. To consider reports from external agencies such as HMICS, external auditors and Audit Scotland in relation to the work carried out by the Police Service of Scotland and Scottish Fire and Rescue Service.
10. To consider and respond to consultations on strategic Police and Fire and Rescue priorities and Scottish Police Authority and Scottish Fire and Rescue Service Strategic Plans.

SECTION 14: STAFFING AND RECRUITMENT COMMITTEE

Constitution

Six members of the Council, namely the Leader of the Council, a member of the Administration, the Leader and a member of the Opposition, a member of the Conservative and Unionist Group and a member of the Independents shall constitute the membership of the Committee. The Cabinet Member holding the relevant service portfolio relating to that particular Chief Officer appointment shall also be a member of the Committee for business relating to that appointment only.

Each member will have a named substitute who may attend meetings in their place when necessary.

For appointments to Chief Officer posts of the North Ayrshire Health and Social Care Partnership, the Committee shall comprise the Leader, the Deputy Leader, the Leader of the Opposition, the Council's Chief Executive, and the Chair, Vice Chair and another Director of NHS Ayrshire and Arran Health Board and the Chief Executive of NHS Ayrshire and Arran, or their nominee. (Note – the Chief Officer and Chief Finance Officer of the Integration Joint Board are appointed by the Integration Joint Board).

Chair

The Leader of the Council will be the Chair.

Quorum

Three Members of the Committee will constitute a quorum.

Delegated Powers

The Staffing and Recruitment Committee will have delegated powers to implement its functions.

Meetings

The Committee will meet as and when necessary in respect of its recruitment responsibilities.

Functions Referred

The following functions stand referred to the Committee:

1. To consider arrangements for the selection of candidates for, and authorise the appointment of individuals to, the posts of Chief Officer of the Council (other than interim appointments).
2. To consider and approve any application from a Chief Officers for early release, voluntary early retirement or voluntary redundancy which does not otherwise comply with Council policy on early release.
3. The Chief Executive or nominee and Head of Service (People) will act as special advisers to the Committee when undertaking Chief Officer recruitment.

The Committee may also allow specialist or technical assessors to assist the Committee.

SECTION 15 - NORTH AYRSHIRE INTEGRATION JOINT BOARD

Constitution

North Ayrshire Integration Joint Board is a statutory body constituted in terms of The Public Bodies (Scotland) (Integration Joint Board Establishment) (Scotland) Order 2015. The Functions delegated by the Council to the Board, as well as its Membership, Chairperson, Quorum, and powers are more specifically set out in the North Ayrshire Integration Scheme, being an agreement between North Ayrshire Council and Ayrshire and Arran NHS Board approved by Scottish Ministers in March 2015. Voting membership comprises four persons nominated by the NHS Board, and four persons appointed by the Council, each of whom may have a Deputy. The Council nominations shall comprise two Members and two Deputies nominated by the Administration and two Members and two Deputies not nominated by the Administration.

Chair

The Chair shall rotate every two years between a Chair nominated by the Council, and one nominated by the NHS Board. The Vice Chair is nominated from whichever of the Council or NHS nominees who is not then the Chair. The Council appointed Chair or Vice Chair shall be Cabinet Portfolio Holder for Health and Social Care.

Quorum

The quorum is half of the voting members.

Delegated Powers

North Ayrshire Integration Joint Board has fully delegated powers to implement its functions.

Functions Referred

In relation to the following functions

1. Social work services for adults and older people;
2. Services and support for adults with physical disabilities, learning disabilities;
3. Mental health services;
4. Drug and alcohol services;
5. Adult protection and domestic abuse;
6. Carers support services;
7. Community care assessment teams;
8. Support services;
9. Care home services;
10. Adult placement services;
11. Health improvement services;
12. Aids and adaptations and gardening services;
13. Day services;
14. Local area co-ordination;
15. Respite provision;

16. Occupational therapy services;
17. Re-ablement services, equipment and telecare;
18. Criminal justice social work services;
19. Children and families social work services;

The duties of the Council under the following legislation: -

1. National Assistance Act 1948
 - (a) Section 45 (The recovery of expenditure incurred under Part III of that Act where a person has fraudulently or otherwise misrepresented or failed to disclose a material fact.)
 - (b) Section 48 (The protection of property of a person admitted to hospital or accommodation provided under Part III of that Act.)
2. Matrimonial proceedings (Children) Act 1958
 - (a) Section 11 (Reports as to arrangements for future care and upbringing of children.)
3. The Disabled Persons (Employment) Act 1958
 - (a) Section 3 (The making of arrangements for the provision of facilities for the purposes set out in section 15(1) of the Disabled Persons (Employment) Act 1944.)
4. The Social Work (Scotland) Act 1968
 - (a) Section 1 (The enforcement and execution of the provisions of the Social Work (Scotland) Act 1968.)
 - (b) Section 4 (The making of arrangements with voluntary organisations or other persons for assistance with the performance of certain functions.)
 - (c) Section 5 (Local authorities to perform their functions under the Act under the guidance of the Secretary of State.)
 - (d) Section 6B (Local authority inquiries into matters affecting children.)
 - (e) Section 8 (The conducting of or assisting with research in connection with functions in relation to social welfare and the provision of financial assistance in connection with such research.)
 - (f) Section 10 (The making of contributions by way of grant or loan to voluntary organisations whose sole or primary object is to promote social welfare and making available for use by a voluntary organisation premises, furniture, equipment, vehicles and the services of staff.)
 - (g) Section 12 (The promotion of social welfare and the provision of advice and assistance) except in so far as it is exercisable in relation to the provision of housing support services.
 - (h) Section 12A (The assessment of needs for community care services, the making of decisions as to the provision of such services and the provision of emergency community care services.)
 - (i) Section 12AZA (The taking of steps to identify persons who are able to assist a supported person with assessments under section 12A and to

- involve such persons in such assessments.)
- (j) Section 13(The assistance of persons in need with the disposal of their work.)
- (k) Section 13ZA (The taking of steps to help an incapable adult to benefit from community care services.)
- (l) Section 13A (The provision, or making arrangements for the provision, of residential accommodation with nursing.)
- (m) Section 13B (The making of arrangements for the care or aftercare of persons suffering from illness.)
- (n) Section 14 (The provision or arranging the provision of domiciliary services and laundry services.)
- (o) Section 27 (Supervision and care of persons put on probation or released from prisons etc.)
- (p) Section 27ZA (Grants in respect of community service facilities.)
- (q) Section 28 (The burial or cremation of deceased persons who were in the care of the local authority immediately before their death and the recovery of the costs of such burial or cremation) so far as it is exercisable in relation to persons cared for or assisted under another delegated function.
- (r) Section 29 (The making of payments to parents or relatives of, or persons connected with, persons in the care of the local authority or receiving assistance from the local authority, in connection with expenses incurred in visiting the person or attending the funeral of the person.)
- (s) Section 59 (The provision of residential and other establishments.)
- (t) Section 78A (Recovery of contributions.)
- (u) Section 80 (Enforcement of duty to make contributions.)
- (v) Section 81 (Provisions as to decrees for ailment.)
- (w) Section 83 (Variation of trusts.)
- (x) Section 86 (The recovery of expenditure incurred in the provisions of accommodation, services, facilities or payments for persons ordinarily resident in the area of another local authority from the other local authority.)

5. The Children Act 1975

- (a) Section 34 (Access and maintenance.)
- (b) Section 39 (Reports by local authorities and probation officers.)
- (c) Section 40 (Notice of application to be given to local authority.)
- (d) Section 50 (Payments towards maintenance of children.)

6. The Local Government and Planning (Scotland) Act 1982

- (a) Section 24(1) (The provision, or making arrangements for the provision, of gardening assistance and the recovery of charges for such assistance.)

7. Health and Social Services and Social Security Adjudications Act 1983
- (a) Section 21 (The recovery of amounts in respect of accommodation provided under the Social Work (Scotland) Act 1968 or Section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003.)
 - (b) Section 22 (The creation of a charge over land in England or Wales where a person having a beneficial interest in such land has failed to pay a sum due to be paid in respect of accommodation provided under the Social Work (Scotland) Act 1968 or Section 25 of the Mental Health (Care and Treatment)(Scotland) Act 2003.)
 - (c) Section 23 (The creation of a charging order over an interest in land in Scotland where a person having such an interest has failed to pay a sum due to be paid in respect of accommodation provided under the Social Work (Scotland) Act 1968 or Section 25 of the Mental Health (Care and Treatment)(Scotland) Act 2003.)
8. Foster Children (Scotland) Act 1984
- (a) Section 3 (Duty of local authority to ensure well-being of and to visit foster children.)
 - (b) Section 5 (Notification to local authority by persons maintaining or proposing to maintain foster children.)
 - (c) Section 6 (Notification to local authority by persons ceasing to maintain foster children.)
 - (d) Section 8 (Power of local authorities to inspect foster premises.)
 - (e) Section 9 (Power of local authorities to impose requirements as to the keeping of foster children.)
 - (f) Section 10 (Power of local authorities to prohibit the keeping of foster children.)
9. Disabled Persons (Services, Consultation and Representation) Act 1986
- (a) Section 2 (The making of arrangements in relation to an authorised representative of a disabled person and the provision of information in respect of an authorised representative.)
 - (b) Section 3 (The provision of an opportunity for a disabled person or an authorised representative of a disabled person to make representations as to the needs of that person on any occasion where it falls to a local authority to assess the needs of the disabled person for the provision of statutory services by the authority, the provision of a statement specifying the needs of the person and any services which the authority proposes to provide, and related duties.)
 - (c) Section 7(The making of arrangements for the assessments of the needs of a person who is discharged from hospital.)
 - (d) Section 8 (Having regard, in deciding whether a disabled person's needs call for the provision of services, to the ability of a person providing unpaid care to the disabled person to continue to provide such care.)

10. The Children (Scotland) Act 1995

- (a) Section 17 (Duty of local authority to children looked after by them.)
- (b) Sections 19-27 (Provision of relevant services by local authority for or in respect of children in their area.)
- (c) Sections 29-32 (Advice and assistance for young person's formerly looked after by local authorities; duty of local authority to review case of a looked after child; removal by local authority of a child from a residential establishment.)
- (d) Section 36 (Welfare of certain children in hospitals and nursing homes etc.)
- (e) Section 38 (Short term refuges for children at risk of harm.)
- (f) Section 76 (Exclusion orders.)

11. Criminal Procedure (Scotland) Act 1995

- (a) Section 51 (Remand and committal of children and young persons.)
- (b) Section 203 (Where a person specified in section 27(1)(b)(i) to (vi) of the Social Work (Scotland) Act 1968 commits an offence the court shall not to dispose of the case without first obtaining a Report from the local authority in whose area the person resides.)
- (c) Section 234B (Drug treatment and testing order.)
- (d) Section 245A (Restriction of liberty Orders.)

12. The Adults with Incapacity (Scotland) Act 2000

- (a) Section 10 (The general functions of a local authority under the Adults with Incapacity (Scotland) Act 2000.)
- (b) Section 12 (The taking of steps in consequence of an investigation carried out under section 10(1)(c) or (d).)
- (c) Sections 37, 39-45 (The management of the affairs, including the finances, of a resident of an establishment managed by a local authority.)

13. The Housing (Scotland) Act 2001

- (a) Section 92(assistance for housing purposes) only in so far as it relates to an aid or adaptation.

14. The Community Care and Health (Scotland) Act 2002

- (a) Section 4 (The functions conferred by Regulation 2 of the Community Care (Additional Payments) (Scotland) Regulations 2002 in relation to the provision, or securing the provision, of relevant accommodation.)
- (b) Section 5 (The making of arrangements for the provision of residential accommodation outside Scotland.)
- (c) Section 6 (Entering into deferred payment agreements for the costs of residential accommodation.)
- (d) Section 14 (The making of payments to an NHS body in connection with the performance of the functions of that body.)

15. The Mental Health (Care and Treatment) (Scotland) Act 2003

- (a) Section 17 (The provision of facilities to enable the carrying out of the functions of the Mental Welfare Commission.)
- (b) Section 25 (The provision of care and support services for persons who have or have had a mental disorder) except in so far as it is exercisable in relation to the provision of housing support services.
- (c) Section 26 (The provision of services designed to promote well-being and social development for persons who have or have had a mental disorder) except in so far as it is exercisable in relation to the provision of housing support services.
- (d) Section 27 (The provision of assistance with travel for persons who have or have had a mental disorder) except in so far as it is exercisable in relation to the provision of housing support services.
- (e) Section 33 (The duty to inquire into a person's case in the circumstances specified in 33(2).)
- (f) Section 34 (The making of requests for co-operation with inquiries being made under section 33(1) of that Act.)
- (g) Section 228 (The provision of information in response to requests for assessment of the needs of a person under section 12A(1)(a) of the Social Work (Scotland) Act 1968.)
- (h) Section 259 (The securing of independent advocacy services for persons who have a mental disorder.)

16. Management of Offenders etc. (Scotland) Act 2005

- (a) Sections 10-11 (Assessing and managing risks posed by certain offenders.)

17. The Housing (Scotland) Act 2006

- (a) Section 71(1)(b) (assistance for housing purposes) only in so far as it relates to an aid or adaptation.

18. Adoption and Children (Scotland) Act 2007

- (a) Section 1 (Duty of local authority to provide adoption service.)
- (b) Sections 4-6 (Local authority to prepare and publish a plan for the provision of adoption service; local authority to have regard to Scottish Ministers' Guidance and; assistance in carrying out functions under sections 1 and 4.)
- (c) Sections 9-12 (Adoption support services.)
- (d) Section 19 (Local authority's duties following notice under section 18.)
- (e) Section 26 (Procedure where an adoption is not proceeding.)
- (f) Section 45 (Adoption support plans.)
- (g) Section 47-49 (Family member's right to require review of an adoption support plan; cases where local authority under a duty to review adoption support plan and; reassessment of needs for adoption support

services.)

- (h) Section 51 (Local authority to have a regard to guidance issued by Scottish ministers when preparing or reviewing adoption support plans.)
- (i) Section 71 (Adoption allowances schemes.)
- (j) Section 80 (Application to court by local authority for the making of a Permanence Order.)
- (k) Section 90 (Precedence of court orders and supervisions requirement over permanence order.)
- (l) Section 99 (Duty of local authority to apply for variation or revocation of a permanence order.)
- (m) Section 101 (Notification requirements upon local authority.)
- (n) Section 105 (Notification requirements upon local authority where permanence order is proposed – relates to child's father.)

19. The Adult Support and Protection (Scotland) Act 2007

- (a) Section 4 (The making of enquiries about a person's wellbeing, property or financial affairs.)
- (b) Section 5 (The co-operation with other councils, public bodies and office holders in relation to inquiries made under section 4.)
- (c) Section 6 (The duty to have regard to the importance of providing advocacy services.)
- (d) Section 7-10 (Investigations by local authority pursuant to duty under section 4.)
- (e) Section 11 (The making of an application for an assessment order.)
- (f) Section 14 (The making of an application for a removal order.)
- (g) Section 16 (Council officer entitled to enter any place in order to move an adult at risk from that place in pursuance of a removal order)
- (h) Section 18 (The taking of steps to prevent loss or damage to property of a person moved in pursuance of a removal order.)
- (i) Section 22 (The making of an application for a banning order.)
- (j) Section 40 (The making of an application to the justice of the peace instead of the sheriff in urgent cases.)
- (k) Section 42 (The establishment of an Adult Protection Committee.)
- (l) Section 43 (The appointment of the convener and members of the Adult Protection Committee.)

20. Children's Hearings (Scotland) Act 2011

- (a) Section 35 (Child assessment orders.)
- (b) Section 37 (Child protection orders.)
- (c) Section 42 (Application for parental responsibilities and rights directions.)
- (d) Section 44 (Obligations of local authority where, by virtue of a child protection

order, child is moved to a place of safety by a local authority.)

- (e) Section 48 (Application for variation or termination of a child protection order.)
- (f) Section 49 (Notice of an application for variation or termination of a child protection order.)
- (g) Section 60 (Duty of local authority to provide information to Principal Reporter.)
- (h) Section 131 (Duty of implementation authority to require review of a compulsory supervision order.)
- (i) Section 144 (Implementation of a compulsory supervision order: general duties of implementation authority.)
- (j) Section 145 (Duty of implementation authority where child required to reside in a certain place.)
- (k) Section 153 (Secure accommodation.)
- (l) Sections 166-167 (Requirement imposed on a local authority: review and appeal.)
- (m) Section 180 (Sharing of information with panel members by local authority.)
- (n) Section 183-184 (Mutual assistance.)

21. Social Care (Self-directed Support) (Scotland) Act 2013

- (a) Section 5 (The giving of the opportunity to choose a self-directed support option.)
- (b) Section 6 (The taking of steps to enable a person to make a choice of self-directed support option.)
- (c) Section 7 (The giving of the opportunity to choose a self-directed support option.)
- (d) Section 8 (Choice of options: children and family members.)
- (e) Section 9 (The provision of information.)
- (f) Section 10 (Provision of information: children under 16.)
- (g) Section 11 (Giving effect to the choice of self-directed support option.)
- (h) Section 12 (Review of the question of whether a person is ineligible to receive direct payments.)
- (i) Section 13 (Offering another opportunity to choose a self-directed support option.)
- (j) Section 16 (The recovery of sums where a direct payment has been made to a person and the circumstances set out in section 16(1)(b) apply.)
- (k) Section 19 (Promotion of the options for self-directed support.)

22. Carers (Scotland) Act 2016

- (a) Section 6 (Duty to prepare adult carer support plan)
- (b) Section 21 (Duty to set local eligibility criteria for carer support)

- (c) Section 24 (Duty to provide support)
- (d) Section 25 (Provision of support to carers: breaks from caring)
- (e) Section 31 (Duty to prepare local carer strategy)
- (f) Section 34 (Information and advice service for carers)
- (g) Section 35 (Short breaks services statements)

23. Miscellaneous

Exercise the foregoing functions of the Council in terms of the following legislation which relate to the services detailed in Part 1 hereof.

- Local Government (Scotland) Act 1973
- Local Government (Scotland) etc Act 1994
- Local Government in Scotland 2003
- Regulation of Care (Scotland) Act 2001
- Equality Act 2010
- Human Rights Act 1998
- UN Convention on the Rights of the Child
- Children (Scotland) Act 1995
- Mental Health (Care and Treatment) (Scotland) Act 2003
- Adults with Incapacity (Scotland) Act 2000
- Children and Young People Act 2014
- Public Bodies (Joint Working) (Scotland) Act 2014

24. Appointment of: -

- (a) The Chief Officer of the Integration Joint Board in terms of section 10 of the Public Bodies (Joint Working) (Scotland) Act 2014.
- (b) The Chief Finance Officer of the Integration Joint Board appointed in terms of section 95 of the Local Government (Scotland) Act 1973.

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| Document Control Summary: - | | |
| Location: | I:\Committee Services\General\Publications\02 Scheme of Administration | |
| Last Revised: | Revised By | Nature of Revision |
| June 2018 | MJA | As set out in the report submitted to the Council on 27 June 2017 |
| Nov 2018 | MJA | Composition of Staffing and Recruitment Committee amended to include Conservative & Unionist and Independent representation. Addition of Ayrshire Economic Joint Committee, as approved by the Council on 7 November 2018. |
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North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Committee Services

Scheme of Delegation to Officers

Final

Published by Committee Services,
North Ayrshire Council, Cunninghame House, Irvine KA12 8EE

Classification: Public

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Section 1 – Introduction

This Scheme of Delegation was approved by North Ayrshire Council onin terms of section 56 of the Local Government (Scotland) Act 1973 and to meet the requirements of Section 50G (2) of the Local Government (Scotland) Act 1973. The scheme contains details of those functions both statutory and non-statutory which the Council has chosen to delegate to Officers.

This Scheme of Delegation needs to be read and used alongside the Council's Standing Orders relating to Contracts, Financial Regulations, Scheme of Administration, and Standing Orders relating to Meetings which together make up the wider framework of governance within the Council. North Ayrshire Council's Code of Governance is based upon the principles of:

- Openness;
- Accountability;
- Responsiveness;
- Democracy.

The Scheme of Delegation contributes to the Code of Governance and these fundamental principles by defining a route for certain decisions enabling the Council to be:

- Speedy and responsive in taking decisions;
- Efficient – by freeing the formal decision-making structures of the Council to focus on key strategic decisions which have to be taken under full public scrutiny; and
- Accountable – by holding appropriate employees fully accountable for the operational decisions they take to ensure the smooth running of the Council.

Section 2 – Core Principles

The Council has determined that all powers which are not specifically reserved to Council, Committee, Sub-Committee, Joint Boards or the Integration Joint Board are delegated to Officers. The matters reserved to Council or Committees are mainly the strategic policy or regulatory issues, while the day to day operational matters of running the Council's services are delegated to Officers.

Every attempt has been made to list the specific powers which are available to Officers. However, if a specific power is not mentioned in this Scheme of Delegation, it does not necessarily mean that Officers cannot exercise that power. Unless it has been specifically reserved to Council or Committee, the power will still be delegated to Officers. The powers reserved by Council are detailed in this section. In case of doubt the Chief Executive has power to determine the Officer to whom the power is delegated.

2.1 Delegations to Officers

The undernoted powers are delegated to Officers of the Council: -

- i) The Chief Executive or appropriate Chief Officer will have delegated responsibility for all matters in respect of the operation, development and implementation of policy for the service area assigned to them unless specifically reserved to the Council or other Committees or contrary to the principles listed in 2.2 and 2.3 below, together with such Statutory Duties as may have been specifically and personally assigned to them.
- ii) The Chief Executive and/or the appropriate Chief Officer will be responsible for the appointment of all posts below the level of Chief Officer.
- iii) Such delegations are at all times to be exercised in accordance with the relevant law, and the Council's Standing Orders relating to Contracts, Financial Regulations, Scheme of Administration and Standing Orders relating to Meetings and other relevant policies and procedures.
- iv) Where clarification is required, the Chief Executive will determine which matters are operational or otherwise.

2.2 Powers Reserved to Council

General Issues

Delegated powers should not be exercised by Officers where any decision would represent a departure from Council policy or procedure or would be contrary to a standing instruction of Council (or Committee) or would itself represent a significant development from policy or procedure. The only exception to this is in the case of urgency where the Officer may, after consultation with the Chief Executive, Leader, and relevant Cabinet Portfolio Holder or Convenor of the appropriate Committee, exercise delegated powers. Should such powers be exercised in urgent circumstances, a report will be submitted to the next appropriate Committee for noting.

Specific powers reserved for Council or Committee

2.2.1 The powers which are reserved to the Council or its Committees are a mixture of those which must, in terms of statute, be reserved, and those which the Council has, itself, chosen to reserve. Powers which are not reserved are delegated, in accordance with the provisions of this Scheme.

2.2.2 The following is a comprehensive list of what is reserved to the Council or Committee, categorised as statutory and non-statutory: -

Statutory Reservations

- a) To change the name of the Council in terms of Section 23 of the Local Government (Scotland) Act 1973.
- b) To appoint the Convener and Depute Convener of the Council and to decide on their titles, in terms of Section 4 of the Local Government etc. (Scotland) Act 1994.
- c) To appoint Committees in terms of Section 57 of the Local Government (Scotland) Act 1973.
- d) To promote and oppose private legislation in terms of Section 82 of the Local Government (Scotland) Act 1973.
- e) To set Council Tax in terms of Section 56(6) of the Local Government (Scotland) Act 1973.
- f) To receive the certified abstract of the Council's annual accounts, in terms of the Local Authority Accounts (Scotland) Amendment Regulations 1988 and 1997
- g) The authority's functions with respect to the borrowing of money.
- h) To consider reports by the Head of Paid Service made under Section 4 of the Local Government and Housing Act 1989.
- i) To consider reports by the Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.
- j) To decide whether or not to divide the Council's area into licensing divisions and to appoint members to the Licensing Board and Local Licensing Forum in terms of the Licensing (Scotland) Act 2005.
- k) To determine planning applications for national developments as specified in the National Planning Framework.
- l) To determine planning applications for major developments which are significantly contrary to the local development plan.
- m) Approval of the Annual Treasury and Investment Strategy relating to the borrowing of money by the Council and treasury management.

- n) The approval of reasons for the non-attendance of Members at meetings in accordance with Section 35 of the Local Government (Scotland) Act 1973.
- o) The approval of the Scheme of Member's Allowances and consideration of the entitlement of Members to such allowances. Such allowances will be paid in line with the Local Government (Scotland) Act 2004 (Remuneration) Regulations 2007 and the Local Government (Allowances and Expenses) (Scotland) Regulations 2007 as amended.
- p) Any other function or remit which is, in terms of statute or other legal requirement, bound to be undertaken by the Council itself.

Non-Statutory Reservations

- (a) To establish such Committees, Sub-Committees, Joint Committees and Joint Boards as may be considered appropriate to conduct business and to appoint and remove Conveners, Depute Conveners and Members of Committees and Outside Bodies.
- (b) The raising of money by Rates, Council Tax or Loan.
- (c) The approval annually of the General Services Revenue Budget;
- (d) The approval of the General Services Capital Plan.
- (e) The approval annually of the Housing Revenue and Housing Capital Budgets and the setting of the level of rents for Council houses held in the Housing Revenue Account.
- (f) The incurring of any net new expenditure not provided for in the estimate of capital or revenue expenditure.
- (g) Any amendment of the Scheme of Administration regulating the constitution, membership, functions and powers of Committees of the Council.
- (h) Amendment of the Standing Orders regulating meetings proceedings and business of the Council and Committees and contracts.
- (i) Any amendment of the Scheme of Delegation detailing those functions delegated by the Council to its Officers.
- (j) The making of an order for the compulsory acquisition of any land or buildings.
- (k) The appointment of any Chief Officer (other than an Interim Appointment) or the dismissal of the Chief Executive, Monitoring Officer, Chief Social Work Officer or S95 Financial Officer. The voluntary redundancy or early retirement of any Chief Officer which is not in compliance with the Council policies on voluntary early retirement or redundancy
- (l) All matters relating to election of Councillors where these are not the

responsibility of the Returning or Counting Officer.

- (m) To consider matters relating to the fixing or amendment of the Council's geographic boundaries, its electoral boundaries and wards, or matters relating to the fixing or amendment of the boundaries of the parliamentary constituencies lying wholly or partly within North Ayrshire.
- (n) The decision to co-operate or combine with other Local Authorities in the provision of services other than by way of collaborative agreement.
- (o) The approval or amendment of the scheme for Community Councils.
- (p) Consideration of Provisional Orders or Private Bills affecting the interests of the Council.
- (q) The grant of the freedom of North Ayrshire.
- (r) To fix and amend a programme of Council and Committee meetings.
- (s) Any alteration or replacement of the North Ayrshire Integration Scheme;
- (t) Specific functions which are reserved to Council, Committees, Joint Committees or Joint Boards as detailed in the Scheme of Administration
- (u) To deal with matters reserved to the Council by Standing Orders, Financial Regulations and other Schemes approved by the Council.

2.3 General Restrictions on Exercise of Delegated Powers by Officers

- a) If any decision proposed under delegated powers might lead to a budget being exceeded, the Officer must consult with both the relevant Cabinet Portfolio Holder or Convener of the appropriate Committee, as appropriate, and the Chief Executive or Executive Director (Finance and Corporate Support), before exercising the delegated power.
- b)(i) Chief Officers must ensure that the relevant Cabinet Portfolio Holder, is, where appropriate, consulted on matters of a controversial nature. Where appropriate, such matters should be referred to Council or the appropriate Committee for decision.
- b)(ii) In particular, and without prejudice to the foregoing, Chief Officers will exercise particular care in determining whether a matter is to be regarded as controversial in the following circumstances. The Chief Executive will be the final arbiter of whether a matter is controversial: -
 - Where determination of the issue may involve a decision contrary to local or national policy, or the determination may lead to a breach of a relevant Code of Guidance.
 - Where it is proposed that any issue be determined contrary to significant objections or the strong recommendation of Statutory Consultees.
 - The Officer proposes to determine the matter, or act in a manner, contrary to

the recommendation of other officers whom he/she is obliged to, or has chosen to, consult with.

- There are perceived public safety or significant public policy issues dependent on the determination (save in the case of urgency as aforesaid).
- Standing Orders, National or International regulation requires determination otherwise.
- There are questions of legality or financial advisability/probity involved.

2.4 New Legislation and Updating of Powers

The Scheme may be updated by the appropriate Executive Director notifying the Chief Executive and the Head of Service (Democratic Services) in writing in advance of the specific power they wish to exercise and if this is not in conflict with, or contradictory to any statutory provision, the Council's Standing Orders, Council Policy or delegation to another officer, effect may be given to such extension immediately and this Scheme will be amended accordingly

2.5 Sub-Delegation

North Ayrshire Council hereby authorises any Officer with specific delegated powers, duties or responsibilities referred to within this scheme to delegate further any of these powers etc. to other appropriate Officers within their service. Any Officer using delegated powers will be fully accountable to the Council for his/her actions.

