

Cunninghame House,
Irvine.

11 May 2017

North Ayrshire Council

You are requested to attend a Statutory Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **WEDNESDAY 17 MAY 2017** 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. Report of Returning Officer (Page 5)

Submit report by the Chief Executive on the outcome of the elections to North Ayrshire Council held on Thursday 4 May 2012 (copy enclosed).

4. Election and Designation of Provost

In terms of Section 4 (1) of the Local Government etc. (Scotland) Act 1994, the Council is required to elect a Convener from among its Councillors, to be designated as "Provost".

- 5. Election and Designation of Depute Provost**
In terms of Section 4(2) of the Local Government etc. (Scotland) Act 1994, the Council may elect a Vice-Convener from among its Councillors, to be designated as "Depute Provost".
- 6. Declarations of Acceptance of Office**
The Head of Democratic Services will report on Declarations of Acceptance of Office.
- 7. Formation of Party Political Groups on the Council - Indication of Political Groups on the Council**
 - a) The Chief Executive will report on those political groups to be formally recognised by the Council;
 - b) The Provost will seek indications of whether the party whip is to be applied to any item of business.
- 8. Appointment of Leader and Depute Leader of the Council**
The Chief Executive will report on nominations to the positions of Leader of the Council and Depute Leader of the Council.
- 9. Report on Governance Documents (Page 9)**
Submit report by the Head of Democratic Services advising on the governance documentation which sets out the operational arrangements for the Council (copy enclosed).
- 10. Councillors' Remuneration: Senior Councillors (Page 257)**
Submit report by the Executive Director (Finance and Corporate Support) advising the Council of the Councillors' remuneration levels per the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 (copy enclosed).
- 11. Committee Timetable: Remainder of 2017 (Page 271)**
Submit report by the Chief Executive on the Committee timetable for the period from May until the end of December 2017 (copy enclosed).
- 12. Appointments to Committees (Page 277)**
Submit report by the Chief Executive on appointment of Members and, where appropriate, lay representatives, to committees of the Council in line with the Scheme of Administration, including confirmation of the appointment of Chairs (and Vice Chairs where appropriate) (copy enclosed).
- 13. Appointments to Outside Bodies (Page 283)**
Submit report by the Chief Executive on appointments made to Outside Bodies and to report on nominations to fill positions (copy enclosed).

North Ayrshire Council

Sederunt:

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

Attending:

Apologies:

Meeting Ended:

NORTH AYRSHIRE COUNCIL

Agenda Item 3

17 May 2017

North Ayrshire Council

Title: Report of the Returning Officer

Purpose: To advise of the outcome of the Elections to North Ayrshire Council.

Recommendation: That the Council notes the report.

1. Executive Summary

- 1.1. This report provides details of the results of the Elections to North Ayrshire Council held on Thursday 4 May 2017.

2. Background

- 2.1. The Elections to North Ayrshire Council were held on Thursday 4 May 2017 with the verification and electronic counting of votes taking place on Friday 5 May 2017. The overall turnout was 45.0% of the electorate. The total number of ballots received was 48,445. Of these, 47,259 (97.5%) were considered valid and 1,186 (2.4%) were rejected.

3. Proposals

- 3.1 As Returning Officer, I wish to report that the following Members were elected to serve on North Ayrshire Council from Friday 5 May 2017: -

Ward	Name and Address of Members elected
<u>Ward: 01 - Irvine West</u> No. of Members to be elected: 4 Ward Turnout: 38.6% Rejected Ballots: 121	Ian Clarkson , Scottish Labour Party 21 Seagate, Irvine, KA12 8RH Scott Gallacher , Scottish Conservative and Unionist 62 Galt Avenue, Irvine, KA12 0NY Shaun Macaulay , Scottish National Party (SNP) 31 Belfast Quay, Irvine, KA12 8PR Louise McPhater , Scottish Labour Party 30 Queen Road, Irvine, KA12 0XA

Ward	Name and Address of Members elected
<u>Ward: 02 - Irvine East</u> No. of Members to be elected: 3 Ward Turnout: 41.0% Rejected Ballots: 83	Marie Burns , Scottish National Party (SNP) 20 Lowther Bank, Irvine, KA11 1EG John Easdale , Scottish Labour Party 14 Sidlaw Foot, Bourtreehill, Irvine, KA11 1EJ Angela Stephen , Scottish Conservative and Unionist 21 Kilpatrick Place, Bourtreehill, Irvine, KA11 1JZ
<u>Ward: 03 - Kilwinning</u> No. of Members to be elected: 4 Ward Turnout: 44.0% Rejected Ballots: 151	Joe Cullinane , Scottish Labour Party 27 Newark, Kilwinning, KA13 6NA Scott Davidson , Scottish National Party (SNP) 7 Old Glasgow Road, Kilwinning, KA13 7QJ John Glover , Scottish Conservative and Unionist 8 Roche Way, Dalry, KA24 5DG Donald Reid , Scottish Labour Party 6 Gladstone Road, Saltcoats, KA21 5LD
<u>Ward: 04 - Stevenston</u> No. of Members to be elected: 3 Ward Turnout: 39.5% Rejected Ballots: 133	Davina McTiernan , Scottish National Party (SNP) 9 Sinclair Drive, Largs, KA30 9BL Jimmy Miller , Scottish Labour Party 2 Kildonan Place, Saltcoats, KA21 6JP John Sweeney , Scottish Labour Party 3 Caponcraig Avenue, Stevenston, KA20 3DS
<u>Ward: 05 - Ardrossan and Arran</u> No. of Members to be elected: 3 Ward Turnout: 50.5% Rejected Ballots: 123	Timothy Billings , Scottish Conservative and Unionist Glenisle Cottage, Lamlash, Isle of Arran, KA27 8LS Tony Gurney , Scottish National Party (SNP) 5 Linnburn Terrace, Ardrossan, KA22 8NR Ellen McMaster , Scottish National Party (SNP) Bloomfield Farm, Balmichael, Shiskine, Isle of Arran, KA27 8DT

Ward	Name and Address of Members elected
<p><u>Ward: 06 - Dalry and West Kilbride</u> No. of Members to be elected: 3 Ward Turnout: 52.0% Rejected Ballots: 91</p>	<p>Robert Barr, Independent 37 Westpark Wynd, Dalry, KA24 5BP</p> <p>Joy Brahim, Scottish National Party (SNP) Flat 8, 9 Riverview Drive, Glasgow, G5 8ER</p> <p>Todd Ferguson, Scottish Conservative and Unionist Fairhaven, Ballochmartin Bay, Isle of Cumbrae, KA28 0HQ</p>
<p><u>Ward: 07 - Kilbirnie and Beith</u> No. of Members to be elected: 3 Ward Turnout: 45.8% Rejected Ballots: 122</p>	<p>John Bell, Scottish Labour Party 18 Castle Grove, Kilbirnie, KA25 6AW</p> <p>Anthea Dickson, Scottish National Party (SNP) Nethermill, 59 Knoxville Road, Kilbirnie, KA25 7EG</p> <p>Donald L Reid, Independent 7 Manuel Avenue, Beith, KA15 1BJ</p>
<p><u>Ward: 08 - North Coast and Cumbraes</u> No. of Members to be elected: 4 Ward Turnout: 54.2% Rejected Ballots: 117</p>	<p>Alex Gallagher, Scottish Labour Party 12 Phillips Avenue, Largs, KA30 9EP</p> <p>Alan Hill, Scottish National Party (SNP) 4 Montgomerie Drive, Fairlie, KA29 0DZ</p> <p>Tom Marshall, Scottish Conservative and Unionist 106 Greenock Road, Largs, KA30 8PG</p> <p>Ian Murdoch, Independent 6 Viking Way, Largs, KA30 9NL</p>
<p><u>Ward: 09 - Saltcoats</u> No. of Members to be elected: 3 Ward Turnout: 43.0% Rejected Ballots: 134</p>	<p>Jean McClung, Scottish National Party (SNP) 7 Corsankell Wynd, Saltcoats, KA21 6HZ</p> <p>Ronnie McNicol, Independent 35 Caledonia Road, Saltcoats, KA21 5AJ</p> <p>Jim Montgomerie, Scottish Labour Party 54 Sharphill Road, Saltcoats, KA21 5QT</p>

Ward	Name and Address of Members elected
<u>Ward: 10 - Saltcoats</u> No. of Members to be elected: 3 Ward Turnout: 39.2% Rejected Ballots: 111	Robert Foster , Scottish Labour Party 21 Campsie Avenue, Bourtreehill, Irvine, KA11 1JF Margaret George , Scottish Conservative and Unionist 18 Muirhall Place, Dreghorn, Irvine, KA11 4DQ Christina Larsen , Scottish National Party (SNP) 48 Cheviot Way, Bourtreehill South, Irvine, KA11 1JU

4. Implications

Financial:	There are no financial implications arising directly from this report.
Human Resources:	There are no human resource implications arising directly from this report.
Legal:	There are no legal implications arising directly from this report.
Equality:	There are no equality implications arising directly from this report.
Environmental & Sustainability:	There are no environmental and sustainability implications arising directly from this report.
Key Priorities:	There are no implications for key priorities arising directly from this report.
Community Benefits:	There are no community benefits implications arising directly from this report.

5. Consultation

5.1 No consultations were carried out in the preparation of this report.



ELMA MURRAY
Chief Executive

Reference : EM/BT

For further information please contact Barry Tudhope, Strategic Support & Elections Manager on (01294) 324113.

Background Papers

NORTH AYRSHIRE COUNCIL

Agenda Item 9

17 May 2017

North Ayrshire Council

Title: **Governance Documents**

Purpose: To approve the key Governance documentation which regulate the operation of Council, its Committees and Officers

Recommendation: To approve with immediate effect (1) the Standing Orders for Meetings of the Council attached at Appendix 1; (2) the Scheme of Administration attached at Appendix 2; (3) the Scheme of Delegation to Officers attached at Appendix 3; (4) the Guidelines on Member/Officer Relations attached at Appendix 4; (5) the Standing Orders for Contracts attached at Appendix 5; and (6) the Financial Regulations attached at Appendix 6 and to note the appointments made to the Statutory Officer posts.

1. Executive Summary

1.1 This report seeks approval by Council of the key governance documents which regulate the operation of Council, its Committees and Officers. These are as follows:-

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

2. Background

2.1 Audit Scotland in their report "Roles and Working Relationships- Are you Getting it Right" stressed the importance of having governance arrangements that are fit for purpose and up to date. They note that such documents are critical in clarifying roles, responsibilities and expected behaviour and should be reviewed regularly. Good governance arrangements lead to sound decision making. While the key governance documents detailed in section 1.1 were all fully reviewed during the lifetime of the previous Council, the opportunity has been taken to bring them up to date.

