



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Cunninghame House,
Irvine.

26 March 2015

North Ayrshire Council

You are requested to attend a Meeting of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **WEDNESDAY 1 APRIL 2015** at **2.00 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

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 (Page 7)

The accuracy of the Minutes of (i) the ordinary meeting of the Council held on 18 February 2015 ; and (ii) the special meeting of the Council held on 18 March 2015 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

The Provost will report.

5. Leader's Report

The Leader of the Council will report.

6. North Ayrshire Council Minute Volume (9 February to 19 March 2015)

Submit for noting, the minutes of meetings of committees of the Council held in the period 9 February to 19 March 2015 (issued under separate cover).

7. Questions

In terms of Standing Order No. 12 submit

- (a) a question by Councillor Alex Gallagher to the Cabinet Member for Economy and Employment in the following terms:-

"It has been announced that the Longannet coal-fired power is to close imminently. While this may result in the beneficial outcome of fewer heavily loaded lorries travelling through Largs and Fairlie, can the Portfolio Holder inform us;

What would be the economic and other effects of the closure of the Longannet power station on North Ayrshire?"

- (b) a question by Councillor Donald Reid to the Leader of the Council in the following terms:-

"Can the leader of the council advise if he has had any meetings with Scottish Ministers since the last full council meeting? The interest in any such meeting would be in order to pursue investment in North Ayrshire by the Scottish Government to improve our Transport links. This investment is seen as vital to for future hope of securing a new major employer to the area."

8. Scheme of Delegation to Officers (Page 23)

Submit report by the Chief Executive on the updated Scheme of Delegation to Officers (copy to enclosed).

9. Motions

- (a) a Motion by Councillor Councillor Reid and seconded by Councillor Highgate, in the following terms:-

"We call on the Leader of North Ayrshire Council to write to the appropriate Scottish Government Cabinet Members to highlight the Council's concerns over the delays on improvements to the A737 in both Beith and Dalry. There was an estimated £7m allocated for Beith Bypass junction, improvements which disappeared on the announcement of the Dalry Bypass. This money was reportedly diverted to the supposed £10m of funding allocated to the Dalry By-pass with an estimated cost of £28m.

The letter should call for a commitment to the A737 Beith improvement and the construction of the Dalry Bypass at the earliest opportunity. We also call on the Leader of the Council to lobby the Scottish Government to commit to the funding of these improvements and the Leader to update Council at the earliest opportunity.

10. Urgent Items

Any other items which the Provost considers to be urgent.

North Ayrshire Council

Sederunt:

Joan Sturgeon (Provost)
Robert Barr (Depute Provost)
John Bell
Matthew Brown
John Bruce
Marie Burns
Ian Clarkson
Joe Cullinane
Anthea Dickson
John Easdale
John Ferguson
Alex Gallagher
Willie Gibson
Tony Gurney
Jean Highgate
Alan Hill
John Hunter
Elizabeth McLardy
Grace McLean
Catherine McMillan
Peter McNamara
Ronnie McNicol
Ruth Maguire
Tom Marshall
Jim Montgomerie
Alan Munro
David O'Neill
Irene Oldfather
Donald Reid
Robert Steel

Attending:

Apologies:

Meeting Ended:

North Ayrshire Council
18 February 2015

IRVINE, 18 February 2015 - At a Meeting of North Ayrshire Council at 3.30 p.m.

Present

Joan Sturgeon, Robert Barr, John Bell, John Bruce, Marie Burns, Ian Clarkson, Joe Cullinane, Anthea Dickson, John Easdale, John Ferguson, Alex Gallagher, Willie Gibson, Tony Gurney, Jean Highgate, Alan Hill, John Hunter, Ruth Maguire, Tom Marshall, Elizabeth McLardy, Grace McLean, Catherine McMillan, Peter McNamara, Ronnie McNicol, Alan Munro, Irene Oldfather, Donald Reid and Robert Steel.

In Attendance

E. Murray, Chief Executive; L. Friel, Executive Director (Finance and Corporate Support); C. Hatton, Executive Director (Place); K. Yeomans, Executive Director (Economy and Communities); S. Quinn, Head of Service (Schools) (Education and Youth Employment); and A. Fraser, Head of Democratic Services, M. Sugden, Communications Officer (Media and Internal Communications) (Corporate Communications) and M. Anderson, Acting Committee and Member Services Manager (Chief Executive's Service).

Chair

Provost Sturgeon in the Chair.

Apologies for Absence

Matthew Brown, Jim Montgomerie and David O'Neill.

1. Provost's Remarks

The Provost welcomed those present to the meeting and dealt with preliminary matters. She advised Members that Item 11 on the Agenda had been withdrawn.

2. Apologies for Absence

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 16 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 ordinary meeting of the Council held on 17 December 2014 and the special meeting of the Council held on 20 January 2015 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

Noted.

5. Provost's Report

The Provost reported on the following matters:-

- a recent visit by the First Minister to Dreghorn Primary School, for the launch of the extension of free school meals to all primary 1-3 children in local authority schools throughout Scotland;
- a meeting, on 14 January 2015, of the recently re-launched Scottish Provosts' Association in Edinburgh, the subject matter of which was Civic Leadership in Scotland;
- attendance at the Eglinton Burns Club's annual Burn's Supper on 16 January 2015;
- the Leader of the Council's attendance, on behalf of the Provost, at the wreath-laying ceremony on Irvine Moor;
- the short-leeting of finalists for this year's Provost's Civic Pride Awards, which took place on 2 February 2015, and the planned announcement of the winners at the Civic Pride Charity Awards Dinner in the Seamill Hydro on 20 March 2015;
- a sod-cutting ceremony on 4 February 2015 to mark the start of works at Montgomery Court Sheltered Housing Project in Kilbirnie;
- the Scottish Older People's Assembly, which met with the Joint North Ayrshire Elderly Forum on 5 February 2015 to give them the opportunity to raise any issues and concerns they have concerning our older population;
- recent attendance at the Healthy Start Club in St. Winning's Primary School, as part of a series of visits to all our Healthy Start Clubs over the next two months; and
- plans to visit a number of Primary Schools in the coming months to meet with the children and staff and to further promote and highlight all the good work carried out in these establishments.

6. Leader's Report

The Leader of the Council reported on the following matters:-

- a meeting with Margaret Burgess MSP, Minister for Housing and Welfare, on Tuesday 3 February 2015, to discuss the prospect of North Ayrshire Council gaining access to the Scottish Government's Vacant and Derelict Land Fund;
- the success of two North Ayrshire Council apprentices, Jamie Acheson and Dylan Shankland, in reaching the finals of the Association of Public Service Excellence Awards for Building and Housing Apprentice of the Year;
- an invitation to attend the Cunninghame Housing Association Awards on 19 February 2015, to formally present three investors in People accreditations, namely Investors in People - Gold, Investors in People Good Practice – Health and Wellbeing Award, and Investors in Young People – Good Practice Award;
- attendance at the Scottish Property Awards on 5 March 2015, an independent awards programme which highlights the best commercial and public building work in Scotland and for which the Bridgegate Public Realm in Irvine and the Ardrossan Medical Centre have been shortlisted;
- the announcement, on 17 February 2015, that Scottish Ministers have started the selection process for the tendering of the new Arran Ferry from October 2016;
- the request for an urgent meeting with the Rt. Hon. David Mundell, Parliamentary Under Secretary of State for Scotland, to discuss North Ayrshire's involvement in the first phase of the roll-out of Universal Credit;
- the announcement by Angela Constance, the Scottish Government Cabinet Secretary for Education and Lifelong Learning, that North Ayrshire Council is one of seven local authorities who will receive funding from the £100m Attainment Scotland Fund, which targets local authorities with the highest concentration of pupils living in deprived areas and provides additional support to the excellent work already being done in our schools;
- attendance by Angela Constance to mark the opening, on 18 February 2015, of the innovative and forward thinking Skills Centre for Excellence at Irvine Royal Academy; and
- the Council's success in being shortlisted to the last four as a finalist in the Local Government Chronicle Awards, which will take place in London on 11 March 2015, in the Most Improved Council category.

7. North Ayrshire Council Minute Volume (25 November 2014 to 5 February 2015)

Submitted, for noting, the Minutes of meetings of committees of the Council held in the period 25 November 2014 to 5 February 2015.

Noted.

8. Questions

In terms of Standing Order No. 12 submit there were submitted:-

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

"Can the Leader of the Council confirm if he has had any meetings or intends to have any meetings with Scottish Government Ministers since the last Council meeting on 17 December 2014 with regards to investment in North Ayrshire? Can the Leader share the outcome of any meetings with regards to investment in North Ayrshire?"

Councillor Gibson responded in the following terms:-

"As Members will be aware, I have regular engagement with Scottish Government Ministers and Chief Officers on a variety of matters concerning North Ayrshire.

Minister for Housing and Welfare

I met with Derek Mackay MSP, Minister for Transport and Islands in mid-December to discuss a number of priority issues relevant to his remit, including Brodick Harbour, Ardrossan Harbour, and other ferry related issues such as timetabling and integration of ticketing.

An action plan was prepared following that meeting which includes actions for the Minister to meet with Clydeport in early 2015, for a joint evaluation of the Ardrossan to Campbelton route with Argyll and Bute and Transport Scotland, and agreement to jointly write in support of the re-introduction of a Coastguard Service for North Ayrshire.