2.6 Interpretation

In the scheme the following words shall have the meanings assigned to them, that is to say:

- "Act" means the Local Government (Scotland) Act 1973;
- "1994 Act" means the Local Government Etc. (Scotland) Act 1994;
- "2003 Act" means the Local Government in Scotland Act 2003;
- "2014 Act" means the Public Bodies (Joint Working((Scotland) Act 2014;
- "Council" means the North Ayrshire Council;
- "Chief Officer" means the Chief Executive, the Executive Directors, the Director of the Health and Social Care Partnership and Heads of Service all as appointed by the Council.

Any reference to any Act of Parliament shall be construed as a reference to the Act of Parliament as from time to time amended, extended or re-enacted and shall include any byelaws, statutory instruments, rules, regulations, orders, notices, directions, consent or permissions made thereunder. Any reference to any statutory instrument, regulation or order shall be construed as a reference to that instrument, regulation or order (as the case may be) as from time to time amended, extended or re-enacted.

Subject to the foregoing provisions of this paragraph, the Interpretation Act 1978 shall apply to the interpretation of the scheme as it applies to the interpretation of an Act of Parliament.

2.7 Alteration of Scheme

Subject to the provisions of the Act the Council shall be entitled to amend, vary or revoke the scheme from time to time.

The financial limits as set by the terms of this scheme may be reviewed on 1st April each year.

2.8 Consultation with Chief Executive

The Scheme of Delegation to Officers as set out in the following sections is at all times subject to the right of an Officer to consult with the Chief Executive on any matter, even though it has been specifically delegated to him or her particularly and to a duty so to consult where instructed or directed by the Chief Executive;

2.9 Absence of Executive Director

The Chief Executive is authorised to exercise every power delegated to Executive Directors and Officers, whether in their absence or otherwise except where (a) part of a statutory function delegated to that specific Director or Officer or (b) the power derives from a function delegated by the Council to North Ayrshire Integration Joint Board.

3. DELEGATIONS TO OFFICERS - GENERAL PROVISIONS

The Chief Executive, Executive Directors and, unless specifically withheld, Heads of Service will have the following powers delegated to them: -

- 3.1 All powers necessary for the general management of the departments or services for which they are responsible including, but not limited to, the power to: -
 - 3.1.1 Appoint employees in accordance with Council policy and Standing Orders;
 - 3.1.2 Authorise special leave for employees in accordance with the provisions of the Council's Scheme of Special Leave;
 - 3.1.3 In consultation with the Head of Service (People), grant leave of absence with salary to enable employees to undertake approved part-time courses;
 - 3.1.4 Authorise employees' attendance at conferences/seminars and training courses for all employees;
 - 3.1.5 Authorise departmental expenditure up to limits permitted in the Standing Orders, on such items as have been allowed for in the appropriate capital and revenue budgets.
- 3.2 To authorise employees to undertake functions delegated to the Executive Director or Head of Service as may be deemed appropriate and expedient, provided such employees are suitably qualified.
- 3.3 To sign and issue the necessary authorisation to Officers of the Council to exercise statutory powers including where appropriate the rights to enter land and premises in connection with the discharge of their duties and any identity cards so required by the Council.
- 3.4 All such other powers as delegated by the Council, a Committee, a Sub-Committee, the Council's Standing Orders and Financial Regulations.
- 3.5 To authorise and pay for the attendance of individual Members at specific conferences, seminars, etc.
- 3.6 To authorise and pay for the attendance of individual employees at training or conferences and to authorise and reimburse the professional membership fees of individual employees
- 3.7 To appoint or make recommendations as to the employment of consultants or specialists in accordance with any decision taken by the Council.
- 3.8 To manage and monitor the performance of the services which are under their responsibility.
- 3.9 To assist in the preparation of the Council's General Services Revenue Budget and Capital Programme.

- 3.10 To take such measures as may be required in emergency situations, subject to advising the Chief Executive as soon as possible thereafter on any items for which Committee approval would normally be necessary. This includes any Contract for the execution of works which are urgently required for the prevention of damage to life or property.
- 3.11 To enter into contracts for the supply of goods and materials, the execution of works and the provision of services where there is adequate provision in the estimates and in accordance with the Standing Orders for Contracts (which currently provides for letting of contracts by officers where the expenditure is less than £1m.) or the contract is let in terms of a framework agreement to which the Council is a party.
- 3.12 In the case of emergency involving danger to life or property, to enter into contracts for the supply of goods and materials, the execution of works and the provision of services where the estimated expenditure is more than £1m, subject to reporting the expenditure to a subsequent committee.
- 3.13 To sell surplus stores, plant, furniture and equipment, including any IT equipment, for the best price obtainable and write off any such stores, plant, furniture and equipment which have become unfit for use and are un-saleable, subject to the Standing Orders Relating to Contracts and any relevant Council policies.
- 3.14 To deal with, and in appropriate circumstances, to approve applications from employees for reimbursement of reasonable legal expenses, in part or in whole, incurred in defending any actions raised against them personally, providing: -
- (a) They are acting within the course of their employment;
 - (b) In accordance with Council procedures;
 - (c) In good faith.
- 3.15 To respond to consultation papers unless the response recommends a departure or significant development of Council policy or procedure or is contrary to a standing instruction of Council or Committee.
- 3.16 To amend the organisational structures of their Services including the number and designation of posts subject to the following conditions:
- (a) The appropriate portfolio holder(s) has(ve) been consulted if changes are significant;
 - (b) The costs of the amendments are within the existing revenue budget and this is confirmed by the Executive Director (Finance and Corporate Support);
 - (c) The Head of Service (People) approves the grading, conditions of service and designation of posts.
- 3.17 In accordance with the Council's approved Disciplinary and Incapability and Maximising Attendance Procedures, to take disciplinary action including dismissal, as appropriate in respect of employees in their relevant Service;

- 3.18 In accordance with the Council's approved policies for early release, to approve any application for voluntary early retirement, redundancy or early release.
- 3.19 Action virement within the overall revenue budgets for their Services in accordance with the Financial Regulations and Codes of Financial Practice subject to confirmation by the Executive Director (Finance and Corporate Support) or representative.
- 3.20 To apply for and accept grants or external funding to support the agreed strategies, policies or plans of the Council, subject to budget being available for any required match-funding.

DELEGATIONS TO OFFICERS - SPECIFIC PROVISIONS

4. Chief Executive

The Chief Executive leads the Executive Leadership Team and has overall responsibility for the following: -

- Strategic management of Council services;
- Leadership of Council Employees;
- Strategy and Policy Development;
- Leading Improvement and Organisational Change.

The following specific functions of the Council are delegated to the Chief Executive: -

1. To act as Head of Paid Service in terms of Section 4 of the Local Government and Housing Act 1989. The duties of the Head of Paid Service are detailed in Section 12A.
2. To act as the principal policy adviser to the Council on matters of general policy and to assist Members to formulate clear objectives and affordable programmes having regard to changing political priorities, statutory and financial requirements and community needs and expectations.
3. To ensure that a corporate approach to the management and execution of the Council's affairs is maintained and that advice to the Council is given on a co-ordinated basis.
4. To lead the Executive and Strategic Leadership Teams.
5. To monitor the performance of all Chief Officers.
6. To take such action as may be required to ensure that the correct significance is given by the Council's employees to the achievement of the overall policy objectives of the Council.
7. To give clear direction and ensure the visibility of the office of Chief Executive as the central focus for leading and co-ordinating the Council's employees.
8. To advise on staffing requirements.
9. Subject to the provisions of Council policies and procedures, to determine the organisation, appointment and proper management of the Council's employees.

10. In consultation with the Head of Service (People), to exercise all discretions available to the Council in terms of the Local Government Pension Scheme (Administration) (Scotland) Regulations 2008, the Local Government Benefits, Membership and Contributions)(Scotland) Regulations 2009, the Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 2008 and the Local Government (Discretionary Payments and Injury Benefits)(Scotland) Regulations 1998.
11. To ensure that effective and equitable employment policies are developed and implemented throughout all services of the Council in the interests of the authority and its employees.
12. To maintain a list of politically restricted posts in terms of the Local Government and Housing Act 1989;
13. To authorise the implementation of national and local agreements relating to pay and conditions of service of employees or Councillors in consultation with the Head of Service (People)
14. To give direction on the applicability of the scheme and where appropriate that any Officer shall not exercise a delegated function; except where (a) part of a statutory function delegated to that Director or officer or (b) the power derives from a function delegated by the Council to North Ayrshire Integration Joint Board.
15. To consider and deal with any urgent issues, whether arising during a recess period or otherwise, subject to reporting back to the Cabinet at the first available opportunity. This power is to be exercised in consultation with the relevant Chief Officer and the relevant portfolio holder;
16. To deal, in consultation with the Provost of the Council, with applications for the patronage of the Council, the use of the Council's Coat of Arms subject to the provisions of Lord Lyon King of Arms and for the use of municipal buildings;
17. To act as the Proper Officer for the following purposes of the Act:
18. Section 33A Declaration of Acceptance of Office as a Councillor;
19. Section 34 – Receipt of resignations of Councillors;
20. Sections 50B, C, D & F – Access to information;
21. Section 194(1) – Execution of deeds;
22. Section 50(D) of the Local Government (Access to Information) Act 1985 - "Listing of background papers for a report to Members".
23. To undertake the statutory responsibilities of Returning and Counting Officer in respect of Council and Parliamentary elections, referenda and ballots for Business Improvement Districts.
24. In an emergency to instruct executive action and incur expenditure on a report

from the appropriate Executive Director on any matter, after consultation with the Provost/Leader of the Council as appropriate.

25. To devise, alter and issue, as required, job descriptions in respect of Chief Officers and other officers in accordance with Council duties and functions.
26. To exercise every power delegated to Executive Directors or Officers except where (a) part of a statutory function delegated to that Director or Officer or (b) the power derives from a function delegated by the Council to North Ayrshire Integration Joint Board.
27. To appoint in the absence of the Chief Executive an Acting Depute Chief Executive and Acting Head of Paid Service to cover periods of absence. When the Chief Executive is absent the Acting Chief Executive and Head of Paid Service will have all the delegated authority of the Chief Executive.
28. To appoint a Chief Officer on an interim basis.
29. To refer matters to the Police, in terms of the Council's defalcation procedure.
30. To act as Authorising Officer under the Regulation of Investigatory Powers (Scotland) Act 2000 for all types of authorisation, including the authorisation of a person under age 18 to act as a covert human intelligence source. To appoint other Officers to act as Authorising Officers for all such functions except the authorisation of a person under age 18 to act as a covert human intelligence source.
31. All powers ancillary to or reasonably necessary for the proper performance of the Chief Executive's general responsibilities.
32. To terminate on behalf of the Council any contract which the Council is entitled to terminate under appropriate conditions of contract where, after consultation with the appropriate Chief Officer, the Chief Executive is satisfied that it is in the interests of the Council to do so.
33. To support and manage the Director of the Health and Social Care Partnership/Chief Officer of the Integration Joint Board in the exercise of his or her functions.

5. Head of Service (Democratic Services)

The Head of Service (Democratic Services) has overall responsibility for the following services: -

- **Legal and Licensing Services**
- **Democratic Services** including Committee and Member Services, Policy and Performance, Health Improvement and Equalities, Elections and Council Officers.
- **Communications**, both internal and external, marketing and Members Services
- **Civil Contingencies**
- **Information Governance**

The Head of Service (Democratic Services) is also appointed to the following positions and has the following responsibilities: -

1. To act as the Council's Monitoring Officer in terms of Section 5 of the Local Government Housing Act 1989. The duties of the Monitoring Officer are detailed in Section 12B.
2. To act as "Proper Officer" and to appoint and designate other Officers of the Council "Proper Officers" for the purposes of relevant section of the Local Government (Scotland) Act 1973 in respect of the production of reports; the listing of background papers; the retention of documents, receipt of notices of any legal proceeding served on the Council and for the receipt of any notice, order or any other document required or authorised by any Act to be sent, delivered or served to or upon the Council or to the Proper Officer and report for the prescribed period and other related matters.
3. To act as "Proper Officer" and to appoint and designate other Officers of the Council as Proper Officers for the purpose of Section 193 and 194 of the Local Government (Scotland) Act 1973 and the Requirements of Writing (Scotland) Act 1995, to sign all deeds and other documents which require to be signed or sealed and to execute, on behalf of the Council, such other documents as may be necessary.
4. To act as "Authorised Officer" together with such members of his/her staff designated by him/her in terms of the Civic Government (Scotland) Act 1982 to grant non-contentious applications for licenses in terms of the Civic Government (Scotland) Act 1982 and to be responsible for the administration and control of all relevant licenses in respect thereof and to issue all notices of suspension or revocation of same as may be necessary in connection therewith.
5. To act as Senior Responsible Officer in connection with authorisations for covert surveillance permitted under Section 6 and 7 of the Regulation of Investigatory Powers (Scotland) Act 2000 and to maintain a register of use of such.
6. Receipt of Members' acceptance of office and resignation in terms of the Act.

7. Maintenance of the Register of Interests in terms of the Ethical Standards in Public Life etc. (Scotland) Act 2000.
8. Undertake amendment of the Scheme of Delegation and Scheme of Administration as required to take account of new or amended legislation, Council policies and decisions etc.
9. To act as Single Point of Contact (SPOC) with Police and to lead the coordination of the Council's response to the CONTEST counter-terrorism strategy

Legal Services

10. To engage Counsel or external legal firms as may be appropriate in connection with the Council's legal business and to appoint Parliamentary agents as and when he/she may consider it necessary.
11. To settle without reference to the Council or its Sub-Committees, claims arising in terms of statute in respect of compensation following compulsory or voluntary acquisition or other statutory process provided all the statutory requirements have been met.
12. To issue or have issued by other Officers, Statutory Notices on behalf of the Council.
13. Institute and defend proceedings on behalf of the Council.
14. Negotiate and agree extra judicial settlements in line with budgetary provisions and to withdraw from legal proceedings, including proceedings before any court, tribunal, enquiry, regulatory body etc.
15. In consultation with the relevant Executive Director to settle claims and legal actions against the Council of whatever nature not otherwise covered by the Council's insurance arrangements (and including without prejudice the foregoing generality planning appeals, employment tribunals and land tribunals) up to a maximum of £100,000 per individual claim (and to maximum of £500,000 in cases of urgency subject to consultation with the appropriate Cabinet Portfolio holder and approval by the Chief Executive) and in addition to agree appropriate fees and expenses in connection with those settlements.
16. To settle claims arising in terms of the Land Compensation (Scotland) Act 1973 in respect of home loss payments following compulsory acquisitions and also to settle any discretionary payments arising from acquisitions by voluntary agreement provided that the statutory requirements have been met.
17. In consultation with the relevant Executive Director, to authorise ex-gratia payments up to a maximum of £5,000 relative to recommendations by the Scottish Public Services Ombudsman.
18. Custody of all titles and standard securities in the Council's favour.
19. To implement reports from the Council's Valuer with regard to leasing of property, rent reviews and acquisition or disposal of land.

20. To investigate complaints in terms of the Council's whistleblowing procedures.
21. To have access at any time to any Council premises, offices or premises of contractors for the purposes of inspecting all documents and interviewing staff (either employed or contracted) in pursuit of the examination, verification or inspection of any system operated by the Council or any department thereof and to require the production of any information in whatever form including disclosure under the Data Protection Act and to implement changes arising therefrom.
22. Undertake any acquisition, disposal, lease etc. of property or land on the basis of terms recommended by the Head of Service (Physical Environment) subject to compliance with the terms of the Council's Scheme of Administration and Standing Orders relating to Contracts.
23. Acquire former Council houses or properties within Housing Action or Regeneration Areas upon terms agreed by the District Valuer, or at the Home Report Valuation.
24. Issue Offers of Notices of Refusal and pursue recovery of discount under the Right to Buy provisions of the Housing Acts.
25. Authorise the amount of Home Loss Payment and Disturbance Allowance in respect of eligible properties, on terms recommended by the District Valuer.
26. Pursue recovery of discount under the Right to Buy Provisions of the Housing Acts.
27. Set and revise periodically all fees for legal services.
28. Formation, acquisition and dissolution of companies, whether limited by guarantee or shares, Scottish Charitable Incorporated Organisation, Trusts, Partnerships or Limited Liability Partnerships or other legal body as required. Provided that this shall not include authority to form an offshore company for reasons of tax efficiency or avoidance.

Licensing Services

29. To make suitable arrangements for the appointment of a Clerk and Depute Clerk(s) and for the provision of support to North Ayrshire Licensing Board in terms of the Licensing (Scotland) Act 2005.
30. To exercise licensing or registration functions of the Council in terms of the following legislation and in conformity with Council or Licensing Board policies: -
 - Performing Animals (Regulation) Act 1925
 - Pet Animals Act 1951
 - Caravan Sites and Control of Development Act 1960
 - Animal Boarding Establishments Act 1963

- Riding Establishments Acts 1964 and 1970
- Theatres Act 1968
- Breeding of Dogs Act 1973
- Dangerous Wild Animals Act 1976
- Zoo Licensing Act 1981
- Civic Government (Scotland) Act 1982
- Cinemas Act 1985
- Breeding and Sale of Dogs (Welfare) Act 1999
- Antisocial Behaviour etc. (Scotland) Act 2004, Part 8 (Landlord Registration)
- The Fireworks (Scotland) Regulations 2004
- Housing (Scotland) Act 2006, Part 5 (HMO Licensing)
- Animal Health and Welfare (Scotland) Act 2006
- The Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009.
- Pet Animals Act 1951
- Riding Establishments Acts 1964 to 70
- Zoo Licensing Act 1981
- The Licensing of Relevant Permanent Sites (Scotland) Regulations 2016

31. To Grant an Application for any Licence where: -

- (a) the Applicant has no more than two Minor Penalties;
- (b) there are no objections or adverse representations; and
- (c) the officer is not aware of any possible grounds for refusal (e.g. 1982 Act, Schedule 1, Paragraph 5(3)).

32. To Grant an Application for the Renewal of any Licence where:

- (a) the Applicant has no more than two Minor Penalties in the period between the previous decision to Grant or Renew the Licence etc. and the receipt by the Council of the Renewal Application; and
- (b) There are no objections or adverse representations; and
- (c) The Officer is not aware of any possible grounds for refusal (e.g. 1982 Act, Schedule 1, Paragraph 5(3)).

33. To determine all questions arising under the Licensing Acts, and to exercise all the functions of the Local Authority under those Acts, except decisions to refuse an Application for the Grant or Renewal, or (except where delegated) suspension of a Licence.

34. To carry out all the Council's functions, and to exercise all the Council's powers, as Licensing Authority in relation to Civic Government (Scotland) Act 1982, Section 19 (Taxi Stances), and in particular the powers to: -

- (a) appoint a Stance (Section 19(1));
- (b) Vary the number of Taxis permitted at a Stance (Section 19(3));

- (c) alter the position of a Stance (Section 19(3));
 - (d) revoke the appointment of a Stance (Section 19(4));
 - (e) erect and illuminate signs indicating the limits of Taxi Stances (Section 19(2)(a)); and
 - (f) cause lines or marks to be made on roads indicating the limits of Taxi Stances (Section 19(2)(b)).
35. Section 84 Antisocial Behaviour (Scotland) Act 2004: To Grant an Application for Registration of a Landlord or Agent if: -
- (a) there are no more than two Minor Penalties;
 - (b) in the opinion of the Officer none of the considerations described in Section 85 (factors relevant to the decision whether or not a person is a 'fit and proper' person) exist; and
 - (c) there are no objections or adverse representations.
36. Section 84 Antisocial Behaviour (Scotland) Act 2004: to Refuse an Application for Registration where the Applicant has failed: -
- (a) to satisfy the Officer that he is a 'fit and proper' person,
 - (b) to respond to reasonable inquiries within 14 days after the date on which the Council received the Application or notice of the Application via the Scottish Government website.
37. Section 88(3) Antisocial Behaviour (Scotland) Act 2004: To make a determination that an Agent or proposed Agent is a 'fit and proper person' to act for a Registered Person if: -
- (a) there are no more than two Minor Penalties, and
 - (b) in the opinion of the Officer none of the considerations described in Section 85 (factors relevant to the decision whether or not a person is a 'fit and proper' person) exist.
38. Where it appears to the Officer that any offence under the Act is being or may have been committed, to inform the Procurator Fiscal or Police.
39. Section 94 Antisocial Behaviour (Scotland) Act 2004: to serve a Notice (commonly called a 'Rent Penalty Notice' (RPN)) where: -
- (a) it appears to the Officer that the conditions specified in Sections 94(2) (a) to (c) (the conditions for serving an RPN) are satisfied, and

- (b) where the Council has written to the relevant person inviting him to apply for Registration and 14 days have elapsed from the date of that letter without either:
 - (i) the relevant person having made an Application for Registration, or
 - (ii) the Officer being satisfied that the relevant person does not require to be registered, because either:
 - (1) he does not fall within the definition in Section 1(8) (a person who is none of: a Local Authority, a registered social landlord, or Scottish Homes);
 - (2) he is entitled to one of the exemptions in Section 1(6) (as extended by Regulations); or
 - (3) the house is either unoccupied or is occupied by a person who is a member of the family of the relevant person (and is therefore not an “unconnected person”).
- 40. Section 95 Antisocial Behaviour (Scotland) Act 2004: To Revoke a 'Rent Penalty Notice' where it appears to the Officer that the conditions specified in Sections 94(2) (the conditions for serving an RPN) were not satisfied when the Notice was served, or are not or are no longer satisfied.
- 41. To amend the Register where appropriate (for example, under Section 88(8) Antisocial Behaviour (Scotland) Act 2004, if the Council determines that a proposed Agent is not 'fit and proper', the Council is obliged to remove the Registered Person (the Landlord) from the Register).
- 42. To determine all questions arising under the 2004 Act, and to exercise all the functions of the Local Authority under the 2004 Act, except:
 - (a) Section 84: To refuse an Application for entry to the Register, or for renewal or amendment of a Registration;
 - (b) Section 88(3): To make a determination that an Agent is not a 'fit and proper person' to act for a Registered Person;
 - (c) Section 89: To remove the Registration of a person.
- 43. To refer the case to the Committee for consideration of the exercise of those reserved powers where in the opinion of the Officer any of the considerations described in Section 85 Antisocial Behaviour (Scotland) Act 2004 (factors relevant to the decision whether or not a person is a 'fit and proper' person) may exist.
- 44. To exchange information with other Departments of the Council and external agencies relating to: -
 - (a) the operation of the Antisocial Behaviour (Scotland) Act 2004 and any register or records held by the Council for the purpose of administering the Landlord Registration Scheme;

- (b) the conduct of landlords, agents and occupiers in relation to housing law and anti-social behaviour;
 - (c) the payment of Benefit to any of those persons;
 - (d) convictions and judgments affecting any of those persons.
45. To request any Applicant or Registered Person (including an Agent), to supply documents or information (e.g. a Disclosure Scotland Certificate or a document from a Court or Tribunal evidencing a determination) so that the Officer might determine whether or not to exercise any powers conferred in this Scheme of Delegation.
46. Section 97A (Power to obtain information) Antisocial Behaviour (Scotland) Act 2004: To serve a notice requiring the owner, occupier or agent to state: -
- (a) confirmation of the nature of that person's interest in the house;
 - (b) the name and address of any other owner, occupier or agent (and information about any relationship between them);
 - (c) such other information relating to the house or person which is reasonably requested.
47. To exercise the delegations in Part 3 of the Housing (Scotland) Act 2006.
48. Section 129A Housing (Scotland) Act 2006: To refuse an Application without further consideration due to breach of planning control.
49. To make an Order under Section 144 of the Housing (Scotland) Act 2006 (commonly called 'a Rent Suspension Order') against the owner of an unlicensed HMO where the Officer is satisfied that the statutory criteria exist.
50. To revoke such an Order when the HMO is licensed, or the Council is satisfied that the accommodation does not need a Licence.
51. Sections 142 & 143 of the Housing (Scotland) Act 2006: To make (without conditions) a Temporary Exemption Order (Decisions to attach conditions, revoke, or extend a TEO are not delegated).
52. Section 186 of the Housing (Scotland) Act 2006 ("Power to obtain information etc."): To exercise the Local Authority's powers to serve Notice on the owner, occupier or a person who receives rent, directly or indirectly, requiring that person to state in writing: -
- (a) the nature of his interest in the land or premises,
 - (b) the name and address of any other person having such an interest, and

- (c) any other information which is reasonably requested (including the relationship (if any) between the recipient of the Notice and any other occupants.
53. The following delegated authorities under the Civic Government (Scotland) Act 1982 are to be exercised after consultation with the Licensing Committee Convenor, whom failing the Vice-Convenor, whom failing any Member of the Licensing Committee: -
- (a) Schedule 1 Paragraph 8(5A) Civic Government (Scotland) Act 1982: Late Renewal- to make a determination that an Application for the Renewal of a Licence should, or should not, be deemed an application made before the expiry;
 - (b) Schedule 1 Paragraph 9(2) Civic Government (Scotland) Act 1982: material change in the licensed premises - authorised to grant or refuse consent;
 - (c) Schedule 1 Paragraph 12 Civic Government (Scotland) Act 1982: Emergency Suspension - authorised to suspend a Licence under Paragraph 12, of Schedule 1 for six weeks or (if earlier) until the commencement of the 'Ordinary' Suspension hearing.
54. To exercise functions of the Council relating to Public Charitable Collections in conformity with Council policies.
55. Public Charitable Collections under Civic Government (Scotland) Act 1982, Section 119 - authorised in respect of a particular Collection: -
- (a) To permit a temporary departure from Committee Policy as to the dates and hours of a Collection;
 - (b) to permit a Collection in an area notwithstanding that another Permission has been granted or an Exempt Promoter has notified the Council of its intention to collect in the same area; or
 - (c) to vary conditions attached to the Permission under Section 119(5).
- This authority is to be exercised after consultation with the Licensing Committee Convenor, whom failing the Vice-Convenor, whom failing any Member of the Licensing Committee.
56. Attach such conditions as are deemed appropriate to any licence.
57. Determination of applications for the display of signs and advertisements on private hire cars and taxis.
58. To consider and determine notifications of marches and processions in conformity with Council policies.
59. To determine for the purposes of the foregoing Licensing delegations, the definitions of 'Minor Penalty', 'Disposal', 'Excluded Disposal' and 'Excluded Offences'.

Democratic Services

60. Appoint suitable persons to the Panel of Safe guardians in terms of the Children (Scotland) Act 1995.
61. Revise periodically the fees payable to Safe guardians.
62. Determining rights of access to Council documents Councillors and members of the public disclosing exempt information in terms of the Local Government (Access to Information) Act 1985.
63. Act as Clerk to the Children's Panel Advisory Committee in terms of the Social Work (Scotland) Act 1968, as amended.
64. Approve the Constitution, Standing Orders and other related documents of Community Councils in accordance with the Scheme of Establishment of Community Councils adopted by North Ayrshire Council.
65. Adjust as necessary the calendar of meetings and holidays in consultation with the Provost and Leader of the Council, as appropriate.
66. To provide assistance to Councillors by provision of appropriate accommodation, secretarial assistance, training and library facilities etc.
67. To act as advisor to the Council on procedural and administrative matters and to ensure the provision of adequate administrative and other support for Council and its Committees and other bodies in respect of which the Council is the lead authority.
68. In consultation with the appropriate Executive Director to submit comments to the Scottish Public Services Ombudsman and the Pensions Ombudsman into alleged maladministration.
69. To make arrangements for the opening and witnessing of all tender returns in excess of £50,000, recording the date and time of receipt in accordance with the Council's Standing Orders relating to contracts.
70. To determine whether Petition or deputation requests comply with the requirements of Council Standing Orders.
71. To deal with all applications or requests relating to civic receptions, opening ceremonies and any other ceremony, subject to consultation with the Provost.
72. To deal with requests for the grant of civic hospitality etc to any official delegations, groups and visitors to North Ayrshire and the presentation of suitable mementoes.
73. To act as the Proper Officer in terms of the Local Government (Access to Information) Act 1985 for the purposes of determining prior to a meeting whether documents should be made available to the public.

74. To carry out the functions of the Council under the Adults with Incapacity (Scotland) Act 2000 including those relating to Intervention Orders, access to funds and Guardianship Orders.
75. To provide such support and assistance as the Returning or Counting Officer may request in relation to elections, Business Improvement Districts or referenda.
76. To prepare the polling scheme for North Ayrshire and to alter or amend polling places in the event of an approved place becoming unavailable or unviable, e.g. through fire or flood or some other circumstance.
77. To manage the Council's arrangements for town twinning, including visits to or by other towns or areas with which the Council is twinned.
78. To manage the booking of the Council Car.
79. Maintenance of the Register of Disclosure of Interests in terms of the Ethical Standards in Public Life etc. (Scotland) Act 2000.
80. To support civic functions and festivals such as the Provost's Awards, Marymass, and the Viking Festival.
81. To provide support and assistance to Community Councils.
82. To manage the Ayrshire Area Support Team shared service, and as part of this to support the appointment process and training of members of Childrens' Panels.