Standing Orders

- 2.2 The Standing Orders for Meetings set out the rules for decision taking and define how a Council and its committees conduct their business democratically. While the Standing Orders inevitably try to provide for every eventuality, a summary of the core procedure is contained at Appendix E to the Standing Orders. Approval of the Standing Orders with immediate effect will mean that the new Standing Orders will apply for the remainder of the meeting. The main effect of this will be to apply the simplified procedure for voting on appointments where there is more than one vacancy to be filled (detailed at bullet point 7 in the following paragraph).
- 2.3 The main revisals which have been made in comparison to the previous Standing Orders are:
- Provision for webcasting;
 - To provide that where the posts of Provost, Vice Provost and Leader have all been vacated, the Chief Executive can call a Special Meeting of Council;
 - The Quorum for Council is increased to 9 to reflect the overall increase in the size of Council;
 - Motions and Questions which do not relate to business otherwise on the agenda now have to be lodged by 2.00 pm on the Wednesday preceding Council;
 - Clarification that Motions and Questions which do not relate to business otherwise on the agenda can only be raised at Council, not Committees. This change reflects existing practice;
 - Members are required to give notice by 2pm on the Wednesday prior to Council of any nominations to be made;
 - Voting on appointments where there is more than one vacancy to be filled - the previous Standing Orders provided for a procedure involving a quota, candidates with fewest votes dropping out and numerous votes. The proposed procedure is simpler and simply provides that the candidates with the most votes fill the available places; and
 - Clarification in the petitions procedure that E-petitions may be lodged in support, but not in substitution for 10 written signatures

Scheme of Administration

- 2.4 One of the key rules of constitutional law is that Council, its Committees and Officers can only act within the powers given to them. This is known as the 'ultra vires' (outwith powers) doctrine. As powers are given directly to the Council, in turn it needs to decide which powers it will exercise, which powers it will exercise through its committees, and which powers it will delegate to officers. Powers can also be delegated to joint committees or joint boards comprising a number of different local authorities, but cannot be delegated to individual Members. The Scheme of Administration sets out the functions reserved to Council, the powers delegated to its committees, the remit and constitution of those committees. As previously, the Scheme of Administration provides that any functions which are not otherwise listed, will be dealt with by Cabinet. The proposed membership of each Committee, both in terms of overall numbers and the numbers to be appointed by Opposition, Administration and others is listed under each individual Committee. The appointment of individual Members to committees and the appointment of Chairs and, where relevant, Vice Chairs, is dealt with in a separate report later on the agenda.
- 2.5 The main revisals which have been made in comparison with the previous Scheme of Administration are:-
- Recent legislation has abolished the Social Work Complaints Review Panel. This will however remain in existence to deal with complaints submitted prior to 1 April 2017. Thereafter it will be dissolved;
 - Revisal of the values of tenders and debt write-off which require approval by Cabinet;
 - Provision for dealing with community asset transfer requests and appeals;
 - Decrease in the number of Members serving on the Planning Committee, Licensing Committee and Licensing Board from 10 to 8;and
 - The creation of a Policy Development Committee to replace Advisory Panels. Its primary function would be to consider and support the development of policies and procedures. Comprising 20 Members, this would allow a greater number of Members to be involved in the development of Council policies, and could help build cross-party consensus.It would also have power to determine asset transfer appeals. It would be chaired by the Deputy Leader, and report to Cabinet;

Scheme of Delegation to Officers

- 2.6 As detailed in 2.2, Officers can only exercise the powers which Council gives them. The Scheme of Delegation to Officers lists the functions delegated to individual Directors and the Head of Democratic Services. In turn those officers can delegate these functions to other officers within their services. As previously, the Scheme of Delegation to Officers provides that any functions which are not otherwise reserved to Council or Committee, will be dealt with by officers. It also retains the core provision that delegated powers should not be exercised by Officers where any decision would represent a departure from Council policy or procedure or would be contrary to a standing instruction of Council (or Committee), or would itself represent a significant development from policy or procedure. The only exception to this is in the case of urgency where the Officer may, after consultation with the relevant Cabinet Portfolio Holder or Convenor of the appropriate Committee, exercise delegated powers. Should such powers be exercised in urgent circumstances, a report will be submitted to the next appropriate Committee for noting.
- 2.7 The main revisions which have been made in comparison with the previous Scheme of Delegation to Officers are:-
- To reflect the transfer, as a result of restructuring, of functions between and within Directorates;
 - To provide more detail in relation to employability and business development functions
 - To remove the Director of Community Safety post, which ceased to exist last year;
 - To include new legislation or new functions not included in the previous Scheme; and
 - To delegate to officers the appointment of Heads of Service. Executive Director appointments would still be for the Staffing and Recruitment Committee.
- 2.8 As recommended by Audit Scotland the Scheme of Delegation also details the remit of the four statutory officers of the Council. These posts, and the officers appointed to them are:-
- The Head of Paid Service- Elma Murray, Chief Executive
 - The Monitoring Officer - Andrew Fraser, Head of Democratic Service
 - The Proper Officer for Financial Arrangements (Chief Financial or Section 95 Officer) - Laura Friel, Executive Director of Finance and Corporate Support; and
 - The Chief Social Work Officer- David MacRitchie, Senior Manager Criminal Justice Services.

Guidelines on Member Officer Relations

- 2.9 The Guidelines on Member Officer Relations set out the way in which Members and officers of the Council should behave towards one another. They define the roles and responsibilities of Members and Officers. They incorporate the model Protocol for Relations between Councillors and Employees which comprises Appendix C of the Councillors Code of Conduct. The previous Guidelines were found to be fit for purpose and no significant changes have been made to them.

Standing Orders Relating to Contracts

- 2.10 The Council's procurement rules are set out in the Standing Orders relating to Contracts. The main revisions which have been made in comparison with the previous Contract Standing Orders are:-
- A separate annexe has been added in respect of Health and Social Care commissioning
 - Revisal of the level of tenders which require approval by Cabinet
 - Changes to reflect new procurement legislation which came into effect in 2016

Financial Regulations and Codes of Financial Practice

- 2.11 The Financial Regulations and Codes of Financial Practice set out the expectations and responsibilities of Elected Members and Officers in relation to the proper administration of the Council's finances, as well as authorising the role of Internal Audit and its rights of access across the Council. They are supported by Codes of Financial Practice (COFP) which provide more detail on the requirements of the Council in relation to specific areas such as revenue and capital finance, treasury management, risk and insurance and asset management.
- 2.12 In general, only minor revisions have been made to both documents. The only significant changes are as follows:
- COFP5 (Imprests), which has been completely revised to reflect the new practice of using procurement cards for imprest cash;
 - COFP8 (Salaries and Wages) and COFP9 (Expenses), which now reflect the electronic authorisation processes which are in place in some business areas;
 - COFP10 (Procurement and Payment), which has been updated to reflect processes relating to the new Financial Management System.

3. Proposals

- 3.1 Council is recommended to approve with immediate effect (1) the Standing Orders for Meetings of the Council attached at Appendix 1; (2) the Scheme of Administration attached at Appendix 2; (3) the Scheme of Delegation to Officers attached at Appendix 3; (4) the Guidelines on Member/Officer Relations attached at Appendix 4; (5) the Standing Orders for Contracts attached at Appendix 5; and (6) the Financial Regulations attached at Appendix 6; and to note the appointments made to the Statutory Officer posts.

4. Implications

Financial:	Approval of the key governance documents is an essential component of the Council's financial governance arrangements
Human Resources:	There are no implications
Legal:	Approval of the key governance documents is an essential component of the Council's legal and administrative arrangements
Equality:	There are no implications
Environmental & Sustainability:	There are no implications
Key Priorities:	Clear, transparent governance arrangements promote good decision making. In turn this supports the achievement of the key priorities
Community Benefits:	There are no implications

5. Consultation

- 5.1 There has been consultation with Executive Directors in relation to the Scheme of Delegation to Officers and with relevant officers regarding the remaining documents.



ELMA MURRAY
Chief Executive

Reference : AF/jm

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

Background Papers

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North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Committee Services

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

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

May 2017

Classification: Public

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North Ayrshire Council

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

Part I Preliminary

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

Part II Standing Orders

1. First Meeting of the Council after Elections

- 1.1 The first meeting of North Ayrshire Council after an ordinary election of Councillors shall be held within twenty-one days from the date of the election. The Chief Executive will decide the date, time and venue of this first meeting.
- 1.2 At the first meeting of the Council after an ordinary election of Councillors the Council shall deal with the following business:
 - i. The Returning Officer or the Chief Executive shall assume the Chair until the Provost is elected;
 - ii. To note the election of Councillors;
 - iii. To elect the Provost of the Council;
 - iv. To elect the Depute Provost of the Council;
 - v. To take the sederunt, noting which Councillors have executed the Declaration of Acceptance of Office;
 - vi. To elect the Leader of the Council;
 - vii. To elect the Depute Leader of the Council;
 - viii. To agree the Scheme of Administration setting out the committee structure of the Council;
 - ix. To appoint Members to any such Committees;
 - x. To appoint Members of the Licensing Board;
 - xi. To appoint representatives to outside bodies;
 - xii. Approval of Constitutional Documents, including Standing Orders for Meetings;
 - xiii. Timetable of Meetings;
 - xiv. Members' Remuneration;
 - xv. To deal with any other business specified in the notice calling the first meeting of the Council.

2. Ordinary Meetings of the Council

- 2.1 Unless otherwise agreed to by Council, ordinary meetings of the Council shall be held in the Council Chamber, Cunninghame House, Irvine at 2pm on the Wednesday of the eighth week of each eight-weekly cycle determined by the Council.
- 2.2 No sound, film, video tape, digital or photographic recording of the proceedings of any meeting, other than webcasting of the proceedings by the Council itself, shall be made without the prior written approval of the Council. All phones should be switched off or on silent and Members should not correspond, whether by email, text, social media or any other electronic means with any other Member or other person during a Council meeting. Research through the internet is permitted providing it is done in a manner which respects the authority of the Provost and does not interfere with the business of the meeting.

3. Special Meetings of the Council

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

4. Notice of Meetings

4.1 Public Notification

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

- (a) The date, time and place of the meeting; and

- (b) The list of items of business to be transacted. Except in the case of business required by or under this or any other Act to be transacted at a meeting of Council and any other business brought before the meeting as a matter of urgency in accordance with these standing orders, no business shall be transacted at a meeting of the Council other than that specified in the notice of meeting.

Notice to Councillors

- 4.2 Notice of meetings shall be given by the Chief Executive to all Councillors in accordance with the provisions of the 1973 Act as amended, by posting, delivering or sending by electronic means the following:
- (a) The date, time and place of the meeting; and
- (b) The list of items of business to be transacted.
- 4.3 The validity of any meeting of the Council shall not be affected by the failure of any Member to receive notice of a meeting.

5. Provost and Depute Provost

Election and Terms of Office

- 5.1 The Council will elect a Convener and Depute Convener from its Membership, to be known as 'Provost' and 'Depute Provost' respectively.
- 5.2 The terms of office of the Provost and Depute Provost shall be the term of office of the Council, or, in the case of a person appointed to fill a casual vacancy, the remainder of that term.
- 5.3 A person holding the office of Provost or Depute Provost shall be eligible for re-election but shall cease to hold the office upon ceasing to be a Councillor.
- 5.4 On a casual vacancy arising in the offices of Provost or Depute Provost, an election to fill the vacancy shall be held as soon as practicable at a meeting of the Council. The notice for the meeting shall specify the filling of the vacancy as an item of business.