Councillor John Bruce also met with Derek MacKay MSP, Minister for Transport and Islands, in early February along with representatives of the Brodick Harbour Redevelopment Group to reinforce the good progress on Brodick Harbour redevelopment and to emphasise the need for investment in Ardrossan Harbour. As Members are aware, the Brodick Harbour redevelopment represents some £18M of investment.

Minister for Housing and Welfare

I met with Margaret Burgess MSP, Minister for Housing and Welfare on Tuesday 3 February 2015.

The purpose of this meeting was to discuss the prospect of North Ayrshire Council gaining access to the Scottish Government's Vacant and Derelict Land Fund. The fund aims to tackle long term vacant/derelict land; stimulate economic growth/job creation and promote environmental justice and improved quality of life.

The fund has been restricted to five local authorities, excluding North Ayrshire, since it was launched in 2007. In 2015/16 it will distribute £10.7m between Glasgow, North Lanarkshire, South Lanarkshire, Highland and Fife Councils. I made the case for North Ayrshire to benefit from access to this fund, on the basis that North Ayrshire contains the second highest level of vacant and derelict land in Scotland, as well as high levels of unemployment. The fund is part of the local government settlement and it was agreed that we would seek to see the criteria for access to the fund changed through CoSLA to reflect the strong case that North Ayrshire has for support from the fund.

Cabinet Secretary for Education and Lifelong Learning

I have invited the Cabinet Secretary for Education and Lifelong Learning, Angela Constance MSP, to formally open the new Skills Centre for Excellence this morning and to have a tour of the centre to meet staff and students, and to highlight the recent excellent HMIE report on Irvine Royal Academy.

First Minister

I also wrote to the First Minister on 15 January 2015 to invite her to discuss her priorities for the Scottish Government and how these translate to the North Ayrshire context, namely increasing employment, tackling inequalities and poverty, and community empowerment."

As a supplementary question, Councillor Reid asked if the Leader could confirm whether funding for the Dalry by-pass is secure or in place.

Councillor Gibson responded by indicating that he had no further information at this time, but understood that an announcement would be made in the next couple of months.

(b) a question by Councillor Tom Marshall to the Cabinet Member for Finance and Corporate Support in the following terms:-

"What are the expected savings to North Ayrshire Council in each of the next three financial years from cheaper energy costs assuming the collapse in the Brent Crude Oil price from \$110 to around \$50 a barrel is maintained?"

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

"The latest projections indicate a saving of £184,000, 5.1%, for 2015-16 on a total budget of £3,615,000. This projection is based on current estimated price and consumption.

At this stage it is difficult to know how long these reductions will continue and the impact this will have on the prices paid by the Council in 2016-17 and 2017-18. We will continue to monitor prices to ensure the most up to date information is included in our medium and longer term financial plans.

Although there has been a significant reduction in the price of Brent Crude Oil there is not an absolute direct link with the price paid for utility costs. Members will be aware of the fluctuation in prices, with the current price – 10 February 2015 - being \$58 a barrel. The Scottish Government procures utilities in advance of need and as a result the price secured by the Council reflects the price at the point of purchase. This results in a mixture of prices depending on the price prevailing in the market on the date of purchase. To date 57% of electricity and 47% of gas requirements for 2015/16 have been procured. For 2016/17 19% of electricity and 25% of gas has been procured. The price of Brent Crude Oil was confirmed as \$63 per barrel today.

Councillor Marshall thanked the Cabinet Member for her response.

- (c) a question by Councillor Tom Marshall to the Cabinet Member for Finance and Corporate Support in the following terms:-

"Please state in which month in the past year was the greatest total sum held on Term Deposit, and list such by name, sum deposited and interest rate, each deposit in place in that month?"

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

"In the last year the maximum the Council has had on Term Deposit at any point in time is £15m and details are included below.

Bank of Scotland	£10m @ 0.89 % Term 13/09/13 to 12/09/14
Royal Bank of Scotland	£ 5m @ 1.01% Term 12/08/13 to 11/08/14

The £15m term deposit covered the months February to August 14."

Councillor Marshall thanked the Cabinet Member for her response.

- (d) a question by Councillor Tom Marshall to the Cabinet Member for Economic Development and Regeneration in the following terms:-

"Please state by Quarter the individual UK, Scottish and North Ayrshire adult unemployment percentage rates for the last 3 years."

Councillor Burns thanked the Member for his question and, with reference to the preamble to Councillor Marshall's question, advised that she would have no difficulty in arranging for unemployment rate figures to be circulated around Members. Thereafter, Councillor Burns responded in the following terms:-

"

Quarter	North Ayrshire (Actual numbers)	North Ayrshire (%)	Scotland (%)	UK (%)
Dec 2011	5,368	6.1	4.0	3.8
Mar 2012	5,783	6.7	4.3	4.0
Jun 2012	5,545	6.4	4.1	3.8
Sep 2012	5,611	6.5	3.9	3.7
Dec 2012	5,613	6.5	3.8	3.7
Mar 2013	5,725	6.7	4.1	3.8
Jun 2013	5,404	6.3	3.8	3.5
Sep 2013	4,814	5.6	3.3	3.2
Dec 2013	4,581	5.4	3.1	2.9
Mar 2014	4,691	5.5	3.2	2.9
Jun 2014	4,170	4.9	2.8	2.4
Sep 2014	3,707	4.3	2.5	2.2
Dec 2014	3,468	4.1	2.3	1.9

The table reflects North Ayrshire Job Seekers Allowance (JSA) Claimant Count and draws comparison with Scotland and the UK for the period December 2011 to December 2014.

As is apparent from the figures, there is a clear trend of decreasing numbers since December 2011. This trend is seen across North Ayrshire, Scotland and the UK. The % decrease in North Ayrshire has been 2% over this period whilst it is 1.7% and 1.9% for Scotland and the UK respectively. In actual numbers this means that the claimant count has fallen from 5368 to 3468."

As a supplementary question, Councillor Marshall asked the Cabinet Member for clarification on the difference between the UK unemployment figure of 1.9% quoted for December 2014 and the higher figure of 5.3% mentioned in the last three months.

Councillor Burns responded by indicating that the figure quoted referred to the claimant count which is lower than the wider unemployment rate generally quoted in the press.

(e) a question by Councillor Tom Marshall to the Cabinet Member for Education Attainment and Achievement in the following terms:-

"Noting that on 8 January 2015 in the Scottish Parliament, the First Minister in response to a question from Ian Gray MSP, talked about raising attainment and closing the attainment gap and stated: *"I do not believe that reducing teacher numbers is the best way to achieve that"*. Should North Ayrshire Council not now revisit their plan to remove more teachers from the classrooms?"

Councillor Bruce responded in the following terms:-

"The Government, in an announcement by the First Minister on Monday 9 February 2015, outlined their plans to reduce educational inequality, raise attainment and close the attainment gap across Scotland. Discussions continue between COSLA and the Government with regard to teacher numbers. While Mr. Gray may not accept that reducing teacher numbers is the best way to achieve the stated outcomes, it is widely recognised that a number of other factors influence attainment and achievement. This Council set a three year budget which supports the retention of the current number of teachers across the authority for session 2015/16. As the budget is reviewed annually and national negotiations continue, the annual budget review will determine the Council's approach to teacher numbers in subsequent years."

As a supplementary question, Councillor Marshall asked if the Cabinet Member could give an assurance to parents and pupils that, in future, pupils will be taught by a teacher qualified in the subject and not simply be supervised by another teacher or sent home due to the unavailability of a specialist teacher.

Councillor Bruce responded by giving his personal commitment that that was his wish.

(f) a question by Councillor Alex Gallagher to the Leader of the Council in the following terms:-

"North Ayrshire Council has a duty to ensure public safety within its boundaries. In the interests of public safety, can the Leader of the Council tell the Council how many recorded instances there have been in the last year of legitimate ferry transfers of petrol or diesel fuel for domestic use, from the mainland to the Isle of Cumbrae?

Furthermore, can the Leader of the Council tell the Council how many recorded instances there have been in the last year of the authorities intercepting illegitimate or potentially illegitimate ferry transfers of petrol or diesel fuel for domestic use, from the mainland to the Isle of Cumbrae?"

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

"The carriage of goods including fuel on the Largs Cumbrae ferry is a matter for Caledonian MacBrayne to regulate. The Council does not record ferry transfers of petrol or diesel between the mainland and the Isle of Cumbrae, nor has it any means to do so.

If Councillor Gallagher believes there are 'illegal' ferry transfers of petrol or diesel between the mainland and Isle of Cumbrae he would be well advised to report his suspicions and evidence to Police Scotland."

As a supplementary question, Councillor Gallagher asked whether, if a community company or group could be identified to take forward a community fuel facility for the Isle of Cumbrae, the Council's Community Learning and Development service could offer support with any applications for funding to support such an initiative.

Councillor Gibson responded by confirming that he has always expressed his support in this regard.

(g) a question by Councillor Cullinane to the Cabinet Member for Education Attainment and Achievement in the following terms:-

"The number of SQA exam appeals submitted by local Secondary Schools dropped to 308 last year, down from 1404 the previous year. Can the Portfolio Holder explain why there has been such a dramatic fall in appeals?"

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

"The 'appeals' system as understood by all was abolished last year. There is no longer an opportunity for pupils' work collected over the session (assessments and prelims etc.) to be sent away and assessed where the school feels the pupil has underachieved in the exam. With the exception of a pupil who is ill and does not sit the exam, the grade they end up with is determined wholly by the mark they achieve on the day of the exam.