Policy and Performance

83. Support for the development of corporate policy for the Council,
84. Gathering and analysis of demographic, performance and other data relating to North Ayrshire, its neighbourhoods, and its partners.
85. To manage and administer the Council's corporate performance planning, monitoring and continuous improvement arrangements including those relating to the Council Plan, the annual Council Plan Delivery Plan, the Council Plan Performance Framework and the Public Performance Report.
86. To co-ordinate the gathering and analysis of corporate data, performance or benchmarking information and any returns or other information relating to such performance information.
87. To support and coordinate Council entries for awards.

88. To support and coordinate Council corporate assessment for the European Foundation of Quality Management, Public Sector Improvement Framework or Recognised for Excellence or other quality systems.
89. Act as the Council's representative for functions of the Registrar General for Scotland as regards statistics and Census.
90. To support functions of the Council relating to health improvement of Council employees.
91. To develop policies and procedures and otherwise to help ensure the Council complies with its duties under the Equalities Act, the Fairer Scotland Duty and the island-proofing requirements of the Islands (Scotland) Act 2018.
92. To coordinate and support the development of the Child Poverty Report and Action Plan.

Communications

93. To authorise the issue of all publicity and promotional material related to the Council.
94. To maintain good internal and external public relations.
95. To issue publicity to promote the Council's interests and to issue appropriate releases to press and social media, or other forms of publicity on behalf of the Council.
96. To manage, maintain and make procedures relating to social media sites kept by the Council.
97. To deal with press enquiries and responses on behalf of the Council.
98. To authorise corporate branding material including logos etc to be used on behalf of the Council.
99. To undertake internal communications with Council employees and to provide policies to promote internal communication.
100. To produce marketing materials on behalf of the Council.
101. To manage and support requests to film on Council owned land and to support the effective planning of events in North Ayrshire by ensuring effective liaison with relevant partners.

Information Governance

102. To undertake the Council's duties relating to records management, the Records Management Plan and to maintain and manage a records management store.

103. To provide support and assistance to services in responding to requests under the Freedom of Information (Scotland) Act 2002.
104. To provide support and assistance to Council services to enable them to comply with duties under the Data Protection Act 1998, and the General Data Protection Regulation and to assist them to deal with requests for the release of personal data.
105. To develop protocols for the filing and retention of Council information.
106. In consultation with the appropriate Executive Director to submit comments to the Scottish Public Services Ombudsman and the Pensions Ombudsman into alleged maladministration.
107. To manage the Council's Customer Complaints procedures
108. To determine reviews lodged under the Freedom of Information (Scotland) Act 2002.

Civil Contingencies

109. To review the performance and support the delivery by South Ayrshire as lead authority, of the Ayrshire Civil Contingencies Team shared service.
110. To exercise functions relating to civil contingencies, including identification of potential contingencies, civil contingency planning and communication, liaison with external bodies and putting in place arrangements to deal with contingencies.

6 Executive Director (Finance and Corporate Support)

The Executive Director (Finance and Corporate Support) has overall responsibility for the following services: -

- **Financial and Customer Services** including Financial Management, Procurement, Corporate Fraud and Internal Audit, Risk, Business Continuity, Insurance, Health and Safety, Customer Services (including Business Support), Revenue and Benefits, and Registration of Births Deaths and Marriages;
- **People and Transformation** including Human Resources; Employee Services (including Payroll and Resourcing), Organisational Development, Transformation, IT and Digital Services.

Audit

1. To undertake internal audit of Council systems, procedures and practices and to investigate complaints or issues raised with Internal Audit. To provide policies, procedures and guidance relating to audit, fraud, bribery and defalcation.
2. The taking of measures designed to deter fraud, investigation of cases of suspected fraud, the taking of action to recover assets and monies lost through fraud and any action required against those responsible.
3. The taking of measures designed to deter bribery, the investigation of cases of suspected bribery, and all actions to comply with the terms of the Bribery Act 2010.
4. In relation to Internal Audit work being carried out, the Senior Manager (Internal Audit, Risk and Fraud) and any member of the Internal Audit section has the authority to: -
 - Enter at all reasonable times and without notice any premises or land of the Council, provided that where such premises or land are leased to a third party the terms of the lease are observed;
 - Have access to, and remove, all records (both paper and electronic), documents and correspondence within the possession or control of any officer of the Council, relating to any transactions of the Council;
 - Be provided with a separate log-in to any computer system within the Council and have full access to any system, network, personal computer or other device in the ownership of the Council;

- Require and receive explanations concerning any matter under examination from any employee, including Chief Officers, and request such explanations from any elected member;
- Require any employee of the Council to produce cash, stores or any other Council assets under their control.

Risk, Insurance and Health and Safety

5. Ensure adequate risk management arrangements are in place throughout the Council.
6. To exercise functions relating to the identification, planning and mitigation of risks affecting the Council.
7. Duties relating to business continuity, including identification of issues, business continuity planning, liaison with external bodies and putting in place arrangements to deal with business continuity issues.
8. Ensuring that adequate insurance arrangements are in place
9. Support and assistance to Council services to enable them to comply with duties under the Health and Safety at Work Act 1974 and other legislation relating to health and safety.
10. To be the primary point of contact with the Health and Safety Executive in matters relating to the health and safety of Council premises or services.

Finance

11. Be the Proper Officer for the financial affairs of the Council in terms of Section 95 of the Act. The responsibilities of the Proper Officer for Financial Arrangements are set out in Section 12C.
12. Produce, and regularly review the Financial Regulations of the Council and any Codes of Financial Practice made thereunder.
13. Ensure that proper systems of accounting are maintained throughout the Council and that Services comply with Council policy, legislation, financial regulation and codes of financial practice issued thereunder.
14. Prepare and monitor revenue and capital budgets for General Services, the Housing Revenue Account and any other funds provided to the Council in accordance with the Financial Regulations.
15. To be the primary point of contact with external audit and provide support, information and recommendations to external auditors.
16. The provision of financial services to other bodies, organisations, etc. subject to a charge being made where appropriate.
17. Authorise disposal or write-off of surplus materials, stores, or equipment where

the value does not exceed £10,000.

18. Determine Home Loan Applications and implement amendments to interest rates for the Home Purchase Loans.
19. In consultation with the appropriate Executive Director, up to a maximum of £100,000 and in conformity to any approved policy, authorise the transfer of approved estimates from one head of expenditure to another, within a Service estimate, unless it is considered to materially affect the approved budget, in which case authorisation of the Council will be sought.

Treasury Management

20. Act as the Proper Officer for the purposes of Section 92 of the Act relating to the transfer of securities.
21. Make the necessary arrangements for duly authorised borrowing and lending in terms of Section 165 of the 1994 Act
22. Act as Proper Officer in terms of Sections 92, 193(1) and 194 of the Act for the signing of all stock certificates, bonds and mortgages.
23. Act as Registrar of Stocks, Bonds and Mortgages.
24. Borrow and invest monies as required for the purposes of the Council's Treasury functions (within the terms of the Council's Treasury and Investment Policy) and perform Debt Rescheduling as appropriate.
25. Make payments by cheque or another instrument.
26. Authorise the signature of cheques and other appropriate financial documentation on behalf of the Council
27. Write off debts if satisfied that they cannot reasonably be recovered.

Procurement

28. To undertake procurement functions for the Council including entering into framework agreements, central purchasing arrangements, maintenance of a standing list of approved contractors, preparation of advice and policies relating to procurement and support and assistance to Council services in undertaking procurement.

Customer Services

29. To provide all services in respect of the duties of the Council in respect of the registration of births, deaths and marriages, citizenship ceremonies, Tell Us Once, civil ceremonies and to provide a registration family history searching facility.

30. To develop and manage all customer contact channels and to manage emergency telephone helplines.
31. To determine and issue school clothing grants

Revenue and Benefits

32. Ingather all monies due to the Council and enforce payment thereof.
33. In respect of Council Tax/Non-Domestic Rates, to act as the Proper Officer in terms of the appropriate legislation for all administrative purposes including: -
 - Arranging the preparation and issue of rates notices, the collection of rates, the receiving and settling of claims for exemption from rates, the handling of objections to the amount of rates levied, and the abatement, remission or repayment of rates under the various rating provisions.
 - The preparation and issue of Council Tax Notices, the collection of the aforementioned tax, the handling of objections to the assessments and the exemption, abatement, or remission of charges.
 - To enter into arrangements with Communities Scotland etc. in accordance with Schedule 2 of the Local Government Finance Act 1992, to administer Council Tax Reduction and discounts on behalf of the Council for all those residents in the housing authority's property.
 - To enter into arrangements with neighbouring Councils and others concerning the collection of rates, or Council Tax on behalf of the Council and to make arrangements with each agent as to suitable collection points.
 - To make the necessary arrangements concerning terms and commissions payable for services rendered to the Council by other agents with regard to the collection of rates, and/or other Council Tax, and the administration of any Council reduction or discount schemes etc.
 - To enter into arrangements with Scottish Water for the collection of water and wastewater charges with Council Tax, and to negotiate appropriate terms and commission with the Water Authority in relation to the services rendered by the Council and its agencies
34. To administer the Scottish Welfare Fund on behalf of the Scottish Government
35. To administer a council tax reduction scheme on behalf of the Scottish Government.
36. To bill and collect sundry income for the Council
37. To support the delivery of Universal Credit in North Ayrshire in accordance with the Department of Work and Pensions Delivery Partnership Agreement.
38. Rent collection and accounting, arrears recovery and collection of other miscellaneous charges.

People Services

39. To carry out all matters relating to staffing, recruitment, promotion and transfer within the Council's policy and apply the pay grading and conditions of service as agreed by the Council in respect of their employees.
40. To supervise and, so far as necessary, administer the Council's Corporate Human Resources Policies and Procedures.
41. Develop and maintain human resources and organisational development policies and procedures.
42. Authorise employee terms and conditions associated with Council Policies and Procedures, Appeals, Health, Safety and Wellbeing, National Agreements and Pension Regulations (Special Leave, Recruitment and Selection, Dignity at Work, Annual Leave, Discipline and Grievance, etc);
43. Contribute to the effective operation of the Council's Appeals Committee, Joint Consultative Forum and the Local Negotiating Committee for Teachers.
44. To undertake on behalf of the Council negotiations and discussions with Trade Unions and other employee organisations concerned with the interests of Council employees.
45. Implement national pay awards and amendments to national and local rates of travel, subsistence and other allowances.
46. To apply all matters which conform to the national conditions of service and local conditions of service of all categories of employees of the Council.
47. After consultation with the appropriate Executive Director to approve the acceleration of increments within existing salary scales.
48. In consultation with the appropriate Executive Director to approve applications for the termination of employment on medical grounds where such recommendations are made by the Council's Occupational Physicians.
49. To pay salary and wages and make associated arrangements for payment of Council paid employees in accordance with statutory requirements.
50. Following consultation with appropriate Executive Director to provide to the Local Government Adjudicator for Scotland on behalf of the Council, certificates required for the purposes of Section 3(3) of the Local Government and Housing Act 1989 in relation to exemption of post from political restrictions.
51. To co-ordinate the Council's arrangements for obtaining reports relating to potential criminal convictions.
52. To manage and support the Council's policies and procedures on absence at work and to enter into arrangements for the provision of an Occupational

Health service, counselling or other services to support employees.

- 53. Enter into agreements and deliver human resources and organisational development services to other bodies.
- 54. To design and deliver or arrange for the delivery of training to Council employees, Councillors or others.
- 55. To make arrangements for employee recognition and reward.
- 56. To undertake employee consultation surveys.

IT and Digital

- 57. The provision of efficient and effective technology solutions including advice, appropriate to the needs of the Council and its departments.
- 58. To keep under review the provision of technology Systems to Council departments and the local community.
- 59. Monitoring the integrity, effectiveness and economic utilisation of all technology bases processing facilities.
- 60. Maintaining an inventory of hardware, software, application and telecommunications equipment for the purposes of insurance, hardware (preventative) maintenance, applications auditing, software licensing, asset management and technical support.
- 61. Authorise appropriate software licensing and other ICT Contracts.
- 62. In conjunction with relevant Chief Officers, develop, maintain and support policies and procedures relating to ICT Security and cyber-crime.
- 63. To ensure that all computer information processing conforms to the Data Protection Act 1998 and the General Data Protection Regulation.
- 64. To develop and implement the Council's Digital and Technology Strategies.

Transformational Change

- 71. To support service reform and manage and support transformational change throughout Council and its services in consultation with the relevant Executive Director.

7 Executive Director (Communities)

The Executive Director of Communities has overall responsibility for the following services: -

- **Schools** including Curriculum; Learning and Development; Pupil Equity Fund, Attainment Fund, Educational ICT; Performance and Improvement; Professional Development; educational improvement through regional collaboration via the South West Education Improvement Collaborative; and Service Redesign
- **Children and Young Peoples' Services** including Integrated Children's Services Planning; Early Years Psychological Services and Additional Support for Learning; Inclusion; Parental Engagement; Youth Employment and Service Redesign
- **Connected Communities** including Community and Locality Planning, Community Learning and Development; (adult learning, young people and capacity building); Information and Culture; Libraries; Community Centres and halls; the Gaelic Plan; Sports and Activity (including Active Schools and sports development, Arran Outdoor Education Centre and the relationship with KA Leisure); Country Parks and Ranger Services; community engagement and empowerment (including Participatory Budgeting), Asset Transfer (including the Allotments Policy); support for external organisations (including North Ayrshire Ventures Trust); and leading a whole system approach to planning and delivering services with partners, including communities.

Education

1. To exercise the functions of the Council in terms of the following legislation and any subsequent or similar legislation or replacing or expanding legislation: -
 - Education (Scotland) Act 1980 as amended
 - The Self-Governing Schools (Scotland) Act 1989
 - Education and Training (Scotland) Act 2000
 - Standards in Scotland's Schools etc. Act 2000
 - Regulation of Care (Scotland) Act 2001
 - Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002
 - Schools Education (Amendment)(Scotland) Act 2002
 - Education (Additional Support for Learning) (Scotland) Act 2004
 - School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004
 - Scottish Schools (Parental Involvement) Act 2006
 - Schools (Consultation)(Scotland) Act 2010
2. Manage the Educational Services Department and the provision of education in accordance with approved policy.
3. Accept and administer any new trusts or small endowments which may be offered to the Council for schools in their area.

4. Transfer teachers within the policy established by the Education Authority and, where appropriate, pay transfer expenses.
5. Exercise the discretionary powers available in implementation of conditions of service in relation to teachers in the employment of the Authority.
6. Carry out the administration, assessment and award of education maintenance allowances.
7. Make discretionary grants to pupils to enable them to attend courses and conferences and to undertake additional visits and excursions at home and abroad within the approved estimates and policies of the Council.
8. To make grants of up to £1000 to voluntary organisations, schools and other organisations which make provision for children of school age, pre-5s or out-of-school care.
9. To approve support for any type of educational course and to make grants from any bursary or other financial scheme operated by the Council.
10. To make grants to employees and/or pupils in connection with courses, conferences, educational visits and excursions.
11. To make grants to pupils who are selected to join national music ensembles in respect of fees and attendance at courses related to their membership of these bodies.
12. Exercise the powers available to the Council as Education Authority in relation to the exclusion of pupils from schools in line with policy.
13. Determine the dates of local school holidays within the Council after consultation.
14. Determine the dates of the 5 teachers' in-service days after due consultation with all relevant parties.
15. To receive and determine applications for distribution of funds in any endowments, subject to the terms of the endowment.
16. To accept and administer any new trusts or small endowments which may be offered to the Council for schools in its area.
17. To issue licenses in terms of the Children (Performances) Regulations 1968 and the Children (Performances and Activities) (Scotland) Regulations 2014.
18. To agree or refuse requests for access to an amendment of records in terms of the Pupils Education Records (Scotland) Regulations 2003 and the Further Education Student Records (Scotland) Regulations 1990 and to review any such decisions.
19. Authorised to approve monthly PPP and NDP Unitary Charge invoices.
20. In accordance with the Council's approved policies for early release, in

conjunction with the Head of Service (People), to approve any application by a teacher or associated professional for voluntary early retirement, redundancy or early release.

Connected Communities

21. To ensure proper arrangements for developing and ensuring excellent relationships with our communities, including through community engagement, consultation, participation and community empowerment.
22. To develop and support the capacity of organisations, individuals and communities, including young people to become involved in, and contribute to North Ayrshire, its neighbourhoods and communities. in the context of Fair for All and the reduction of inequalities, including through the Child Poverty Report and Action Plan.
23. To support the development of community and locality planning, the development of defined neighbourhood priorities and community action plans; Locality Planning Partnerships, including the application of Community Investment and other internal and external funding for this purpose.
24. To support the progress of the Local Governance Review in relation to community empowerment and subsidiarity.
25. To support local organisations in the development of local democratic approaches, including community councils, community associations and community development trusts.
26. To develop and support North Ayrshire's approach to Participatory Budgeting, including grant awarding and mainstreaming.
27. To innovate in relation to community engagement, e.g. Consul and Consultation Institute, including Centre of Excellence.
28. To support organisations and communities seeking to acquire Council assets in terms of the Council's Asset Transfer Policy
29. To develop an Allotments Policy to support community aspirations.
30. To manage Participation Requests, Asset Transfer Requests, and Community Right to Buy Requests under the Community Empowerment (Scotland) Act
31. To ensure the design and delivery of community learning and development, including youth services, adult learning and community capacity building and empowerment, and take responsibility for the North Ayrshire Community Learning Plan.
32. To develop relationships and ensure the co-design and co-delivery of services with third and voluntary sector partners, though the Third Sector Interface and other approaches.

33. To ensure the provision of an adequate library and information service which meets the needs of residents.
34. To support arts and culture within and relating to North Ayrshire.
35. To support the aspirations of the artistic and cultural communities of North Ayrshire in pursuit of their aspirations.
36. To acquire whether by purchase, donation, bequest or exchange any items for the museum and art collections of the Council.
37. To grant permission to reproduce works of art and approve publications and to impose the appropriate charges for those artefacts and exhibits in the Council's ownership.
38. To authorise the acceptability of gifts to art galleries or museums on behalf of the Council and to acknowledge the acceptability of these gifts.
39. To authorise the loan to outside bodies of works of art or museum exhibits, in consultation with the Executive Director (Finance and Corporate Support) in relation to insurance arrangements.
40. To select, acquire and as necessary discard all books and other printed material, audio visual pictures, electronic images and other library material and all materials for museums, within the approved budget.
41. To let or arrange for the letting, hire and use of public and community halls, schools and sports facilities and the provision of entertainment and events approved by the Council within the remit of the service and accordance with the policies or practices and procedures of the Council.
42. To lead and develop for the CPP an Active Communities Strategy and Plan, designed to increase the amount and quality of physical activity experienced by North Ayrshire residents, for the benefit of their physical and mental health and well-being.
43. Authorised to monitor the performance of North Ayrshire Leisure Trust/KA Leisure in delivering services in accordance with agreements between North Ayrshire Council and the Trust.
44. The management and delivery of Council sports and leisure facilities not operated by North Ayrshire Leisure Trust/KA Leisure.
45. Support for community events and activities.
46. To provide support and assistance to Community Councils, Community Associations and Community Development Trusts.

47. To provide discretionary grants to community organisations in pursuit of community interests.
48. To support North Ayrshire Ventures Trust, the Spiers Trust, Kilbirnie Loch Management Group, the Clyde Muirshiel Regional Park Committee, the Brodick Country Park Committee and other appropriate Community groups within North Ayrshire.
49. To develop and manage Eglinton Park and related open spaces.
50. Outdoor education including management and development of Arran Outdoor Education Resource Centre.
51. In accordance with the recommendations of the Locality Partnership made by consensus, or which failing, by the Elected Member or Members on the Locality Partnership in question, to agree and administer the disbursement of any grant or other financial payment to local organisations or individuals from within the area in terms of the relevant community development grant scheme, common good funds or other public trusts.
52. To name streets in consultation with the relevant Locality Partnership.

Community and Locality Planning

53. To lead on a transformative whole system approach to community and locality planning, to reduce inequalities.
54. To lead on and support the development of the Fair for All Strategy
55. To support the development of the Child Poverty Report and Action Plan
56. To design and implement the Council's Community and Locality Planning arrangements with partners, including communities.
57. To gather and analyse demographic, performance and other data relating to North Ayrshire, its neighbourhoods, and its partners.
58. To provide support to Community Planning Partners in the co-design and co-delivery of the Locality Outcomes Improvement Plan and locality priorities
59. To manage and administer the community and locality planning arrangements, including support to the CPP Board and Senior Officer Group
60. To support the development of the Community Engagement and Consultation Centre of Excellence

8 Director of the Health and Social Care Partnership

North Ayrshire Council has delegated certain functions to the North Ayrshire Integration Joint Board, which has in turn delegated the following powers to the Director of the Health and Social Care Partnership as its Chief Officer. The Director of the Health and Social Care Partnership will act as both the Chief Officer of North Ayrshire Integration Joint Board and manager of North Ayrshire Health and Social Care Partnership. In recognition of the fact that the Health and Social Care Partnership will exercise Council functions (including functions relating to mental health and procurement) not otherwise delegated to the Integration Joint Board, the Council delegates to the Director of the Health and Social Care Partnership overall responsibility for the following Local Authority services not otherwise delegated to the Integration Joint Board:-

- Social work services for adults and older people;
- Services and support for adults with physical disabilities, learning disabilities;
- Mental health services;
- Drug and alcohol services;
- Adult protection and domestic abuse
- Carers support services;
- Community care assessment teams;
- Support services;
- Care home services;
- Adult placement services;
- Health improvement services;
- Aids and adaptations and gardening services;
- Day services;
- Local area co-ordination;
- Respite provision;
- Occupational therapy services;
- Re-ablement services, equipment and telecare.

Local Additions

- Criminal justice social work services
- Children and families social work services
- The Director is also responsible for and has delegated responsibility for certain services of NHS Ayrshire and Arran, both within North Ayrshire and on a pan-Ayrshire basis. This Scheme of Delegation only details those Council functions which are delegated. See the North Ayrshire Integration Scheme and the NHS Ayrshire and Arran Scheme of Delegation for details of specific NHS delegations

The Director is responsible for the leadership and co-ordination, planning and policy and the strategic and operational management of the following functions: -

1. National Assistance Act 1948

- Section 45 (The recovery of expenditure incurred under Part III of that Act where a person has fraudulently or otherwise misrepresented or failed to disclose a material fact).
- Section 48 (The protection of property of a person admitted to hospital or accommodation provided under Part III of that Act.).

2. Matrimonial proceedings (Children) Act 1958

- Section 11 (Reports as to arrangements for future care and upbringing of -children).

3. The Disabled Persons (Employment) Act 1958

- Section 3 (The making of arrangements for the provision of facilities for the purposes set out in section 15(1) of the Disabled Persons (Employment) Act 1944).

4. The Social Work (Scotland) Act 1968

- Section 1 (The enforcement and execution of the provisions of the Social Work (Scotland) Act 1968.)
- Section 4 (The making of arrangements with voluntary organisations or other persons for assistance with the performance of certain functions.)
- Section 5 (Local Authorities to perform their functions under the Act under the guidance of the Secretary of State.)
- Section 6B (Local Authority inquiries into matters affecting children.)
- Section 8 (The conducting of or assisting with research in connection with functions in relation to social welfare and the provision of financial assistance in connection with such research.)
- Section 10 (The making of contributions by way of grant or loan to voluntary organisations whose sole or primary object is to promote social welfare and making available for use by a voluntary organisation premises, furniture, equipment, vehicles and the services of staff.)

- Section 12 (The promotion of social welfare and the provision of advice and assistance) except in so far as it is exercisable in relation to the provision of housing support services.
- Section 12A (The assessment of needs for community care services, the making of decisions as to the provision of such services and the provision of emergency community care services.)
- Section 12AZA (The taking of steps to identify persons who are able to assist a supported person with assessments under section 12A and to involve such persons in such assessments.)
- Section 13 (The assistance of persons in need with the disposal of their work.)
- Section 13ZA (The taking of steps to help an incapable adult to benefit from community care services.)
- Section 13A (The provision, or making arrangements for the provision, of residential accommodation with nursing.)
- Section 13B (The making of arrangements for the care or aftercare of persons suffering from illness.)
- Section 14 (The provision or arranging the provision of domiciliary services and laundry services.)
- Section 27 (Supervision and care of persons put on probation or released from prisons etc.)
- Section 27ZA (Grants in respect of community service facilities.)
- Section 28 (The burial or cremation of deceased persons who were in the care of the Local Authority immediately before their death and the recovery of the costs of such burial or cremation) so far as it is exercisable in relation to persons cared for or assisted under another delegated function.
- Section 29 (The making of payments to parents or relatives of, or persons connected with, persons in the care of the Local Authority or receiving assistance from the Local Authority, in connection with expenses incurred in visiting the person or attending the funeral of the person.)
- Section 59 (The provision of residential and other establishments.)
- Section 78A (Recovery of contributions.)
- Section 80 (Enforcement of duty to make contributions.)
- Section 81 (Provisions as to decrees for ailment.)
- Section 83 (Variation of trusts.)
- Section 86 (The recovery of expenditure incurred in the provisions of accommodation, services, facilities or payments for persons ordinarily resident in the area of another Local Authority from the other Local Authority.)

5. The Children Act 1975

- Section 34 (Access and maintenance.)
- Section 39 (Reports by local authorities and probation officers.)
- Section 40 (Notice of application to be given to Local Authority.)
- Section 50 (Payments towards maintenance of children.)

6. The Local Government and Planning (Scotland) Act 1982

- Section 24(1) (The provision, or making arrangements for the provision, of gardening assistance and the recovery of charges for such assistance.)

7. Health and Social Services and Social Security Adjudications Act 1983

- Section 21 (The recovery of amounts in respect of accommodation provided under the Social Work (Scotland) Act 1968 or Section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003.)
- Section 22 (The creation of a charge over land in England or Wales where a person having a beneficial interest in such land has failed to pay a sum due to be paid in respect of accommodation provided under the Social Work (Scotland) Act 1968 or Section 25 of the Mental Health (Care and Treatment)(Scotland) Act 2003.)
- Section 23 (The creation of a charging order over an interest in land in Scotland where a person having such an interest has failed to pay a sum due to be paid in respect of accommodation provided under the Social Work (Scotland) Act 1968 or Section 25 of the Mental Health (Care and Treatment)(Scotland) Act 2003.)

8. Foster Children (Scotland) Act 1984

- Section 3 (Duty of Local Authority to ensure well-being of and to visit foster children.)
- Section 5 (Notification to Local Authority by persons maintaining or proposing to maintain foster children.)
- Section 6 (Notification to Local Authority by persons ceasing to maintain foster children.)
- Section 8 (Power of local authorities to inspect foster premises.)
- Section 9 (Power of local authorities to impose requirements as to the keeping of foster children.)
- Section 10 (Power of local authorities to prohibit the keeping of foster children.)

9. Disabled Persons (Services, Consultation and Representation) Act 1986

- Section 2 (The making of arrangements in relation to an authorised representative of a disabled person and the provision of information in respect of an authorised representative.)
- Section 3 (The provision of an opportunity for a disabled person or an authorised representative of a disabled person to make representations as to the needs of that person on any occasion where it falls to a Local Authority to assess the needs of the disabled person for the provision of statutory services by the authority, the provision of a statement specifying the needs of the person and any services which the authority proposes to provide, and related duties.)
- Section 7 (The making of arrangements for the assessments of the needs of a person who is discharged from hospital.)

- Section 8 (Having regard, in deciding whether a disabled person's needs call for the provision of services, to the ability of a person providing unpaid care to the disabled person to continue to provide such care.)

10. The Children (Scotland) Act 1995

- Section 17 (Duty of Local Authority to children looked after by them.)
- Sections 19-27 (Provision of relevant services by Local Authority for or in respect of children in their area.)
- Sections 29-32 (Advice and assistance for young person's formerly looked after by local authorities; duty of Local Authority to review case of a looked after child; removal by Local Authority of a child from a residential establishment.)
- Section 36 (Welfare of certain children in hospitals and nursing homes etc.)
- Section 38 (Short term refuges for children at risk of harm.)
- Section 76 (Exclusion orders.)