Duties and Powers of Provost/Depute Provost

- 5.5 At a meeting of the Council, the Provost or in his/her absence the Depute Provost, which failing such other Member as the meeting may decide, shall preside.
- 5.6 Respect will at all times be paid to the authority of the Provost or the Depute Provost, or such other Member presiding, when chairing any meeting of the Council.
- 5.7 It shall be the duty of the Provost to:
- Preserve order and ensure fairness in debate;
 - Decide all matters of order, competency and relevancy;
 - Ensure that Standing Orders are observed;
 - Determine any questions of procedure for which no express provision has been made in these Standing Orders;

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

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

6. Suspension of Members

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

7. Appointment and Removal of Members

- 7.1 Wherever possible, Officers will give 10 Clear Working Days' notice of a vacancy on any Committee, Joint Committees, Joint Board or outside body, the filling of which is to be considered at a subsequent Council meeting. Providing Members are given 10 Clear Working Days' notice, no nomination shall be considered for any such post unless the nomination has been intimated in writing and delivered, faxed or e-mailed to the Chief Executive not later than 2:00 p.m. on the Wednesday of the week preceding the meeting and (b) the consent of the person nominated is given at the time of nomination. Where less than 10 days' notice is provided, no nomination will be considered unless it has been intimated in the same manner by 12noon on the day of the meeting.
- 7.2 Where any appointed or nominated Member is a Member of a political group within the Council, then where such member resigns from a Committee, any replacement may be nominated by the political group notifying the Chief Executive. At least ten Clear Working Days' notice is required before the change is implemented.
- 7.3 Subject to the provisions of Section 35 of the 1973 Act and Section 19 of the 2000 Act, if a Member fails throughout a period of six consecutive months to attend any meeting of the Council, Committee, Joint Committee or Joint Board to which any function of the Council has been delegated, he/she shall, unless the failure to attend was due to some reason approved by Council cease to be a Member of North Ayrshire Council.

8. Quorum

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

9. Order of Business

- 9.1 At all meetings of the Council other than the meeting held in accordance with Standing Order 1.2 above, the order of business shall be:
- i. The Chair shall be taken in accordance with these Standing Orders;
 - ii. The sederunt shall be taken;
 - iii. Any apologies shall be tendered;
 - iv. Any Declaration of Interest shall be tendered;
 - v. Declaration of whether a Party Whip has been applied to any item;
 - vi. Approval of the accuracy of Minutes of Council Meetings. There shall be no motions, amendments or debate on items from Committees which are reported for information only;
 - vii. Presentations;
 - viii. Business expressly required by statute to be done at the meeting;
 - ix. Business (if any) remaining from the last meeting;
 - x. Any items from the Cabinet referred for determination;
 - xi. Any items referred by any of its Committees for determination by the Council;
 - xii. Appointment to Committees, Joint Committees, Joint Boards or outside bodies
 - xiii. Provost's report;
 - xiv. Leader's report;
 - xv. Any business as per the agenda;
 - xvi. Questions;
 - xvii. Motions.
- 9.2 Items 9.1 xi, xii, xiii, xiv, xvi and xvii shall be business for Council meetings only, not for any Committee.
- 9.3 No item will be removed from the agenda unless with the agreement of all Members present.
- 9.4 The Provost at any meetings of the Council may at his/her discretion and on cause shown alter the order of business to facilitate the conduct of the meeting.

Urgent Items

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

Declaration of Party Whip

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

Provost and Leader's reports

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

10. Declarations of Interest

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

11. Public Access to Meetings

- 11.1 Every meeting of the Council shall be open to the press and public to the extent that they are not excluded under the provisions of Sections 50A(2) and (4) of the 1973 Act.
- 11.2 The Council may by resolution at any meeting exclude the press and public therefrom during consideration of an item of business where it is likely in view of the nature of

the business to be transacted or of the nature of the proceedings that if Members of the press and public were present there would be a disclosure to them of exempt information as defined in Schedule 7(A) of the 1973 Act or it is likely that confidential information would be disclosed in breach of an obligation of confidence. The categories of exemption, which may apply under Schedule 7(A) of the 1973 Act, are set out in Appendix A.

- 11.3 These provisions shall be without prejudice to the Provost's powers of exclusion in order to suppress or prevent disorderly conduct or other misbehaviour at a meeting as detailed in paragraph 5.7 hereof.

12. Questions

Questions submitted in advance of a meeting

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

Questions relating to items of business on an Agenda

- 12.5 Except when in debate any Member may ask a question at any meeting of the Council concerning any item of business arising upon the agenda. Such questions must be relevant to the item of business under consideration and may be directed to any senior officer seeking clarification of the terms of a report or to the mover of any motion or amendment seeking clarity of their motion or amendment.
- 12.6 Except on a point of order or with the agreement of the Provost it shall not be competent for any Member to ask a question once Council is in debate.

Questions of Order

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

13. Motions

Notices of Motion

- 13.1 No member shall be entitled to propose a motion other than one directly arising out of an item of business on the agenda of the meeting unless the proposer and seconder have delivered, faxed or e-mailed notice of the terms of the motion to the Chief Executive not later than 2.00 p.m., on the Wednesday of the week preceding any meeting of the Council. It will be competent for any Member of the Council to move a motion of which the requisite notice has been given.
- 13.2 Except as otherwise provided in these standing orders, it shall also be competent for any Member to propose a motion or amendment relating to any item of business on the agenda of a meeting, providing such motion or amendment is relevant to the item under consideration

Motions arising from requests from Outside Bodies

- 13.3 In the event of the Chief Executive or the Leader of the Council receiving a request for support of a motion or resolution passed by another local authority or other public body, the procedure set out in Appendix C to these Standing Orders shall apply. The procedures for Motions as provided for in Standing Order 13.1 shall apply equally in such circumstances.
- 13.4 If notice is given of any motion or amendment that, in the opinion of the Solicitor to the Council is illegal or if agreed is likely to give rise to a contravention by the Council of any enactment or rule of law or of any code of practice made or approved by or under any enactment, the Solicitor to the Council shall immediately submit such notice of motion or amendment to the Provost and it shall not be accepted and placed on the agenda without his/her sanction. In the event of non-acceptance the Solicitor to the Council shall so inform the Member who submitted the notice of motion or amendment

14. Procedure Prior to Debate

- 14.1 In relation to items of business on the agenda, the Provost will ask the Council Administration if they wish to propose a motion (except in relation to 9.1 (xvii) Motions, when the proposer of the motion shall be given the first opportunity to propose the motion, which failing, any Member may propose the motion). If a member of the Council Administration does not propose a motion, any Member may propose a motion. Any such motion must be immediately seconded. Thereafter the Provost will seek any amendments, which should also be seconded. The proposer of any motion or amendment may speak to their motion or amendment when proposing it, otherwise shall be allowed to speak to it during debate.
- 14.2 All motions and amendments must be directly relevant to the item of business under consideration. The Provost shall have the authority to rule out of order any motion or amendment which he/she may consider irrelevant, or any amendment which is substantially the same as the motion or another amendment.
- 14.3 A Member who has moved an amendment but failed to find a seconder may if he/she so requests have his/her dissent to a decision recorded in the minutes. Such a request may also be made by any Member whether or not he/she has moved a motion or amendment.
- 14.4 The Provost may require that any motion or amendment shall be reduced to writing and a copy thereof circulated to each Member or may require the Chief Executive to read any motion or amendment prior to it being put to the meeting.
- 14.5 A motion or amendment once moved and seconded shall not be altered nor withdrawn without the consent of the mover and seconder. Once in debate the consent of Council will be required to the alteration or withdrawal of any motion or amendment.
- 14.6 No Member shall move or second more than one motion or amendment upon a particular issue although a Member who has moved or seconded a motion or amendment shall not be precluded from moving or seconding a fresh amendment if he or she fails to find a seconder for their motion or if the original motion or amendment is withdrawn.
- 14.7 As detailed in paragraph 12.5, prior to debate any Member may ask a question at any meeting of the Council concerning any item of business arising upon the agenda. Such questions must be relevant to the item of business under consideration and may be directed to any senior officer seeking clarification of the terms of a report or to the mover of any motion or amendment seeking clarity of their motion or amendment. A member may also ask the mover and seconder of the motion or amendment if they are prepared to amend or alter their motion or amendment to achieve consensus.

15. Debate

- 15.1 There shall be no debate unless there is a motion and amendment both of which are seconded.
- 15.2 When the Provost is satisfied that there are no more motions, amendments or questions to be raised he or she will state that Council is in debate.

15.3 Once in debate, no other motion or amendment will be moved except in the following circumstances: -

- to suspend a Member in terms of Standing Order 6;
- to adjourn the debate in terms of Standing Order 5.7 or 16.1; or
- to close the debate in terms of Standing Order 16.2

15.4 Once in debate, no question will be asked except in the following circumstances:

- a question of order in terms of Standing Order 12.7;
- with the agreement of the Provost

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

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

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

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

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

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

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

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

16 Procedural Motions

- 16.1 Any Member of the Council may, at the conclusion of any speech move that the Council adjourns and such motion will have precedence over all other motions. Such a motion must be seconded but need not be reduced to writing. It will be moved and seconded without discussion and will immediately be put to the meeting. When an adjourned meeting is resumed, subject to standing order 9 it will commence at the point at which it was broken off at the adjournment.
- 16.2 It will be competent for any Member who has not already spoken in a debate to move the closure of such debate. On such motion being seconded, the vote will be taken, and if a majority of the Members present vote for the motion, the debate will be closed. However, closure is subject to the right of the mover of the motion and of the amendment(s) to reply. Thereafter, a vote will be taken immediately on the subject of the debate.

17. Voting

- 17.1 All business of the Council will be decided by a majority vote of those Members present and voting, except in those circumstances where these Standing Orders specify that a two-thirds majority is required in terms of Standing Order 23.
- 17.2 Where a motion and one amendment only are before the meeting these will be voted on together, but if there are more amendments than one, the amendment first proposed will be put against the motion. The winner will then be put against the second amendment, and so on.
- 17.3 If a Member wishes his/her abstention to be recorded in the minutes, he/she must immediately declare so to the meeting when the vote has been taken.

Casting Vote

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

Roll Call Votes

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

Voting by Ballot

- 17.6 If the Council so decides, voting shall be by ballot, which shall be undertaken by the Chief Executive to ensure the secrecy of the vote. A decision to proceed by ballot shall

require a majority of those Members present and voting before the ballot may be undertaken.

18. Voting on Appointment of Members

18.1 In the case of an appointment where only one vacancy requires to be filled and there are two or more candidates, a vote shall be taken between the candidates and the one receiving the most votes shall be declared duly appointed. In the event of an equality of votes, the candidate selected in a cut of cards as having the highest value card (ace high) shall be declared duly appointed.

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

19. Disclosure of Information

19.1 Information, whether contained in a document or otherwise, which is confidential information within the meaning of Section 50A of the 1973 Act, shall not be disclosed to any person by any Member or Officer.

19.2 The full or any part of a document marked "not for publication by virtue of the appropriate paragraph of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973" shall not be disclosed to any person unless or until the document has been made available to the public or the press under Section 50B of the 1973 Act.

19.3 Any information regarding proceedings of the Council from which the public may have been excluded shall not be disclosed to any person unless or until disclosure has been authorised by the Council or the information has been made available to the press or to the public under Section 50B of the 1973 Act.

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

20. Appointment of Executive Directors

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

21. Suspension of Standing Orders

21.1 Any one or more of the Standing Orders in any case of urgency as determined by the Provost upon a motion made, may be suspended at any meeting provided that two

thirds of the Members of the Council present and vote shall so decide. It shall not be competent for the Council to suspend any Standing Order which gives effect to any provision of Schedule 7 to the Local Government (Scotland) Act 1973 or any other statutory provision. (This covers the arrangements for meetings and proceedings of Local Authorities).