The new 'appeals' system follows the following system. Where the school believes the pupil did not achieve the grade that was expected, they can do one of two things. They can ask for an administrative check (approx £15) or a remark (approx £30).

It is important to note that neither of these options involve looking at previous assessments that the school might have as evidence. It is quite simply a check to see if the right information has been collated etc., or taking the exam paper and remarking it. This, as you will see, is a significant deviation from previous practice. However, schools have been aware of this for a few years.

We made a decision in North Ayrshire that under no circumstances would a child be disadvantaged because of cost. Therefore, there is no facility for parents to pay for any of these services. The school and authority are picking up the cost at all times. Obviously, we are monitoring this closely as it comes at a cost and therefore it means this money cannot be used for something else. You could argue that SQA might just increase exam costs and have no charges but ultimately there is still a cost.

Where the 'appeal' is successful, the cost is refunded to the authority. Please, however, be aware I use the word 'appeal' with some caution. It is certainly not an appeal in the way that everyone has previously understood. Quite simply, it is check to see if a mistake has been made."

As a supplementary question, Councillor Cullinane asked if the Cabinet Member could shed light on why S4 pupils' study leave had been cancelled this year.

Councillor Bruce responded by indicating that this had been done in order to ensure that pupils get the maximum support in the run-up to exams, the best place for receiving this being in school. Councillor Bruce offered to provide a fuller answer to the Member on this matter.

(h) a question by Councillor McNamara to the Cabinet Member for Education Attainment and Achievement in the following terms:-

"To ask the portfolio holder what potential impact the Scottish Government's threat to "claw back" funds from Councils who fail to protect the teacher:pupil ratio will have on this Council's budget given that it was set in December before this u-turn and included a reduction in teacher numbers?"

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

"Failure by the Council to maintain current teacher numbers and teacher pupil ratio will result in the clawback of the Council's share of £41m, being £1.1m, and the loss of a share of the additional £10m which has been allocated for this purpose. The distribution of the latter sum has yet to be agreed. There are no proposals to reduce teacher numbers in 2015/16, as such there is no anticipated clawback of funds."

Councillor McNamara indicated his understanding that there was a reduction of 9 teachers in the budget, but accepted the Cabinet Member's response and thanked him for it.

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

"There is a strong desire to see the principle of devolution extended further, with the transfer of powers from Holyrood to local communities. This is an issue that will require significant further thought and discussion and I welcome the enthusiasm of all parties for greater empowerment of our communities. The Scottish Government should work with the Parliament, civic Scotland and local authorities to set out ways in which local areas can benefit from the powers of the Scottish Parliament.

Both the Leader of the Council and myself, as Leader of the main opposition group, stated our support for devolving new powers to local government during our budget speeches. Will the Leader of the Council write to the First Minister to state our support for new powers, such as job creating powers like the Work Programme, to be devolved to councils?"

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

"I was asked, at the December 2014 meeting of the Council to write to the First Minister to ask for a meeting. My letter covered three areas, namely increasing employment, tackling inequalities and poverty, and community empowerment. Rather than writing again in the same terms, I would like to invite the Leader of the Labour Group to join me on the working group which is currently looking at the Agenda for the proposed meeting."

Councillor McNamara welcomed the invitation to join the Leader, expressing the view that it was incumbent upon Group Leaders to work together and show leadership.

9. Review of the Scheme of Administration - Education Appeal Committee and Area Committees

Submitted report by the Chief Executive on a review of the Scheme of Administration relating to the Education Appeal Committee and Area Committees.

The report proposed that Elected Member representation on the Education Appeal Committee should, in future, be drawn from a reduced pool of four Elected Members. This would have the effect of facilitating arrangements for ensuring that Members on the Education Appeal Committee have an opportunity to receive appropriate training and gain experience in their role. In terms of the lay membership of the Committee, this has been drawn from a panel of around 9 eligible volunteers and it was proposed this arrangement be formalised.

With regard to Area Committees, the Scheme of Administration approved by Council in March 2014 omitted a previous provision which stated that these committees had delegated authority to deal with the naming of streets. In addition, Traffic Regulation Orders which cannot be made under Officers' delegated authority occasionally come to Area Committees and at one time the Scheme of Administration also provided that Area Committees had delegated authority to deal with these. The report proposed amendments to the Scheme of Administration to address these matters.

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

- the Traffic Regulation Order matters which could not be dealt with by officers under delegated powers; and
- whether Education Appeal Committee training could be open to all Elected Members.

The Council agreed that the Scheme of Administration be amended (a) in terms of the provisions relating to the Education Appeal Committee, to reflect existing practice that the Committee comprise 3 members drawn from a pool of Elected Members and lay Members, and to provide that there will be a pool of four Elected Members, as set out in Appendix 1 to the report; and (b) to provide Area Committees with delegated powers in relation to the naming of streets and in relation to those Traffic Regulation Orders which cannot be made under the Scheme of Delegation to Officers, as set out in Appendix 2 to the report.

10. Appointments to Committees and Outside Bodies

Submitted report by the Chief Executive on changes to representation on Committees of the Council and outside bodies.

The report advised of the receipt of nominations to serve on the pool of Elected Members on the Education Appeal Committee and suggested that lay membership of the Committee continue to be drawn from a panel of around 9 volunteers who fulfil the criteria set out in the Scheme of Administration.

The report further advised of a vacancy on the Licensing Board and Committee and Licensing Board following the resignation of Councillor Steel, changes in terms of the membership of the Staffing and Recruitment Committee, and the appointment of Councillor Clarkson to the Planning Committee and Local Review Body following Councillor Montgomerie's resignation.

The Council agreed (a) to appoint Councillors Clarkson, Hunter, Marshall and McLardy to serve on the panel from which Elected Member representation on the Education Appeal Committee is drawn; (b) to formalise the appointment of K. Emberson, E. Milroy, J. Smith, K. Wallace, T. Grayston, G. Killen, E. Shaw, A. Smyth and V. Gibson to serve on the panel of lay members of the Education Appeal Committee; (c) to note that the Licensing Committee and Board currently each have a vacancy; (d) that, in respect of the Staffing and Recruitment Committee, Councillor Maguire will replace Councillor Brown as the Named Substitute for Councillor Gibson, Councillor Burns will replace Councillor Hill as a main representative, and Councillor Hill will act as Named Substitute for Councillor Burns; and (e) to note the appointment of Councillor Clarkson to the Planning Committee and Local Review Body following the resignation of Councillor Montgomerie.

11. Guidelines for Member/Officer Relations

Submitted report by the Chief Executive on a review the Guidelines for Member/Officer relations and which proposed the incorporation of the Protocol for Member/Officer Relations required by the Councillors' Code of Conduct.

In addition to incorporating the revised protocol required under the Councillors' Code of Conduct, the Guidelines on Member/Officer relations set out at Appendix 1 to the report have been further revised to provide guidance to both Members and Officers on how to handle potential issues. The document has been titled 'Guidelines', reflecting the fact that not all of it is legally binding. However, it is important to recognise that those parts of it which stem from Annex C of the Councillors' Code of Conduct or from the Employee Code of Conduct are binding on Members and Officers, respectively.

The Council agreed to approve the Guidelines for Member/Officer relations attached at Appendix 1 to the report.

The meeting ended at 4.25 p.m.

North Ayrshire Council
18 March 2015

IRVINE, 18 March 2015 - At a Special Meeting of North Ayrshire Council at 11.00 a.m.

Present

Joan Sturgeon, Robert Barr, Matthew Brown, John Bruce, Marie Burns, Ian Clarkson, Anthea Dickson, John Easdale, John Ferguson, Alex Gallagher, Willie Gibson, Jean Highgate, Alan Hill, Ruth Maguire, Tom Marshall, Elizabeth McLardy, Grace McLean, Catherine McMillan, Peter McNamara, Jim Montgomerie, Alan Munro, David O'Neill, Donald Reid and Robert Steel.

In Attendance

E. Murray, Chief Executive; I. Colvin, Director (Health and Social Care Partnership); K. Yeomans, Executive Director (Economy and Communities); J. Butcher, Executive Director and S. Quinn, Head of Service (Schools) (Education and Youth Employment); G. Macgregor, Head of Customer, People and Corporate Support and L. Aird, Head of Finance (Finance and Corporate Support); R. McCutcheon, Head of Service (Commercial Services) (Place); and A. Fraser, Head of Democratic Services, C. Andrew, Senior Manager (Legal Services), B. Tudhope, Corporate Business Manager, M. Gilmour, Senior Communications Officer (Media and Internal Communications, A. Todd, Senior Policy and Performance Officer and M. Anderson, Acting Committee and Member Services Manager (Chief Executive's Service).

Chair

Provost Sturgeon in the Chair.

Apologies for Absence

John Bell, Joe Cullinane, Tony Gurney, Ronnie McNicol and Irene Oldfather.

1. Provost's Remarks

The Provost welcomed those present to the meeting and dealt with preliminary matters.

2. Apologies for Absence

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 16 and Section 5 of the Councillors' Code of Conduct.

There were no declarations of the Party Whip.

Councillor Brown joined the meeting at this point.

4. Council Plan 2015/20

Submitted report by the Chief Executive on the draft Council Plan 2015/20.