11. Criminal Procedure (Scotland) Act 1995

- Section 51 (Remand and committal of children and young persons.)
- Section 203 (Where a person specified in Section 27(1)(b)(i) to (vi) of the Social Work (Scotland) Act 1968 commits an offence the court shall not to dispose of the case without first obtaining a Report from the Local Authority in whose area the person resides.)
- Section 234B (Drug treatment and testing order.)
- Section 245A (Restriction of liberty Orders.)
- The Adults with Incapacity (Scotland) Act 2000
- Section 10 (The general functions of a Local Authority under the Adults with Incapacity (Scotland) Act 2000.)
- Section 12 (The taking of steps in consequence of an investigation carried out under section 10(1)(c) or (d).)
- Sections 37, 39-45 (The management of the affairs, including the finances, of a resident of an establishment managed by a Local Authority.)

12. The Adults with Incapacity (Scotland) Act 2000

- Section 10 (The general functions of a local authority under the Adults with Incapacity (Scotland) Act 2000.)
- Section 12 (The taking of steps in consequence of an investigation carried out under section 10(1)(c) or (d).)
- Sections 37, 39-45 (The management of the affairs, including the finances, of a resident of an establishment managed by a local authority.)

13. The Housing (Scotland) Act 2001

- Section 92 (assistance for housing purposes) only in so far as it relates to an aid or adaptation.

14. The Community Care and Health (Scotland) Act 2002

- Section 4 (The functions conferred by Regulation 2 of the Community Care (Additional Payments) (Scotland) Regulations 2002 in relation to the provision, or securing the provision, of relevant accommodation.)
- Section 5 (The making of arrangements for the provision of residential accommodation outside Scotland.)
- Section 6 (Entering into deferred payment agreements for the costs of residential accommodation.)
- Section 14 (The making of payments to an NHS body in connection with the performance of the functions of that body.)

15. The Mental Health (Care and Treatment) (Scotland) Act 2003

- Section 17 (The provision of facilities to enable the carrying out of the functions of the Mental Welfare Commission.)
- Section 25 (The provision of care and support services for persons who have or have had a mental disorder) except in so far as it is exercisable in relation to the provision of housing support services.
- Section 26 (The provision of services designed to promote well-being and social development for persons who have or have had a mental disorder) except in so far as it is exercisable in relation to the provision of housing support services.
- Section 27 (The provision of assistance with travel for persons who have or have had a mental disorder) except in so far as it is exercisable in relation to the provision of housing support services.
- Section 33 (The duty to inquire into a person's case in the circumstances specified in 33(2).)
- Section 34 (The making of requests for co-operation with inquiries being made under section 33(1) of that Act.)
- Section 228 (The provision of information in response to requests for assessment of the needs of a person under section 12A(1)(a) of the Social Work (Scotland) Act 1968.)
- Section 259 (The securing of independent advocacy services for persons who have a mental disorder.)

16. Management of Offenders etc. (Scotland) Act 2005

- Sections 10-11 (Assessing and managing risks posed by certain offenders.)

17. The Housing (Scotland) Act 2006

- Section 71(1)(b) (assistance for housing purposes) only in so far as it relates to an aid or adaptation.

18. Adoption and Children (Scotland) Act 2007

- Section 1 (Duty of Local Authority to provide adoption service.)
- Sections 4-6 (Local Authority to prepare and publish a plan for the provision of adoption service; Local Authority to have regard to Scottish

Ministers' Guidance and; assistance in carrying out functions under sections 1 and 4.)

- Sections 9-12 (Adoption support services.)
- Section 19 (Local Authority's duties following notice under section 18.)
- Section 26 (Procedure where an adoption is not proceeding.)
- Section 45 (Adoption support plans.)
- Section 47-49 (Family member's right to require review of an adoption support plan; cases where Local Authority under a duty to review adoption support plan and; reassessment of needs for adoption support services.)
- Section 51 (Local Authority to have a regard to guidance issued by Scottish ministers when preparing or reviewing adoption support plans.)
- Section 71 (Adoption allowances schemes.)
- Section 80 (Application to court by Local Authority for the making of a Permanence Order.)
- Section 90 (Precedence of court orders and supervisions requirement over permanence order.)
- Section 99 (Duty of Local Authority to apply for variation or revocation of a permanence order.)
- Section 10 (Notification requirements upon Local Authority.)
- Section 105 (Notification requirements upon Local Authority where permanence order is proposed – relates to child's father.)

19. The Adult Support and Protection (Scotland) Act 2007

- Section 4 (The making of enquiries about a person's wellbeing, property or financial affairs.)
- Section 5 (The co-operation with other Councils, public bodies and office holders in relation to inquiries made under section 4.)
- Section 6 (The duty to have regard to the importance of providing advocacy services.)
- Section 7-10 (Investigations by Local Authority pursuant to duty under section 4.)
- Section 11 (The making of an application for an assessment order.)
- Section 14 (The making of an application for a removal order.)
- Section 16 (Council officer entitled to enter any place in order to move an adult at risk from that place in pursuance of a removal order)
- Section 18 (The taking of steps to prevent loss or damage to property of a person moved in pursuance of a removal order.)
- Section 22 (The making of an application for a banning order.)
- Section 40 (The making of an application to the justice of the peace instead of the sheriff in urgent cases.)
- Section 42 (The establishment of an Adult Protection Committee.)
- Section 43 (The appointment of the convener and members of the Adult Protection Committee.)

20. Children's Hearings (Scotland) Act 2011

- Section 35 (Child assessment orders.)
- Section 37 (Child protection orders.)

- Section 42 (Application for parental responsibilities and rights directions.)
- Section 44 (Obligations of Local Authority where, by virtue of a child protection order, child is moved to a place of safety by a Local Authority.)
- Section 48 (Application for variation or termination of a child protection order.)
- Section 49 (Notice of an application for variation or termination of a child protection order.)
- Section 60 (Duty of Local Authority to provide information to Principal Reporter.)
- Section 131 (Duty of implementation authority to require review of a compulsory supervision order.)
- Section 144 (Implementation of a compulsory supervision order: general duties of implementation authority.)
- Section 145 (Duty of implementation authority where child required to reside in a certain place.)
- Section 153 (Secure accommodation.)
- Sections 166-167 (Requirement imposed on a Local Authority: review and appeal.)
- Section 180 (Sharing of information with panel members by Local Authority.)
- Section 183-184 (Mutual assistance.)

21. Social Care (Self-directed Support) (Scotland) Act 2013

- Section 5 (The giving of the opportunity to choose a self-directed support option.)
- Section 6 (The taking of steps to enable a person to make a choice of self-directed support option.)
- Section 7 (The giving of the opportunity to choose a self-directed support option.)
- Section 8 (Choice of options: children and family members.)
- Section 9 (The provision of information.)
- Section 10 (Provision of information: children under 16.)
- Section 11 (Giving effect to the choice of self-directed support option.)
- Section 12 (Review of the question of whether a person is ineligible to receive direct payments.)
- Section 13 (Offering another opportunity to choose a self-directed support option.)
- Section 16 (The recovery of sums where a direct payment has been made to a person and the circumstances set out in section 16(1)(b) apply.)
- Section 19 (Promotion of the options for self-directed support.)

22. Carers (Scotland) Act 2016

- Section 6 (Duty to prepare adult carer support plan)
- Section 21 (Duty to set local eligibility criteria for carer support)
- Section 24 (Duty to provide support)
- Section 25 (Provision of support to carers: breaks from caring) Section 31 (Duty to prepare local carer strategy)

- Section 34 (Information and advice service for carers)
- Section 35 (Short breaks services statements)

23. Miscellaneous

Exercise the foregoing functions of the Council in terms of the following legislation which relate to the services detailed in the first paragraph hereof: -

- Local Government (Scotland) Act 1973
- Local Government (Scotland) etc. Act 1994
- Local Government in Scotland 2003
- Regulation of Care (Scotland) Act 2001
- Equality Act 2010
- Human Rights Act 1998
- UN Convention on the Rights of the Child
- Children (Scotland) Act 1995
- Mental Health (Care and Treatment) (Scotland) Act 2003
- Adults with Incapacity (Scotland) Act 2000
- Children and Young People Act 2014
- Public Bodies (Joint Working) (Scotland) Act 2014

24. Support the Chief Social Work Officer in the discharge of his or her specific functions.

25. On a recommendation of North Ayrshire Integration Joint Board and subject to consultation with the Chief Finance Officer of the Integration Joint Board to enter into contracts for the supply of goods and materials, the execution of works and the provision of services where there is adequate provision in the estimates and in accordance with the Standing Orders for Contracts (which currently provides for letting of contracts by officers where the expenditure is less than £1m.) or the contract is let in terms of a framework agreement to which the Council or Integration Joint Board is a party.

Chief Social Work Officer

The duties of Chief Social Work Officer as set out in section 11D hereof will be undertaken by the Senior Manager, Justice Services.

- 1 The management of the mental health officer function

9. Executive Director (Place)

The Executive Director (Place) has overall responsibility for the following services: -

- **Commercial Services** including Waste Services, Roads and Transportation. Corporate Transport Hub, Streetscene. Parks and Open Spaces, and Burial Grounds
- **Physical Environment** including Housing Services, Homelessness & Community Safety, Property Management & Investment (Housing and all buildings), Facilities Management (Catering, Cleaning, Janitorial, School Crossing Patrol), Building Services, Sustainability and Directorate Performance.
- **Economic Development and Regeneration** including Business Support and Development; Regeneration; Planning; Protective Services, Commercial Estates, Employability and Skills, Tourism and the Coastal Economy, and Economic Policy and Partnership.

Commercial Services

1. Authorised to exercise the functions of the Council in respect of the collection, recycling and disposal of Household Waste in accordance with the Environmental Protection Act 1990 and other legislation.
2. Authorised to exercise the functions of the Council in respect of the collection, recycling and disposal of Commercial Waste in accordance with the Environmental Protection Act 1990 and other legislation.
3. Specification of type of waste receptacles.
4. Set charges for services.
5. The removal and disposal of abandoned vehicles and other refuse in terms of the Refuse Disposal (Amenity) Act 1978.
6. To sell or dispose of surplus vehicles and plant belonging to the Council.
7. Oversee: -
 - The Corporate Transport Hub including carrying out of repair to vehicles, plant, mechanical equipment as well as the operation of maintenance schedules;
 - The replacement of vehicles, plant and mechanical equipment within the Council's policy in consultation with the appropriate Chief Officers and to act as the Council's Transport Officer;
8. To sign agreement forms for rental, hire or leasing of items of equipment where the rental or hire charge does not exceed £150,000pa unless otherwise provided for.
9. To operate a MOT Testing Station and garage for the repair and testing of

vehicles owned or licensed by the Council.

10. To fulfil the requirements of the Transport Act 1968 and the Goods Vehicles (Licensing of Operators) Act 1995 in relation to any Operator's Licence including:
 - (a) Section 8 of the Goods Vehicles (Licensing of Operators) Act 1995 to apply for and publicise notice of the application for an operator's licence;
 - (b) Section 17 of the Goods Vehicles (Licensing of Operators) Act 1995 to apply for variations to an operator's licence;
 - (c) Section 95 of the Transport Act 1968 and subordinate legislation made thereunder to ensure that requirements relating to drivers' hours are complied with; and
 - (d) Section 98 of the 1968 Act and subordinate legislation made thereunder to ensure that requirements relating to the keeping of written records for drivers' hours are complied with.
11. To provide and manage school transport in terms of section 32 of the Local Government etc. (Scotland) Act 1994, the Education (Scotland) Act 1996, the Standards in Schools etc. (Scotland) Act 2000.
12. To take such steps as are required to comply Road Traffic, Transport and Health and Safety requirements relating to services, transport and works provided by the Council, including without prejudice to the foregoing generality the provisions of the Road Traffic and Transport Acts, the Smoking, Health & Social Care (Scotland) Act 2005, Section 22 (c) of the Civic Government (Scotland) Act 1982, the Road Vehicles (Constructions and Use) Regulations 1996 and BS5423, the Compulsory Seat Belt Regulations, the Control of Vibration at Work Regulations 2005 - for external hire equipment/plant and the Provision and Use of Work Equipment Regulations 1998 (Puer) - for external hire equipment/plant
13. To co-operate with Strathclyde Passenger Transport in terms of Section 88 of the Transport Act 1985 to secure the best value for money, from expenditure on public passenger transport.
14. To provide burial and cremation services in terms of Burial Grounds (Scotland) Act and the Cremation Acts and take all necessary action with regard to the supervision and management of the Council's cemeteries and burial grounds including the sale of lairs etc.;
15. Authorised to appoint officers for the enforcement of management rules for cemeteries, war memorials and public parks.
16. Provision, maintenance and emptying of litter bins in terms of the Litter Act 1983.
17. To remove and dispose of abandoned vehicles and recover expenses for their removal, to remove and dispose of refuse other than a motor vehicle and to enter land at any reasonable time in terms of the Refuse Disposal (Amenity) Act 1978.
18. The regulation of the use of parks, open spaces, civic spaces and pedestrian precincts, cemeteries and other similar facilities.
19. The exercise of any functions of the Council required in terms of management rules approved by the Council under the Civic Government (Scotland) Act 1982.

20. The exercise of enforcement powers in respect of legislation governing littering, fly tipping, fly posting, dog fouling and the parks management rules.
21. Authorised to appoint officers to issue fixed penalty notices for litter, dog fouling, fly tipping and fly posting offences via any relevant departmental officers within appropriate delegated authority.
22. Authorised to let or arrange for letting, hire, maintenance and use of playing fields in accordance with policies, practices and procedures and subject to the charges fixed from time to time by the Council.

Roads and Transportation

23. To exercise the operational management of functions detailed in the following legislation, any subordinate legislation made thereunder and any subsequent or similar legislation or replacing or expanding legislation, including service of any notices required thereunder: -
 - Coast Protection Act 1949,
 - Roads (Scotland) Act 1984,
 - Roads Traffic Regulation Act 1984,
 - Disabled Persons Parking (Scotland) 2009,
 - Flood Prevention (Scotland) Act 1961
 - Flood Prevention and Drainage (Scotland) Act 1997,
 - Flood Risk Management (Scotland) Act 2009,
 - Transport (Scotland) Act 2005
 - New Roads and Street Works Act 1991
24. Authorised, after consultation with the Chief Constable and the Chief Executive to make, revoke or vary orders and schemes under the following legislation, providing no objections are received: -
 - Road Traffic Regulation Act 1984
 - Section 68, 69, 70, 71 of the Roads (Scotland) Act 1984
25. Authorised to grant wayleaves in respect of public utilities.
26. Authorised to carry out function of the Road Safety Officer in conjunction with the Chief Constable.48. Authorised to deal with all requests for information in connection with grant applications made under section 8 of the Railways Act 1974 (Grants to assist in the provision of facilities for freight haulage by rail).
27. Authorised to carry out the functions and duties of Harbour Authority and through the appointed Roads Manager, the functions of Harbour Manager under the Harbours Act 1964, the Millport Piers Order, and the Saltcoats Harbour Act in relation to piers, harbours and navigable rivers.
28. Authorised to exercise functions of the Council under section 12 of the Roads (Scotland) Act 1984 in relation to the stopping up or diversion of highways, crossing or entering routes of proposed new highways.

29. Authorised after consultation with the Chief Executive to agree terms for bridge agreements with the relevant Railway body and terms of discharge of the Councils liability for annual maintenance and renewal charges in that connection.
30. Authorised after consultation with the Chief Constable to consider and, where acceptable in road safety terms, approve locations for advertisements on road safety barriers and similar structures subject to the necessary consents being obtained in respect of Planning Approval.
31. Authorised to make arrangements for the management of car parks etc including granting their use or part thereof to other persons and bodies, and the imposition or waiving of charges for such use.
32. To carry out the functions of the Council in terms of Section 4, 5, 8, 12 and 25 of the Coast Protection Act 1949.
33. Authorised in terms of the Health and Safety at Work Act 1974 and the Electricity at Work Regulations 1989 to carry out all duties set out in the statements of responsibilities for (health, safety and welfare in places of work) and the general statement of policy and health and safety at work issued in 1985 as amended.
34. Authorised to respond to consultation for applications for planning development control where these relate to roads and flooding issues.
35. Authorised to make application for extensions to the operator's licence to the vehicle licensing authority or any other decisions necessary to ensure the legal operation of the Councils fleet
36. Carry out the functions of the Council under the Transport (Scotland) Act 2005 and associated legislation and amendments, including enforcement and imposition of penalties as prescribed in the Act and the relevant Code of Practice

Physical Environment

37. To manage the Council's physical assets including management of non-operational and operational land and buildings.
38. Authorised to proceed with the repairs and maintenance to the Councils operational property portfolio within approved policies.
39. Authorised to proceed with the repairs and maintenance to the public realm.
40. Subject to the Councils Standing Orders relating to contracts to arrange for the demolition and clearance of buildings declared surplus by the Council where this is to be considered in the interest of the Council, and subject to advising the relevant Convenor and local Elected Members.
41. Authorised to apportion office accommodation amongst Council services and to arrange for any necessary alterations or adaptations to such accommodation.
42. Authorised to ensure the proper application of the Council Asset Management

Strategy with respect to property including space standards etc.

43. To maintain the Council's Asset Register and keep a record of all assets owned by the Council.
44. To monitor the energy performance of buildings in terms of the Energy Performance or Buildings (Scotland) Regulations 2008.
45. To undertake Council functions relating to carbon reduction and climate control in terms Climate Change (Scotland) Act 2009.

Housing, Homeless and Community Safety

46. Authorised to manage the Councils housing stock within approved policies.
47. The allocation of housing (including the allocation of pitches to Travelling Persons and the letting of garages and decisions on homeless priority and the allocation of housing to homeless applicants in accordance with the Council's policy as required in terms of the Housing (Scotland) Acts 1987, 2001 and 2014 and the Homeless etc. (Scotland) Act 2003, and any subsequent legislation relating to Housing Services.
48. Undertake the Councils Statutory responsibilities in terms of the Prevention of Homelessness and Homelessness provision in line with the Housing Scotland Act 1987 as amended.
49. Authorised to sign missives of let issued under the terms of the Housing (Scotland) Act 1987.
50. Authorised to exercise powers with respect to sub-standard housing under the Civic Government (Scotland) Act 1982 and the Housing (Scotland Act 2006
51. Authorised to exercise powers with respect to closing and demolition orders under the Housing (Scotland Act 2006.
52. Authorised to exercise powers with respect to houses in multiple occupation under the Housing (Scotland Act 2006.
53. Authorised to exercise powers with respect to compensation payments under sections 304 - 310 of the Housing (Scotland) Act 1987.
54. Authorised to agree, recharge and recover amounts payable by private owners as part of common repairs involving Council property.
55. Authorised to sign notices of proceedings and notices to quit to raise proceedings for repossession of dwelling housing.
56. Authorised to exercise powers with respect of regulation of private landlords as required under the Anti-Social Behaviour etc (Scotland) Act 2004 - Section 7 and 8.
57. Control and monitoring of the Housing Revenue Account Capital and Revenue

budgets.

58. Making payments in respect of tenants/resident's groups, re-decoration grants, ex-gratia payments and similar such payments.
59. Authorise payments of grants applicable in terms of the Housing (Scotland) Act 2001 and 2006, relative to the improvement of houses;
60. Providing out of hours emergency services for homeless persons, urgent repairs etc.
61. Consulting with tenants/residents' groups on housing issues.
62. Ordering, managing, performing and inspection of repairs and improvements to ensure that housing stock meets the Scottish Housing Quality Standard.
63. Arrange for the routine maintenance and repair of and to implement programmes of planned maintenance as previously approved by the Council has also emergency repair to Council's housing stock for which adequate provision is made in the Estimates and, where such maintenance, repair etc. cannot be undertaken directly by the Council's workforce, to engage contractors from approved lists by competitive tender as required;
64. Determining in accordance with relevant legislation or Council policy requests for succession of tenancies, mutual exchanges, lodgers, sub-letting, alterations etc.
65. Providing a factoring service for purchasers of Council houses and recovering appropriate charges.
66. Making representations to the Scottish Government and other appropriate Government Bodies and Agencies, where appropriate, to maximise prospects of improving housing provision within the area.
67. Preparing the Councils Strategic Housing Investment Plan and other strategic documents and monitoring their implementation.
68. Assessment of general needs and special housing needs in liaison with other services and agencies.
69. Maintaining all buildings, furniture, equipment etc under his/her control and ensuring safety checks and procedures etc. are undertaken.
70. Ensuring proper arrangements are in place in respect of statutory compliance for housing properties in relation to issues such as Asbestos, Legionella etc.
71. Act as the Proper Officer in terms of Section 193 and 194 of the Act for the purposes of granting leases and serving notices all in terms of Part 3 of the Housing (Scotland) Act 1987.
72. To provide services to travelling persons including the management and maintenance of a site for travelling persons.
73. Managing and supporting unauthorised encampments of gypsies, travellers and

others within North Ayrshire.

74. Authorised to appoint, and authorise as appropriate, officers to ensure that enforcement and administration of statutory responsibilities.
75. Authorised to determine applications for repair and improvement grants in line with the provisions of the Housing (Scotland) Act 2001 and related legislation and Council policy and procedure.
76. In consultation with the Head of Democratic Services to serve notices and undertake court proceedings to recover possession of heritable property or arrears of rent.
77. To install and manage close circuit television (CCTV), and to provide support as appropriate to North Ayrshire CCTV Company.
78. Carry out any duties required in relation to antisocial behaviour in terms of the Antisocial Behaviour etc. (Scotland) Act 2004.
79. Supporting the provision of good quality temporary and interim accommodation for vulnerable households including, women experiencing violence, homeless people and young people leaving care in line with the Unsuitable Accommodation Order 2004 as amended.
80. Authorised to provide Housing Options Advice and Information in line with Statutory Guidance.
81. Authorised to facilitate access to Private Sector Housing including the provision of Rent Deposit Guarantees.
82. Authorised to provide Housing Support in line with the Housing Support Duty 2013 in line with Statutory Guidance.
83. Authorised, as proper officers in terms of s338 of the Housing (Scotland) Act 1987, to assess property condition in relation to the tolerable standard".

Employability and Business Development

84. To develop programmes and projects with appropriate partners that secure European Union funds (ERDF, ESF) that support NA's economic priorities.
85. To manage European Funded programmes and ensure that delivery is compliant with the terms of the funding agreement and Scottish Government rules.
86. To authorise and apply for external funding that supports the economic development, growth or regeneration of North Ayrshire.
87. To authorise grants and loans to support growth, sustainment and development of local businesses and organisations and in accordance with the objectives of the North Ayrshire Economic Development and Regeneration Strategy and the Ayrshire Regional Economic Strategy.

88. To manage the Employability Services of the council, including entering into contracts with third party providers and potential employers and to offer employment related advice and assistance.
89. To manage the Council's Modern Apprentice programme, Supported Employment Programme, Skills for Life programmes and other employability programmes supporting people into and sustaining employment in the Council and or other employers.
90. To manage the Big Lottery funded programme – Better Off North Ayrshire, including entering into contracts with third party providers and to offer money and household budgetary related advice and assistance.
91. To authorise and provide grants within budget parameters to support business start – up, growth and sustainability
92. To manage the Councils business loan programme via West of Scotland Loan Fund and Business Loans Scotland
93. To manage and deliver the Councils approved International Strategy
94. To manage and deliver the Councils Social Enterprise Strategy
95. To develop the Team North Ayrshire Approach to business development and work with partners to deliver increased support to business.
96. To deliver the services as set out in the Scottish Government approved Business Gateway Contract for North Ayrshire
97. To respond to inward investment enquiries that have potential to bring new jobs to NA.
98. To promote North Ayrshire and its specific sites and locations for new business investment.
99. To commission and provide economic research, strategy and evidence to support the development of Council and Partnerships strategies and policy.
100. To participate in Basic Income research and studies.
101. To develop economic strategy for the Council and partners.
102. To develop the Council's proposals for Community Wealth Building (CWB) including support for the work of the CWB Commission and development of Ayrshire Growth Deal CWB proposals.
103. To promote the economic needs of North Ayrshire and inform future government policy and priorities including replacement EU funds and national infrastructure investment decisions.

Planning

The Scheme of Delegation is prepared in accordance with the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006, and with the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

104. Notwithstanding the provisions of Section 50G (2) of the Local Government (Scotland) Act 1973, in terms of Regulation 3 of the Town and Country Planning (Scheme of Delegation and Local Review Procedure (Scotland) Regulations 2013 the following functions are hereby delegated, namely, the determination of planning applications for Local Developments as defined in Regulation 2(2) of the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, as provided for in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 (hereinafter referred to as the “1997 Act”) excepting always therefrom the applications where the Planning Authority themselves decide to determine the application in terms of Section 43A(6) of the 1997 Act. Planning Committee Call-in Procedures are more specifically detailed in paragraph 26.3 of the Standing Orders for Meetings and Proceedings of the Council.
105. Where otherwise not provided for, to determine applications in terms of Part III (Development Management) of the 1997 Act as amended where: -
 - the determination is not contrary to the Development Plan
 - a decision to grant permission for the proposed development would not be inconsistent with a previous refusal of the Council on applications relating to the same site; or
 - all appropriate consultations have been carried out and all necessary notice has been given and no material planning objections have been received: -
 - from members of the public
 - from other services of the Council
 - from any Community Council, and
 - from any other public authority concerned, any of which cannot be resolved by conditions or amended proposals.
106. To administer the provision of Part VI (Enforcement) and Part VII (Trees) of the 1997 Act and to determine applications.
107. Decline to determine an application in accordance with Section 39 of the 1997 Act relating to similar applications submitted within two years of a refusal or appeal dismissal.
108. Vary planning permissions granted where the variation sought is considered not to be material. Alter or add conditions to applications which the relevant Committee has decided it is minded granting, where such changes are required as a result of subsequent responses from statutory or technical consultees and which do not raise significant new issues requiring to be considered by the Committee.
109. Agree the discharge of planning conditions where the terms of the condition have been fulfilled.
110. To determine any application for advertisement consent under Regulations in

terms of Section 182 of the 1997 Act to the displays of advertisements.

111. Subject to any condition considered appropriate to determine any submission required by a Development Order or by conditions imposed on the grant of planning permission.
112. To determine applications for listed building consent and conservation area consent in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant Regulations.
113. Issue decision notices where the Scottish Ministers have made a Direction requiring the Planning Authority to refuse an application and where the Planning Authority has accordingly no alternative.
114. Evaluate applications and determine whether an Environmental Impact Assessment is required and where so, scope.
115. Issue planning contravention notices where information is required to establish whether a breach of planning control has occurred and Breach of Condition Notices where an applicant has failed to comply with a condition of a Planning Permission or other consent.
116. Determine whether or not to grant prior approval of the siting, design or external appearance of telecommunication masts or demolition of dwelling houses, which thereby constitutes permitted development.
117. Make observations on behalf of the Planning Authority on routine proposals by statutory undertakers or on routine consultations to the Council as Planning Authority.
118. Determine applications for certificate for proposed and existing lawful use and development.
119. Determine applications for hazardous substance consent.
120. Authorise minor amendments to Section 75 Obligations where the change sought is not considered material and where such a change accords with any policy or decision of the Council.
121. Represent the Council at Inquiries or Hearings to the Scottish Ministers under the Planning Legislation.
122. Confirm provisional Tree Preservation Orders, where no objections have been received.
123. To construct and maintain paths, to produce a Core Paths Plan and other duties in terms of the Land Reform (Scotland) Act 2003.
124. Assert and protect rights of way in terms of the Countryside (Scotland) Act 1967 and access rights in terms of the Land Reform (Scotland) Act 2003.
125. Authorise grants, where contained within existing budgets for listed buildings,

properties in the conservation areas and externally supported schemes.

126. Authorise grants within policy and budget for improvements to landscape and the environment.
127. Authorise and apply for grants within policy and budget to improve access to the countryside.
128. Respond to consultations on planning applications from neighbouring planning authorities and make observations on consultations to the Council as Planning Authority.
129. Prepare and issue documents as part of the Local Development Plan process following formal approval of the various stages as set out in Part 2 of the Town and Country Planning (Scotland) Act 1997, as amended.
130. Maintain statutory registers and lists.
131. To respond on behalf of the Council to Historic Buildings and Monuments Directorate regarding a listing of buildings or architectural or historic interest.
132. To respond on behalf of the Council to the Forestry Commission regarding consultations on forestry applications.
133. To respond to consultations from adjoining Councils regarding plans or planning applications in their area.
134. To determine applications under the High Hedges (Scotland) Act 2014.
135. To exercise the functions of the Council under Section 85 and Section 97 relating to street numbering in terms of Civic Government (Scotland) Act 1982 (street naming determined by Committee).
136. To exercise the functions delegated to the Council under sections 5,8,11 and 16 of the Marine (Scotland) Act 2010, namely the preparation, amendment, and review of a regional marine plan and monitoring of implementation and periodical reporting on such regional marine plan

Planning (Scotland) Act 2019

The following functions under the Planning (Scotland) Act 2019 are delegated to the extent that they have been brought into force

137. In relation to a Regional Spatial Strategy, to prepare and issue documents and to keep under review in terms of Section 4ZA-C of the Town and Country Planning (Scotland) Act 1997, (or where the Strategy relates to more than one planning authority area, to jointly do so in liaison with those other Planning Authorities);
138. To support local communities as required in the preparation or review of a Local Place Plan, in terms of section both 15 A of the Town and Country Planning (Scotland) Act 1997, and any regulations made thereunder.