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

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

22. Variation and Revocation of Standing Orders

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

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

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

23. Rescinding/Revocation of Previous Decision/Resolution

23.1 Except where required by statute, no decision of the Council may be reconsidered and no item of business reconsidered which is the same or substantially the same as one previously determined by the Council within six months of the date of the making of the previous decision or determination, except where:-

- (i) two thirds of the Members for the time being present and voting agree to suspend Standing Orders in accordance with Standing Order 21 above; or
- (ii) In the opinion of the Solicitor to the Council not doing so would, either result in a decision which is likely to give rise to a contravention by the Council of any enactment or rule of law or of any code of practice made by or approved by or under any enactment.
- (iii) The original Council Decision cannot be implemented due to reasons outwith the control of the Council; or

- (iv) Where, as a matter of urgency, having regard to the potential loss of life, risk of substantial economic loss to the Council or any third party, (including potential loss or material underutilisation of funds or resources not available at the time of the Decision of Council), it is deemed by the Chief Executive that the matter ought to be reconsidered by the Council.

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

24. Decisions of Cabinet: Call-In Process

- 24.1 Minutes of the Cabinet will be sent to all Members of the Council by the end of the working day following the meeting. No action will be taken to implement decisions until the expiry of four further Clear Working Days. Decisions can then be acted upon unless they have been called in or referred.
- 24.2 Members will be entitled to refer or call-in decisions of the Cabinet on a requisition as set out in the Call in Request Form (Appendix D to these Standing Orders). This must be signed by three Members and delivered to the Chief Executive, or submitted electronically, via an individual email to the Chief Executive from each of the three Elected Members in question. Such requisition must be received no later than 12 noon on the fifth Clear Working Day following, and not counting, the day on which the Cabinet met. Such requisition must state the reason for the call in.
- 24.3 The Chief Executive will then immediately refer the matter to the Convener of the Audit and Scrutiny Committee who will be required to call a meeting of the Committee to consider the call-in within five Clear Working Days of receiving notification by the Chief Executive.
- 24.4 The Audit and Scrutiny Committee shall invite at least one of the Members who has requested the reference or call-in to attend the Committee to explain the request. The Convener will also invite a representative from the Cabinet to present their views on the call-in request and invite any senior officer to provide information on the report presented to the Cabinet. If none of the Members who have made the reference attend the Audit and Scrutiny Committee the Committee may determine not to scrutinise the decision.
- 24.5 No Member of the Audit and Scrutiny Committee who has signed a call in request may take part in consideration of the call in request.
- 24.6 Where the Audit and Scrutiny Committee does not agree on a majority vote with the decision of the Cabinet the matter will be referred to the next meeting of the Cabinet. The Audit and Scrutiny Committee will determine recommendations for alternative action for the Cabinet. The Convener or another Member of the Audit and Scrutiny Committee nominated by the Convener will have the right to attend the Cabinet and speak in support of its recommendation on that matter.
- 24.7 The Cabinet will at its next meeting consider the recommendation from the Audit and Scrutiny Committee and shall either agree to the recommendation or refer the matter to the next meeting of the full Council.

24.8 In the event of the matter being referred to the full Council, the decision of the full Council shall be final and binding.

25. Discharge of Functions by Committees and Officers

Scheme of Administration for Committees

25.1 The Council may arrange for the discharge of its functions by a Committee or Sub-Committee and will adopt a Scheme of Administration to (a) detail the constitution of the Committees and/or Sub Committees of the Council (including composition, chairmanship, and quorums); and (b) determine the terms of reference of the Committees and Sub Committees and the scope of their powers to exercise functions of the Council.

25.2 The Scheme of Administration will establish a Cabinet, Education Committee, Audit and Scrutiny Committee and such other Committees or Sub Committees as the Council may from time to time determine.

25.3 In the event that any Group does not appoint to any committee the number of Councillors they are entitled to appoint, Council may appoint any other member to fill such a vacancy or vacancies.

Working Groups

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

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

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

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

Scheme of Delegation to Officers

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

26. Proceedings of Committees and Sub-Committees

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

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

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

- III. The Ordinary Meetings of Committees (excepting the North Ayrshire Integration Joint Board and the Ayrshire Shared Services Committee) will commence at times as may be determined by the Council and will meet according to a timetable determined by the Council from time to time. Without prejudice to the foregoing, the Convener of a Committee or Sub-Committee will have power where the circular calling the meeting has not been issued to rearrange the date, time and place of a Committee or Sub-Committee in cases of urgency, subject to obtaining the agreement of the Council Leader and the Leader of the Opposition. The date, commencement time and timetable of meetings of North Ayrshire Integration Joint Board and any of its sub-committees will be determined by North Ayrshire Integration Joint Board. The date, commencement time and timetable of meetings of the Ayrshire Shared Services Committee will be determined by whichever of the Councils then holds the Chair. .
- IV. A Convener of a Committee or Sub-Committee may at any time give instructions for the calling of a special meeting, but the notice will state the special purpose for which it is called. Such meeting will be held at the time, date and venue as determined by the Chief Executive.

26.2 The exercise of delegated authority by a Committee or Sub-Committee is:

- I. Discretionary and a Committee or Sub-Committee may determine not to exercise its delegated powers.
- II. The consideration of all Committee business which has not been completed before the meeting is brought to an end shall be postponed to the next meeting of the Committee, whether Ordinary or Special.
- III. Committees and Sub-Committees shall appoint their own Convener or Vice-Convener if Council has failed to do so. In the absence of the Convener or Vice-Convener the Committee will be required to elect a member from those present to chair the meeting. The Convener of any Sub-Committee must be a member of the Parent Committee.
- IV. In the event that an issue arises which falls within the remit of more than one

Committee, the Conveners of said Committees will determine which Committee shall deal with the issue.

- V. There will be no temporary substitution of Members of Committees and Sub-Committees unless specific provision is made for the temporary substitution of Members of a particular Committee or Sub-Committee within these Standing Orders or in any relevant Minute of Agreement, Constitution or similar document.

27. Approval and Signing of Minutes

- 27.1 Minutes of Meetings of Committees with delegated powers shall be submitted to the next meeting of that Committee for approval of their accuracy and thereafter signed by the Convener of that Committee. It should be noted that Officers may implement any decision made within the delegated powers of such Committees immediately after the meeting.
- 27.2 Minutes of Meetings of Committees, which do not have delegated powers, will be submitted to Council or Cabinet as appropriate for approval of the decisions contained therein and to the next meeting of that Committee for approval of their accuracy. Following approval of such minutes (excepting Cabinet, the decision of which cannot be implemented until the expiry of the periods mentioned in Standing Order 24) Officers will be able to implement any decisions contained within the Minutes.
- 27.3 Where minutes are submitted for approval of their accuracy, there shall be no discussion of the minutes, except upon their accuracy and any question on their accuracy shall be raised by motion.

28. Petitions and Deputations

- 28.1 Every application for the reception of a deputation or petition to the Audit and Scrutiny Committee must be in writing, and delivered, faxed or e-mailed to the Chief Executive no later than 5.00 p.m. on Tenth Clear Working Day prior to the meeting.
- 28.2 Procedures for receiving petitions and deputations shall be as set down in Appendix B to these Standing Orders. No deputation shall be received by the Committee in relation to any regulatory or quasi-judicial function of the Council where the opportunity of a hearing or deputation has previously been afforded to any person. No late petition or deputation request shall be received except in accordance with Standing Order 9.5.

29 Contract Standing Orders and Financial Regulations

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

30. Ultimate Power of the Council

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

31. Definitions

- (a) In these Standing Orders the following words and phrases will have the following meanings respectively ascribed to them:-
- I. "Provost" or "Convener " will mean the person appointed to Chair the Council, Committee or Sub-Committee;
 - II. "Vice-Provost" or "Vice- Convener " will mean the person appointed to Chair the Council, Committee or Sub-Committee in the absence of the Provost or Convener ;
 - III. "Cabinet Portfolio Holder" will mean the member who has been given responsibility for the group of services. The postholder will be a Senior Councillor and will receive appropriate remuneration in terms of the Scheme of Allowances;
 - IV. "Chief Executive" will mean the Head of Paid Service of the Council as defined in terms of the Local Government and Housing Act 1989 s4(1)(a) or such other person as may be nominated by him/her;
 - V. The "Chief Financial Officer" will mean the proper officer so designated by the Council in terms of the Local Government (Scotland) Act 1973 s.95 or such other qualified accountant as may be nominated by him/her;
 - VI. "Clear Working Days" will unless otherwise specified, mean Monday to Saturday inclusive, including public holidays.
 - VII. The "Council" will mean North Ayrshire Council, being a Local Authority constituted under the Local Government Etc. (Scotland) Act 1994;
 - VIII. A "Decision of Council" will be deemed to have been made where any of the following circumstances occur:-
 - i. A motion or amendment in accordance with the provisions of these Standing Orders, has been passed by the necessary majority;
 - ii. The exercise by the appropriate officer of any power delegated to them either by reason of another Decision of Council or in terms of the Scheme of Delegation.
 - iii. The exercise by the Chief Executive of the discretion available to them.
 - iv. Such Decision of Council will be deemed to include any necessary actions required to give effect to such decision.
 - v. Where a Decision of Council is subsequently found to be incapable of implementation because of a defect or a new supervening factor, then subject to the confirmation of the Chief Executive upon advice taken, the Decision of Council may be given effect to with the removal of such defective element, or its replacement with a suitable and in all respect compatible element, provided always that the likely outcome of the resultant Decision of Council is materially

the same or sufficiently similar to the original decision. In such circumstances the Chief Executive will be obliged to report such change to the next appropriate meeting of the Council, and any decision on such report will not require the suspension of Standing Orders.

- IX. “Elected Members” and “Member” will mean, except where the expression will otherwise so require, a Councillor of the Council only, as the word “Councillor” is defined by reference to Local Government Etc. (Scotland) Act 1994 s5;
- X. “Solicitor to the Council ” will mean the Head of Democratic Services or such other legally qualified person as may be nominated by him/her;
- XI ‘Party’ will mean any grouping of two or more Members.
- XII ‘ Present and voting’ or ‘present and vote’ shall mean Members casting an affirmative or negative vote. Members who abstain from voting are considered as not voting.
- XIII The Interpretation Act 1978 applies to the interpretation of the Standing Orders as it applies to an Act. Any Act or other legislative provision referred to herein will include reference to any amendment, modification or re-enactment of such provision as may from time to time occur.
- XIV In the event of any dispute or difference as to the interpretation or these Standing Orders and any other document the Standing Orders will prevail.
- XV The ‘1973 Act” shall mean the Local Government (Scotland) Act 1973, as amended.
- XVI The “2000 Act” shall mean The Ethical Standards in Public Life etc (Scotland) Act 2000.
- (b) Emails from Elected Members to the Chief Executive in respect of Standing Orders 12, 13 and 24 should be submitted using the Council allocated email address i.e. [MemberName]@north-ayrshire.gov.uk. Such emails will be accepted as having been signed by the Elected Member.