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

- the proposed inclusion of EDF among the range of significant businesses cited in the draft document;
- the reporting and scrutiny arrangements for monitoring implementation of the Plan;
- the approach being taken to the identification of a baseline position for the Plan;
- the financial implications of the Plan, to be addressed via the Council's budgetary processes;
- the role of Service and Operational Plans in implementing the Plan; and
- planned actions to address the employment implications associated with the future of the Power Stations at Hunterston.

The Council agreed to (a) approve the Council Plan 2015/20 as set out in the appendix to the report, subject to the inclusion of a reference to EDF among the significant businesses cited at paragraph 5 of page 3 of the document; and (b) note that, prior to final publication, the Plan will be submitted for Crystal Mark, which is the seal of approval for the clarity of a document in plain English terms.

Councillor Hunter joined the meeting during the presentation of this report.

5. Appointments to the North Ayrshire Integration Joint Board

Submitted report by the Chief Executive on the proposed appointment of members and substitute members of the North Ayrshire Integration Joint Board and the Council's representative on the Integration Joint Board's Strategic Planning Group.

The Chief Executive provided clarification on the nomination of Councillor Maguire's named substitute, namely Councillor Burns.

The Council agreed to (a) appoint the current members of the Shadow Integration Board, Councillors Dickson, McNamara, Maguire and Steel, as members of the Integration Joint Board; (b) appoint Councillor Dickson, who is currently Vice Chair of the Shadow Integration Board, as the first Chair of the Integration Joint Board; (c) appoint Councillors McLean, Gallagher, Burns and Barr as substitute members for Councillors Dickson, McNamara, Maguire and Steel, respectively; and (d) appoint Councillor McLean as the Council's representative on the Integration Joint Board's Strategic Planning Group.

The meeting ended at 11.20 p.m.

NORTH AYRSHIRE COUNCIL

Agenda Item 8

1 April 2015

North Ayrshire Council

Subject: **Scheme of Delegation to Officers**

Purpose: To enable Council to approve an updated Scheme of Delegation to Officers.

Recommendation: That Council agrees to approve the Scheme of Delegation to Officers attached at appendix 1.

1. Introduction

- 1.1 The Scheme of Delegation to Officers details the functions and powers which Council delegates to its Chief Officers. It is one of the key governance documents of the Council.
- 1.2 As detailed in the Councillors' Code of Conduct, the primary role of Councillors is to determine policy and to participate in decisions on matters placed before them, whereas the role of Officers is in operational management of Council Services. A Scheme of Delegation to Officers should reflect these differing roles and provide clarity as to which Chief Officer is to exercise individual functions.
- 1.3 The Scheme of Delegation to Officers has been updated and is attached at appendix 1.

2. Current Position

- 2.1 It is good practice to regularly review a Council's Key Governance documents. While the existing Scheme of Delegation to Officers has been the subject of minor changes since 2007, particularly in relation to the Scheme of Delegation for Planning, the last time it was subject to a full review was prior to that date.
- 2.2 The proposed Scheme of Delegation to Officers now reflects the existing management structure of the Council. It also reflects the decision of the Council on 20 January 2015 to delegate Social Services functions to North Ayrshire Integration Joint Board. The new Scheme of Delegation to Officers has also addressed a number of recommendations from Internal Audit which sought clarity on the role of specific Officers to exercise statutory powers.

- 2.3 Appendices to the Scheme also detail the role of the four Statutory Officers, being the Head of Paid Service, the Section 95 Financial Officer, the Monitoring Officer and the Chief Social Work Officer.
- 2.4 In order to ensure that local services are provided as efficiently and effectively as possible within the resources available it is important that the Scheme of Delegation provides sufficient clarity to enable Officers to confidently exercise powers. However it is also important that there is clarity as to when matters are the responsibility of Council or Committees.
- 2.5 To achieve this balance, section 2 of the Scheme of Delegation details those functions which are specifically reserved to Council or its Committees. In particular, paragraph 2.3 contains guidance on how Officers should deal with potentially controversial issues.

3. Proposals

- 3.1 Council is recommended to approve the Scheme of Delegation to Officers attached at appendix 1.

4. Implications

Financial Implications

- 4.1 There are no financial implications arising from this report.

Human Resource Implications

- 4.2 There are no human resource implications arising from this report.

Legal Implications

- 4.3 It is important that any functions undertaken by Officers are authorised in terms of the Council's Scheme of Delegation. It is also important that there is clarity as to when Officers can exercise powers and when these are reserved to Council or Committees.

Equality Implications

- 4.4 There is no equality impact from the proposed Scheme of Delegation to Officers.

Environmental and Sustainability Implications

- 4.5 There are no environmental and sustainability implications arising from this report.

Implications for Key Priorities

- 4.6 An up-to-date Scheme of Delegation to Officers is a key component of effective governance, and underpins the Strategic Priorities

Community Benefit Implications

- 4.7 There are no community Benefit Implications arising from this report.

5. Consultations

- 5.1 All Chief Officers and Members have been consulted.

6. Conclusion

- 6.1 The existing Scheme of Delegation to Officers no longer reflects the management structure of the Council and requires to be updated to provide for the Integration of Health and Social Care and additional legislative duties imposed on the Council. The proposed Scheme of Delegation in appendix 1 meets these aims.



ELMA MURRAY
Chief Executive

Reference : AF/cf

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

Background Papers

0

The Council's Scheme Setting Out
Powers Delegated To Officers

Scheme Of Delegation to Officers

Committee & Members Services,
Cunninghame House, Irvine KA12 8EE



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

1 April 2015

Contents

Section 1	Introduction	1
Section 2	Core Principles	2
Section 3	General Delegation to Officers	9
Section 4	Chief Executive	12
Section 5	Head of Service (Democratic Services) (Chief Executive's Service)	15
Section 6	Executive Director (Economy and Communities)	28
Section 7	Executive Director (Education and Youth Employment)	44
Section 8	Executive Director (Finance and Corporate Support)	46
Section 9	Director (Health and Social Care Partnership) and Chief Social Work Officer	53
Section 9	Executive Director (Place)	62
Section 11	Director (Community Safety)	71
Section 12	Duties of Statutory Officers	72
	A- Head of Paid Service	72
	B- Monitoring Officer	73
	C- Proper Officer for Finance Arrangements	75
	D- Chief Social Work Officer	77

Section 1 – Introduction

This Scheme of Delegation was approved by North Ayrshire Council on *****2015 in 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 functions 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 staff fully accountable for the decisions they take.

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 requiring to be decided by the Council, 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, 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 Head of Service.
- 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 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) To consider reports by the Head of Paid Service made under Section 4 of the Local Government and Housing Act 1989.
- h) To consider reports by the Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.
- i) 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.

- j) To determine planning applications for national developments as specified in the National Planning Framework.
- k) To determine planning applications for major developments which are significantly contrary to the local development plan.
- l) Approval of the annual investment strategy and annual investment report.
- m) The approval of reasons for the non attendance of Members at meetings in accordance with Section 35 of the Local Government (Scotland) Act 1973.
- n) 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.
- (o) 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 annually 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 unless, such expenditure is reported to and approved by the Council.
- (g) The preparation, review and amendment of the Scheme of Administration regulating the constitution, membership, functions and powers of Committees of the Council.

- (h) The preparation, review and amendment of the Standing Orders regulating meetings proceedings and business of the Council and Committees and contracts.
- (i) The preparation, review and 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 and the dismissal of the Chief Executive or any Executive Director, Monitoring Officer, Chief Social Work Officer or S95 Financial Officer and the appointment of an Officer to any of these posts.
- (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 preparation and review 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) Specific functions which are reserved to Council, Committees, Joint Committees or Joint Boards as detailed in the Scheme of Administration (e.g naming of streets).
- (t) 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 shall 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. DELEGATION 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 staff in accordance with Council policy and Standing Orders;
 - 3.1.2 Determine appropriate car and telephone allowance, if any, to be applied to staff;
 - 3.1.3 Authorise special leave for staff in accordance with the provisions of the Council's Scheme of Special Leave;
 - 3.1.4 In consultation with the Head of Service (Customer, People and Corporate Support), grant leave of absence with salary to enable staff to undertake approved part-time courses;
 - 3.1.5 Authorise staff attendance at conferences/seminars and training courses for all staff;
 - 3.1.6 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 staff to undertake functions delegated to the Executive Director or Head of Service as may be deemed appropriate and expedient, provided such staff 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 not on the approved Standing List of Conferences.
- 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 the responsibility of the Department.
- 3.9 To assist in the preparation of the Council's General Services 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 for supplies and services by Officers where the expenditure is less than £50,000 for supplies and services or £100,000 for works) or 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 £50,000 for supplies and services or £100,000 for works, 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.
- 3.12 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:-
- i) They are acting within the course of their employment;
 - ii) In accordance with Council procedures;
 - iii) In good faith.

- 3.13 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.
- 3.15 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;
 - (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 (Customer, People and Corporate Support) approves the grading, conditions of service and designation of posts.
- 3.16 In accordance with the Council's approved Disciplinary and Incapability Procedures, take disciplinary action including dismissal, as appropriate in respect of employees in their relevant Service;
- 3.17 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.