139. In relation to an Open Space Strategy, to prepare and issue documents and to keep under review in terms of Section 3G of the Town and Country Planning (Scotland) Act 1997;
140. In relation to Master Plan Consent Areas, to prepare and issue documents and to keep under review in terms of Section 54A-F of the Town and Country Planning (Scotland) Act 1997;
141. In relation to a Forestry and Woodland Strategy to prepare and issue documents and to keep under review in terms of Section A159 of the Town and Country Planning (Scotland) Act 1997;

Building Standards

142. Authorised to carry out all Building Standards functions of the Council in terms of the following legislation: -
 - The Building (Scotland) Act 2003.
 - The Building Standards (Scotland) Regulations 2004
 - The Civic Government (Scotland) Act 1982
 - The Licensing (Scotland) Act 2005
143. Exercise the functions of the Council in relation to granting Building Warrants ensuring that the building regulations for the construction of new buildings and for the alteration, extension, conversion or demolition of existing buildings are met.
144. Exercise the functions of the Council in relation to defective and dangerous buildings in accordance with sections 28, 29 & 30 of the Building (Scotland) Act 2003.
145. Evacuate buildings and carry out works in case of immediate danger where necessary in accordance with section 42 and section 29 of the Building (Scotland) Act 2003.
146. Exercise the functions of the Council in relation to compliance and enforcement of unauthorised works and require buildings to comply with Building Standards Regulations.
147. To assist in the determination of applications for Houses in Multiple Occupation lodged under the Civic Government Scotland Act 1982.
148. To undertake functions relating to the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987, the functions of the Council in relation to safety of covered spectator viewing facilities at or within sports ground in terms of the Fire Safety and Safety of Places of Support Act 1987.
149. Exercise the functions as Building Standards Authority in terms of issuing certificates of suitability under section 50 of the Licensing (Scotland) Act 2005.

150. Grant or refuse clearance certificate applications for building warrants under the Building (Scotland) Act 1959 and accept or reject certificates of completion under the Building (Scotland) Act 2003, subject to a right of appeal to the Sheriff Court.
151. Grant extensions to the life of building warrants.
152. Exercise the functions of the Council by maintaining and making available for public inspection at all reasonable times a Building Standards Register
153. To respond on behalf of the Council, on matters relating to disability access in and around buildings, to the North Ayrshire Access Panel.
154. To determine all applications for raised structures in terms of section 89 of the Civic Government (Scotland) Act 1982
155. To manage the Safety Advisory Group and support the effective planning for significant events effecting North Ayrshire through effective liaison with partners.

Environmental Health and Trading Standards

156. To undertake the functions of the Council relating to Environmental Health and Trading Standards
157. To assist in the determination of applications lodged under the following statutes in conformity with Council or Licensing Board policies.
 - Animal Health & Welfare (Scotland) Act 2006
 - Civic Government (Scotland) Act 1982
 - Control of Pollution Act 1974
 - Environmental Protection Act 1990
 - Environment Act 1995
 - European Communities Act 1972
 - Health and Safety at Work etc Act 1974
 - Licensing (Scotland) Act 2005 (Section 50)
 - Local Government (Scotland) Act 1973
 - Local Government etc. (Scotland) Act 1994
 - Local Government in Scotland Act 2003
 - Tobacco & Primary Medical Sales (Scotland) Act 2010

- Petroleum (Consolidation) Regulations 2014
- Tobacco & Primary Medical Sales (Scotland) Act 2010
- Explosives Regulations 2014
- Poisons Act 1972

158. To immediately suspend licenses where necessary for the purposes of public safety.

159. To authorise officers to exercise the powers and duties of an inspector and authorised officer under the legislation listed in paragraph 51 hereof (including the powers of entry, inspection, sampling, purchasing of goods and services, opening containers, seizure, serving notices and initiating prosecutions where appropriate) and including the power to issue notices (including suspension notices, improvement notices, prohibition notices, emergency prohibition notices, abatement notices, enforcement notices, remediation notices and other such notices under the legislation detailed in the following paragraph).

160. To exercise the Trading Standards and Environmental Health functions of the Council in terms of the following legislation, including the provision of education, mediation or enforcement:

Consumer Protection

- Consumer Rights Act 2015
- Timeshare Act 1992
- Unsolicited Goods and Services Act 1971
- Enterprise Act 2002 (Part 8)
- Consumers, Estate Agents and Redress Act 2007
- European Communities Act 1972

Associated legislation made under this Act including:

- Package Travel, Package Holidays and Package Tours Regulations 1992

Consumer Credit and Estate Agency

- Consumer Credit Act 1974
- Estate Agents Act 1979
- Consumers, Estate Agents and Redress Act 2007
- European Communities Act 1972

Associated legislation made under this Act

Consumer Safety

- Consumer Protection Act 1987 (parts II & IV)
- Poisons Act 1972
- Medicines Act 1968 (ss53, 54 & 66)
- Motorcycle Noise Act 1987
- Tobacco Advertising and Promotion Act 2002
- Tobacco and Primary Medical Services (Scotland) Act 2010

- Health (Tobacco, Nicotine etc., and Care) (Scotland) Act 2016, Chapters 1 and 2
- Fireworks Act 2003
- Tobacco and Primary Medical Services (Scotland) Act 2010
- Fireworks Act 2003
- Antisocial Behaviour (Scotland) Act 2004 (ss122-125)
- Road Traffic Act 1988 (section 17)
- European Communities Act 1972

Associated legislation made under this Act including:

- General Product Safety Regulations 2005
- Construction Products Regulations 1991
- Chemicals (Hazard Information and Packaging for Supply) Regulations 2009
- Gas Appliances (Safety) Regulations 1995
- REACH Enforcement Regulations 2008
- Supply of Machinery (Safety) Regulations 1992
- Electromagnetic Compatibility Regulations 1992
- Personal Protective Equipment (EC Directive) Regulations 1992
- Electro-medical Equipment (EEC Requirements) Regulations 1988
- Recreational Craft Regulations 1996
- Simple Pressure Vessels (Safety) Regulations 1991
- Medical Devices Regulations 1994
- Pressure Equipment Regulations 1999
- Radio Equipment and Telecommunications Terminal Equipment Regulations 2000
- Boiler (Efficiency) Regulations 1993

Unfair Trading

- TradeMarks Act 1994
- Copyright, Designs and Patents Act 1988
- Copyright etc and TradeMarks (Offences and Enforcement) Act 2002
- Prices Acts 1974 and 1975
- Video Recordings Act 1984 by virtue of Video Recordings Act 2010
- Housing (Scotland) Act 2006 (Part 3)
- Olympic Symbol (Protection) Act 1995
- Energy Act 1976
- Education Reform Act 1988 (ss214-216)
- Telecommunications Act 1984 (s30)
- Hallmarking Act 1973
- European Communities Act 1972

Associated legislation made under this Act including:

- Consumer Protection from Unfair Trading Regulations 2008
- Business Protection from Misleading Marketing Regulations 2008 o Textile Products (Indications of Fibre Content) Regulations 1986 o Footwear (Indications of Composition) Labelling Regulations 1995 o Provision of Services Regulations 2009

Agriculture

- Agriculture Act 1970 (Part IV)
- Feed Hygiene Regulation 183/2005
- Agriculture (Miscellaneous Provisions) Act 1968
- European Communities Act 1972

Associated legislation made under this Act including:

- Feed (Hygiene and Enforcement) (Scotland) Regulations 2005
- Official Food and Feed Controls (Scotland) Regulations 2009
- Animal By-Products (Enforcement) (Scotland) Regulations 2011

Animal Health

- Animal Health Act 1981
- Protection of Animals (Scotland) Act 1912
- Animal Health and Welfare (Scotland) Act 2006
- Bluetongue (Scotland) Order 2008 [Article 3(2)]
- Bluetongue (Scotland) Amendment Order 2008 [Article 16A (2)]
- Welfare of Farmed Animals (Scotland) Regulations 2010
- Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006
- European Communities Act 1972

Associated legislation made under this Act including:

- Animal By-Products (Enforcement) (Scotland) Regulations 2011
- The Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008.

Metrology

- Weights and Measures Acts 1976 and 1985
- European Communities Act 1972

Associated legislation made under this Act including:

- Measuring Instruments (Automatic Discontinuous Totalisers) Regulations 2006
- Measuring Instruments (Automatic Rail-weighbridges) Regulations 2006
- Measuring Instruments (Automatic Catchweighers) Regulations 2006
- Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006
- Measuring Instruments (Beltweighers) Regulations 2006
- Measuring Instruments (Capacity Serving Measures) Regulations 2006
- Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006
- Measuring Instruments (Material Measures of Length) Regulations 2006
- Measuring Instruments (Cold-water Meters) Regulations 2006
- Measuring Instruments (Liquid Fuel delivered from Road Tankers) Regulations 2006
- Measuring Instruments (Non-Prescribed Instruments) Regulations 2006

Non-automatic Weighing Instruments

- Non-automatic Weighing Instruments Regulations 2000

Environment

- Clean Air Act 1993 (s30) including the determination of chimney heights, implementation of smoke control areas and prevention of emission of dark smoke and smoke nuisance
- Food and Environment Protection Act 1985 (Part III)
- Control of Pesticides Regulations 1986
- Pesticides Act 1988
- European Communities Act 1972

Associated legislation made under this Act including:

- Packaging (Essential Requirements) Regulations 2003
- Plant Protection Products (Scotland) Regulations 1995
- Energy Information (Washing Machines) Regulations 1996
- Energy Information (Refrigerators and Freezers) Regulations 1997
- Energy Information (Dishwashers) Regulations 1999
- Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005
- Energy Information Regulations 2011.
- Control of Pollution Act 1974
- Noise and Statutory Nuisance Act 1993
- Radioactive Substances Act 1993
- Antisocial Behaviour (Scotland) Act 2004 Part 5 Noise
- Water Services etc. (Scotland) Act 2005 in relation to odour from sewerage treatment plants
- Environmental Protection Act 1990
- Environment Act 1995
- Waste (Scotland) Regulations 2012
- Clean Air Act 1993
- Air Quality Limit Values (Scotland) Regulations 2003
- The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003
- Food and Environment Protection Act 1985

Health and Safety

- Petroleum (Consolidation) Regulations 2014
- Health and Safety at Work etc. Act 1974 and Regulations made thereunder
- Dangerous Substances and Explosive Atmospheres Regulations 2002
- Explosives Act 1875
- Manufacture and Storage of Explosives Regulations 2005
- Biocidal Products Regulations 2001
- European Communities Act 1972
- Health and Safety at Work etc. Act 1974
- Offices Shops and Railway Premises Act 1963
- Radioactive Substances Act 1993

Associated legislation made under this Act

Food Safety

- Food and Environmental Protection Act 1985
- Food Safety Act 1990
- Food Hygiene (Scotland) Regulations 2006
- The Official Feed and Food Control (Scotland) Regulations 2009
- The Food Information (Scotland) Regulations 2014 Food (Scotland) Act 2015
- The Food Information (Scotland) Regulations 2014
- The Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018
- European Communities Act 1972

Associated legislation made under this Act including:

- The TSE (Scotland) Regulations 2010
- The Trade in Animal and Related Products (Scotland) Regulations 2012
- The Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2006
- The Products of Animal Origin (Import and Export) Regulations 1996
- The Contaminants in Food (Scotland) Regulations 2013
- Animal By-products (Enforcement) (Scotland) Regulations 2013

Public Health

- Public Health etc. (Scotland) Act 2008
- National Assistance Act 1948
- Sewerage (Scotland) Act 1968
- Prevention of Damage by Pests Act 1949
- Dog Fouling (Scotland) Act 2003
- Smoking Health and Social Care (Scotland) Act 2005
- The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006
- International Health Regulations 2005
- Public Health (Ships) (Scotland) (Amendment) Regulations 2007
- Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2007
- Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2006
- Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016
- Burial & Cremation (Scotland) Act 2016 (Section 87)

Housing

- Housing (Scotland) Act 1987
- Housing (Scotland) Act 2006

Licensing - Animal

- Pet Animals Act 1951/83
- Animal Boarding Establishments Act 1963
- Breeding of Dogs Act 1973/91
- Dangerous Wild Animals Act 1976
- Riding Establishments Act 1964/70
- Zoo Licensing Act 1981
- Licensing of Animal Dealers (Young Cats & Dogs) (Scotland) Regulations 2009

Licensing - Leisure

- Caravan Sites and Control of Development Act 1960
- Cinemas Act 1985
- The Licensing of Relevant Permanent Sites (Scotland) Regulations 2016

Licensing - Safety

- Petroleum (Consolidation) Regulations 2014
- Manufacture and Storage of Explosives Regulations 2005
- Poisons Act 1972

Licensing - Food

- Deer (Scotland) Act 1996
- Game Licences Act 1860

Licensing - Civic Government (Scotland) Act 1982

- Civic Government (Scotland) Act 1982 – Parts I, II, III, V and IX
- Theatres Act 1968

Public Health Licensing

- Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006.
- Civic Government (Scotland) Act 1982 Part II (Public Entertainment Licences– Sunbeds)
- The Public Health etc. (Scotland) Act 2008 (Sunbed) Regulations 2009

Water

- Water (Scotland) Act 1980
- Water Act 1989
- Water Services (Scotland) Act 2005
- Private Water Supplies (Scotland) Regulations 2006The Water Supplies (Water Quality) (Scotland) Regulations 2014
- The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017

Contaminated land

- Environmental Protection Act 1990
- Environment Act 1995
- Control of Pollution Act 1974
- Contaminated Land (Scotland) Regulations 2000/2005

Dog Control

- Environmental Protection Act 1990 (Sections 149 – 151)
- Control of Dogs (Scotland) Act 2010
- Dog Fouling (Scotland) Act 2003
- The Microchipping of Dogs (Scotland) Act 2016

Private Landlord Registration

- The Private Rented Housing (Scotland) Act 2011
161. To undertake the functions of the Council for the calibration and certification services to industry and commerce.
162. To undertake the functions of the Council for securing compliance with trades description and consumer product safety issues.
163. To undertake the public health functions of the Council under the Public Health (Scotland) Act, including pest control duties of the Prevention of Damage by Pests Act 1949.
164. To undertake the functions of the Council relating to communicable diseases.
165. To advise the Executive Director of Place to appoint the Chief Officer and/or individual officers of Trading Standards Scotland as officers of the Council, whether in perpetuity, on a time limited basis or for the duration of a particular operation. This shall include power to appoint such officers retrospectively to the date of approval of this provision (27 June 2018).
166. Pursuant to section 56(1) of the Local Government (Scotland) Act 1973, to authorise the Executive Director of Place to authorise the Chief Officer and/or individual officers of Trading Standards Scotland, whether in perpetuity, on a time limited basis or for the duration of a particular operation : (i) to discharge such of the functions relating to trading standards and consumer protection, including under the legislation set out in paragraph 65 and 72 hereof as may be listed by the Executive Director in such authorisation ; and (ii) to act as an authorised officer for the purposes of discharging those functions, including for the purposes of the said legislation, and in fulfilment of all functions granted to the Council in respect of trading standards and consumer protection, including under the said legislation.
167. Duty or Powers to Enforce:
- Advanced Television Services Regulations 2003
 - Aerosol Dispensers Regulations 2009
 - Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013
 - Biofuel (Labelling) Regulations 2004
 - Business Protection from Misleading Marketing Regulations 2008
 - Chemicals (Hazard Information and Packaging for Supply) Regulations 2009
 - Children and Families Act 2014 (The Standardised Packaging of Tobacco Regulations 2015)
 - Children and Young Persons (Protection from Tobacco) Act 1991
 - Cigarette Lighter Refill (Safety) Regulations 1999
 - Sections 5 and 27E to 27G of the Civic Government (Scotland) Act 1982
 - Construction Products Regulations 2013
 - Consumer Contracts (Information, Cancellations and Additional Charges) Regulations 2013
 - Consumer Credit Act 1974
 - Consumer Credit Act 2006
 - Consumer Protection (Distance Selling) Regulations 2000

- Consumer Protection Act 1987
- Consumer Protection from Unfair Trading Regulations 2008
- Consumer Rights (Payment Surcharges) Regulations 2012
- Consumer Rights Act 2015
- Copyright, Designs and Patents Act 1988
- Cosmetic Products Enforcement Regulations 2013
- Crystal Glass (Descriptions) Regulations 1973
- The Dangerous Substances and Explosive Atmospheres Regulations 2002
- Detergents Regulations 2010
- Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures,
- Sections 214 and 215 of the Education Reform Act 1988
- Electrical Equipment (Safety) Regulations 1994
- Electromagnetic Compatibility Regulations 2006
- Electromagnetic Compatibility Regulations 2016
- Electronic Commerce (EC Directive) Regulations 2002
- Energy Act 1976
- Energy Information Regulations 2011
- Part 8 of the Enterprise Act 2002
- Estate Agents Act 1979
- Explosives Acts 1875 and 1923
- Explosives Regulations 2014
- Financial Services (Distance Marketing) Regulations 2004
- Financial Services Act 2012
- Financial Services Act 2012 (Consumer Credit) Order 2013
- Financial Services and Markets Act 2000
- Fireworks Act 2003
- Fireworks Regulations 2004
- Food Imitations (Safety) Regulations 1989
- Footwear (Indication of Composition) Labelling Regulations 1995
- Furniture and Furnishings (Fire)(Safety) Regulations 1988
- Gas Appliances (Safety) Regulations 1995
- General Product Safety Regulations 2005
- Hallmarking Act 1973
- Intellectual Property Act 2014
- Medical Devices Regulations 2002
- Motor Fuel (Composition and Content) Regulations 1999
- Motor Vehicle Tyres (Safety) Regulations 1994
- Motorcycle Noise Act 1987
- Nightwear (Safety) Regulations 1985
- N-nitrosamines and N-nitrosatable Substances in Elastomer or Rubber Teats and Dummies (Safety) Regulations 1995
- Oil Heaters (Safety) Regulations 1977
- Olympic Symbol etc. (Protection) Act 1995
- Package Travel, Package Holidays and Package Tours Regulations 1992
- Packaging (Essential Requirements) Regulations 2015
- Passenger Car (Fuel Consumption and CO2 Emissions Information) Regulations 2001
- Pedal Bicycles (Safety) Regulations 2010
 - Personal Protective Equipment Regulations 2002

- Petroleum (Consolidation) Regulations 2014
- Plugs & Sockets etc. (Safety) Regulations 1994
- Poisons Act 1972
- Pressure Equipment Regulations 1999
- Price Indications (Bureau de Change) (No. 2) Regulations 1992
- Price Marking Order 2004
- Prices Act 1974
- Pyrotechnic Articles (Safety) Regulations 2015
- Radio Equipment and Telecommunications Terminal Equipment Regulations 2000
- REACH Enforcement Regulations 2008
- Recreational Craft Regulations 2004
- Regulation 765/2008/EC on Accreditation and Market Surveillance
- Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013
- Sections 17 and 18 of the Road Traffic Act 1988
- Road Vehicles (Brake Linings Safety) Regulations 1999
- Sale of Tobacco (Registration of Moveable Structures and Fixed Penalty Notices) (Scotland) Regulations 2011
- Simple Pressure Vessels (Safety) Regulations 1991
- Simple Pressure Vessels (Safety) Regulations 2016
- Supply of Machinery (Safety) Regulations 2008
- Textile Products (Labelling and Fibre Composition) Regulations 2012
- The Electrical Equipment (Safety) Regulations 2016
- The Pressure Equipment (Safety) Regulations 2016
- The Psychoactive Substances Act 2016
- Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010
- Toys (Safety) Regulations 2011
- Trade Descriptions Act 1968
- Trademarks Act 1994
- Video Recording Acts 1984 and 2010
- Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012

168. To undertake relevant inspections for the licensing of caravan sites, riding establishments, animal boarding establishments, pet shops, zoos, keeping of wild animals, breeding of dogs and venison dealers, and relevant inspections under the Civic Government (Scotland) Act 1982.
169. To arrange for the burial or cremation of deceased persons in terms of the National Assistance Acts
170. To undertake all other functions of the Council relating to environmental health and trading standards.
171. To undertake all other functions of the Council as enforcing authority relating to health and safety of premises or services, excluding Council buildings or services.
172. To support the Council in promoting the Licensing Objectives of the Licensing (Scotland) Act 2005 as amended and supplemented by subsequent primary and

secondary licensing legislation, whether through inspection of premises or otherwise.

Regeneration

173. To promote economic development and regeneration within North Ayrshire, in doing so working with local stakeholders and national agencies or bodies who can help deliver investment priorities through funding or policy support.
174. To promote the Ayrshire Growth Deal including development of businesses cases for investment.
175. To develop and implement i3's investment strategy and plans.
176. To develop and implement significant physical interventions within town centres including for leisure, employment and other activities that may generate new activity and investment, focusing on town centres or other identified priorities such as our major Harbours.
177. To develop and implement local regeneration projects including Conservation Area Regeneration Schemes, shopfront improvement scheme, public realm schemes and area-based masterplans.
178. To develop proposals and authorise applications for external funding subject to budget being available for any required match-funding.
179. To authorise grants, where contained within existing budgets for listed buildings, properties in conservation areas and externally supported schemes.
180. To authorise grants within policy and budget for improvements to landscape and the environment.
181. To develop proposals and authorise the expenditure of Vacant and Derelict Land Funding secured from the Scottish Government.
182. To promote outdoor access and active travel within North Ayrshire.
183. Implementation of active travel and transport projects as set out in relevant strategies
184. To construct and maintain paths, to produce a Core Paths Plan and other duties in terms of the Land Reform (Scotland) Act 2003.
185. Assert and protect rights of way in terms of the Countryside (Scotland) Act 1967 and access rights in terms of the Land Reform (Scotland) Act 2003.
186. Authorise and apply for grants within policy and budget to improve access to the countryside.
187. To exercise the strategic planning of functions detailed in the following legislation, any subordinate legislation made thereunder and any subsequent or similar legislation or replacing or expanding legislation, including service of any notices

required thereunder: -

- Coast Protection Act 1949,
 - Roads (Scotland) Act 1984,
 - Roads Traffic Regulation Act 1984,
 - Disabled Persons Parking (Scotland) 2009,
 - Flood Prevention (Scotland) Act 1961
 - Flood Prevention and Drainage (Scotland) Act 1997,
 - Flood Risk Management (Scotland) Act 2009.
 - Transport (Scotland) Act 2005
 - New Roads and Street Works Act 1991
 - Security for Private Road Works (Scotland) Regulations 1985
 - To carry out the function of the Council (including maintaining registers, inspecting and enforcing) in terms of the Reservoirs Act 1975.
188. Authorised in terms of the Health and Safety at Work Act 1974 to carry out all duties set out in the statements of responsibilities for (health, safety and welfare in places of work) and the general statement of policy and health and safety at work issued in 1985 as amended.
189. Authorised where appropriate to enter objections on behalf of the Council to applications for goods of vehicles operator's licences under section 93 of the Transport Act 1968.
190. Authorised to respond to consultation for applications for planning development control where these relate to roads and flooding issues.
191. Carry out the functions of the Council under the Transport (Scotland) Act 2005 and associated legislation and amendments, including enforcement and imposition of penalties as prescribed in the Act and the relevant Code of Practice
192. Issue and otherwise deal with road construction consents and road bonds in terms of section 21 of the Roads (Scotland) Act 1984 and the Security for Private Road Works (Scotland) Regulations 1985.
193. To support the development of Business Improvement Districts.

Estates

194. In respect of the Council's property portfolio, including properties held or to be acquired under the Common Good or Housing Revenue Account, and consisting of land, buildings and all heritable assets including way leaves, servitudes, licences and agricultural and grazing leases, , to authorise all purchases and sales up to a value of THREE HUNDRED THOUSAND POUNDS (£300,000) or leases with an annual rental of ONE HUNDRED AND TWENTY THOUSAND POUNDS (£120,000), renewals of leases, rent reviews, rent free periods and assignments of sub leases in accordance with the Council's Estates Management Policy, Standing Orders Relating to Contracts, any scheme of sub-delegation prepared by the Executive Director setting out the level of employee able to authorise particular transactions, and the provisions of the Local Government (Scotland) Act 1973 and regulations made thereunder;

195. Authorised to agree sub-leases and assignments of leases on receipt of statutory references on completion of appropriate checks to ensure suitability of the incoming tenant.
196. Authorise, in respect of leases, sub-leases and assignments referred to in paragraphs 1 and 2 above to consent to rent free periods.
197. Authorise to terminate leases of at their natural expiry date and at any break point detailed in lease agreement and to agree terms for the renunciation of leases prior to their natural expiry.
198. Authorise to agree lease rentals at review periods.
199. Authorise to agree to extensions and variations to existing lease agreements, subject to the extensions or variations not extending the term of the existing lease by a period in excess of 10 years.
200. Authorise, where arrears of rent have arisen to instruct the Head of Democratic Services to raise appropriate action necessary in order to recover the arrears and/or to secure vacant position of the heritable property and if any other term of lease has been breached, to instruct the Head of Democratic Services to use the standard breach of contract remedies available which she/he considers appropriate.
201. Authorised to proceed with the repairs to land, commercial and industrial premises in the ownership of the Council subject to budgetary provisions.
202. Authorised to enter into wayleaves, servitudes and leases with statutory bodies and other providers of utility services who require rights over land for particular purposes.
203. Authorised to negotiate and settle all claims arising from the exercise of the Councils powers to enter upon and take land in the discharge of statutory powers.
204. Authorised to determine requests for rent abatement.
205. Authorised to provide landlords consent on sub-leases to Council owned land and properties and to authorise contributions to capital incentive packages up to a value of £75,000 if within budget provision.
206. Authorising the development of commercial development opportunities on land assets owned by the council.

Tourism and the Coastal Economy

207. To ensure the development and delivery of a tourism strategy which takes account of the special attributes of North Ayrshire, for example, but not solely, the coastal economy, and to consult with industry and community partners to develop and agree action plans to deliver these priorities.
208. To develop tourism projects and proposals.
209. To develop proposals and authorise applications for external funding in support of delivery of our tourism strategy and the development of the coastal economy.

- 210. To develop investment and regeneration plans for Great Harbourside (Irvine and Ardeer).
- 211. To develop investment plans to support marine tourism in key locations.
- 212. To develop tourism events strategies, such as the Year of Coast and Waters 2020.
- 213. To promote the Ayrshire Growth Deal including development of business cases for investment.
- 214. To identify and promote opportunities for commercial investment linked to our tourism and coastal regeneration priorities.

10. Director of Growth and Investment

The Director of Growth and Investment has overall responsibility for the following: -

1. To provide strategic leadership to explore and maximise investment to support economic growth.
2. To provide strategic leadership to effectively maximise the opportunity of the Ayrshire Growth Deal, especially in relation to the North Ayrshire strategic projects including Hunterston, i3, Great Harbour, Ardrossan, Marine Tourism and the Fibre Optic Cable.
3. To lead and develop effective strategic partnerships locally, regionally and nationally.

11. DUTIES OF STATUTORY OFFICERS

A. HEAD OF PAID SERVICE

The Head of Paid Service is a statutory appointment by virtue of Section 4 of the Local Government and Housing Act 1989. The Council has resolved that the Head of Paid Service is the Chief Executive.

Although a statutory appointment, the law does not require the Head of Paid Service to hold any specific qualifications. However, the post holder is expected to have appropriate leadership, communication and interpersonal skills and qualities of integrity and impartiality in order to deliver the statutory objectives of the post.

By virtue of section 2(1)(a) of the 1989 Act, the post of Head of Paid Service is designated as a politically restricted post, and accordingly is included in the list of such posts required to be maintained by the Council.

Delegations to the Post

The overall powers of the Council's Head of Paid Service are:

- a) To ensure the effective co-ordination of the discharge by the authority of its different functions.
- b) To assess the number and grades of employees required by the authority for the discharge of its functions.
- c) To ensure the effective organisation of the authority's employees.
- d) To ensure that proper arrangements are in place for the appointment and proper management of the authority's employees.
- e) To make a statutory report to the full Council where considered appropriate to do so in respect of the matters in (a) to (d) above.

B. MONITORING OFFICER

The Monitoring Officer is a statutory appointment by the Council by virtue of Section 5 of the Local Government and Housing Act. The Council has resolved that the Monitoring Officer is the Head of Democratic Services. North Ayrshire Integration Joint Board has also resolved that the Head of Democratic Services will have a similar role as its Standards Officer under the Ethical Standards in Public Life etc. (Scotland) Act 2000.