Appendix A

Local Government (Scotland) Act 1973

SCHEDULE 7A: DESCRIPTIONS OF EXEMPT INFORMATION

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

(a) any legal proceedings by or against the authority, or

(b) the determination of any matter affecting the authority,

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

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

Appendix B

NORTH AYRSHIRE COUNCIL

GUIDANCE ON DEPUTATIONS AND PETITIONS

1. Introduction

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

2. Procedure

- 2.1 Every application for the reception of a deputation or petition must be in writing, duly signed and delivered or faxed or e-mailed to the Chief Executive no later than 5.00 p.m. on Tenth Clear Working Day prior to the meeting.
- 2.2 The application should give details of the matter to be raised. You should be able to demonstrate that you have taken steps to resolve the issues prior to submitting your application. Details of the services or officers approached, together with copies or summaries of the responses received should be submitted along with your application form.
- 2.3 Petitions will only be received if they relate to the delivery of Council services or to services which are provided by the Council in conjunction with other partner organisations, or if they relate to decisions that the Council has taken or is about to take. Your petition must contain a minimum of 10 written signatures from different households. E-petitions may be lodged in support, but not in substitution for the 10 written signatures. The petition should give details of the matter concerned. Again you should be able to demonstrate that you have taken steps to resolve the issue of concern prior to submitting your petition.
- 2.4 A petition will not be competent in the following circumstances:-
- If it relates to a case that is or has been subject to legal or court proceedings, ombudsman complaints, industrial tribunals, appeals procedures;
 - If it requests the Council to do something outwith its powers;
 - If it discloses information which is protected by an interdict or court order;
 - If it reveals commercially sensitive or confidential information;
 - If it would cause personal distress or loss; and
 - If it relates to an individual's circumstances or an individual's grievance
 - If it relates to any regulatory or quasi-judicial function of the Council where the opportunity of a hearing or deputation has previously been afforded to any person.
- 2.5 If 10 or more letters are received on one specific issue, these will be treated in the same way as petitions. If the individual leading the letter writing campaign can be identified, that person will be treated as the principal petitioner and the same procedures will apply as for petitions generally.

3. Determination

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

4. Addressing the Committee

- 4.1 You should remain seated at all times during the meeting, until the spokespersons are invited to speak by the Chair.
- 4.2 You will be limited to ten minutes in total to present your case to the meeting. Once you have addressed the meeting, the Members present will be invited to put questions to you. Appropriate Members or officers of the Committee may also be invited to speak and to receive questions. If the officers are presenting a written report, you will be given a copy, if possible in advance of the meeting.
- 4.3 The Committee will then take a decision on the matter before it, if appropriate, or if it relates to an item elsewhere on the agenda of the meeting may wait until they reach that item before taking a decision. Once you have heard the decision you are free to leave, but are welcome to stay to listen to the rest of the meeting if you so wish.

5. Deputations and Petitions Relating to Planning Applications

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

Appendix C

North Ayrshire Council

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

1. Purpose

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

2. Background


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

3. Procedure

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

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

Appendix D

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

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

	Date	Time
Received by Chief Executive	/ /	

Received by Committee Services	/ /	
Acknowledged	/ /	

Appendix E

NORTH AYRSHIRE COUNCIL

Quick Guide to Dealing with Items of Business

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

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Location:	I:\Committee Services\Publications\01 Standing Orders Relating to Proceedings of the Council and Committees	
Last Revised:	Revised By	Nature of Revision
Nov 2008	MMCK	Reflect changes agreed by the Council in November.
Sept 2009	MMcK	Correction to contents page.
Nov 2009	MMcK	Revision to SO2 as agreed by Council on 11 Nov 2009
June 2010	ITM	Revisions as agreed by Council on 30 June 2010.
Sept 2010	MMcK	To clarify position re paragraph 12.1 re preambles
May 2011	MMcK	Revision to SO 19.1
May 2012	IMack	Reflect changes in Committee Structure

December 2014	MJA	Agreed adoption of piloted procedure for dealing with items of business, together with a number of other changes set out in the report to Council
February 2016	MJA	Agreed addition to definitions at Para 34 and new SO at 23(v)
September 2016	MJA	Scrutiny and Petitions Committee name changed to Audit and Scrutiny Committee, following Special Council on 30 August 2016



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Committee Services

Scheme of Administration

May 2017

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SECTION 1: GENERAL

Purpose

The Scheme regulates: -

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

Amendment

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

Interpretation

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

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

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

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

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

“Council” means the North Ayrshire Council.

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

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

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

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

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

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

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

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

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

Committees

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

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

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

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

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

The Social Work Complaints Review Panel will remain in existence solely to deal with complaints submitted prior to 1 April 2017 and thereafter will be dissolved. Until dissolved it will report to Cabinet and its remit, membership and operation will be as previously decided by Council.

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

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

SECTION 2: PROVISIONS APPLICABLE TO ALL COMMITTEES

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

Delegated Functions

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

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

General

- 4. The proceedings of any Committee will not be invalidated through any vacancy in membership or any defect in appointment.
- 5. The Committees and any Sub-Committees of the Council will have the terms of reference specified in this scheme in relation to each such Committee or Sub-Committee and such Committees and Sub-Committees will conduct their business within their terms of reference only and will act in accordance with the policies of the Council.

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

SECTION 3: CABINET

Constitution

The Cabinet will comprise seven Members of the Council including:

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

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

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

Chair

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

Quorum

Three Members of the Cabinet will constitute a quorum.

Delegated Powers

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

Functions Referred

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

General

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

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

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

4. The preparation of all major strategic policy documents;
5. Consideration or alteration within the policy framework established by the Council of policy objectives in relation to all of the Council's functions;
6. Monitoring the performance of the Authority towards achieving its policy objectives and priorities in relation to all functions of the Council;

B. Resources and Services

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

C. Financial Management

17. Within the context of the Capital Plan, to advise and make recommendations to the Council on the approval of proposals for capital expenditure, the ranking of priorities and allocation of resources in relation to capital expenditure;
18. Within the context of the Revenue Plan, to advise and make recommendations to the Council of proposals for revenue expenditure and ranking of priorities and allocation of resources in relation to revenue expenditure;
19. All matters relating to the banking arrangements of the Council;
20. To advise and make recommendations to the Council on the determination of appropriate levels of council tax each year;

21. The preparation, review and amendment of regulations and arrangements for the proper administration of the Council's financial affairs;
22. Ensuring that Heads of Service maintain effective controls within financial procedures operated within their Services;
23. Borrowing of money by the Council and all matters relating to treasury management;
24. Investment of any funds including trust, common good and pension funds under the control or direction of the Council;
25. All matters relating to the Council's portfolio of insurance policies;
26. All matters relating to the collection of council tax, non-domestic rates, community charges, water and sewerage charges (on behalf of Scottish Water) and acting as Collecting Authority therefor in terms of Section 79 of the Local Government etc. (Scotland) Act 1994;
27. The exercise of any discretionary powers under the Council Tax (Variation for Unoccupied Dwellings) (Scotland) Amendment Regulations 2016 to set the amount of any discount or levy on long term empty property;
28. The initiation of actions and procedures for the recovery of council tax, non-domestic rates, and any other charges for which the Council has authority to charge or recover;
29. Consideration of tenders in excess of £1m. or such revised sum as may be detailed in Financial Regulations of the Council except where forming part of a previously agreed framework agreement;
30. Matters relating to the Scottish Welfare Fund, Housing Benefit and Universal Benefit;
31. Approval of the Annual Treasury and Investment Strategy.

D. Property, Accommodation and Staffing

32. The management of the administrative buildings of the Council and providing, furnishing, equipping and maintaining the necessary offices and buildings for this purpose;
33. Providing advice and make recommendations to the Council on the level of rents for Council dwelling houses;
34. The management and use of lands and building controlled by the Council and the use or disposal of land and buildings declared surplus to the requirements of the Council including Common Good and HRA land;
35. Energy management in all properties owned or used by the Council;
36. The assessment and determination of housing needs;
37. The preparation of a local housing strategy;

38. The training, development and welfare of all staff including the preparation and review of Council policies on staffing issues and Health & Safety at Work, pay modernisation and the promotion of good human resource and employment practices;
39. Without prejudice to the functions of the Joint Consultation Committee and the Local Negotiating Committee for Teachers, all matters relating to the conditions of service, remuneration, allowances, attendance, superannuation and pensions of all employees including consultation and negotiation with appropriate Trade Unions as necessary and the ratification of national agreements and significant local agreements;
40. Oversight of use of powers under the Regulation of Investigatory Powers (Scotland) Act;
41. The development and monitoring of policies relating to equalities;

E. Digital

42. The Council's Information and Communication Technology Strategy;
43. The Council's Information Technology Services and requirements including the communication requirements of the Council and of all its Services;

F. Education

44. Consideration or alteration within the policy framework established by the Council of policy objectives and priorities in relation to Education;
45. Exercising the functions of the Council as Education Authority under the Education (Scotland) Acts and any other relevant statutes. In particular and without prejudice to the above principal terms of reference;
 - i. All matters relating to education including pre-school education, primary education, secondary education, outdoor and sports education, lifelong education and community learning;
 - ii. All matters relating to Parent Councils;

G. Miscellaneous

46. Any participation by the Council in matters relating to careers advice and placement in employment including the Council's interest in and relationship with Careers Scotland;
47. All matters relating to the Council's involvement in the provision of national and local youth and adult training schemes;
48. To oversee the functions of the Council with regard to social, educational, cultural, recreational and community based activities;
49. Determination of community asset transfer requests under either the Council's Community Asset Transfer Scheme or the Community Empowerment (Scotland) Act 2015;
50. All matters relating to the administration of bursaries;

51. Approval of the Council's Communications Strategy;
52. All matters relating to Best Value and the quality of service delivery in respect of all services of the Council in terms of the Local Government in Scotland Act 2003;
53. The arrangement of civic hospitality and other receptions;
53. The level of annual funding to be provided to Community Councils;
54. Determining applications for financial assistance from outside bodies, unless delegated to another Committee;
55. Consideration of new legislation or consultation papers, except where the subject matter is within the remit of another Committee;
56. The initiation or defence of civil actions other than those relating to matters standing referred to other Committees;
57. Civil Contingencies and Business Continuity;
58. Community and Locality Planning, including approval of the Locality Outcomes Improvement Plan and Locality Plans;
59. Mental health functions excluded from delegation to the North Ayrshire Integration Joint Board.

Annexation A

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

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

SECTION 4: APPEALS COMMITTEE

Constitution

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

Chair

The Chair of the Committee will be appointed by the Council.

Quorum

Three members of the Committee will constitute a quorum.

Delegated Powers

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

Meetings:

The Appeals Committee will meet as and when business requires.

Functions Referred

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

SECTION 5: AUDIT AND SCRUTINY COMMITTEE

Constitution

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

Chair

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

Quorum

Three Members of the Committee will constitute a quorum.

Delegated Powers

The Audit and Scrutiny Committee does not have delegated powers. All recommendations of the Committee will be considered by Cabinet.