4. DELEGATIONS TO OFFICERS - SPECIFIC PROVISIONS

Chief Executive

The Chief Executive is the Leader of the Management Team and has overall responsibility for the following: -

- Strategic management of Council services;
- Leadership of Council Staff;
- 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 Corporate and Strategic Management 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 staff 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 staff.
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 staff.
10. In consultation with the Head of Service (Customer, People and Corporate Support), 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 departments of the Council in the interests of the authority and its staff.
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 (Customer, People and Corporate Support).
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 arising during a vacation period, 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:
 - (a) Section 33A Declaration of Acceptance of Office as a Councillor;
 - (b) Section 34 – Receipt of resignations of Councillors;
 - (c) Sections 50B, C, D & F – Access to information;
 - (d) Section 194(1) – Execution of deeds;
 - (e) Section 50(D) of the Local Government (Access to Information) Act 1985 - "Listing of background papers for a report to Members".
18. To undertake the statutory responsibilities of Returning and Counting Officer in respect of Council and Parliamentary elections and referenda.

19. 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.
20. To devise, alter and issue, as required, job descriptions in respect of Chief Officers and other officers in accordance with Council duties and functions.
21. 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.
22. 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.
23. To refer matters to the Police, in terms of the Council's defalcation procedure.
24. 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.
25. All powers ancillary to or reasonably necessary for the proper performance of the Chief Executive's general responsibilities.
26. 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.
27. 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, Information Governance, Community and Neighbourhood Planning, Policy and Performance, Health Improvement and Equalities, Elections and Council Officers.
- **Change and Service Reform**
- **Communications** both internal and external and Members Services
- **Civil Contingencies**

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 procedures etc.

Legal Services

9. 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.
10. 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.
11. To issue or have issued by other Officers, Statutory Notices on behalf of the Council.
12. Institute and defend proceedings on behalf of the Council.
13. 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.
14. 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 and in addition to agree appropriate fees and expenses in connection with those settlements.
15. 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.

16. In consultation with the relevant Corporate Director, to authorise ex-gratia payments up to a maximum of £5,000 relative to recommendations by the Scottish Public Services Ombudsman.
17. Custody of all titles and standard securities in the Council's favour.
18. To implement reports from the Council's Valuer with regard to leasing of property, rent reviews and acquisition or disposal of land.
19. To investigate complaints in terms of the Council's whistleblowing procedures.
20. 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.
21. 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.
22. Acquire former Council houses or properties within Housing Action or Regeneration Areas upon terms agreed by the District Valuer.
23. Issue Offers of Notices of Refusal and pursue recovery of discount under the Right to Buy provisions of the Housing Acts.
24. Authorise the amount of Home Loss Payment and Disturbance Allowance in respect of eligible properties, on terms recommended by the District Valuer.
25. Issue offers, notice of refusal and pursue recovery of discount under the Right to Buy Provisions of the Housing Acts.
26. Set and revise periodically all fees for legal services.

Licensing Services

27. 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.

28. 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

29. 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)).

30. 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)).

31. 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.

32. 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));
- (f) cause lines or marks to be made on roads indicating the limits of Taxi Stances (Section 19(2)(b)).

33. 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.

34. 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.

35. 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.
36. 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.
37. 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 a 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").
38. 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 a RPN) were not satisfied when the Notice was served, or are not or are no longer satisfied.
39. 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).
40. 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.
41. 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.
42. 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.
43. 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.
44. 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.
45. To exercise the delegations in Part 3 of the Housing (Scotland) Act 2006.

46. Section 129A Housing (Scotland) Act 2006: To refuse an Application without further consideration due to breach of planning control.
47. 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.
48. To revoke such an Order when the HMO is Licensed, or the Council is satisfied that the accommodation does not need a Licence.
49. 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).
50. 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.
51. The following delegated authorities under the Civic Government (Scotland) Act 1982 are to be exercised after consultation with the Convenor, whom failing the Vice-Convenor, whom failing any Member of the Licensing Committee:-
 - (a) 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) Section 9(2) Civic Government (Scotland) Act 1982: material change in the licensed premises - authorised to grant or refuse consent;
 - (c) Section 12 Civic Government (Scotland) Act 1982: Emergency Suspension - authorised to suspend a Licence under Paragraph 12 for six weeks or (if earlier) until the commencement of the 'Ordinary' Suspension hearing.
52. To exercise functions of the Council relating to Public Charitable Collections in conformity with Council policies.

53. 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 Convenor, whom failing the Vice-Convenor, whom failing any Member of the Licensing Committee.

- 54. Attach such conditions as are deemed appropriate to any licence.
- 55. Determination of applications for the display of signs and advertisements on private hire cars and disposal taxis.
- 56. To consider and determine notifications of marches and processions in conformity with Council policies.
- 57. To determine for the purposes of the foregoing Licensing delegations, the definitions of 'Minor Penalty', 'Disposal', 'Excluded Disposal' and 'Excluded Offences'.

Democratic Services

- 58. Appoint suitable persons to the Panel of Safeguarders in terms of the Children (Scotland) Act 1995.
- 59. Revise periodically the fees payable to Safeguarders.
- 60. 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.
- 61. Act as Clerk to the Children's Panel Advisory Committee in terms of the Social Work (Scotland) Act 1968, as amended.
- 62. 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.
- 63. Adjust as necessary the calendar of meetings and holidays in consultation with the Provost and Leader of the Council, as appropriate.

64. To provide assistance to Councillors by provision of appropriate accommodation, secretarial assistance, training and library facilities etc.
65. 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.
66. In consultation with the appropriate Executive Director to submit comments to the Scottish Public Services Ombudsman and the Pensions Ombudsman into alleged maladministration.
67. 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.
68. To determine whether Petition or deputation requests comply with the requirements of Council Standing Orders.
69. To deal with all applications or requests relating to civic receptions, opening ceremonies and any other ceremony, subject to consultation with the Provost.
70. 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.
71. To undertake the Council's duties relating to records management, to prepare a Records Management Plan and to maintain and manage a records management store.
72. To provide support and assistance to services in responding to requests under the Freedom of Information (Scotland) Act 2002 and to determine appeals lodged under this Act.
73. To provide support and assistance to Council services to enable them to comply with duties under the Data Protection Act 1998 and to assist them to deal with requests for the release of personal data.
74. To develop filing protocols to support an electronic document and records management system.
75. 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.

76. 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.
77. To provide such support and assistance as the Returning or Counting Officer may request in relation to elections or referenda.
78. 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.
79. To manage the Council's arrangements for town twinning, including visits to or by other towns or areas with which the Council is twinned.
80. To manage the booking of the Council Car.
81. Maintenance of the Register of Disclosure of Interests in terms of the Ethical Standards in Public Life etc (Scotland) Act 2000.
82. To support civic functions and festivals such as the Provost's Awards, Marymass, and the Viking Festival.
83. To provide support and assistance to Community Councils.
84. To manage the Ayrshire Area Support Team shared service.

Community Planning, Policy and Performance

85. To manage and administer the Council's Community Planning arrangements.
86. To manage and administer the Council's Neighbourhood Planning arrangements.
87. Support for the development of corporate policy for the Council.
88. Gathering and analysis of demographic, performance and other data relating to North Ayrshire, its neighbourhoods, and its partners.
89. To manage and administer the Council's performance planning and monitoring arrangements including preparation of the Single Outcome Agreement, Strategic Priorities, Council or Corporate Plan and to make arrangements for departmental and operational plans.
90. 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.
91. To support and coordinate Council entries for awards.

92. To support and coordinate Council corporate assessment for the European Foundation of Quality Management, Public Sector Improvement Framework or Recognised for Excellence.
93. To provide support to the Director of Community Safety and Police and Fire Liaison Officers.
94. Act as the Council's representative for functions of the Registrar General for Scotland as regards statistics and Census.
95. To undertake functions of the Council relating to health improvement of Council employees.
96. To develop policies and procedures and otherwise to help ensure the Council complies with its duties under the Equalities Act.

Communications

97. To authorise the issue of all publicity and promotional material related to the Council.
98. To maintain good internal and external public relations.
99. To issue publicity to promote the Council's interests and to issue appropriate press releases, pamphlets or other forms of publicity on behalf of the Council.
100. To manage, maintain and make procedures relating to social media sites kept by the Council.
101. To deal with press enquiries and responses on behalf of the Council.
102. To authorise corporate branding material including logos etc to be used on behalf of the Council.
103. To undertake internal communications with Council employees and to provide policies to promote internal communication.
104. To produce marketing materials on behalf of the Council.

Service Reform

105. To support service reform and transformational change throughout Council and its services in consultation with the relevant Executive Director.

Civil Contingencies

106. To manage the Council's Civil Contingencies service and to support the Council in planning and responding to emergencies.
107. To exercise functions relating to civil contingencies, including identification of potential contingencies, civil contingency planning, liaison with external bodies and putting in place arrangements to deal with contingencies.

6. Executive Director (Economy and Communities)

The Executive Director of Economy and Communities has overall responsibility for the following services: -

- **Economic Growth** including Business Support and Development; Regeneration; Planning; Protective Services and Employability.
- **Connected Communities** including Community Learning and Development; Information and Culture; Libraries, Sports and Activity; Community Empowerment and Asset Transfer.

Economic Growth

1. To approve the award of economic development and regeneration loans and grants to a maximum of £10,000.
2. 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.
3. To manage the Council's programme for recruitment of Modern Apprentices and Skillseekers, whether by the Council or other employers.

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.

4. 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.