By virtue of Section 5(7) of the 1989 Act, the duties of the Monitoring Officer must be carried out personally by them or, where they are unable to act owing to absence or illness, personally by such member of their staff nominated by them as their deputy.

By virtue of Section 2(1)(e) of the 1989 Act, the post of Monitoring Officer is designated as a politically restricted post, and accordingly is included in the list of such posts required to be maintained by the Council.

Although a statutory appointment, the law does not require the Monitoring Officer to hold any specific qualification, and in particular, they do not require to be a solicitor or advocate. However, the recommendation of Audit Scotland is that the post holder should be in a position of sufficient seniority within the Council to enable them to carry out their statutory responsibilities effectively. This means that, irrespective of the substantive post which the Monitoring Officer holds in the Council, they will either be a member of the Council's Executive Leadership Team, or have direct access to the Council's Chief Executive, Executive Directors, Heads of Service and Legal Services Manager as they see fit.

Delegated to the Post

The overall powers of the post are: -

- a) To ensure that the Council complies with the requirements of the law and any statutory Codes of Practice relevant to the carrying out of the Council's duties and the delivery of the Council's services.
- b) To ensure that, where any contravention of the law, Code of Practice or corporate governance system has arisen, or is likely to, appropriate advice is given to the Chief Executive and relevant senior officers of the Council regarding the mitigation, rectification or prevention of such contraventions.
- c) To draw to the attention of the Provost or any Convener, any motion or amendment which may contravene any law or code of procedure in order that the Provost or Convener can determine whether the motion or amendment will be considered by Council, committee etc.
- d) To make a statutory report to the full Council regarding any breach or potential breach of the law or statutory code of practice by the Council where it proves impossible to rectify or prevent such breach.
- e) To act as the Council's point of contact by the Public Standards Commissioner for Scotland and the Standards Commission for Scotland regarding complaints concerning alleged breaches of the Councillors' Code of Conduct.
- f) To carry out such investigations as the Chief Executive may determine as relevant to the Monitoring Officer's role.
- g) To obtain, at their discretion, the opinion of Counsel or external solicitors on any matter relevant to the Monitoring Officer's role.
- h) To provide appropriate advice to Elected Members and Council officers regarding the promotion of high standards of conduct and ensure that suitable training is given regarding compliance with the Code of Conduct for Councillors.
- i) To carry out such other duties compatible with the role of the Monitoring Officer as the Council may delegate, or as the Chief Executive may request, such as the investigation of a complaint to the Council alleging breach of the Councillors' Code of Conduct.

Corporate Rights

The Monitoring Officer has the following rights in respect of the carrying out of their statutory role: -

- To have unqualified access to any information held by the Council and to any Officer of the Council who can assist in the discharge of their statutory role.
- To have access to all reports to the Council, its Committees, Sub-Committee, Joint Boards, Joint Committees and Working Groups, as he or she sees fit.

C. PROPER OFFICER for FINANCIAL ARRANGEMENTS (Chief Financial or Section 95 Officer)

The Proper Officer for Finance Arrangements is a statutory appointment by virtue of Section 95 of the Local Government (Scotland) Act 1973 which requires local authorities to make arrangements for the proper administration of their financial affairs and appoint a Chief Financial Officer (CFO) to have responsibility for those arrangements. The Council has resolved that the proper officer is the Executive Director (Finance and Corporate Support).

By virtue of section 2(1)(b) and (6)(d) of the Local Government and Housing Act 1989, the post of CFO is designated as a politically restricted post, and accordingly is included in the list of such posts required to be maintained by the Council.

In Scotland, there is no statutory requirement for the CFO to be a member of a specified accountancy body.

Delegated to the Post

The overall powers of the CFO post are:

- a) To lead the promotion and delivery by the whole authority of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively.
- b) To lead and direct a finance function that is resourced and fit for purpose.
- c) To manage the Council's financial resources to ensure the delivery of strategic objectives.
- d) To be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer term implications, opportunities and risks are fully considered, so that there is alignment with the authority's overall financial strategy.
- e) Corporate Accounting Arrangements – ensuring adequate systems of accounting control are maintained throughout the Council and that services conform with Council policy, legislation and codes of practice.

- f) Financial Regulations – maintaining a continuous review and submitting any changes, other than of a minor nature, to the Council's Cabinet for approval.
- g) General Service Capital Budget and General Fund Revenue Budget – preparing and monitoring in accordance with Financial Regulations.
- h) Housing Revenue Account and Capital Budget- preparing and monitoring in accordance with Financial Regulations.
- i) Administration of the Sundry Debtors System.
- j) Internal Audit - examination of the accounting, financial and other operations of the Council.
- k) Banking and Insurance Arrangements.
- l) Signing Operating and Finance Leases.
- m) Treasury Management - ensure that the Council's annual Treasury Management Plan complies with the Treasury Management Code, The CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code) and the Local Government Investments (Scotland) Regulations 2010.
- n) Payment Processing and Supplier Invoice Administration – In accordance with the Late Payments and Commercial Debts Act 1998.

D CHIEF SOCIAL WORK OFFICER

The Chief Social Work Officer is a statutory appointment by virtue of Section 3 of the Social Work (Scotland) Act 1968.

The Chief Social Work Officer is appointed for the purposes of the Council's functions under the 1968 Act and under those other enactments listed in Section 5(1B) of that Act. In broad terms, those functions cover all social work and social care services whether provided directly by the Council, are delegated to the North Ayrshire Integration Joint Board, are delivered by North Ayrshire Health and Social Care Partnership or another Health and Social Care Partnership on a Lead basis, in partnership with other agencies, or procured by the Council and provided by others on its behalf. Those functions are referred to in this document as "social work services".

The qualifications required for the post are set out in the Qualifications of Chief Social Work Officers (Scotland) Regulations 1996 (S.I. 1996/515 (1996/49)).

The Chief Social Work Officer is required by section 5(1) of the 1968 Act to carry out the duties of the post under the general guidance of the Scottish Ministers. The Scottish Ministers issued revised and finalised guidance in May 2016.
<http://www.gov.scot/Publications/2016/07/3269/0>

The Chief Social Work Officer is a "proper officer" of the Council in relation to its social work functions. By virtue of section 2(1)(b) and (6)(c) of the Local Government and Housing Act 1989, the post is designated as a politically restricted post, and

accordingly, is included in the list of such posts required to be maintained by the Council.

Delegated to the Post

The duties of the Chief Social Work Officer post are: -

1. To promote values and standards of professional practice, including all relevant national Standards and Guidance, and ensure adherence with the Codes of Practice issued by the Scottish Social Services Council for social service employers.
2. To work with Human Resources and responsible senior managers to ensure that all social service workers practice in line with the SSSC's Code of Practice and that all registered social service workers meet the requirements of the regulatory body;
3. To establish a Practice Governance Group or link with relevant Clinical and Care Governance arrangements designed to support and advise managers in maintaining and developing high standards of practice and supervision in line with relevant guidance, including, for example, - the *Practice Governance Framework: Responsibility and Accountability in Social Work Practice* (SG 2011);
4. To ensure that the values and standards of professional practice are communicated on a regular basis and adhered to and that local guidance is reviewed and updated periodically.
5. To provide professional leadership for social workers and staff in social work services and: -
 - a) To support and contribute to evidence-informed decision making and practice – at professional and corporate level – by providing appropriate professional advice;
 - b) To seek to enhance professional leadership and accountability throughout the organisation to support the quality of service and delivery;
 - c) To support the delivery of social work's contribution to achieving local and national outcomes;
 - d) To promote partnership working across professions and all agencies to support the delivery of integrated services;
 - e) To promote social work values across corporate agendas and partner agencies.
6. To provide advice and contribute to decision-making in the Council and Health and Social Care Partnership in the context of-
 - a) Effective governance arrangements for the management of the complex

balance of need, risk and civil liberties, in accordance with professional standards;

- b) Appropriate systems required to 1) promote continuous improvement and 2) identify and address weak and poor practice; The development and monitoring of implementation of appropriate care governance arrangements;
- c) Approaches in place for learning from critical incidents, which could include through facilitation of local authority involvement in the work of Child Protection Committees, Adult Support and Protection Committees and Offender Management Committees where that will result in the necessary learning within local authorities taking place;
- d) Requirements that only registered social workers undertake those functions reserved in legislation or are accountable for those functions described in guidance;
- e) Workforce planning and quality assurance, including safe recruitment practice, probation/mentoring arrangements, managing poor performance and promoting continuous learning and development for staff;
- f) Continuous improvement, raising standards and evidence-informed good practice, including the development of person-centred services that are focussed on the needs of people who use services and support;
- g) The provision and quality of practice learning experiences for social work students and effective workplace assessment arrangements, in accordance with the SSSC Code of Practice for Employers of Social Service Workers;

7. Decisions in relation to: -

- a) Whether to implement a secure accommodation authorisation in relation to a child (with the consent of a head of the secure accommodation), reviewing such placements and removing a child from secure accommodation if appropriate;
- b) The transfer of a child subject to a Supervision Order in cases of urgent necessity
- c) Acting as guardian to an adult with incapacity where the guardianship functions relate to the personal welfare of the adult and no other suitable individual has consented to be appointed;
- d) Decisions associated with the management of drug treatment and testing orders
- e) Carrying out functions as the appropriate authority in relation to a breach of supervised release order, or to appoint someone to carry out these functions and;
- f) Joint arrangements in co-operation with other authorities under the 2014 guidance on Multi Agency Public Protection Arrangements (MAPPA)

Corporate Responsibilities

The Chief Social Work Officer has the following corporate powers which require

direct access to the Council's Chief Executive and Elected Members, and the provision of forthright and independent advice to them: -

- To ensure compliance with the Council's statutory duties to prepare, publish and review plans for the provision of social work services.
- To promote, communicate, support and review values and standards of professional practice, and to ensure that they are adhered to.
- To establish, in conjunction with the Council's Corporate Management Team, appropriate experience and qualified cover for the post of Chief Social Work Officer during the post-holder's absence or incapacity.
- To report to the Chief Executive any failure in the Council's corporate policy or governance arrangements designed to reflect the proper balance amongst need, risk and civil liberties in the provision and management of social work services.
- To report to the Chief Executive any weaknesses and failures in the systems in place to promote good practice and identify and address poor practice in the provision of social work services.
- To report and provide independent comment where necessary to the Chief Executive and Elected Members on the findings of significant case reviews and relevant performance reports and on any other social work-related issues.
- To provide an annual report to the Council on all of the statutory, governance and leadership functions of the role of the Chief Social Work Officer.

FINANCIAL REGULATIONS

| | |
|------------------------|---------------|
| Version: | Final |
| Date: | 09/2019 Final |
| Author: | Paul Doak |
| Classification: | Public |



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

FINANCIAL REGULATIONS

1 Scope and Observance

- 1.1 Section 95 of the Local Government (Scotland) Act 1973 states that:
“.... every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that the proper officer of the authority has responsibility for the administration of those affairs.”
- 1.2 These Financial Regulations fulfil this requirement by providing a mandatory framework for the financial administration of North Ayrshire Council and will apply to every financial transaction and to every employee throughout the Council.
- 1.3 It is the duty of Heads of Service to ensure that all relevant employees are familiar with these Regulations and other relevant documents detailed at Section 10 below and that they are adhered to.
- 1.4 Failure to observe these Financial Regulations may be regarded as a breach of trust and may lead to disciplinary action.

2 Principals of Financial Administration

- 2.1 The financial affairs of the Council will at all times be conducted in accordance with the seven principles of public life as set out by the Nolan Committee on Standards in Public Life:

Selflessness: Employees will not take decisions which will result in any financial or other benefit to themselves, their family or friends. Decisions will be based solely on the Council's best interests.

Integrity: Employees will not place themselves under any financial or other obligation to an individual which might influence them in their work with the Council.

Objectivity: Any decisions which employees make in the course of their work with the Council will be based solely on merit.

Accountability: Employees are accountable to the Council as their employer and, in turn, to the public.

Openness: Employees will be as open as possible in all the decisions and actions that they take.

Honesty: Employees have a duty to declare any private interests which might affect their work with the Council.

Leadership: Management will promote and support the above principles by leadership and example.

- 2.2 In order to comply with these principles of public life, no employee must be in a position where they experience a conflict of interest between their personal life and their employment with North Ayrshire Council.

Examples of conflicts of interest will include:

Procurement: purchasing goods or services from a supplier with whom the employee is either directly involved or with whom the employee has a family relationship or close friendship. Further guidance is contained within the Standing Orders for Contracts.

Systems: an employee must not access or update records which relate either to themselves or family or close friends.

Service Delivery: an employee must not make decisions on service provision which could result in a favourable outcome for themselves or family or close friends.

Where an employee perceives a possible conflict of interest in relation to these or any other transactions of the Council, this must be declared to their line manager and steps put in place to prevent this materialising. Failure to do so may lead to disciplinary action.

- 2.3 No financial transactions will take place unless they fall within the legal powers of the Council. In cases of doubt, Heads of Service must consult with the Head of Democratic Services to obtain clarification as to legality before any liability or expenditure is incurred. Expenditure on new service developments, initial contributions to other organisations and responses to new emergency situations which require expenditure must be clarified as to legality prior to being incurred.
- 2.4 The Local Government in Scotland Act 2003 places the duty on local authorities to make arrangements that secure 'Best Value'. 'Best Value' is defined in the Act as 'continuous improvement in the performance of the authority's functions'.

3 Role of the Council

- 3.1 The full Council is responsible for setting the Council's annual budgets, housing rent and Council Tax levels. The Council is also responsible for approving the Annual Treasury Management and Investment Strategy.

4 Role of the Cabinet

- 4.1 The Cabinet is responsible for monitoring the use of the Council's resources throughout the financial year.

5 Role of Audit and Scrutiny Committee

- 5.1 The Audit and Scrutiny Committee will monitor the effectiveness of controls maintained by Heads of Service within their Service.

6 Role of Executive Director (Finance and Corporate Support)

- 6.1 The Executive Director (Finance and Corporate Support) is the proper officer of the Council under Section 95 of the Local Government (Scotland) Act 1973 for the administration of the financial affairs of the Council.
- 6.2 All accounting procedures and records of the Council will be determined by the Executive Director (Finance and Corporate Support) and all accounts and accounting records of the Council will be compiled by or under the direction of the Executive Director (Finance and Corporate Support).
- 6.3 The Executive Director (Finance and Corporate Support) will act as financial adviser to the Council, the Cabinet and all its Committees and will monitor and report on the financial performance and position of the Council.
- 6.4 The Executive Director (Finance and Corporate Support) will be entitled to:
- access to any information and to be given such explanations as are considered necessary;
 - issue, and require compliance with, any instructions on any aspect of financial administration;
 - examine administration and control systems within any Service of the Council and secure any improvements which are considered necessary.

7 Responsibilities of Chief Executive, Executive Directors and Heads of Service

- 7.1 The Chief Executive, Executive Directors and Heads of Service are accountable for the financial performance of their Services within the budgets allocated.
- 7.2 They will ensure at all times that they and their employees endeavour to secure the best value for expenditure incurred by them when pursuing the objective of achieving the policies of the Council.
- 7.3 The Chief Executive, Executive Directors and Heads of Service are responsible for the maintenance of effective controls within the financial procedures operated by their Services.

8 Accounting and Internal Control

Internal Control

- 8.1 The following principles will be observed in the allocation of duties:
- There must be an effective **separation of duties** so that the different stages of financial transactions are progressed by different people;
 - Financial transactions will be subject to **internal check** to reduce the likelihood of fraud and errors.
- 8.2 Procedures for calculating, checking and recording sums due to or by the Council should be arranged in such a way whereby the work of one person is proven independently or is complementary to the work of another and these operations will be separated from the duty of collecting or disbursing such sums.

- 8.3 There will be regular **management review** by service managers of financial transactions, other than budget monitoring, to ensure the accuracy and completeness of financial records.

Authorisation

- 8.4 Authorisation of financial transactions indicates acceptance of responsibility for them.
- 8.5 Heads of Service are responsible for determining the numbers and distribution of authorising officers to meet the needs of their Service.
- 8.6 An officer must not authorise a transaction in which they have a personal interest.
- 8.7 A register of all authorised signatories will be maintained by the appropriate section and kept up-to-date. Entries on this register will be authorised by Heads of Service and will detail the following:
- Names, designations and locations of authorised signatories;
 - The financial authorisation limits placed upon individual officers;
 - Sample signatures of authorising officers.

Monthly Financial Performance

- 8.8 Each Head of Service or nominated senior manager will monitor expenditure and income against approved budgets and provide information to Financial Services to support projections and on actions being taken to address potential overspends or income shortfalls.

Annual Statement of Accounts

- 8.9 Each Head of Service will at dates to be specified by the Executive Director (Finance and Corporate Support) submit to the Executive Director (Finance and Corporate Support) such information as is required in order that the Council's annual accounts can be closed.

9 Internal Audit

- 9.1 Internal Audit will carry out independent reviews of financial and other systems of the Council to ensure that the interests of the Council are protected.
- 9.2 The objective of Internal Audit is to assist Elected Members and Council officers in the effective discharge of their responsibilities by reviewing and evaluating:
- the completeness, reliability and integrity of financial and other management information;
 - the systems established to ensure compliance with corporate and departmental policies and procedures and legislative requirements;
 - the means of safeguarding assets;
 - the economy, efficiency and effectiveness with which resources are employed;
 - the extent to which operations are being carried out as planned and objectives are being met.

- 9.3** The Senior Manager (Internal Audit, Risk and Fraud) reports directly to the Executive Director (Finance and Corporate Support). In addition, the Senior Manager has the right of access to the Chief Executive and the Chair of the Audit and Scrutiny Committee on any audit matter.
- 9.4** In relation to Internal Audit work being carried out, the Senior Manager (Internal Audit, Risk and Fraud) and any member of the Internal Audit section has the authority to:
- Enter at all reasonable times and without notice any premises or land of the Council, provided that where such premises or land are leased to a third party the terms of the lease are observed;
 - Have access to, and remove, all records (both paper and electronic), documents and correspondence within the possession or control of any officer of the Council, relating to any transactions of the Council;
 - Be provided with a separate log-in to any computer system within the Council and have full access to any system, network, personal computer or other device in the ownership of the Council;
 - Require and receive explanations concerning any matter under examination from any employee, including Chief Officers, and request such explanations from any Elected Member;
 - Require any employee of the Council to produce cash, stores or any other Council assets under their control.

10 Associated Procedures and Codes of Practice

The following is a list of other documents which should be read in conjunction with these financial regulations:

10.1 Codes of Financial Practice

Although not contained within the body of these financial regulations, Codes of Financial Practice will be issued under their authority and will have the same status as if they were included therein.

The Codes of Financial Practice are maintained by the Executive Director (Finance and Corporate Support).

10.2 Corporate Procurement Strategy

This document sets out the recommended activities and procedures required when purchasing all externally provided goods, services and works.

The strategy is maintained by the Head of Finance.

10.3 Standing Orders Relating to Contracts

The Standing Orders Relating to Contracts set out how the Council will invite tenders and let contracts for the supply of goods, services and works.

This document is maintained by the Head of Democratic Services.

10.4 Scheme of Delegation to Officers

The Scheme of Delegation to Officers contains details of those functions both statutory and non-statutory which the Council has chosen to delegate to officers.

The Scheme of Delegation is maintained by the Head of Democratic Services.

10.5 Risk Management Strategy

The Risk Management Strategy sets out the Council's approach to dealing with risk and explains how risk management should be integrated throughout the Council. The document also defines the roles and responsibilities of Elected Members and officers in dealing with risk.

The Strategy is maintained by the Executive Director (Finance and Corporate Support).

10.6 Code of Corporate Governance

The Council's local Code of Corporate Governance defines the six core principles of good corporate governance and outlines how the Council aims to comply with these.

The Code of Corporate Governance is maintained by the Head of Democratic Services.

10.7 Annual Treasury Management and Investment Strategy

The Annual Treasury Management and Investment Strategy sets out the Council's strategy for borrowing and managing investments.

The strategy is maintained by the Head of Finance.

10.8 Code of Practice for Funding of External Organisations

This document sets out the way in which financial assistance and assistance in kind is provided to other organisations within North Ayrshire. The code is designed to enable the external organisation and the Council to fulfil their respective responsibilities.

The Code of Practice is maintained by the Head of Democratic Services.

11 **Irregularities**

11.1 Any evidence or reasonable suspicion of an irregularity relating to any property of the Council must be reported immediately in accordance with the Council's Defalcation Procedures or "Whistleblowing" Procedure, whichever is appropriate.

11.2 All reported irregularities will be investigated in accordance with the appropriate procedure and the Council's Counter Fraud and Corruption Strategy.

11.3 Any contact with the police will be made only by the Chief Executive or by another officer acting with the prior approval of the Chief Executive.

12 Review of Financial Regulations

- 12.1** These Regulations may be varied or revoked subject to a report by the Executive Director (Finance and Corporate Support) on any variations and revocations being approved by the Council.

**Laura Friel
Executive Director (Finance and Corporate Support)
August 2019.**

NORTH AYRSHIRE COUNCIL

25 September 2019

North Ayrshire Council

Title: **Committee Timetable 2020**

Purpose: To present a proposed committee timetable for 2020, for consideration by the Council

Recommendation: That the Council agrees (a) to approve the committee timetable for 2020 set out at Appendix 1; and (b) to note that meeting dates for the committees referred to at Section 2.3 will be intimated separately, in addition to those for ad hoc committees and for any Special meetings which may be required over the course of the year.

1. Executive Summary

- 1.1 The current calendar year committee timetable was approved by the Council in June 2018.
- 1.2 A draft 2020 timetable has been prepared on the basis of a similar pattern of meetings.

2. Background

- 2.1 A committee timetable for 2020 is set out at Appendix 1.
- 2.2 The draft timetable has been prepared around the principle of a of six-week cycle of meetings. However, in order to accommodate the usual recess periods around Easter, Summer and October, two five-week cycles have been included.
- 2.3 Dates for the undernoted will be/have been set by the committees in question and will be the subject to separate notification:
 - Locality Planning Partnerships;
 - the Ayrshire Regional Economic Joint Committee (and sub-committee/Partnership Board);
 - the Ayrshire Shared Services Joint Committee;
 - Integration Joint Board and IJB Performance and Audit Committee;
 - Community Planning Partnership Board (provisional dates for which have been included for information only)

- 2.4 In addition, meetings of the Education Appeals Committee, Council (Planning), Local Development Plan Committee and Staffing and Recruitment Committee will take place on an ad hoc basis, as required. From time to time, Special Meetings of the Council or its committees may also require to be called.

3. Proposals

- 3.1 The Council is invited to (a) approve the committee timetable for 2020 set out at Appendix 1; and (b) note that meeting dates for the committees referred to at Section 2.3 will be intimated separately, in addition to those for ad hoc committees and for any Special meetings which may be required over the course of the year.

4. Implications/Socio-economic Duty

Financial

- 4.1 None arising from this report.

Human Resources

- 4.2 None arising from this report

Legal

- 4.3 None arising from this report.

Equality/Socio-economic

- 4.4 None arising from this report.

Environmental and Sustainability

- 4.5 None arising from this report.

Key Priorities

- 4.6 None arising from this report.

Community Wealth Building

- 4.7 None arising from this report.

5. Consultation

- 5.1 Political Group Leaders, Independent Members and Executive Directors have been consulted on the proposed timetables. Proposed dates for Audit and Scrutiny meetings have been amended in light of feedback from officers and committee members.
- 5.2 Public holidays for 2020 are currently the subject of consultation with the Trades Unions. Provisional dates have been included in the meantime.

Craig Hatton
Chief Executive

For further information please contact Melanie Anderson, Committee and Member Services Manager, on telephone number 01294 324131.

Background Papers

Correspondence with Group Leaders, Independent Members and Executive Directors.

Draft Committee Timetable January - December 2020

Meeting Cycle 1

| Wk Begin | Wk | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY |
|----------|----|----------------------|---|---|------------------------------------|--------|
| 30 Dec | | Holiday | Holiday | Public Holiday (TBC) | Public Holiday (TBC) | |
| 6 Jan | 1 | | | 9.30 a.m. IJB Pre-Agenda 10.00 a.m. Licensing Committee | 10.00 a.m. Appeals (if required) | |
| 13 Jan | 2 | | 2.30 p.m. Cabinet Pre-Agenda | | 10.00 a.m. Integration Joint Board | |
| 20 Jan | 3 | | 11.00 a.m. Audit & Scrutiny Pre-Agenda 2.30 p.m. Cabinet (Education) | 2.00 p.m. Planning Committee 2.15 p.m. Local Review Body | 10.00 a.m. Policy Advisory Panel | |
| 27 Jan | 4 | | 10.00 a.m. Audit & Scrutiny Ctte | | 9.30 a.m. IJB Pre-Agenda | |
| 3 Feb | 5 | NHS Board (for info) | 2.00 p.m. Police & Fire & Rescue Ctte | 10.00 a.m. Licensing Committee | 10.00 a.m. Appeals (if required) | |
| 10 Feb | 6 | | 2.30 p.m. Cabinet Pre-Agenda | 2.00 p.m. Council | 10.00 a.m. Integration Joint Board | |

Meeting Cycle 2

| Wk Begin | Wk | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY |
|----------|----|--------|--|---|--|--------------------|
| 17 Feb | 1 | | 2.30 p.m. Cabinet | 2.00 p.m. Planning Committee 2.15 p.m. Local Review Body | 10.00 a.m. Ayrshire Regional Economic Partnership Sub-Ctte (TBC) 2.00 p.m. Policy Advisory Panel | |
| 24 Feb | 2 | | 10.15 a.m. IJB PAC Pre-Agenda | 2.00 p.m. Council (TBC Special Budget) | | |
| 2 Mar | 3 | | | 10.00 a.m. Licensing Committee | 9.30 a.m. IJB Pre-Agenda 10.00 a.m. Appeals (if required) | 10.15 a.m. IJB PAC |
| 9 Mar | 4 | | 2.30 p.m. Cabinet Pre-Agenda | | | |
| 16 Mar | 5 | | 2.30 p.m. Cabinet (Education) | 2.00 p.m. Planning Committee 2.15 p.m. Local Review Body | 10.00 a.m. Integration Joint Board 2.00 p.m. Policy Advisory Panel | |
| 23 Mar | 6 | | 11.00 a.m. Audit & Scrutiny Pre-Agenda | 2.00 p.m. Council | | |

Meeting Cycle 3

| Wk Begin | Wk | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY |
|----------|----|----------------------|--|---|--|----------------------|
| 30 March | 1 | NHS Board (for info) | 10.00 a.m. Audit & Scrutiny Ctte | 10.00 a.m. Licensing Committee | 9.30 a.m. IJB Pre-Agenda 10.00 a.m. Appeals (if required) | |
| 6 April | | Recess | Recess | Recess | Recess | Public Holiday (TBC) |
| 13 April | | Public Holiday (TBC) | Recess | Recess | 10.00 a.m. Integration Joint Board | Recess |
| 20 April | 2 | | 2.30 p.m. Cabinet Pre-Agenda | | | |
| 27 April | 3 | | 2.30 p.m. Cabinet | 2.00 p.m. Planning Committee 2.15 p.m. Local Review Body | 9.30 a.m. IJB Pre-Agenda 2.00 p.m. Policy Advisory Panel | |
| 4 May | 4 | | | | 10.00 a.m. Appeals (if required) | Public Holiday (TBC) |
| 11 May | 5 | | 2.00 p.m. Police & Fire & Rescue | 10.00 a.m. Licensing Committee | 10.00 a.m. Integration Joint Board | |
| 18 May | 6 | | 11.00 a.m. Audit & Scrutiny Pre-Agenda 2.30 p.m. Cabinet Pre-Agenda | 2.00 p.m. Council | | |

Meeting Cycle 4

| Wk Begin | Wk | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY |
|-----------|----|-------------------------------|--|---|--|--------------------|
| 25 May | 1 | | 10.00 a.m. Audit & Scrutiny Cttee 2.30 p.m. Cabinet (Education) | 2.00 p.m. Planning Committee 2.15 p.m. Local Review Body | 10.00 a.m. Policy Advisory Panel | |
| 1 June | 2 | | | | 9.30 a.m. IJB Pre-Agenda 10.00 a.m. Appeals (if required) | |
| 8 June | 3 | | | 10.00 a.m. Licensing Committee | | |
| 15 June | 4 | 10.15 a.m. IJB PAC Pre-Agenda | 2.30 p.m. Cabinet Pre-Agenda | 2.00 p.m. Planning Committee 2.15 p.m. Local Review Body | 10.00 a.m. Integration Joint Board | |
| 22 June | 5 | | 2.30 p.m. Cabinet | 2.00 p.m. Council | 2.00 p.m. Policy Advisory Panel | 10.15 a.m. IJB PAC |
| 29 June | | | | | | |
| 6 July | | | | | 9.30 a.m. IJB Pre-Agenda | |
| 13 July | | | | | | |
| 20 July | | | | Recess | 10.00 a.m. Integration Joint Board | |
| 27 July | | | | | | |
| 3 August | | | | | | |
| 10 August | | | | | 9.30 a.m. IJB Pre-Agenda | |

Meeting Cycle 5

| Wk Begin | Wk | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY |
|--------------|----|----------------------|---|---|---|--------|
| 17 August | 1 | | | | 10.00 a.m. Appeals (if required) | |
| 24 August | 2 | | 10.15 a.m. IJB PAC Pre-Agenda 2.00 p.m. Police & Fire & Rescue Cttee | 10.00 a.m. Licensing Committee | 10.00 a.m. Integration Joint Board | |
| 31 August | 3 | | 2.30 p.m. Cabinet Pre-Agenda | 2.00 p.m. Planning Committee 2.15 p.m. Local Review Body | 10.15 a.m. IJB PAC | |
| 7 September | 4 | | 2.30 p.m. Cabinet | | 9.30 a.m. IJB Pre-Agenda 2.00 p.m. Policy Advisory Panel | |
| 14 September | 5 | | | | 10.00 a.m. Appeals (if required) | |
| 21 September | 6 | Public Holiday (TBC) | 11.00 a.m. Audit & Scrutiny Pre-Agenda | 2.00 p.m. Council | 10.00 a.m. Integration Joint Board | |

Meeting Cycle 6

| Wk Begin | Wk | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY |
|--------------|----|--------|---|---|---|--------|
| 28 September | 1 | | 10.00 a.m. Audit & Scrutiny Cttee 2.30 p.m. Cabinet Pre-Agenda | 2.00 p.m. Planning Committee 2.15 p.m. Local Review Body | | |
| 5 October | 2 | | 2.30 p.m. Cabinet | | 9.30 a.m. IJB Pre-Agenda 2.00 p.m. Policy Advisory Panel | |
| 12 October | | Recess | Recess | Recess | Recess | Recess |
| 19 October | 3 | | | | 10.00 a.m. Integration Joint Board | |
| 26 October | 4 | | 2.00 p.m. Police & Fire & Rescue Cttee | | 10.00 a.m. Appeals (if required) | |
| 2 November | 5 | | 2.30 p.m. Cabinet Pre-Agenda | 2.00 p.m. Planning Committee 2.15 p.m. Local Review Body | 9.30 a.m. IJB Pre-Agenda | |
| 9 November | 6 | | 11.00 a.m. Audit & Scrutiny Pre-Agenda 2.30 p.m. Cabinet | 2.00 p.m. Council | 10.00 a.m. Policy Advisory Panel | |

Meeting Cycle 7

| Wk Begin | Wk | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY |
|-------------|----|--------|--|---|------------------------------------|--------------------|
| 16 November | 1 | | 10.00 a.m. Audit & Scrutiny Cttee 10.15 a.m. IJB PAC Pre-Agenda | | 10.00 a.m. Integration Joint Board | |
| 23 November | 2 | | | | 10.00 a.m. Appeals (if required) | 10.15 a.m. IJB PAC |
| 30 November | 3 | | 2.30 p.m. Cabinet Pre-Agenda | 2.00 p.m. Planning Committee 2.15 p.m. Local Review Body | 9.30 a.m. IJB Pre-Agenda | |
| 7 December | 4 | | 2.30 p.m. Cabinet | | 10.00 a.m. Policy Advisory Panel | |
| 14 December | 5 | | | 2.00 p.m. Council | 10.00 a.m. Integration Joint Board | |
| 21 December | | Recess | Recess | Recess | Recess | Recess |
| 28 December | | Recess | Recess | Recess | Recess | Recess |

Ad Hoc meetings to be added as required for Staffing and Recruitment Committee, Education Appeal Committee, Local Development Plan Committee and Council (Planning).