Functions Referred

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

Audit Functions

1. The preparation and implementation of the strategy for Performance Review;
2. Ensuring that all the Chief Officers establish and implement satisfactory arrangements for reviewing and appraising their Services' performances against set objectives, levels and standards of service and the performance indicators and to receive regular reports on these and the to review the outcomes;
3. Acting as a focus for value for money and service quality exercises ;
4. Monitoring the annual work programme of Internal Audit;
5. Reporting to the Council on the resources required to carry out Performance Reviews and related processes;
6. Make reports to the Cabinet or any other body on which the Council is represented;
7. Ensuring that Heads of Service maintain effective controls within financial procedures operated within their Services;

Scrutiny Functions

1. Monitoring the performance of the Authority towards achieving its policy objectives and priorities in relation to all functions of the Council;
2. Reviewing the effectiveness of all the Council's work and the standard and levels of services provided and questioning Members of the Cabinet thereon;
3. Reviewing the implementation of the Locality Outcome Improvement Plan Council Plan, Service Plans and Service Budgets;
4. Monitoring the functions of external bodies (Following the Public Pound);
5. Monitoring and reviewing the Council's complaints procedures;
6. As a result of call-in requests, scrutinise decisions of Cabinet, in terms of the procedures set out in the Standing Orders for Meetings;
7. To be responsible for setting its own work programme which will include the right to undertake reviews following input from inter alia the Cabinet, the Council, members of the Audit and Scrutiny Committee itself and Community Planning Partners;
8. The Committee may at its discretion set up short term working groups for review work. Membership of the working group will be open to anyone with the exception of Cabinet Members, whom the Committee considers will assist in the task assigned. The working groups will not be decision making bodies or formal committees but will make recommendations to the Audit and Scrutiny Committee;
9. Promoting the highest standards of conduct by Elected Members including appropriate training;
10. Assisting Elected Members in observing the relevant Codes of Conduct;
11. Monitoring and keeping under review the Codes of Conduct maintained by the Council;
12. Reviewing the personal development and training of Councillors;
13. To receive all petitions and deputations submitted to the Council except those relating to the Council's planning functions, which shall be considered by the Planning Committee. The arrangements for receiving petitions are as set out in Appendix B to the Standing Orders relating to Meetings and Proceedings of the Council and Committees;

SECTION 6: AYRSHIRE SHARED SERVICE JOINT COMMITTEE

Constitution

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

Chair

The Chair of the Committee will rotate annually from a Member appointed by North Ayrshire Council (the current chair to August 2017), to East Ayrshire Council, and to South Ayrshire Council and so on, with each Chair taking up his or her position on 1 September.

Quorum

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

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

Standing Orders and Meetings

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

Delegated Powers

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

Functions Referred

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

1. To monitor spend within the budget approved by the parties hereto in relation to each Shared Service;
2. To develop and implement a strategic policy framework for the operation of each Shared Service;
3. To receive, scrutinise and approve service plans for implementation of the policies and priorities for service delivery relative to Shared Services including establishing appropriate service targets and performance indicators;
4. To co-ordinate, guide, monitor and review the performance and discharge of Shared Services by officers of the relevant Lead Authority;
5. To consider and approve an annual Service Plan in respect of each Shared Service including the Budget submission. The Joint Committee does not have any delegated authority in relation to setting the budget of any Shared Service;

SECTION 7: EDUCATION APPEAL COMMITTEE

Constitution

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

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

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

Chair

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

Quorum

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

Delegated Powers

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

Functions Referred

The following functions stand referred to the Committee:

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

SECTION 8: LICENSING COMMITTEE

Constitution

Eight Members of the Council comprising three Members nominated by the Administration, two Members nominated by the Opposition, and three other Members.

Chair

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

Quorum

Three Members of the Committee will constitute a quorum.

Delegated Powers

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

Functions Referred

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

SECTION 9: LOCAL DEVELOPMENT PLAN COMMITTEE

Constitution

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

Chair

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

Quorum

Six Members of the Committee shall constitute a quorum

Functions referred

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

- (a) To undertake all processes required under Parts 2 of the Planning Etc. (Scotland) Act 2006 for the preparation of the North Ayrshire Local Development Plan;
- (b) To receive representation from Elected Members, statutory consultees, local authorities and the general public on the content of the Local Development Plan;
- (c) To consider any representations received and to make any adjustment to the draft Local Development Plan;
- (d) To finalise the form and content of the Local Development Plan and to present it to the North Ayrshire Council for adoption;
- (e) To undertake all statutory processes relating to Core Path Planning and to finalise the form and content of the Core Path Plan and submit it to Cabinet for adoption;

SECTION 10: LOCAL REVIEW BODY

Constitution

Eight Members of the Planning Committee.

Chair

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

Quorum

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

Delegated Powers

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

Functions Referred

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

Procedure to be followed by the Local Review Body

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

It will be possible to combine more than one of these processes.

4. All parties will be advised of the process to be followed and the timescale within which further information, if any, is to be submitted.

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

SECTION 11: PLANNING COMMITTEE

Constitution

Eight Members of the Council comprising three Members nominated by the Administration, three Members nominated by the Opposition, and two other Members.

Chair

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

Quorum

Three Members of the Committee will constitute a quorum.

Delegated Powers

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

Functions Referred

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

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

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

1. (a) Determine planning permission;
- (b) Determine listed building and conservation area consent;
- (c) Approve amendments and other consents including material and non-material variations;
- (d) Approve advertisement consent;
- (e) Determine certificates of lawfulness;
- (f) Determine screening and scoping opinions;
- (g) Determine hazardous substances consents;
- (h) Determine prior notifications for agricultural development and demolition;
- (i) Determine applications by Statutory Undertakers;
- (j) Tree Preservation Orders or other planning related orders where not otherwise delegated;

2. Instruct enforcement and interdict actions including direct action where appropriate;
3. Participate in the preparation of the North Ayrshire Local Development Plan;
4. Receive reports from the Ayrshire Joint Planning Service;
5. To prepare design or development planning briefs;
6. Respond to appropriate planning consultations;
7. Rights of Way, Access, Path Planning and Footpaths;
8. Notwithstanding the terms of paragraphs 1 and 2 above, determine any other regulatory planning matters;

SECTION 12: POLICE AND FIRE AND RESCUE COMMITTEE

Constitution

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

Chair

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

Quorum

Three Elected Members of the Council shall constitute a quorum.

Delegated Powers

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

Functions Referred

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

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

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

SECTION 13: POLICY DEVELOPMENT COMMITTEE

Constitution

Twenty Members of the Council comprising of three Members nominated by the Administration, eight Members nominated by the Opposition, and nine other Members. The Cabinet Member holding the relevant service portfolio relating to any particular policy which is the subject of consideration shall also be a member of the Committee for business relating to that policy only.

Chair

The Chair will be the Deputy Leader of the Council. The Vice-Chair will be appointed by the Council.

Quorum

Five Elected Members of the Council shall constitute a quorum.

Delegated Powers

Except as hereinafter provided, the Policy Development Committee does not have delegated powers. All recommendations of the Committee will be considered by Cabinet. In relation to Community Asset Transfer Reviews the Committee has full delegated powers to implement its functions.

Functions Referred

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

1. To consider and support the development of such Council policies and procedures as may be referred to it;
2. To ensure that the implications on equalities, children and young persons', the environment, community benefits and sustainability of Council policies are properly assessed during their development;
3. To consider and support the development of such policies as may be remitted to it by Cabinet or Council;
4. To ensure proper alignment and consistency of Council policies and procedures with the Local Outcomes Improvement Plan, the Council Plan, the Integration Joint Board Strategic Plan, the Local Development Plan, the Fair for All Strategy, Locality Plans and other major strategic plans;
5. To consider such other reports from Officers where it is felt that cross-party consultation is required in order to facilitate consensus or produce a solution which commands cross-party support;.
6. Determination of any review of community asset transfer decisions requested in terms of section 86 of the Community Empowerment (Scotland) Act 2015 and The Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016;

SECTION 14: STAFFING AND RECRUITMENT COMMITTEE

Constitution

Four Members of the Council, namely the Leader of the Council, a Member of the Administration, and the Leader and a Member of the Opposition, shall constitute the standing membership of the Committee. The Cabinet Member holding the relevant service portfolio relating to a particular Chief Officer appointment shall also be a member of the Committee for business relating to that appointment only.

Each of the four standing members of the Committee will have a named substitute who may attend meetings in their place when necessary.

Chair

The Leader of the Council will be the Chair.

Quorum

Three Members of the Committee will constitute a quorum.

Delegated Powers

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

Meetings

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

Functions Referred

The following functions stand referred to the Committee:

1. To consider arrangements for the selection of candidates for, and authorise the appointment of individuals to, the posts of Executive Director of the Council;
2. To consider and approve applications from Chief Officers for early retirement under the Council's personnel policies and procedures.

The Chief Executive or nominee and Head of People and Transformation will act as special advisers to the Committee when undertaking Executive Director recruitment. The Committee may also allow specialist or technical assessors to assist the Committee.

SECTION 15 - NORTH AYRSHIRE INTEGRATION JOINT BOARD

Constitution-

North Ayrshire Integration Joint Board is a statutory body constituted in terms of The Public Bodies (Scotland) (Integration Joint Board Establishment) (Scotland) Order 2015. The Functions delegated by the Council to the Board, as well as its Membership, Chairperson, Quorum, and powers are more specifically set out in the North Ayrshire Integration Scheme, being an agreement between North Ayrshire Council and Ayrshire and Arran NHS Board approved by Scottish Ministers in March 2015. Voting membership comprises four persons nominated by the NHS Board, and four persons appointed by the Council, each of whom may have a Deputy. The Council nominations shall comprise two Members and two Deputies nominated by the Administration and two Members and two Deputies nominated by the Opposition.

Chair

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

Quorum

The quorum is half of the voting members.

Delegated Powers

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

Part 1 Functions Referred

In relation to the following functions

- 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;
- Criminal justice social work services;
- Children and families social work services;

The duties of the Council under the following legislation:-Part 2

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 persons 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.)

12. The Adults with Incapacity (Scotland) Act 2000

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

13. The Housing (Scotland) Act 2001

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

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

- Section 4 (The functions conferred by Regulation 2 of the Community Care (Additional Payments) (Scotland) Regulations 2002 in relation to the provision, or securing the provision, of relevant accommodation.)
- Section 5 (The making of arrangements for the provision of residential accommodation outside Scotland.)

- Section 6 (Entering into deferred payment agreements for the costs of residential accommodation.)
- Section 14 (The making of payments to an NHS body in connection with the performance of the functions of that body.)

15. The Mental Health (Care and Treatment) (Scotland) Act 2003

- Section 17 (The provision of facilities to enable the carrying out of the functions of the Mental Welfare Commission.)
- Section 25 (The provision of care and support services for persons who have or have had a mental disorder) except in so far as it is exercisable in relation to the provision of housing support services.
- Section 26 (The provision of services designed to promote well-being and social development for persons who have or have had a mental disorder) except in so far as it is exercisable in relation to the provision of housing support services.
- Section 27 (The provision of assistance with travel for persons who have or have had a mental disorder) except in so far as it is exercisable in relation to the provision of housing support services.
- Section 33 (The duty to inquire into a person's case in the circumstances specified in 33(2).)
- Section 34 (The making of requests for co-operation with inquiries being made under section 33(1) of that Act.)
- Section 228 (The provision of information in response to requests for assessment of the needs of a person under section 12A(1)(a) of the Social Work(Scotland) Act 1968.)
- Section 259 (The securing of independent advocacy services for persons who have a mental disorder.)

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

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

17. The Housing (Scotland) Act 2006

- Section 71(1)(b)(assistance for housing purposes) only in so far as it relates to an aid or adaptation.

18. Adoption and Children (Scotland) Act 2007

- Section 1 (Duty of local authority to provide adoption service.)
- Sections 4-6 (Local authority to prepare and publish a plan for the provision of adoption service; local authority to have regard to Scottish Ministers' Guidance and; assistance in carrying out functions under sections 1 and 4.)
- Sections 9-12 (Adoption support services.)
- Section 19 (Local authority's duties following notice under section 18.)
- Section 26 (Procedure where an adoption is not proceeding.)
- Section 45 (Adoption support plans.)

- Section 47-49 (Family member's right to require review of an adoption support plan; cases where local authority under a duty to review adoption support plan and; reassessment of needs for adoption support services.)
- Section 51 (Local authority to have a regard to guidance issued by Scottish ministers when preparing or reviewing adoption support plans.)
- Section 71 (Adoption allowances schemes.)
- Section 80 (Application to court by local authority for the making of a Permanence Order.)
- Section 90 (Precedence of court orders and supervisions requirement over permanence order.)
- Section 99 (Duty of local authority to apply for variation or revocation of a permanence order.)
- Section 101 (Notification requirements upon local authority.)
- Section 105 (Notification requirements upon local authority where permanence order is proposed – relates to child's father.)