5. Where otherwise not provided for, to determine applications in terms of Part III (Development Management) of the 1997 Act as amended where: -
 - (a) the determination is not contrary to the Development Plan;
 - (b) 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
 - (c) all appropriate consultations have been carried out and all necessary notice has been given and no material planning objections have been received: -
 - (i) from members of the public;
 - (ii) from other services of the Council;
 - (iii) from any Community Council; and
 - (iv) from any other public authority concerned, any of which cannot be resolved by conditions or amended proposals.
6. To administer the provision of Part V1 (Enforcement) and Part VII (Trees) of the 1997 Act and to determine applications.
7. 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.
8. 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 to grant, 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.
9. Agree the discharge of planning conditions where the terms of the condition have been fulfilled.
10. To determine any application for advertisement consent under Regulations in terms of Section 182 of the 1997 Act to the displays of advertisements.
11. 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.
12. To determine to take enforcement action in respect of a breach of planning control in accordance with the Council's approved Enforcement Charter.

13. 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.
14. Grant listed building consent, conservation area consent and planning permission after reference to the application to the Scottish Ministers and they have either made no observations, or observations of a kind which should competently be made the subject of appropriate planning conditions.
15. 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.
16. Evaluate applications and determine whether an Environmental Impact Assessment is required and where so, scope.
17. 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.
18. Determine whether or not to grant prior approval of the siting, design or external appearance of an agricultural or forestry building or forestry tracks which thereby constitutes permitted development.
19. Determine whether or not to grant prior approval of the siting, design or external appearance of telecommunication masts or demolition of dwellinghouses, which thereby constitutes permitted development.
20. Make observations on behalf of the Planning Authority on routine proposals by statutory undertakers or on routine consultations to the Council as Planning Authority.
21. Determine applications for certificate for proposed and existing lawful use and development.
22. Determine applications for hazardous substance consent.
23. 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.
24. Represent the Council at Inquiries or Hearings to the Scottish Ministers under the Planning Legislation.
25. Confirm provisional Tree Preservation Orders, where no objections have been received.

26. To construct and maintain paths, to produce a Core Paths Plan and other duties in terms of the Land Reform (Scotland) Act 2003.
27. 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.
28. Authorise grants, where contained within existing budgets for listed buildings, properties in the conservation areas and externally supported schemes.
29. Authorise grants within policy and budget for improvements to landscape and the environment.
30. Authorise and apply for grants within policy and budget to improve access to the countryside.
31. Respond to consultations on planning applications from neighbouring planning authorities and make observations on consultations to the Council as Planning Authority.
32. 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.
33. Maintain statutory registers and lists.
34. To respond on behalf of the Council to Historic Buildings and Monuments Directorate regarding a listing of buildings or architectural or historic interest.
35. To respond on behalf of the Council to the Forestry Commission regarding consultations on forestry applications.
36. To respond to consultations from adjoining Councils regarding plans or planning applications in their area.
37. To determine applications under the High Hedges (Scotland) Act 2014.

Building Standards

38. Authorised to carry out all functions of the Council in terms of the following legislation: -
 - The Building (Scotland) Act 2003.
 - Section 85 and part of Section 97 relating to street numbering in terms of Civic Government (Scotland) Act 1982 (street naming determined by Committee).

- To carry out the function of the Council (including maintaining registers, inspecting and enforcing) in terms of the Reservoirs Act 1975.
39. Exercise the functions of the Council in relation to dangerous and defective buildings, unauthorised works and requiring existing buildings to comply with Building Standards Regulations.
 40. Exercise the functions of the Council in relation to the safety of temporary platforms and also the licensing of Houses in Multiple Occupation all in terms of the Civic Government (Scotland) Act 1982.
 41. 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.
 42. Exercise the functions as Building Standards Authority in terms of the Licensing (Scotland) Act 2005.
 43. Grant or refuse applications under the Building (Scotland) Act 1959, or accept or reject under the Building (Scotland) Act 2003 for certificates of completion, subject to a right of appeal to the Sheriff Court.
 44. Grant extensions to the life of building warrants.
 45. Evacuate buildings and carry out works in case of immediate danger where necessary.
 46. Authorised to issue letters of comfort/intent in relation to unauthorised building work.

Protective Services

47. To undertake the functions of the Council relating to Consumer Protection, Fair Trading, Trading Standards and Weights and Measures.
48. To determine licence 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
 - Local Government (Scotland) Act 1973
 - Local Government etc. (Scotland) Act 1994
 - Local Government in Scotland Act 2003
 - Petroleum Acts
 - Tobacco & Primary Medical Sales (Scotland) Act 2010
 - Unsolicited Goods and Services Act 1971
49. To immediately suspend licenses where necessary for the purposes of public safety.
50. 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).
51. 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 Support

- 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 Protection (Distance Selling) Regulations 2000
 - Unfair Terms in Consumer Contracts Regulations 1999

Consumer Credit and Estate Agency

- Consumer Credit Act 1974
 - Estate Agents Act 1979
 - Consumers, Estate Agents and Redress Act 2007
 - Property Misdescriptions Act 1991
 - 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)
 - Children and Young Persons (Protection from Tobacco) Act 1991
 - Tobacco Advertising and Promotion Act 2002
 - Tobacco and Primary Medical Services (Scotland) Act 2010
 - Fireworks (Scotland) 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

- Trade Descriptions Act 1968
- Trade Marks Act 1994
- Copyright, Designs and Patents Act 1988
- Copyright etc and Trade Marks (Offences and Enforcement) Act 2002

- Prices Acts 1974 and 1975
- Video Recordings Act 1984 by virtue of Video Recordings Act 2010
- Business Names Act 1985
- Companies Act 2006 Parts 5 & 41
- Housing (Scotland) Act 2006 (Part 3)
- Vehicles (Crime) Act 2001 (Part 2)
- 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
 - Textile Products (Indications of Fibre Content) Regulations 1986
 - Footwear (Indications of Composition) Labelling Regulations 1995
 - Cancellation of Contracts made in a Consumer's Home or Place of Work etc Regulations 2008
 - 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 2007
 - 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 omission of dark smoke and smoke nuisance
 - Food and Environment Protection Act 1985 (Part III)
 - Control of Pesticides Regulations 1986
 - Pesticides Act 1988
 - Motor Cycle Noise Act 1987
 - 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
- Refuse Disposal (Amenity) Act 1978
- 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 at Work etc Act 1974

- Petroleum (Consolidation) Act 1928 and associated regulations made under the
- Health and Safety at Work etc Act 1974
- 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

- Health and Safety at Work etc Act 1974 and Regulations made thereunder
 - 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
 - European Communities Act 1972
- Associated legislation made under this Act including:*
- The TSE (Scotland) Regulations 2002

Public Health

- Public Health etc (Scotland) Act 2008
- National Assistance Act 1948
- Sewerage (Scotland) Act 1968
- Prevention of Damage by Pests Act 1949
- Civic Government (Scotland) Act 1982 – Part VIII
- 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 (Scotland) Act 1945
- Public Health (Ships) (Scotland) Regulations 1971
- Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2007

Housing

- Housing (Scotland) Act 1987
- Housing (Scotland) Act 2006
- Civic Government (Scotland) Act 1982 – Part VIII

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

Licensing - Safety

- Petroleum (Consolidation) Act 1928 and the associated regulation made under the Health & Safety at Work etc Act 1974
- 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

Licensing – Houses in Multiple Occupation

- Houses in Multiple Occupation
- Housing (Scotland) Act 2006 Part 5

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)

Animal Health

- Animal Health Act 1981
- Animal Health and Welfare (Scotland) Act 2006

Water

- Water(Scotland) Act 1980
- Water Act 1989
- Water Services (Scotland) Act 2005
- Private Water Supplies (Scotland) Regulations 2006

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

Private Landlord Registration

- The Private Rented Housing (Scotland) Act 2011
- Antisocial Behaviour (Scotland) Act 2004 – Part 8

52. To authorise the Chief Trading Standards Officer, Trading Standards Scotland and Officers of Trading Standards Scotland authorised by him or her to carry out operational activity in relation to such legislative functions as may be agreed between the Council and Trading Standards Scotland, whether within North Ayrshire or elsewhere.
53. To undertake the functions of the Council for the calibration and certification services to industry and commerce.
54. To undertake the functions of the Council for securing compliance with trades description and consumer product safety issues.
55. To undertake the functions associated with debt counselling and money advice.
56. To undertake the public health functions of the Council under the Public Health (Scotland) Acts, including pest control.
57. To undertake the functions of the Council relating to communicable diseases.
58. To undertake 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.
59. To undertake functions associated with home safety.
60. To undertake the functions of the Council under the Housing (Scotland) Act 1987 relative to Tolerable Standard in Housing, Repairs Notices, Housing Action Areas and the Council's statutory functions in respect of Houses in Multiple Occupancy.
61. To arrange for the burial or cremation and administration of any assets of deceased persons in terms of the National Assistance Acts
62. To undertake all other functions of the Council relating to environmental health, and trading standards.
63. To undertake all other functions of the Council relating to health and safety of premises or services, excluding Council buildings or services.

Roads

64. 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
65. 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.
66. 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.
67. Authorised to respond to consultation for applications for planning development control where these relate to roads and flooding issues.
68. 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.

Connected Communities

69. To ensure proper arrangements for community engagement, consultation, participation and community empowerment.
70. To develop and support the capacity of organisations, individuals and communities to become involved in, and contribute to North Ayrshire, its neighbourhoods and communities.
71. To support the development of neighbourhood planning, the development of defined neighbourhood priorities and community action plans.
72. To support organisations and communities seeking to acquire Council assets in terms of the Council's Asset Transfer Policy.