Outstanding dates for the Ayrshire Regional Economic Joint Committee (and Partnership Board) and the Ayrshire Shared Services Committee will be agreed by those committees.

Public holidays are currently subject to consultation with the Trades Unions and are, therefore, marked “to be confirmed” for the time being

NORTH AYRSHIRE COUNCIL

25 September 2019

Council

Title: **Ardrossan North Shore: Proposed Education and Community Campus.**

Purpose:

- To inform Council of the Scottish Government announcement to include the Ardrossan Education and Community Campus proposal in the initial phase of investment in Scotland's Learning Estate Strategy;
- To seek Council's approval to include a new swimming pool in the Statutory Public Consultation proposal for a new education and community campus, located at North Shore, Ardrossan;
- To authorise officers to explore the option for community use and/or ownership of the swimming pool building at Auchenharvie Leisure Centre, subject to the outcome of the Statutory Public Consultation on the proposal to develop a new education and community campus at Ardrossan; and
- To inform Council of the timetable for the Statutory Public Consultation on the proposal to develop a new education and community campus at Ardrossan.

Recommendation: It is recommended that Council:

- a) Notes the outcome of the swimming pool community engagement exercise;
- b) Approves the recommendation that the swimming pool be included within the Statutory Public Consultation proposal for a new Ardrossan Education and Community Campus, located at North Shore, Ardrossan;
- c) Notes that the ice-rink and fitness suite currently at Auchenharvie Leisure Centre will remain at that facility;
- d) Authorises officers to explore the option for community use and/or ownership of the swimming pool building at Auchenharvie Leisure Centre, subject to the outcome of the Statutory Public Consultation on the proposal to develop a new education and community campus at Ardrossan;
- e) Notes the information contained within the site investigation report by Envirocentre (non-technical summary);
- f) Notes the timeline for Statutory Public Consultation, authorising officers to finalise and implement this; and
- g) Notes that the final decision on the Statutory Public Consultation will be taken by Council.

1. Executive Summary

- 1.1 On 15 January 2019, North Ayrshire Council Cabinet approved early engagement with communities to develop a proposal for new education and community provision in Ardrossan.
- 1.2 The rationale for this proposal included:
 - The condition of Ardrossan Academy, assessed as Condition “D” (*Economic life expired and/ or risk of failure*) and previously the subject of a Statutory Public Consultation to replace it;
 - An analysis of the condition of local leisure facilities and exploration of innovative opportunities to improve health and wellbeing within available resources in the Three Towns;
 - Potential Ayrshire Growth Deal investment in Ardrossan, allowing the further development of a regeneration masterplan and placemaking initiative from which a new education and community campus could benefit; and
 - The introduction of the Scottish Government’s new Learning Estate Strategy and investment.
- 1.3 Officers were therefore authorised to develop proposals for a much-needed education and community campus which would include:
 - Ardrossan Academy;
 - Winton Primary School including the Early Years Class;
 - A swimming pool, to replace the pool presently at Auchendarvie Leisure Centre in Stevenston;
 - Accommodation for Health and Social Care Partnership Children and Families Team; and
 - Ardrossan Library.
- 1.4 On 11 June 2019 Cabinet approved the proposals for a new Ardrossan Education and Community Campus. This report provides the outcome of a further engagement exercise solely with regard to the the pool, requested by Cabinet at that time in response to a petition from residents in relation to the inclusion of a pool in the proposal, which would replace the North Ayrshire swimming facility at Auchendarvie Leisure Centre. The current report recommends the inclusion of a pool in the Statutory Public Consultation for the new campus.
- 1.5 This report also updates Council on independent site investigations carried out at the proposed North Shore site, providing confirmation that the site will be suitable for the proposed purposes.
- 1.6 The report also notes that, on 9 September 2019, Scottish Government announced their intention to include North Ayrshire’s Ardrossan Education and Community Campus proposal in the initial phase of investment in the new Scotland’s Learning Estate Strategy.
- 1.7 A proposed timetable for the Statutory Public Consultation is included within this report.

2. Background

- 2.1 A condition survey of Ardrossan Academy was carried out in May 2018 when the condition of the property was recorded as condition “D” (*Economic life expired and/ or risk of failure*) and assessed as an unsuitable building for the delivery of a 21st century curriculum.
- 2.2 In November 2018 the Scottish Government announced a programme of further investment in the Scottish school estate. It has allocated £1 billion to this programme, available from 2020. Guidance within the new Learning Estate strategy was that Scottish Government would provide funding support for a facility that provides and facilitates the following:
- Creative and ambitious thinking about educational space and how it can be used and exploited to the benefit of the whole community;
 - Innovative and appropriate curriculum planning and delivery leading to sustained positive destinations;
 - E-learning facilities which provide opportunities to enhance learning and teaching and provide access to and from remote areas as well as the local community;
 - Promotion and delivery of lifelong learning opportunities, including a further educational offer which is tangible and significant;
 - Means to enable change and improvement in communities by providing community services and opportunities for community engagement;
 - Open and transparent consultation that evidences extensive community engagement and a listening council;
 - Sustainability and, in particular, sustainable public services;
 - A brief which has clear, unambiguous goals and outcomes for children, young people and the community which can be monitored and measured; and
 - A sustainable business case.
- 2.3 It was made clear that ambitious, innovative and creative thinking would be essential and that a like for like build (a replacement Ardrossan Academy) or a campus type facility (early years, primary school and secondary school – educational facilities only) would be unlikely to secure funding.
- 2.4 At the same time, technical reports were highlighting that much of the swimming pool mechanical and electrical plant and systems at the swimming pool at Auchenhavrie Leisure Centre were well beyond their intended lifespan. These systems present management issues to KA Leisure regarding the operation of the centre and do not meet modern standards of energy efficiency, with associated running cost implications. The pool-tank and pool-surround tiles and water proofing are also original, it is anticipated that these elements are near to, or beyond, their economic life and will not continue to perform as required. Without major investment it is likely the centre will be difficult and expensive to operate and run in the medium to long term with, ultimately, the risk of failure to deliver and major disruption or removal of services.
- 2.5 Auchenhavrie Leisure Centre also includes an ice-rink and a pool. The ice-rink was extended and refurbished in 2011/12 with an investment of £3,898,212 and will remain fit for purpose. The fitness suite was also recently refurbished. In 2018/19, there were c.111,000 attendances at the pool; c. 78,000 attendances at the ice-rink; and c.407,000 attendances at the fitness suite. The pool operates with a financial deficit.

2.6 North Ayrshire Council Proposal to Scottish Government

2.6.1 As a result of the above factors, on 15 January 2019, North Ayrshire Council Cabinet approved early engagement with communities to develop a proposal for a new education and community campus in Ardrossan. Officers were authorised to develop proposals for a community campus which would include:

- Ardrossan Academy;
- Winton Primary School including the Early Years Class;
- A new swimming pool, to replace the pool presently at Auchenharvie Leisure Centre in Stevenston;
- Accommodation for Health and Social Care Partnership Children and Families Team; and
- Ardrossan Library, which would allow a single facility for school and community to provide opportunities for lifelong and intergenerational learning.

2.6.2 The Council's vision and proposal to Scottish Government was to develop a truly transformational community facility that would support educational attainment, well-being and provide links to employment opportunities for the entire community. Realising this vision will support the regeneration of an area in need of investment and provide an excellent community resource. The proposal includes the provision of a place of learning from the early stages through to the senior phase and beyond into further and higher education. It will raise aspirations, promote achievement, deliver links to further learning, training and employment, health and well-being and promote lifelong learning and community involvement.

2.6.3 As noted above Scottish Government funding is only available for innovative place making proposals as set out in its Learning Estate Strategy. The Education and Community Campus is only viable with Scottish Government funding, which has now been allocated based on the Council's initial proposal as part of the Phase One projects.

2.6.4 The Council's ambition to adopt a holistic placemaking approach proposes that the campus is built on the North Shore in Ardrossan. In this location it can benefit from the anticipated developments for Ardrossan in the Ayrshire Growth Deal - an expanded marina facility and marine sciences centre at the site. It will also contribute to the delivery of a national scale regeneration project including the investment proposed in Ardrossan Harbour, the new ferry terminal and associated transport hub; the provision of a coastal path at North Shore, and improvements to Ardrossan town centre. The development of the North Shore site will also release land sites for private and social housing development at the existing school site.

2.6.5 At its meeting of 11 June 2019, Cabinet agreed that the principle of a multiple facility education and community campus be further developed as the preferred solution. The outcome of the early engagement activity with both school communities and the wider community was also reported to Cabinet at that stage, with the Ardrossan education community in favour of the proposal as a whole and other sections of the community demonstrating varying opinions on elements of the proposal.

2.6.6 Also on 11 June 2019, a petition was presented to Cabinet in respect of the proposed relocation of leisure facilities. The petition expressed disagreement with the proposal to relocate leisure facilities from Auchenharvie Leisure Centre, Stevenston, to the

proposed Community Campus in Ardrossan. Cabinet was asked to consider this petition along with the paper provided by officers detailing the feedback from the community engagement undertaken so far.

2.6.7 At its meeting on 11 June 2019, Cabinet asked that the relocation of Auchenhavrie swimming pool to the proposed community campus be subject to further community engagement during August 2019, and that the outcome of this further engagement be presented to Cabinet for consideration at its September meeting to inform a final decision on the inclusion of the pool in the Statutory Public Consultation proposal. Cabinet requested that this engagement framework be co-designed with key stakeholders. The community engagement closed on 8th September 2019. This process is detailed below at para. 2.7.

2.6.8 On 9 September 2019, Scottish Government announced their intention to include North Ayrshire's Ardrossan Education and Community Campus proposal in the initial phase of investment in the new Scotland's Learning Estate Strategy. The project as a whole, as proposed by the Council and as described above at 2.6.1, was considered by Scottish Government to be innovative in the way it aims to deliver holistically on the principles of the Learning Estate Strategy, from an education, community and placemaking perspective, and will seek to demonstrate best practice that will inform future phases of investment.

2.6.9 Scottish Government has requested a further status evaluation report by 11 October 2019 in preparation for a workshop on 29 October 2019 where Phase One local authorities will demonstrate how their projects will respond to the principles of the Learning Estate Strategy, focus on some of the proposed programme targets and conditions that the initial projects would be expected to help test and demonstrate.

2.7 Additional Pre-Consultation Engagement Process in relation to Swimming Facilities in the Three Towns

2.7.1 On 24 July 2019 a Stakeholder Reference Group meeting took place to which key stakeholders and community representatives from the Three Towns were invited. The meeting was independently chaired, and its purpose was to present the draft briefing statement for the Three Towns engagement exercise, the draft engagement plan, and the draft engagement questionnaire, and to seek feedback on these documents from the group.

2.7.2 It was established before the survey, and clarified in the survey, that there would continue to be a fitness facility at Auchenhavrie Leisure Centre with the ice-rink and that any proposed new education and community campus would also include a fitness suite in its design. It was agreed by the group that this would form part of the background information during the engagement process.

2.7.3 Following this meeting the plans for the engagement exercise and the draft documents were refined to reflect the discussions and the valuable feedback provided by the group. A "You Said We Did" record of the meeting was circulated to the group along with the final draft of the engagement documents. The group was invited to provide further comments and feedback following which the documents were finalised. The Stakeholder Reference Group was advised that a further meeting of the group would be

held to review the engagement process to inform future practice, and this is planned for 9 October 2019.

2.7.4 It was agreed by the group that the method of engagement would be via an open text survey that sought to capture people's feelings about the option to include new swimming facilities in the proposal for a new Ardrossan Education and Community Campus and an understanding of the impact this would have on individuals and communities.

2.7.5 The survey did not request a vote from participants and instead sought to gain a deeper understanding of the issues and how these mattered to them. The survey requested the following information from respondents:

1. *Please tell us how you, the people in your neighbourhood, or the community-based group you are representing, feel about this option. (to include new swimming facilities in the proposal for a new Ardrossan Community Campus).*
2. *Please provide up to 3 reasons why you feel this way.*

The survey also gathered demographic information on respondents. A full copy of the survey template can be found at Appendix 1.

2.7.6 Information on the engagement exercise and the online survey was distributed via:

- A social media campaign;
- Press releases;
- Distribution of posters to community venues; and
- Direct communication via email with schools, businesses, sports organisations and community groups.

The Three Towns Swimming Pool Engagement survey commenced on 19 August 2019.

2.7.7 To support all members of the community to participate in the engagement exercise, a series of Drop-in Information Sessions were set up at which members of the communities were able to complete paper copies of the surveys or be supported to complete their surveys on line. Paper copies of surveys were also made available at all community libraries and facilities in Three Towns, Kilwinning and West Kilbride. Information on the times and locations of these Drop-in Sessions can be seen on the poster at Appendix 2.

2.7.8 At the request of the Stakeholder Reference Group, a decision was taken to consider a more accessible method of engagement for primary school pupils which would include pupils from the primary schools of the Auchendarvie cluster and the Three Towns primary schools of St Matthew's cluster.

2.7.9 The views of the Ardrossan cluster primary school pupils were captured in the earlier engagement exercise undertaken on the wider proposal earlier this year, and this can be seen in the report provided at Appendix 3.

2.7.10 Following the success of the previous primary pupil engagement exercise earlier this year, it was decided that the senior pupils of Ardrossan Academy would support their peers at Auchendarvie and St Matthew's Academies to design and lead a more

accessible engagement activity with the younger children of the Three Towns cluster primaries of Auchenharvie and St Matthew's Academies.

2.7.11 Following discussion with the senior pupils, it was decided that primary pupils would be asked two questions:

- Q 1 *Do you use the pool at Auchenharvie Leisure Centre?*
- Q 2 *Do you think it would be a good idea for the Council to build a new pool in the new school campus?*

2.7.12 The senior pupils from Auchenharvie and St Matthew's Academies then visited each of their Three Towns cluster primary schools to lead the engagement exercise with the younger children. The senior pupils explained the reason for the survey, and then invited the pupils in each class to give their answers to the questions. Young people at Auchenharvie Academy also provided responses in this manner, as well as online (see 2.7.13 below).

2.7.13 Head Teachers of all three secondary schools, Ardrossan; Auchenharvie and St Matthew's Academies, were requested to share information on the engagement exercise with pupils at assemblies and encourage them to participate in the online survey.

2.8 Engagement Exercise Findings

School Pupil Engagement

2.8.1 A total of 1470 school pupils participated in the engagement exercise carried out within the Auchenharvie and St Matthews cluster primary schools in August 2019. The findings can be found at Appendix 4. In summary, the pupils from the Auchenharvie and St Matthews cluster schools within the Three Towns expressed a preference for the pool remaining at Auchenharvie Leisure Centre. The pupils from the previously reported findings of the Ardrossan pupil survey expressed a preference for the pool to be in the proposed new Ardrossan Education and Community Campus.

2.8.2 The views of all secondary school pupils who participated in the online survey have been included in the analysis of the survey responses below.

Survey Responses

2.8.3 A total of 1549 survey responses were received.

2.8.4 Respondents were resident across the Three Towns and beyond. The breakdown is shown in Table 1 below:

| Town / Postcode | Number of respondents |
|-------------------------|------------------------------|
| Ardrossan - KA22 | 463 |
| Saltcoats - KA21 | 453 |
| Stevenston - KA20 | 331 |
| West Kilbride - KA23 | 113 |
| Kilwinning - KA13 | 92 |
| Other | 69 |
| Did not answer question | 28 |
| Total | 1549 |

Table 1

Survey Response Findings

2.8.5 An ethnographic approach was agreed with the Stakeholder Reference Group and applied to the analysis of the information received, in order to respect and obtain as many individual views as possible. In this method, the viewpoint of the respondent is the starting point. This method avoids a binary Yes/No voting approach which can oversimplify the issue and it allows a qualitative analysis of the issues. A total of 3613 discrete comments were identified from these responses and we have analysed the data in several ways in order to get the best understanding of the opinions received. Some respondents answered the survey very simply and others responded in greater detail.

The main findings of the survey are as follows:

2.8.6 Three high level themes emerged from the analysis of the individual comments. These are:

1. The need for high quality and sustainable leisure facilities in the Three Towns. (1423 comments)
2. Travel, transportation and access to community facilities in a campus setting. (1266 comments)
3. Placemaking (civic pride and community cohesion). (924 comments).

2.8.7 In relation to feedback provided by respondents:

- 1338 comments reflected views that favoured the swimming pool being in the proposed new Ardrossan Education and Community Campus.
- 1262 comments reflected views that favoured the pool remaining at Auchendarvie Leisure Centre.
- 895 responses raised a range of points in relation to both locations on matters such as travel and transport, the site, and the access to the pool within a school campus.
- 118 responses expressed no preference.

2.8.8 The survey was designed to understand what was important to respondents in relation to the pool, and the data described in 2.8.6 reveals that this included a wide range of factors.

2.8.9 In order to understand specifically how location featured in this, the data was examined to identify how respondents had expressed opinions about location.

Of the 1549 residents who participated in the survey:

- 688 respondents included comments which reflected a degree of preference for retaining the pool in Auchenhavrie Leisure Centre;
- 680 respondents included comments which reflected a degree of preference for locating the pool in the new Ardrossan campus; and
- 160 respondents included comments which expressed no preference in relation to location.

(The returns included 20 blanks and one duplicate).

2.8.10 Overall, the engagement reflects a very high level of support for the development of high quality and sustainable leisure facilities in the Three Towns. Ensuring equitable access to these facilities for all communities was the next most prevalent overarching theme. Very strongly held opinions were also expressed in relation to where future leisure facilities should be located. However, as identified above, the engagement indicated that factors of quality and sustainability mattered most to the respondents overall. The analysis shows that there is real passion on behalf of, and engagement by, the Three Towns community on the need for high quality, sustainable leisure facilities in the area.

2.8.11 Taking that into account, as agreed in the Cabinet Report of 11 June, alongside the following factors:

- The output of the previous engagement exercise carried out in January/ February 2019;
- The available technical information noted at 2.4 above; and
- Information available from the financial and business case currently in development for the proposed Ardrossan Education and Community Campus,

the conclusion is that the swimming pool should be located within the proposed new Ardrossan Education and Community Campus.

Further information on the survey responses is attached at Appendix 5.

2.9 Proposals for Option for Community Use and/or Ownership of the Swimming Pool Building at Auchenhavrie Leisure Centre, subject to the outcome of the Statutory Public Consultation on the proposal to develop a new education and community campus at Ardrossan.

2.9.1 Subsequent to the outcome of a Statutory Public Consultation, it is proposed that engagement commences with the community surrounding Auchenhavrie Leisure Centre, and local community anchor organisations, to understand the options for community use and/or ownership of the pool building as a multi-use leisure facility or for a purpose decided by the community. This demonstrates a major commitment to the Council's Community Wealth Building approach and commits to working with the community to identify a project which is of maximum benefit to local people and which contributes to health and wellbeing, employment and community empowerment.

2.9.2 As noted at paragraph 2.4, there are issues related to the age and condition of the building fabric and mechanical and electrical systems which present a challenge to the on-going operation of the building. Investment will therefore be required in order to support the continued use of the building, regardless of purpose.

2.9.3 The Council currently demonstrates support for organisations who wish to undertake community asset transfers of Council property and buildings and it is proposed that this approach is adopted, with further support to develop a sustainable business plan to attract external funding for capital and revenue activities.

2.10 Site Investigation Results

2.10.1 At Audit and Scrutiny Committee of 27 June 2019 the Council Leader agreed that the decision in relation to the location of the Ardrossan Education and Community Campus would be taken by Council.

2.10.2 Extensive site investigations have been undertaken at Ardrossan North Shore in recent weeks, and these add to historic investigations to provide a comprehensive understanding of site conditions.

2.10.3 In January 2019, environmental consultants Envirocentre were appointed to report on site conditions at North Shore, and Dunelm Geotechnical and Environmental were then appointed to undertake intrusive site investigations on their behalf. Over the period from April to July 2019, testing was undertaken in line with industry standard practice for the required coverage of test bores on a site. 77 trial pits and 20 bore holes were dug on a grid across the site to allow 155 samples to be taken and testing of the soil to a depth of up to 8.2m. Members received a presentation about the site the Policy Advisory Panel on 5 September 2019.

2.10.4 The site investigations confirm the known presence of hydrocarbons and heavy metals given the sites former use as a bitumen processing yard. There are also discrete areas where asbestos is located.

2.10.5 Site conditions vary across the site due to the location of the former refinery workings on the site, and also the presence of the former sea wall which runs through the site and acts as a barrier to the movement of contaminants. Given the location of the former refinery operations and the sea wall acting as a retaining barrier, the land located within, or to the south of, the former sea wall contains heavier oils and is likely to require greater remediation measures. The recent investigations do show some improvement compared to earlier investigations, illustrating that the hydrocarbons present in the soil naturally break up over time.

2.10.6 A detailed remediation strategy will be developed to make the ground suitable for its intended use. The report recommends that the land should be improved to a standard equivalent to allow residential and public open space use. Remediation to this extent is considered to be greater than is required for the proposed use of the site as an education and community campus. This would therefore demonstrate an enhanced approach to the development of the site.

2.10.7 The report concludes that an appropriate remediation strategy can be put in place to make the site suitable for its intended use. It should also be noted that the remediation strategy proposed would require to be approved by the Scottish Environmental Protection Agency in their position as environmental regulator, while the environmental consultant and contractor would also require to indemnify works during the construction period.

2.10.8 All required remediation works will be carried out to satisfy the demands of the relevant Council officers and independent statutory authorities. Compliance will also be assured through a rigorous monitoring and validation regime.

2.10.9 A “non-technical summary” of the Envirocentre report is available at Appendix 6. A copy of the full report will be available at the attached link until the 25 September 2019 and thereafter through the Council website:

<https://wettransfer.com/downloads/b18904ff5adb803c059c7c6374e16f7e20190918152930/0890719d4b30a3579c957c48dc6ea76720190918152930/854c78>

2.10.10 It should be noted that proposed consultation events will include information on site conditions and experts will be made available to provide further information.

2.11 Statutory Public Consultation Proposed Timeline

2.11.1 On 11 June 2019 Cabinet agreed that, “(d) subject to a clear indication of Scottish Government funding and completion of the formal business case for a community campus, statutory public consultation would commence in October 2019.” The timetable for the Statutory Public Consultation on the proposal to develop a new education and community campus at Ardrossan North Shore is attached at Appendix 7. It is recommended that Council notes the timeline and enables officers to finalise and progress this. It should be noted that the final decision following the Statutory Public Consultation will be taken by Council.

3. Proposals

3.1

It is proposed that Council:

- a) Notes the outcome of the swimming pool community engagement exercise;
- b) Approves the recommendation that the swimming pool be included within the Statutory Public Consultation proposal for a new Ardrossan Education and Community Campus, located at North Shore, Ardrossan;
- c) Authorises officers to explore the option for community use and/or ownership of the swimming pool building at Auchenhavie Leisure Centre, subject to the outcome of the Statutory Public Consultation on the proposal to develop a new education and community campus at Ardrossan;
- d) Notes the information contained within the site investigation report by Envirocentre (non-technical summary);
- e) Notes the timeline for Statutory Public Consultation, authorising officers to finalise and implement this; and
- f) Notes that the final decision on the Statutory Public Consultation will be taken by Council.

4. Implications/Socio-economic Duty

Financial

4.1 A detailed business case is being developed for the Ardrossan Education and Community Campus. The estimated cost of the development is £61.1m. Current funding proposals include:

- £31.6m from the current capital plan;
- Estimated revenue funding from the Scottish Government that will support borrowing of £24.4m; and
- £5.1m from other funding sources as noted below:
 - Vacant and Derelict Land funding, including potential future years funding;
 - Capital receipts, including 2019/20 receipts of £0.722m; and
 - CFCR.

The funding model which supports the Scottish Government Learning Estate Strategy requires Councils to borrow the value of the Scottish Government's contribution, with the Scottish Government providing a 25-year revenue funding stream to meet the costs of this. Detail of the funding model and Scottish Government contributions to Phase One projects have not been finalised. The Council will work with the Scottish Government and other Phase One councils to inform the final funding model which will determine the financial support for this proposal.

The final cost of the new facility will be determined through the tender process, the land purchase and associated site preparation costs.

Additional recurring resources have been included within the Council's longer-term financial strategy; the final requirement will be determined alongside the final business case.

Human Resources

4.2 None.

Legal

4.3 The proposed new campus still has to be subject to a statutory consultation process

Equality/Socio-economic

4.4 An Equality and Children's Rights Impact Assessment screening has been undertaken.

Environmental and Sustainability

4.5 The new campus would see the development of a long-term derelict site within the Three Towns.

Key Priorities

4.6 The following Council Plan priorities will be addressed by the current proposals:

- Active and strong communities
- Children and young people experience the best start in life
- Inclusive, growing and enterprising local economy
- People enjoy good life-long health and well-being.