19. The Adult Support and Protection (Scotland) Act 2007

- Section 4 (The making of enquiries about a person's wellbeing, property or financial affairs.)
- Section 5 (The co-operation with other councils, public bodies and office holders in relation to inquiries made under section 4.)
- Section 6 (The duty to have regard to the importance of providing advocacy services.)
- Section 7-10 (Investigations by local authority pursuant to duty under section 4.)
- Section 11 (The making of an application for an assessment order.)
- Section 14 (The making of an application for a removal order.)
- Section 16 (Council officer entitled to enter any place in order to move an adult at risk from that place in pursuance of a removal order)
- Section 18 (The taking of steps to prevent loss or damage to property of a person moved in pursuance of a removal order.)
- Section 22 (The making of an application for a banning order.)
- Section 40 (The making of an application to the justice of the peace instead of the sheriff in urgent cases.)
- Section 42 (The establishment of an Adult Protection Committee.)
- Section 43 (The appointment of the convener and members of the Adult Protection Committee.)

20. Children's Hearings (Scotland) Act 2011

- Section 35 (Child assessment orders.)
- Section 37 (Child protection orders.)
- Section 42 (Application for parental responsibilities and rights directions.)

- Section 44 (Obligations of local authority where, by virtue of a child protection order, child is moved to a place of safety by a local authority.)
- Section 48 (Application for variation or termination of a child protection order.)
- Section 49 (Notice of an application for variation or termination of a child protection order.)
- Section 60 (Duty of local authority to provide information to Principal Reporter.)
- Section 131 (Duty of implementation authority to require review of a compulsory supervision order.)
- Section 144 (Implementation of a compulsory supervision order: general duties of implementation authority.)
- Section 145 (Duty of implementation authority where child required to reside in a certain place.)
- Section 153 (Secure accommodation.)
- Sections 166-167 (Requirement imposed on a local authority: review and appeal.)
- Section 180 (Sharing of information with panel members by local authority.)
- Section 183-184 (Mutual assistance.)

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

- Section 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.)

22. Miscellaneous

Exercise the foregoing functions of the Council in terms of the following legislation which relate to the services detailed in Part 1 hereof.

- Local Government (Scotland) Act 1973
- Local Government (Scotland) etc Act 1994
- Local Government in Scotland 2003
- Regulation of Care (Scotland) Act 2001
- Equality Act 2010
- Human Rights Act 1998
- UN Convention on the Rights of the Child
- Children (Scotland) Act 1995
- Mental Health (Care and Treatment) (Scotland) Act 2003
- Adults with Incapacity (Scotland) Act 2000
- Children and Young People Act 2014
- Public Bodies (Joint Working) (Scotland) Act 2014

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Last Revised:	Revised By	Nature of Revision
5 November 2014	MJA	Amendment to composition of Staffing and Recruitment Committee
18 February 2015	MJA	Amendment to Education Appeal Committee, Area Committees delegated powers and a change to Staffing and Recruitment composition (as the result of a decision by the Council to change the SNP Group appointments to Staffing and Recruitment)
April 2015	MJA	Amendments to reflect change from Shadow Integration Joint Board to Integration joint Board
June 2015	MJA	Amendments to reflect change in the composition of the Appeals Committee, agreed by the Council at its meeting on 17 June 2015
March 2016	MJA	Removed references to Area Committees and added references to Locality Partnerships, as agreed by Council on 30 March 2016
August 2016	MJA	Following Special Council meeting on 30 August 2016, Audit Committee and Scrutiny and Petitions Committee combined, permanent Chair appointed for Appeals and Cabinet reduced in size from 7 to 6
September 2016	MJA	Council on 14 September agreed to amend the Main Opposition Group representation provision in respect of the Staffing and Recruitment Committee.
September 2016	AL	Replacement of "Corporate Director" with "Executive Director" P3, 5 and 13.

v2.10 10-05 2017

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

2017 v1.6 09-05-17

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Section 1 – Introduction

This Scheme of Delegation was approved by North Ayrshire Council onon 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 employees fully accountable for the operational decisions they take to ensure the smooth running of the Council.

Section 2 – Core Principles

The Council has determined that all powers which are not specifically reserved to Council, Committee, Sub-Committee, Joint Boards or the Integration Joint Board are delegated to Officers. The matters reserved to Council or Committees are mainly the strategic policy or regulatory issues, while the day to day operational matters of running the Council's services are delegated to Officers.

Every attempt has been made to list the specific powers which are available to Officers. However if a specific power is not mentioned in this Scheme of Delegation, it does not necessarily mean that Officers cannot exercise that power. Unless it has been specifically reserved to Council, 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 Executive Director.
- iii) Such delegations are at all times to be exercised in accordance with the relevant law, and the Council's Standing Orders relating to Contracts, Financial Regulations, Scheme of Administration and Standing Orders relating to Meetings and other relevant policies and procedures.
- iv) Where clarification is required, the Chief Executive will determine which matters are operational or otherwise.

2.2 Powers Reserved to Council

General Issues

Delegated powers should not be exercised by Officers where any decision would represent a departure from Council policy or procedure or would be contrary to a standing instruction of Council (or Committee), or would itself represent a significant development from policy or procedure. The only exception to this is in the case of urgency where the Officer may, after consultation with the Chief Executive, Leader, and relevant Cabinet Portfolio Holder or Convenor of the appropriate Committee, exercise delegated powers. Should such powers be exercised in urgent circumstances, a report will be submitted to the next appropriate Committee for noting.

Specific powers reserved for Council or Committee

2.2.1 The powers which are reserved to the Council or its Committees are a mixture of those which must, in terms of statute, be reserved, and those which the Council has, itself, chosen to reserve. Powers which are not reserved are delegated, in accordance with the provisions of this Scheme.

2.2.2 The following is a comprehensive list of what is reserved to the Council or Committee, categorised as statutory and non-statutory:-

Statutory Reservations

- a) To change the name of the Council in terms of Section 23 of the Local Government (Scotland) Act 1973.
- b) To appoint the Convener and Depute Convener of the Council and to decide on their titles, in terms of Section 4 of the Local Government etc. (Scotland) Act 1994.
- c) To appoint Committees in terms of Section 57 of the Local Government (Scotland) Act 1973.
- d) To promote and oppose private legislation in terms of Section 82 of the Local Government (Scotland) Act 1973.
- e) To set Council Tax in terms of Section 56(6) of the Local Government (Scotland) Act 1973.
- f) To receive the certified abstract of the Council's annual accounts, in terms of the Local Authority Accounts (Scotland) Amendment Regulations 1988 and 1997.
- g) 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 Treasury and Investment Strategy.
- 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 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 may be reviewed on 1st April each year.

2.8 Consultation with Chief Executive

The Scheme of Delegation to Officers as set out in the following sections is at all times subject to the right of an Officer to consult with the Chief Executive on any matter, even though it has been specifically delegated to him or her particularly and to a duty so to consult where instructed or directed by the Chief Executive;

2.9 Absence of Executive Director

The Chief Executive is authorised to exercise every power delegated to Executive Directors and Officers, whether in their absence or otherwise except where (a) part of a statutory function delegated to that specific Director or Officer or (b) the power derives from a function delegated by the Council to North Ayrshire Integration Joint Board.

3. DELEGATIONS TO OFFICERS - GENERAL PROVISIONS

The Chief Executive, Executive Directors and, unless specifically withheld, Heads of Service will have the following powers delegated to them:-

- 3.1 All powers necessary for the general management of the departments or services for which they are responsible including, but not limited to, the power to:-
 - 3.1.1 Appoint employees in accordance with Council policy and Standing Orders;
 - 3.1.2 Authorise special leave for employees in accordance with the provisions of the Council's Scheme of Special Leave;
 - 3.1.3 In consultation with the Head of Service (People and Transformation), grant leave of absence with salary to enable employees to undertake approved part-time courses;
 - 3.1.4 Authorise employees' attendance at conferences/seminars and training courses for all employees;
 - 3.1.5 Authorise departmental expenditure up to limits permitted in the Standing Orders, on such items as have been allowed for in the appropriate capital and revenue budgets.
- 3.2 To authorise employees to undertake functions delegated to the Executive Director or Head of Service as may be deemed appropriate and expedient, provided such employees are suitably qualified.
- 3.3 To sign and issue the necessary authorisation to Officers of the Council to exercise statutory powers including where appropriate the rights to enter land and premises in connection with the discharge of their duties and any identity cards so required by the Council.
- 3.4 All such other powers as delegated by the Council, a Committee, a Sub-Committee, the Council's Standing Orders and Financial Regulations.
- 3.5 To authorise and pay for the attendance of individual Members at specific conferences, seminars, etc..
- 3.6 To authorise and pay for the attendance of individual employees at training or conferences and to authorise and reimburse the professional membership fees of individual employees
- 3.7 To appoint or make recommendations as to the employment of consultants or specialists in accordance with any decision taken by the Council.
- 3.8 To manage and monitor the performance of the services which are under their responsibility.
- 3.9 To assist in the preparation of the Council's General Services Revenue Budget and Capital Programme.

- 3.10 To take such measures as may be required in emergency situations, subject to advising the Chief Executive as soon as possible thereafter on any items for which Committee approval would normally be necessary. This includes any Contract for the execution of works which are urgently required for the prevention of damage to life or property.
- 3.11 To enter into contracts for the supply of goods and materials, the execution of works and the provision of services where there is adequate provision in the estimates and in accordance with the Standing Orders for Contracts (which currently provides for letting of contracts by officers where the expenditure is less than £1m.) or the contract is let in terms of a framework agreement to which the Council is a party.
- 3.12 In the case of emergency involving danger to life or property, to enter into contracts for the supply of goods and materials, the execution of works and the provision of services where the estimated expenditure is more than £1m., subject to reporting the expenditure to a subsequent committee.
- 3.13 To sell surplus stores, plant, furniture and equipment, including any IT equipment, for the best price obtainable and write off any such stores, plant, furniture and equipment which have become unfit for use and are un-saleable, subject to the Standing Orders Relating to Contracts and any relevant Council policies.
- 3.14 To deal with, and in appropriate circumstances, to approve applications from employees for reimbursement of reasonable legal expenses, in part or in whole, incurred in defending any actions raised against them personally, providing:-
- i) They are acting within the course of their employment;
 - ii) In accordance with Council procedures;
 - iii) In good faith.
- 3.15 To respond to consultation papers unless the response recommends a departure or significant development of Council policy or procedure or is contrary to a standing instruction of Council or Committee.
- 3.16 To amend the organisational structures of their Services including the number and designation of posts subject to the following conditions:
- (a) The appropriate portfolio holder(s) has(ve) been consulted;
 - (b) The costs of the amendments are within the existing revenue budget and this is confirmed by the Executive Director (Finance and Corporate Support);
 - (c) The Head of Service (People and Transformation) approves the grading, conditions of service and designation of posts.
- 3.17 In accordance with the Council's approved Disciplinary and Incapability and Maximising Attendance Procedures, to take disciplinary action including dismissal, as appropriate in respect of employees in their relevant Service;

3.18 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.

DELEGATIONS TO OFFICERS - SPECIFIC PROVISIONS

4. Chief Executive

The Chief Executive leads the Executive Leadership Team and has overall responsibility for the following: -

- Strategic management of Council services;
- Leadership of Council Employees;
- Strategy and Policy Development;
- Leading Improvement and Organisational Change.