73. To manage Participation Requests, Asset Transfer Requests, and Community Right to Buy Requests under the Community Empowerment (Scotland) Act.
74. To ensure the design and delivery of community learning and development, including youth services, adult learning and community empowerment, and take responsibility for the Community Learning Plan.
75. To ensure the provision of an adequate library and information service which meets the needs of residents.
76. To acquire whether by purchase, donation, bequest or exchange any items for the museum and art collections of the Council.
77. 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.
78. To authorise the acceptability of gifts to art galleries or museums on behalf of the Council and to acknowledge the acceptability of these gifts.
79. 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.
80. 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.
81. Authorised to let or arrange for the letting, hire and use of public and community halls, schools and sports facilities and also 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.
82. 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.
83. The management and delivery of Council sports and leisure facilities not operated by North Ayrshire Leisure Trust/KA Leisure.
84. Supporting arts and culture within and relating to North Ayrshire.
85. Support for community events and activities.

86. To make grants to community organisations and individuals in accordance with Council policy.
87. To provide support and assistance to Community Councils.
88. To support 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.
89. To manage Eglinton Park and related open spaces.
90. Outdoor education including management of Arran Outdoor Education Resource Centre.

7. Executive Director (Education and Youth Employment)

The Executive Director (Education and Youth Employment) has overall responsibility for the following services: -

- **Schools** including Curriculum; Learning and Development; Educational ICT; Performance and Improvement; Professional Development; and Service Redesign
- **Children and Young Peoples' Services** including Integrated Children's Services Planning; Early Years Psychological Services and Additional Support Needs; Inclusion; Parental Engagement; Youth Employment and Service Redesign

The Executive Director is responsible for the leadership and co-ordination, planning and policy and the strategic and operational management of the following services and without prejudice to the foregoing generality, such powers include the power to:-

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 staff 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 application for disbursement 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.

8. Executive Director (Finance and Corporate Support)

The Executive Director (Finance and Corporate Support) has overall responsibility for the following services: -

- **Finance** including Risk and Audit; Financial Management; Revenues and Benefits; Procurement.
- **Customer, People and Corporate Support** including Human Resources; Payroll; ICT; Customer Services; Registration of Births Deaths and Marriages; and Organisational Development.

The Executive Director is responsible for the leadership and co-ordination, planning and policy and the strategic and operational management of the following services and without prejudice to the foregoing generality, such powers include the power to: -

Finance

1. 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.
2. Produce, and regularly review the Financial Regulations of the Council and any Codes of Financial Practice made thereunder.
3. 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.
4. 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.
5. Operate the Council's assisted car purchase scheme.
6. To be the primary point of contact with external audit and provide support, information and recommendations to external auditors.
7. The provision of financial services to other bodies, organisations, etc. subject to a charge being made where appropriate.
8. Ingather all monies due to the Council and enforce payment thereof.
9. Authorise disposal or write-off of surplus materials, stores, or equipment where the value does not exceed £10,000.
10. Write off debts of up to £10,000 if satisfied that they cannot reasonably be recovered.

11. Determine Home Loan Applications and implement amendments to interest rates for the Home Purchase Loans.
12. 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.
13. Rent collection and accounting, arrears recovery and collection of other miscellaneous charges.
14. Administration of the Council Tax Reduction Scheme and Housing Benefit Schemes for Council houses and private tenants.
15. Authorised to approve monthly PPP Unitary Charge invoices to a value of £1.5million.
16. 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 resident 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 waste water 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

Treasury Management

17. Act as the Proper Officer for the purposes of Section 92 of the Act relating to the transfer of securities.
18. Make the necessary arrangements for duly authorised borrowing and lending in terms of Section 165 of the 1994 Act.
19. 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.
20. Act as Registrar of Stocks, Bonds and Mortgages.
21. Borrow and invest monies as required for the purposes of the Council's Treasury functions (within the terms of the Council's Treasury Policy Statement) and perform Debt Rescheduling as appropriate.
22. Make payments by cheque or other instrument.
23. Authorise the signature of cheques and other appropriate financial documentation on behalf of the Council.

Risk and Insurance

24. Ensure adequate risk management arrangements are in place throughout the Council.
25. To exercise functions relating to the identification, planning and mitigation of risks affecting the Council.
26. 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.

Procurement

27. Enquire into the financial standing of any tenderer who may be accepted in relation to any contract.
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.

Audit

29. In relation to Internal Audit work being carried out, the Senior Manager (Internal Audit, Risk and Performance) 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.
30. 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.
31. 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.
32. 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.

Customer, People and Corporate Support

1. 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.
2. To supervise and, so far as necessary, administer the Council's Corporate Personnel Policies and Procedures.
3. Develop and maintain human resources and organisational development policies and procedures.
4. Authorise employee terms and conditions associated with Council Policies and Procedures, Appeals, Health and Safety, National Agreements and Pension Regulations (Special Leave, Recruitment and Selection, Dignity at Work, Annual Leave, Discipline and Grievance, etc) Appeals Committee Admin, Health and Safety and Training.
5. Contribute to the effective operation of the Council's Appeals Committee, Joint Consultative Forum, Corporate Safety Committee, Corporate Services Joint Consultative Forum and the Local Negotiating Committee for Teachers.
6. To undertake on behalf of the Council negotiations and discussions with Trade Unions and other employee organisations concerned with the interests of Council employees.
7. To improve salary placing's within the agreed salary scales in consultation with the appropriate Executive Director.
8. Implement national pay awards and amendments to national and local rates of travel, subsistence and other allowances.
9. 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.
10. After consultation with the appropriate Executive Director to approve the acceleration of increments within existing salary scales to employees.
11. 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.
12. To pay salary and wages and make associated arrangements for payment of Council paid employees.

13. 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.
14. To co-ordinate the Council's arrangements for obtaining reports relating to potential criminal convictions.
15. To manage and support the Council's policies on absence at work and to enter into arrangements for the provision of Occupational Health, counselling or other services to support employees.
16. Enter into agreements and deliver human resources and organisational development services to other bodies.
17. To provide training to deliver or arrange for the delivery of training or training facilities to Council employees, Councillors or others.
18. To make arrangements for staff recognition and reward.
19. To co-ordinate and support Council services in Investors in People, Chartermark and other similar schemes.
20. To undertake employee consultation surveys.
21. To support and facilitate public consultation exercises, including the budget consultation.
22. To provide support and assistance to the Strategic Leadership Group and Senior Management Network.
23. 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.
24. 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.
25. The provision of efficient and effective Information Technology and Telecommunications Systems, including advice, appropriate to the needs of the Council and its departments.
26. To keep under review the provision of Information Systems to Council departments and the local community.
27. Monitoring the integrity, effectiveness and economic utilisation of all information technology bases processing facilities.

28. 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.
29. Authorise appropriate software licensing and other ICT Contracts.
30. In conjunction with the relevant Chief Officers, maintain ICT/Security Policies and Procedures.
31. To ensure that all computer information processing conforms to the Data Protection Act 1998.
32. 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.
33. In consultation with the appropriate Executive Director to submit comments to the Scottish Public Services Ombudsman and the Pensions Ombudsman into alleged maladministration.
34. To implement the Council's Customer Services Strategy, to develop and manage One Stop Shops and Customer Contact Centres and to manage emergency telephone helplines.
35. To manage the Council's Customer Complaints procedures.
36. To determine and issue school clothing grants.

9. 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 to her the 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 12AA (The compliance with a request for an assessment of a carer's ability to provide or to continue to provide care).
- Section 12AB (The notification of carers as to their entitlement to make a request for an assessment under section 12AA).
- 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 Housing (Scotland) Act 2001

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

13. 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).

14. 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).

15. Management of Offenders etc. (Scotland) Act 2005

- Sections 10-11 (Assessing and managing risks posed by certain offenders).

16. 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.

17. 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).

18. 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).

19. 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).

20. Social Care (Self-directed Support) (Scotland) Act 2013

- Section 3 (The consideration of an assessment of an adult's ability to provide or continue to provide care for another person and the making of a decision as to whether an adult has needs in relation to care that the adult provides for another person, the decision as to whether support should be provided to that adult in relation to those needs, and the provision of that support).
- 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).

21. 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

22. Support the Chief Social Work Officer in the discharge of his or her specific functions.

23. 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, and the provision of services where the estimated expenditure is more than £50,000, or for the execution of works where the estimated expenditure does not exceed £100,000.

Chief Social Work Officer

The duties of Chief Social Work Officer as set out in section 12D hereof will be undertaken by the Head of Service (Children, Families and Criminal Justice).

- 1 The management of the mental health officer function.

10. Executive Director (Place)

The Executive Director (Place) has overall responsibility for the following services: -

- **Commercial Services** including Waste Services, Facilities Management (Catering, Cleaning, and Janitorial), Corporate Transport Hub and Building Services.
- **Physical Environment** including Streetscene; Parks and Open Spaces; Burial Grounds, Roads and Transportation; Property Management and Design; Housing Management and Investment; Housing; Homeless and Community Safety; Architecture and Engineering; Estates and Asset Management.

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 Transport Section 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 an 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 (PWER) - 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, taken as a whole.