Community Wealth Building

4.7 The new facility would provide opportunities for lifelong learning, additional leisure, training and employment opportunities. Additional community benefits opportunities will present themselves via the construction contracts for any new build facility, potentially leading to extensive employment and training opportunities for young people during the construction phase of any project. An opportunity for community wealth building through community ownership approaches in relation to the pool building at Auchenhavrie Leisure Centre may arise as a consequence of the outcome of the Statutory Public Consultation in relation to the proposed education and community campus.

5. Consultation

5.1 The following stakeholders have been engaged throughout this process:

- Children and young people;
- Head Teachers and staff representatives;
- Community groups;
- Residents;
- Local Elected Members;
- Sports organisations;
- Businesses.

Audrey Sutton
Executive Director Communities

For further information please contact **Audrey Sutton, Executive Director (Interim)**, on **01294 324414**.

Background Papers

0



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Three Towns Swimming Pool Engagement Survey

North Ayrshire Council wants to build a new school campus in Ardrossan. The new campus will be for the pupils who would usually attend Ardrossan Academy and Winton Primary school. If the plans go ahead it will open in 2023.

The Scottish Government wants school buildings to be used by more people – not just school pupils and parents. One of the ways we can do this is for the new campus to include a swimming pool. This would replace the pool at Auchenhavie Leisure Centre, Stevenston, as the North Ayrshire Council swimming facility in the Three Towns.

We want to find out what people think about the proposal to include a new swimming pool in the Ardrossan Campus. We also want to find out how people will be affected if the pool at Auchenhavie was to close.

You can attend one of the Information and Engagement Sessions at the venues detailed below:

| Locality | Venue | Time | Date |
|----------------------------|--------------|-------------------------|------------------|
| Saltcoats | Town Hall | 11am - 1pm | 21 August 2019 |
| | Town Hall | 6pm – 8pm | |
| Ardrossan | Civic Centre | 11am - 1pm | 28 August 2019 |
| | Civic Centre | 6pm - 8pm | |
| Stevenston | Library | 11am - 1pm | 29 August 2019 |
| | Library | 6pm - 8pm | |
| Auchenhavie Leisure Centre | | 11am - 1pm 5pm – 7pm | 3 September 2019 |

Your feedback will be used along with other information to help the Council decide if the swimming pool should be included in the new Ardrossan Campus proposal.

You can also find further information about the Three Towns Swimming Pool Engagement including frequently asked questions online at www.northayrshire.community/3-towns-pool

1. Background Information

North Ayrshire Council is exploring an option to include new swimming facilities in its proposal to the Scottish Government for a new Ardrossan Community Campus.

If the option is agreed, the proposed new swimming facilities in Ardrossan would replace those at Auchenharvie Leisure Centre, Stevenston as the North Ayrshire Council swimming facilities in the Three Towns.

Your views are important to us. Please complete all sections below.

2. Your Views

Please tell us how you, the people in your neighbourhood, or the community-based group you are representing, feel about this option.

Please provide up to 3 reasons why you feel this way

1.

2.

3.

3. Information About You

Please provide the first four digits of your postcode e.g. KA20

Gender (tick box)

- ☐ Male
- ☐ Female
- ☐ Other
- ☐ Prefer not to say

Your Age (tick box)

- ☐ Under 12 years old
- ☐ 12 – 18 years old
- ☐ 19 – 24 years old
- ☐ 25 – 34 years old
- ☐ 35 – 44 years old
- ☐ 45 – 54 years old
- ☐ 55 – 64 years old
- ☐ 65 – 74 years old
- ☐ 75 years or older

In what capacity are you responding to the questionnaire?

- ☐ As a member of the public
- ☐ As an official representative of community-based group or organisation

Please specify what community-based group or organisation you represent if applicable

Have you used the swimming facilities at Auchenharvie Swimming Pool in the last year?

- ☐ Yes
- ☐ No

Please tell us how many times you have used Auchenharvie Swimming Pool in the last year

Have you used the pool (please tick all that apply)

- ☐ As an individual user
- ☐ To support another user
- ☐ As a member of a club
- ☐ To attend swimming lessons

Other, please state

Would you like to receive updates on the progress of Ardrossan Community Campus Proposal?

- ☐ Yes
- ☐ No

5. Contact Details

Please provide your contact details below for these updates

Name

Address

Email

6. Feedback

We are very keen to know how you feel about taking part in this survey. Please tick the box that applies

Did you understand the purpose of the survey and how the information will be used?

☐ Yes

☐ No

Were the questions easy to understand?

☐ Yes

☐ No

Thank you for completing our survey. Your views are important to us.

The information you give will be used along with other information such as financial and technical data so that Elected Members can consider whether the pool should be included in the final campus proposal.

Further information on how North Ayrshire Council manages your data can be found within our privacy policy at the following website: www.north-ayrshire.gov.uk/privacy-policy.aspx

Please return this completed form to your local library. Alternatively post it to:

**Shannon Spring
Education Service
5th Floor East
Cunninghame House
Friars Croft
Irvine
KA12 8EE**

Share Your Views

A new swimming pool is one of the options for the new education campus proposed for Ardrossan.

Find out more and take the survey by visiting www.northayrshire.community/3-towns-pool/32494



Drop-in Info Sessions

Saltcoats Town Hall

21 Aug, 11am-1pm & 6pm-8pm

Ardrossan Civic Centre

28 Aug, 11am-1pm & 6pm-8pm

Stevenston Library

29 Aug, 11am-1pm & 6pm-8pm

Auchenharvie Leisure Centre

3 Sept, 11am-1pm & 5pm-7pm

Paper copies of the surveys are available at these events or from your local libraries.



North Ayrshire Council
Comhairle Siorrachd 302 Tuath

Three Towns Swimming Pool Engagement Survey Primary Schools January/February 2019**Ardrossan Primary Cluster**

| Q5. Do you think that a swimming pool should be included in plans for a new campus? | | | | |
|--|------------------------|--------------------|-------------------|------------------------------|
| Primary School | Total responses | Answer: Yes | Answer: No | Answer: No Preference |
| Winton Primary School | 144 | 118 | 14 | 12 |
| Dykesmains Primary School | 190 | 156 | 25 | 9 |
| Stanley Primary School | 420 | 331 | 65 | 24 |
| West Kilbride Primary School | 264 | 232 | 22 | 10 |
| Total | 1018 | 837 | 126 | 55 |
| | | 82.22% | 12.38% | 5.40% |

Three Towns Swimming Pool Engagement Survey Primary Schools August/September 2019

St Matthews and Auchenharvie Clusters

| Q1 Do you use the pool at Auchenharvie Leisure Centre? | | | |
|--|-----------------|-------------|------------|
| Primary School | Total responses | Answer: Yes | Answer: No |
| St Anthony's PS | 223 | 177 | 46 |
| St Peters PS | 130 | 95 | 35 |
| St John's PS | 95 | 63 | 32 |
| Ardeer PS | 142 | 112 | 30 |
| Glencairn PS | 242 | 174 | 68 |
| Caledonia PS | 244 | 172 | 72 |
| Hayocks PS | 198 | 159 | 39 |
| Mayfield PS | 183 | 106 | 77 |
| Total | 1457 | 1058 | 399 |
| | | 73% | 27% |

| Q2 Do you think it would be a good idea for the Council to build a new pool in the new school campus? | | | |
|---|-----------------|-------------|------------|
| Primary School | Total responses | Answer: Yes | Answer: No |
| St Anthony's PS | 223 | 63 | 160 |
| St Peters PS | 143 | 85 | 58 |
| St John's PS | 95 | 21 | 74 |
| Ardeer PS | 142 | 17 | 125 |
| Glencairn PS | 242 | 55 | 187 |
| Caledonia PS | 244 | 47 | 197 |
| Hayocks PS | 198 | 30 | 168 |
| Mayfield PS | 183 | 52 | 131 |
| Total | 1470 | 370 | 1100 |
| | | 25% | 75% |

Summary of Responses

| Summary of Responses by Town / Postcode | |
|---|-----------------------|
| Town / Postcode | Number of respondents |
| Ardrossan - KA22 | 463 |
| Saltcoats - KA21 | 453 |
| Stevenston - KA20 | 331 |
| West Kilbride - KA23 | 113 |
| Kilwinning - KA13 | 92 |
| Other | 69 |
| Did not answer question | 28 |
| Total | 1549 |

| Summary of Responses by Age Range | |
|-----------------------------------|-----------------------|
| Age Range | Number of respondents |
| 12-18 years old | 528 |
| 35-44 years old | 251 |
| 45-54 years old | 245 |
| 55-64 years old | 146 |
| 25-34 years old | 126 |
| 65-74 years old | 88 |
| Under 12 years old | 76 |
| 75 years or older | 37 |
| Did not answer question | 28 |
| 19-24 years old | 24 |
| Total | 1549 |

| Summary of Responses by Resident Preference | |
|--|-----------------------|
| Resident Preference | Number of Respondents |
| Re-locate the pool in the new Ardrossan Campus | 688 |
| Retain the pool in Auchendarvie Leisure Centre | 680 |
| No clear preference | 160 |
| Blank response | 20 |
| Duplicate response | 1 |
| Total | 1549 |

| Summary of Responses by Comment Theme | |
|---------------------------------------|-------------------------|
| Comment Themes | Number of Comments made |
| Pro - Stevenston | 1262 |
| Pro - Ardrossan | 1338 |
| Concerns which can be mitigated | 895 |
| No Preference | 118 |
| Total | 3613 |

| Summary of Responses by Comment 'Concerns which can be mitigated' Theme | |
|---|-------------------------|
| Comments | Number of Comments made |
| Harvies is in a state of disrepair | 190 |
| Ardrossan site is not on a local bus route | 113 |
| Concerns about the campus site location | 95 |
| Accessibility of swimming pool during school hours | 72 |
| I utilise all Harvies facilities during my visit | 66 |
| Loss of pool might result in loss of ice-rink and gym | 59 |
| Safety and security | 55 |
| Traffic congestion | 47 |
| Encourages health and wellbeing (Stevenston) | 39 |
| Encourages health and wellbeing (Ardrossan) | 33 |
| Consider alternative community facility in the campus | 32 |
| Contamination | 30 |
| Must be suitable for competitions | 26 |
| Issues with the Portal | 17 |
| Affordable leisure needed | 12 |
| Including sauna/gym | 5 |
| Improved disabled access | 4 |
| Total | 895 |



Ardrossan North Shore Site Investigation Non-Technical Summary



September 2019

Ardrossan North Shore Site Investigation

Non-Technical Summary

Client: Ardrossan North Shore LLP

Document number: 8754NTS

Project number: 171301j

Status: Final

Author: Graeme Duff

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Date of issue: 17 September 2019

Filename: Document1

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Appendices

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1 INTRODUCTION

In April 2019, Ardrossan North Shore LLP appointed EnviroCentre Ltd to design and oversee a Phase II Geo-Environmental Site Investigation at the Ardrossan Development Site to inform the proposed redevelopment of the site for use as a secondary school with associated playing fields and playground areas.

The site investigation works were undertaken by Dunelm Geotechnical and Environmental Limited in two separate phases. This document forms a Non-Technical Summary (NTS) of the findings of Geo-Environmental Site Investigation works undertaken on behalf of Ardrossan North Shore LLP in 2019. The works were undertaken at the Ardrossan North Shore development site as detailed in Figure 1 in Appendix A.

1.1 Site History

The Ardrossan development site lies on land which was reclaimed from the sea in two stages, the first stage of reclamation occurred between 1855 and 1897, with the site being extended behind a new sea wall in the 1940's. From the mid 1920's until the 1970's the site was used for the production of bitumen and the handling of crude oil, fuel oils and aviation fuel. The site was decommissioned between 1986 and 1989.

A number of previous site investigations have been carried across the Ardrossan development site. The key previous investigations are listed below:

- EnviroCentre Detailed Delineation Investigation; Ardrossan Phase I (Northern and Southern Corners), April 2011 (Ref. 4417);
- Fairhurst; Proposed Developers Package, July 2010;
- EnviroCentre Detailed Delineation Investigation; Ardrossan Phase I, December 2008 (Ref. 3585);
- EnviroCentre Remediation Strategy: Ardrossan Main Site, July 2008 (Ref 3319);
- EnviroCentre Draft Remedial Strategy, Ardrossan Former Shell Bitumen Terminal, November 2006 (Ref 2970);
- Mason Evans, Ardrossan Phase II, Hydrocarbon Remediation Report, June 2006;
- Arup Revised Conceptual Site Model, September 2006 (Ref 118692/PR);
- Arup, Ardrossan Bitumen Terminal Investigation and Remediation Strategy, March 2001;
- Shell UK Ltd, Ardrossan Bitumen Terminal, Risk Assessment Report, May 2000;
- Shell UK Ltd, Ardrossan Bitumen Terminal, Factual Report Volume 1, Text and Figures, 1999;
- Raeburn Drilling & Geotechnical, Report on Ground Investigation, July 1995; and
- Fairhurst, 20800 Shell Bitumen, Ardrossan, Treatment of Contamination, July 1991.

The previous industrial use of the site has resulted in a legacy of ground contamination. The contamination issues historically identified at the site are primarily related to hydrocarbon contamination of soils, and the presence of a free phase (i.e. not dissolved, but visually distinct from water) floating hydrocarbon layer on groundwater at the site. In addition, elevated metals are also noted to be present in soils.

1.2 Objectives

The 2019 site investigation was designed in line with British Standard BS10175: 2011+A2 2017 ('Investigation of Potentially Contaminated Sites').

The objectives of the site investigation were to:

- Determine the presence, concentration/levels and distribution of contaminants, based on a conceptual model of the site.
- Consider the ground and groundwater conditions which may influence contaminant movement i.e. how is the water moving within the soils and how does this affect the movement of the contamination
- Characterise potential pathways in terms of migration and potential attenuation i.e. how can the contaminants move within the site and affect site users or other sensitive issues like the water environment, and what natural processes help reduce the contaminant levels.
- Determine whether the pollutant linkages identified are significant and therefore whether the site is suitable for its intended use i.e. does the contamination present pose a real risk to site users, the buildings or environment?.
- Determine the requirements for remediation (where significant pollutant linkages are identified), including the collection of additional data, if necessary i.e. what can be done to make the site safe for use in the event a potential risk is identified?

1.3 Report Usage

The information and recommendations contained within this report have been prepared in the specific context stated above and should not be utilised in any other context without prior written permission from EnviroCentre.

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2 SITE INVESTIGATION WORKS

2.1 Contaminants, Pathways and Receptors

The table below summarises the potential contaminants that were assessed as part of the investigation and the receptors that were considered:

| Source | Pathway | Receptor |
|---|--|---|
| Soil contamination associated with historic use of the site including: | Direct Contact (i.e. handling of soils or dust associated with the site) | Future Site Users (i.e. school pupils/employees/visitors) |
| <ul style="list-style-type: none"> • Heavy Metals; • Asbestos; • Petroleum Hydrocarbons; • Semi-Volatile and Volatile Organic Compounds | Inhalation of Dust | |
| | Inhalation of Vapours | |
| | Ingestion (i.e. eating soil or dust associated with the site) | |

The investigation works incorporated excavation of 77 trialpits and drilling and installation of 20 shell and auger boreholes. A plan detailing the site investigation locations is provided as Figure 1 in Appendix A.

A total of 155 soil samples were collected and analysed from the intrusive locations at various depths ranging from 0.4m to 5m below ground level throughout the soil profile. This investigation approach is in line with industry standard and is designed to allow for assessment of the site condition via intrusive locations on a grid based pattern.

Soil samples were variously tested for the following analytes at an accredited laboratory:

- Asbestos screen;
- pH (acidity);
- Heavy Metals (i.e. elements such as arsenic, cadmium, chromium, copper, lead, nickel, mercury, selenium and zinc);
- Fractionated Total Petroleum Hydrocarbons (TPH CWG, i.e. chemicals which originate from crude oil);
- Volatile Organic Compounds (VOCs) (i.e. chemicals typically associated with hydrocarbons such as benzene and again components of oil); and
- Semi-Volatile Organic Compounds (SVOCs, including Polycyclic Aromatic Hydrocarbons (PAHs)).

3 RISK ASSESSMENT AND FINDINGS

The Geo-Environmental investigation has incorporated screening of the soil laboratory results against current generic screening criteria that are routinely used for ground condition assessment in the United Kingdom. There is no current generic screening criteria for a school use set by regulatory bodies, so for the purposes of the assessment two sets of criteria were utilised which reflect the likely usage of the site. These criteria were:

- Residential without Plant Uptake;
- Public Open Space Near Housing.

The screening criteria allow for consideration of the potential exposure for a human user on the basis of the number of hours present on the site, per day on a yearly basis. For the residential without plant uptake scenario the criteria is designed to assess land for use as housing. As such this criteria assumes the receptor will be on site for 365 days a year for up to 19 hours per day. For a school use the receptor is likely to be present on site for approximately 7 hours per day on a lower number of days per year. As such the residential criteria is a very stringent approach to assessment for the site. Should as part of the school development, plant cultivation be part of the design then appropriate remedial measures will be put in place to address risks associated with plant uptake.

The generic screening assessment has identified specific areas of the site where there were elevated concentrations of contaminants with respect to both these land use types i.e. at levels which are considered to warrant further action.

Figure 2 in Appendix A details the locations of sample exceedances (marked as red locations where further action is required) for the Residential without Plant Uptake land use. Figure 3 in Appendix A details the locations of sample exceedances with respect to the Public Open Space Near Housing land use.

3.1 Conclusions and Recommendations

The findings of the Geo-Environmental Site Investigations works at the Ardrossan North Shore site have identified areas of elevated contamination with respect to potential for impact to future site users. This will require to be addressed as part of the site development works.

The next stages of geo-environmental works for the site will incorporate further investigation and assessment, these will include:

- Ground gas monitoring and assessment;
- Groundwater monitoring and assessment;
- Supplementary site investigations to cover areas not accessible at the time of these investigation works.

Further to these works a Remediation Options Appraisal and Design will be undertaken to confirm the most appropriate measures to ensure that the site is suitable for the proposed use. Following the initial stage of investigation it is considered that this is likely to incorporate the following measures:

- Excavation and treatment or disposal of areas of soil contamination to address the potential sources of contamination identified (i.e. removal of the contamination from site);

Notwithstanding the treatment/disposal of the contamination source the following additional measures would also be employed:

- 1) Subsequent provision of an environmental cap across the site (i.e. topsoil and subsoil to an appropriate depth);
- 2) Installation of gas and vapour membranes for all proposed buildings at the site.

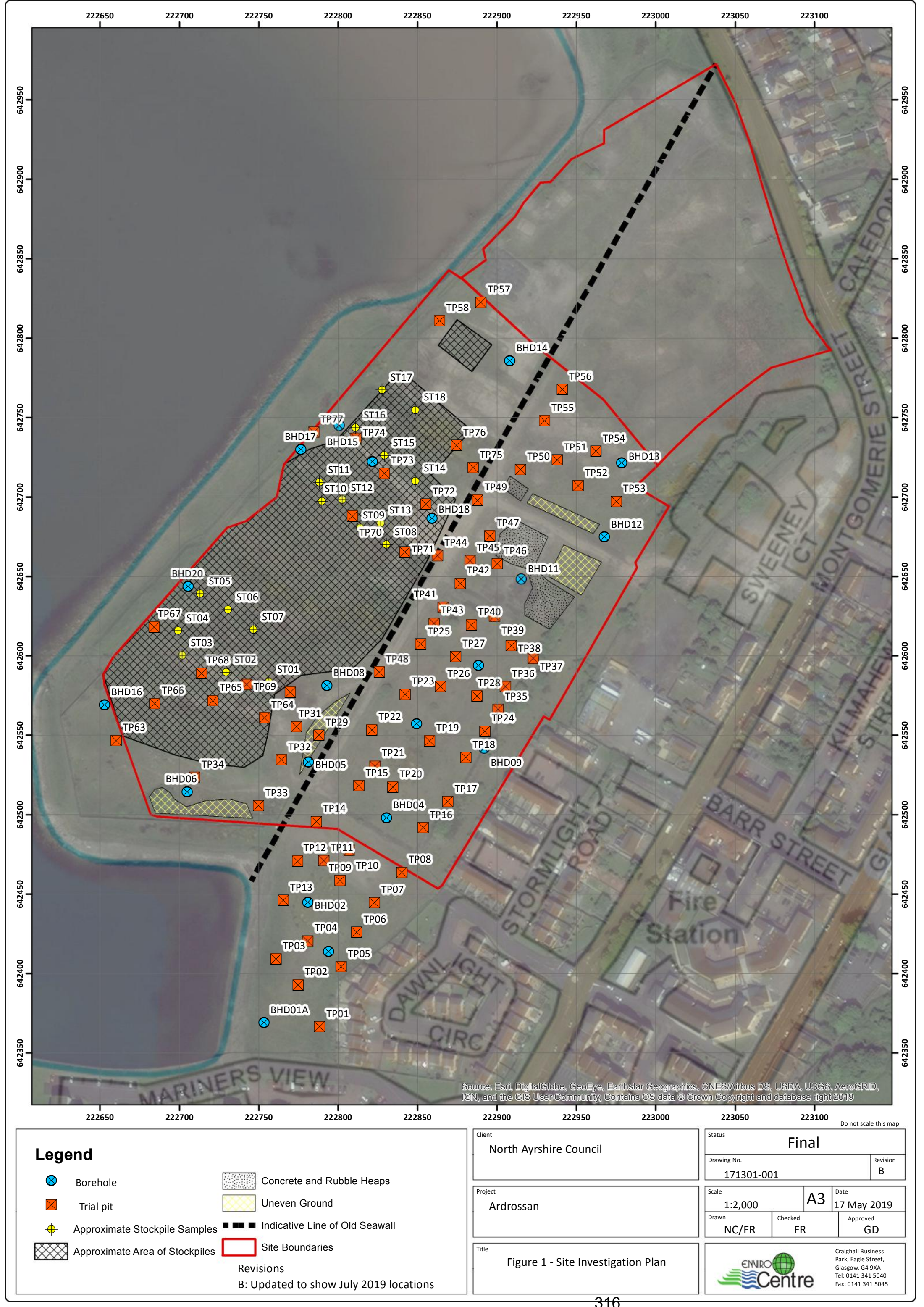
The assessment of the site ground conditions have utilised standards that are designed to assess for a housing end use and this will be utilised to inform the remediation strategy. As such the approach to remediation and development of the site will be to a standard suitable for housing, and therefore above and beyond those that would be required for a school site.

Based on the results of the site investigations and our understanding of the uses proposed for the site, it is considered that an appropriate remediation strategy can be put in place to make the site suitable for its intended use.


It should also be noted that the remediation strategy proposed would require to be approved by the Scottish Environmental Protection Agency in their position as environmental regulator, while the environmental consultant and contractor would also require to indemnify works during the construction period.


APPENDICES


A FIGURES






Legend


-  Borehole


 Trial pit

 Approximate Stockpile Samples


 Approximate Area of Stockpiles
-  Concrete and Rubble Heaps

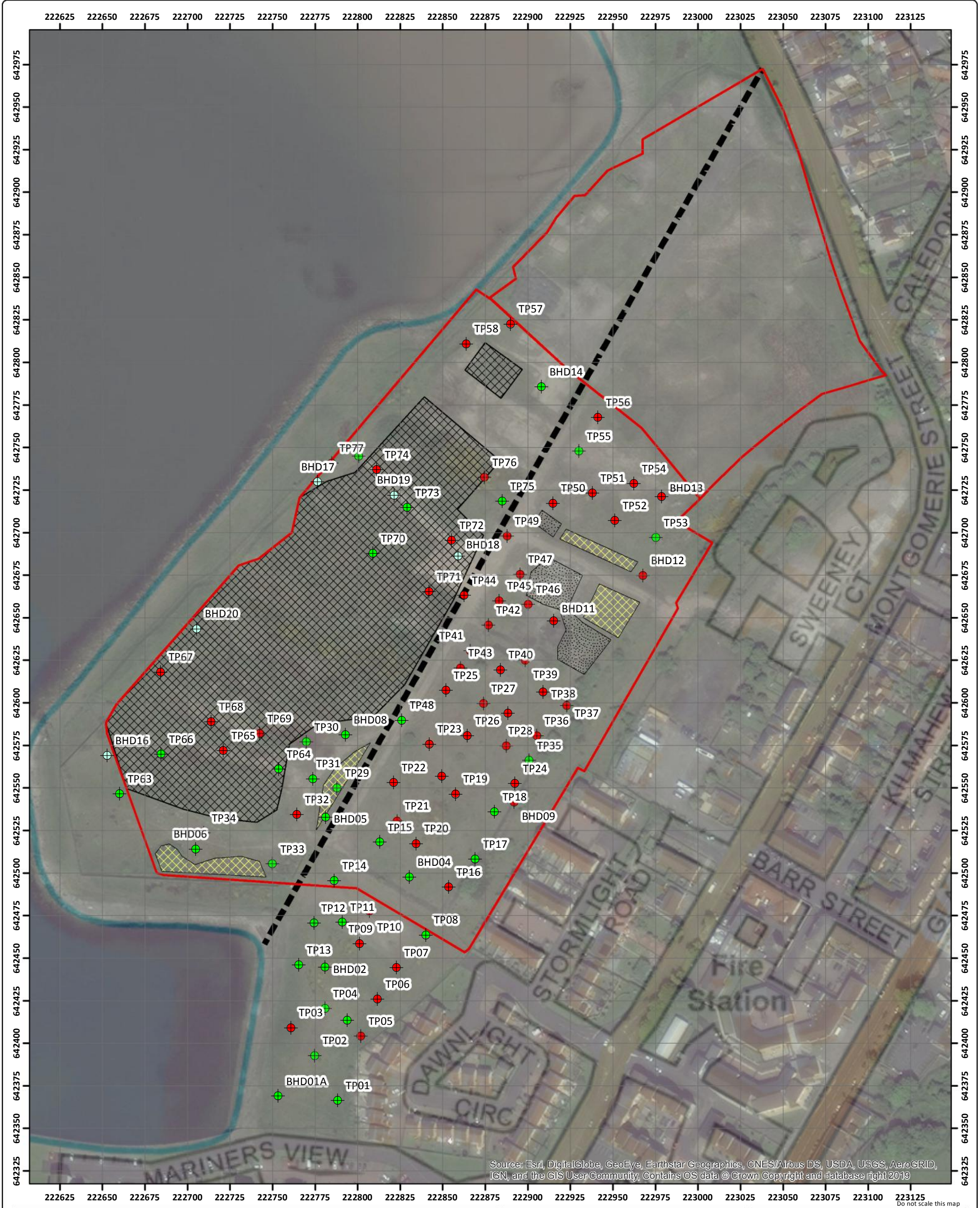
 Uneven Ground

 Indicative Line of Old Seawall

 Site Boundaries
- Revisions

B: Updated to show July 2019 locations

| | | | |
|---|--|--|---------------------|
| Client North Ayrshire Council | | Status Final | |
| Project Ardrossan | | Drawing No. 171301-001 | Revision B |
| Title Figure 1 - Site Investigation Plan | | Scale 1:2,000 | Date 17 May 2019 |
| | | Drawn NC/FR | Approved GD |
| | | Checked FR | |
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- Legend
- Exceedance of Residential GAC
 - No Exceedance of Residential GAC
 - Results Pending
 - Site Boundaries
 - Indicative Line of Old Seawall
 - Approximate Area of Stockpiles
 - Concrete and Rubble Heaps
 - Uneven Ground

Revisions
A. Updated to show July 2019 locations

| | | | |
|---------|---|--|--|
| Client | North Ayrshire Council | | |
| Project | Ardrossan | | |
| Title | Figure 2 - Residential GACs: All Locations With Exceedance | | |

| | | | |
|-------------|-------------|----------|------|
| Status | Working | | |
| Drawing No. | 171301-010A | Revision | A |
| Scale | 1:2,000 | A3 | Date |
| Drawn | NC | Checked | GD |
| Approved | GD | | |

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Appendix 7 – Statutory Public Consultation Timeline

Ardrossan Campus Proposal Proposed Summary Timeline

| Date(s) | Action |
|-----------------------------|---|
| January 2019 – June 2019 | Early Stakeholder Engagement |
| 11 June 2019 | Cabinet Meeting – note early engagement findings, consider SPC and consider petition |
| August 2019 | Commencement of Additional Pool Engagement |
| 8 September 2019 | End of Additional Pool Engagement |
| 24 September 2019 | Cabinet to consider - “Ardrossan North Shore: Proposed Education and Community Campus and Site Remediation” paper |
| October 2019 – January 2020 | Statutory Public Consultation Period |
| February 2020 | Full Council considers SPC Outcome Report |
| End of February | Council decision referred to Scottish Ministers |
| March- May 2020 | Scottish Ministers consider Council's decision |