Physical Environment

14. To manage the Council's physical assets including management of non-operational and operational land and buildings.
15. In respect of the Council's property portfolio consisting of land, buildings and all heritable assets including way leaves, servitudes, licences and agricultural and grazing leases, but excepting property held on the Housing Revenue Account, to authorise all purchases and sales up to a value of ONE HUNDRED AND FIFTY THOUSAND POUNDS (£150,000) or leases with an annual rental of FIFTY THOUSAND POUNDS (£50,000), 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 staff able to authorise particular transactions, and the provisions of the Local Government (Scotland) Act 1973 and regulations made thereunder.

16. 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.
17. Authorise, in respect of leases, sub-leases and assignments referred to in paragraphs 1 and 2 above to consent to rent free periods.
18. 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.
19. Authorise to agree lease rentals at review periods.
20. 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.
21. 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.
22. Authorised to proceed with the repairs to land, commercial and industrial premises in the ownership of the Council subject to budgetary provisions.
23. Authorised to enter in to wayleaves, servitudes and leases with statutory bodies and other providers of utility services who require rights over land for particular purposes.
24. Authorised to negotiate and settle all claims arising from the exercise of the Council's powers to enter upon and take land in the discharge of statutory powers.
25. Authorised to proceed with the repairs and maintenance to the Council's operational property portfolio within approved policies.
26. Authorised to proceed with the repairs and maintenance to the public realm.
27. Authorised to determine requests for rent abatement.

28. Subject to the Council's 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.
29. Authorised to apportion office accommodation amongst Council services and to arrange for any necessary alterations or adaptations to such accommodation.
30. Authorised to ensure the proper application of the Council Asset Management Strategy with respect to property including space standards etc.
31. 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.
32. To maintain the Council's Asset Register and keep a record of all assets owned by the Council.
33. To monitor the energy performance of buildings in terms of the Energy Performance of Buildings (Scotland) Regulations 2008.
34. To undertake Council functions relating to carbon reduction and climate control in terms Climate Change (Scotland) Act 2009.
35. To provide burial and cremation services in terms of Burial Grounds (Scotland) Act and the Cremation Acts. 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.
36. Authorised to appoint officers for the enforcement of management rules for cemeteries, war memorials and public parks.
37. Provision, maintenance and emptying of litter bins in terms of the Litter Act 1983.
38. 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.
39. The regulation of the use of parks, open spaces, civic spaces and pedestrian precincts, cemeteries and other similar facilities.
40. 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.

41. The exercise of enforcement powers in respect of legislation governing littering, fly tipping, fly posting, dog fouling and the parks management rules.
42. Authorised to appoint officers to issue fixed penalty notices for litter and dog fouling offences via any relevant departmental officers within appropriate delegated authority.
43. 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

44. 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,
 - Security for Private Road Works (Scotland) Regulations 1985.
45. 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
46. Authorised to grant wayleaves in respect of public utilities.
47. 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).

49. Authorised to carry out the functions and duties of Harbour Authority under the Harbours Act 1964, the Millport Piers Order, and the Saltcoats Harbour Act in relation to piers, harbours and navigable rivers.
50. 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.
51. 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.
52. 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.
53. 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.
54. To carry out the functions of the Council in terms of Section 4, 5, 8, 12 and 25 of the Coast Protection Act 1949.
55. 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.
56. Authorised to respond to consultation for applications for planning development control where these relate to roads and flooding issues.
57. 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.
58. 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.

Housing, Homeless and Community Safety

59. Authorised to manage the Councils housing stock within approved policies.

60. 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 and 2001 and the Homeless etc. (Scotland) Act 2003, and any subsequent legislation relating to Housing Services.
61. Undertake the Council's Statutory responsibilities in terms of the Prevention of Homelessness and Homelessness provision in line with the Housing Scotland Act 1987 as amended.
62. Authorised to sign missives of let issued under the terms of the Housing (Scotland) Act 1987.
63. Authorised to exercise powers with respect to sub-standard housing under sections 99 - 101 of the Housing (Scotland) Act 1987.
64. Authorised to exercise powers with respect to closing and demolition orders under sections 117 of the Housing (Scotland) Act 1987.
65. Authorised to exercise powers with respect to houses in multiple occupation under sections 152 - 177 and 185 - 190 of the Housing (Scotland) Act 1987.
66. Authorised to exercise powers with respect to compensation payments under sections 304 - 310 of the Housing (Scotland) Act 1987.
67. Authorised to agree, recharge and recover amounts payable by private owners as part of common repairs involving Council property.
68. Authorised to sign notices of proceedings and notices to quit to raise proceedings for repossession of dwelling housing.
69. 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.
70. Control and monitoring of the Housing Revenue Account Capital and Revenue budgets.
71. Making payments in respect of tenants/residents groups, re-decoration grants, ex-gratia payments and similar such payments.
72. Authorise payments of grants applicable in terms of the Housing (Scotland) Act 2001 and 2006, relative to the improvement of houses.
73. Providing out of hours emergency services for homeless persons, urgent repairs etc.

74. Consulting with tenants/residents groups on housing issues.
75. Ordering, managing, performing and inspection of repairs and improvements to ensure that housing stock meets the Scottish Housing Quality Standard.
76. 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.
77. Determining in accordance with relevant legislation or Council policy requests for succession of tenancies, mutual exchanges, lodgers, sub-letting, alterations etc.
78. Providing a factoring service for purchasers of Council houses and recovering appropriate charges.
79. 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.
80. Preparing the Councils Strategic Housing Investment Plan and other strategic documents and monitoring their implementation.
81. Assessment of general needs and special housing needs in liaison with other services and agencies.
82. Maintaining all buildings, furniture, equipment etc under his/her control and ensuring safety checks and procedures etc. are undertaken.
83. Ensuring proper arrangements are in place in respect of statutory compliance for housing properties in relation to issues such as Asbestos, Legionella etc.
84. 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.
85. To provide services to travelling persons including the management and maintenance of a site for travelling persons.
86. Managing and supporting unauthorised encampments of gypsies, travellers and others within North Ayrshire.

87. Authorised to appoint, and authorise as appropriate, officers to ensure that enforcement and administration of statutory responsibilities.
88. 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.
89. In consultation with the Head of Democratic Services to serve notices and enter into court proceedings to recover possession of heritable property or arrears of rent.
90. To install and manage close circuit television (CCTV), and to provide support as appropriate to North Ayrshire CCTV Company.
91. Carry out any duties required in relation to antisocial behaviour in terms of the Antisocial Behaviour etc. (Scotland) Act 2004.
92. 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.
93. Authorised to provide Housing Options Advice and Information in line with Statutory Guidance.
94. Authorised to facilitate access to Private Sector Housing including the provision of Rent Deposit Guarantees'.
95. Authorised to provide Housing Support in line with the Housing Support Duty 2013 in line with Statutory Guidance.
96. Authorised, as proper officers in terms of s338 of the Housing (Scotland) Act 1987, to assess property condition in relation to the tolerable standard".

11. Director of Community Safety

The Director of Community Safety has overall responsibility to chair the Safer North Ayrshire Strategic Partnership and through the Partnership to: -

1. Take lead responsibility in implementing specific Single Outcome Agreement (SOA) Outcomes relating to the Safer North Ayrshire Priority and report on this as required.
2. To allocate resources devolved to the Partnership.
3. Locate external and partner resources and coordinate and allocate these resources as appropriate.
4. Develop and implement partnership strategies and action plans.
5. Establish and monitor sub-groups and short-life task groups as appropriate.
6. Ensure partners and community work together on mutual issues and priorities.
7. Champion partnership working.
8. Ensure effective community engagement is at the heart of community planning.
9. To support the development of neighbourhood planning.

12. 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 staff required by the authority for the discharge of its functions.
- c) To ensure the effective organisation of the authority's staff.
- d) To ensure that proper arrangements are in place for the appointment and proper management of the authority's staff.
- 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.

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 Corporate Management 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) Administration of the Sundry Debtors System.
- i) Internal Audit - examination of the accounting, financial and other operations of the Council.
- j) Banking and Insurance Arrangements.
- k) Signing Operating and Finance Leases.
- l) 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.
- m) 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 Council has resolved that the Head of Children's Services is the Chief Social Work Officer.

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, 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 January 2010.

(<http://scotland.gov.uk/Resource/Doc/300422/0093741.pdf>)

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 overall powers of the Chief Social Work Officer post are: -

- a) To confidently manage the discharge of the Council's statutory social work duties;
- b) To ensure the provision of effective professional and objective advice to Elected Members and officers of the Council in the Council's provision of social work services;
- c) To secure the effective provision of social work services.

The powers of the Chief Social Work Officer fall into two broad categories - service provision and corporate responsibility.

Service Provision

In relation to service provision: -

- To establish and develop social work services focussed on the needs of service users, to promote the continuous improvement of those services, and to monitor and raise standards of their delivery;
- To ensure the effective governance of the balance of need, risk and civil liberties in the provision of social work services in accordance with professional practice;
- To provide advice on all aspects of workforce planning including safe recruitment practice, supervision, monitoring and assessment of social work students, securing of professional qualifications and continuous learning and development for staff, and supporting and advising managers in all aspects of staff supervision;
- To ensure the existence of systems to both promote good practice and identify and address poor practice in the provision of social work services;
- To ensure that significant case reviews are undertaken of all critical incidents either resulting in, or which may have resulted in, serious harm or death; and
- To take final decisions binding on the Council in relation to a range of social work services where provided by statute and by the Council's Scheme of Delegations to Officers.

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; and
- 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.