The following specific functions of the Council are delegated to the Chief Executive: -

1. To act as Head of Paid Service in terms of Section 4 of the Local Government and Housing Act 1989. The duties of the Head of Paid Service are detailed in Section 12A.
2. To act as the principal policy adviser to the Council on matters of general policy and to assist Members to formulate clear objectives and affordable programmes having regard to changing political priorities, statutory and financial requirements and community needs and expectations.
3. To ensure that a corporate approach to the management and execution of the Council's affairs is maintained and that advice to the Council is given on a co-ordinated basis.
4. To lead the Executive and Strategic Leadership Teams.
5. To monitor the performance of all Chief Officers.
6. To take such action as may be required to ensure that the correct significance is given by the Council's employees to the achievement of the overall policy objectives of the Council.
7. To give clear direction and ensure the visibility of the office of Chief Executive as the central focus for leading and co-ordinating the Council's employees.
8. To advise on staffing requirements.
9. Subject to the provisions of Council policies and procedures, to determine the organisation, appointment and proper management of the Council's employees.

10. In consultation with the Head of Service (People and Transformation), 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 employees.
12. To maintain a list of politically restricted posts in terms of the Local Government and Housing Act 1989;
13. To authorise the implementation of national and local agreements relating to pay and conditions of service of employees or Councillors in consultation with the Head of Service (People and Transformation)
14. To give direction on the applicability of the scheme and where appropriate that any Officer shall not exercise a delegated function; except where (a) part of a statutory function delegated to that Director or officer or (b) the power derives from a function delegated by the Council to North Ayrshire Integration Joint Board.
15. To consider and deal with any urgent issues, whether arising during a recess period or otherwise, subject to reporting back to the Cabinet at the first available opportunity. This power is to be exercised in consultation with the relevant Chief Officer and the relevant portfolio holder;
16. To deal, in consultation with the Provost of the Council, with applications for the patronage of the Council, the use of the Council's Coat of Arms subject to the provisions of Lord Lyon King of Arms and for the use of municipal buildings;
17. To act as the Proper Officer for the following purposes of the Act:
18. Section 33A Declaration of Acceptance of Office as a Councillor;
19. Section 34 – Receipt of resignations of Councillors;
20. Sections 50B, C, D & F – Access to information;
21. Section 194(1) – Execution of deeds;
22. Section 50(D) of the Local Government (Access to Information) Act 1985 - "Listing of background papers for a report to Members".
23. To undertake the statutory responsibilities of Returning and Counting Officer in respect of Council and Parliamentary elections and referenda.
24. In an emergency to instruct executive action and incur expenditure on a report from the appropriate Executive Director on any matter, after consultation with the Provost/Leader of the Council as appropriate.

25. To devise, alter and issue, as required, job descriptions in respect of Chief Officers and other officers in accordance with Council duties and functions.
26. To exercise every power delegated to Executive Directors or Officers except where (a) part of a statutory function delegated to that Director or Officer or (b) the power derives from a function delegated by the Council to North Ayrshire Integration Joint Board.
27. To appoint in the absence of the Chief Executive an Acting Depute Chief Executive and Acting Head of Paid Service to cover periods of absence. When the Chief Executive is absent the Acting Chief Executive and Head of Paid Service will have all the delegated authority of the Chief Executive.
28. To refer matters to the Police, in terms of the Council's defalcation procedure.
29. 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.
30. All powers ancillary to or reasonably necessary for the proper performance of the Chief Executive's general responsibilities.
31. 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.
32. 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 Locality Planning, Policy and Performance, Health Improvement and Equalities, Elections and Council Officers.
- **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.
9. To act as Single Point of Contact (SPOC) with Police and to lead the coordination of the Council's response to the CONTEST counter-terrorism strategy

Legal Services

10. To engage Counsel or external legal firms as may be appropriate in connection with the Council's legal business and to appoint Parliamentary agents as and when he/she may consider it necessary.
11. To settle without reference to the Council or its Sub-Committees, claims arising in terms of statute in respect of compensation following compulsory or voluntary acquisition or other statutory process provided all the statutory requirements have been met.
12. To issue or have issued by other Officers, Statutory Notices on behalf of the Council.
13. Institute and defend proceedings on behalf of the Council.
14. Negotiate and agree extra judicial settlements in line with budgetary provisions and to withdraw from legal proceedings, including proceedings before any court, tribunal, enquiry, regulatory body etc.
15. In consultation with the relevant Executive Director to settle claims and legal actions against the Council of whatever nature not otherwise covered by the Council's insurance arrangements (and including without prejudice the foregoing generality planning appeals, employment tribunals and land tribunals) up to a maximum of £100,000 per individual claim and in addition to agree appropriate fees and expenses in connection with those settlements.
16. To settle claims arising in terms of the Land Compensation (Scotland) Act 1973 in respect of home loss payments following compulsory acquisitions and also to settle any discretionary payments arising from acquisitions by voluntary agreement provided that the statutory requirements have been met.
17. In consultation with the relevant Corporate Director, to authorise ex-gratia payments up to a maximum of £5,000 relative to recommendations by the Scottish Public Services Ombudsman.
18. Custody of all titles and standard securities in the Council's favour.
19. To implement reports from the Council's Valuer with regard to leasing of property, rent reviews and acquisition or disposal of land.
20. To investigate complaints in terms of the Council's whistleblowing procedures.

21. To have access at any time to any Council premises, offices or premises of contractors for the purposes of inspecting all documents and interviewing staff (either employed or contracted) in pursuit of the examination, verification or inspection of any system operated by the Council or any department thereof and to require the production of any information in whatever form including disclosure under the Data Protection Act and to implement changes arising therefrom.
22. Undertake any acquisition, disposal, lease etc. of property or land on the basis of terms recommended by the Head of Service (Physical Environment) subject to compliance with the terms of the Council's Scheme of Administration and Standing Orders relating to Contracts.
23. Acquire former Council houses or properties within Housing Action or Regeneration Areas upon terms agreed by the District Valuer.
24. Issue Offers of Notices of Refusal and pursue recovery of discount under the Right to Buy provisions of the Housing Acts.
25. Authorise the amount of Home Loss Payment and Disturbance Allowance in respect of eligible properties, on terms recommended by the District Valuer.
26. Issue offers, notice of refusal and pursue recovery of discount under the Right to Buy Provisions of the Housing Acts.
27. Set and revise periodically all fees for legal services.

Licensing Services

28. 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.
29. To exercise licensing or registration functions of the Council in terms of the following legislation and in conformity with Council or Licensing Board policies: -
 - Performing Animals (Regulation) Act 1925
 - Pet Animals Act 1951
 - Caravan Sites and Control of Development Act 1960
 - Animal Boarding Establishments Act 1963
 - Riding Establishments Acts 1964 and 1970
 - Theatres Act 1968
 - Breeding of Dogs Act 1973
 - Dangerous Wild Animals Act 1976
 - Zoo Licensing Act 1981
 - Civic Government (Scotland) Act 1982
 - Cinemas Act 1985
 - Breeding and Sale of Dogs (Welfare) Act 1999
 - Antisocial Behaviour etc. (Scotland) Act 2004, Part 8 (Landlord Registration)
 - The Fireworks (Scotland) Regulations 2004
 - Housing (Scotland) Act 2006, Part 5 (HMO Licensing)

- Animal Health and Welfare (Scotland) Act 2006
- The Licensing of Animal Dealers (Young Cats and Young Dogs) (Scotland) Regulations 2009.
- Pet Animals Act 1951
- Riding Establishments Acts 1964 to 70
- Zoo Licensing Act 1981
- The Licensing of Relevant Permanent Sites (Scotland) Regulations 2016

30. 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)).

31. 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)).

32. 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.

33. To carry out all the Council's functions, and to exercise all the Council's powers, as Licensing Authority in relation to Civic Government (Scotland) Act 1982, Section 19 (Taxi Stances), and in particular the powers to: -

- (a) appoint a Stance (Section 19(1));
- (b) vary the number of Taxis permitted at a Stance (Section 19(3));
- (c) alter the position of a Stance (Section 19(3));
- (d) revoke the appointment of a Stance (Section 19(4));
- (e) erect and illuminate signs indicating the limits of Taxi Stances (Section 19(2)(a)); and
- (f) cause lines or marks to be made on roads indicating the limits of Taxi Stances (Section 19(2)(b)).

34. 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.
35. 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.
36. 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.
37. 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.
38. 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”).
- 39. 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.
- 40. 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).
- 41. 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.
- 42. 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.
- 43. 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.
- 44. 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.

45. 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.
46. To exercise the delegations in Part 3 of the Housing (Scotland) Act 2006.
47. Section 129A Housing (Scotland) Act 2006: To refuse an Application without further consideration due to breach of planning control.
48. 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.
49. To revoke such an Order when the HMO is licensed, or the Council is satisfied that the accommodation does not need a Licence.
50. 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).
51. 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.
52. 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.
- 53. To exercise functions of the Council relating to Public Charitable Collections in conformity with Council policies.
- 54. 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.

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

Democratic Services

- 59. Appoint suitable persons to the Panel of Safeguarders in terms of the Children (Scotland) Act 1995.
- 60. Revise periodically the fees payable to Safeguarders.
- 61. 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.
- 62. Act as Clerk to the Children's Panel Advisory Committee in terms of the Social Work (Scotland) Act 1968, as amended.
- 63. 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.

64. Adjust as necessary the calendar of meetings and holidays in consultation with the Provost and Leader of the Council, as appropriate.
65. To provide assistance to Councillors by provision of appropriate accommodation, secretarial assistance, training and library facilities etc.
66. 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.
67. In consultation with the appropriate Executive Director to submit comments to the Scottish Public Services Ombudsman and the Pensions Ombudsman into alleged maladministration.
68. 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.
69. To determine whether Petition or deputation requests comply with the requirements of Council Standing Orders.
70. To deal with all applications or requests relating to civic receptions, opening ceremonies and any other ceremony, subject to consultation with the Provost.
71. 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.
72. 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.
73. 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.
74. 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.
75. To develop filing protocols to support an electronic document and records management system.
76. 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.
77. 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.

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

Community Planning, Policy and Performance

86. To manage and administer the Council's Community Planning arrangements.
87. To manage and administer the Council's locality planning arrangements.
88. Support for the development of corporate policy for the Council.
89. Gathering and analysis of demographic, performance and other data relating to North Ayrshire, its neighbourhoods, and its partners.
90. 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.
91. 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.
92. To support and coordinate Council entries for awards.
93. To support and coordinate Council corporate assessment for the European Foundation of Quality Management, Public Sector Improvement Framework or Recognised for Excellence.
94. To provide support to Police and Fire Liaison Officers.
95. Act as the Council's representative for functions of the Registrar General for Scotland as regards statistics and Census.

96. To support functions of the Council relating to health improvement of Council employees.
97. To develop policies and procedures and otherwise to help ensure the Council complies with its duties under the Equalities Act.

Communications

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

Civil Contingencies

106. To review the performance and support the delivery by South Ayrshire as lead authority, of the Ayrshire Civil Contingencies Team shared service.
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, and Tourism and the Coastal Economy.

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.

Employability and Business Development

4. To authorise and apply for grants that support the economic development of North Ayrshire.
5. To authorise grants and loans to support growth, sustainment and development of local businesses and organisations and in accordance with the objectives of the North Ayrshire Economic Development and Regeneration Strategy.
6. 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.
7. To manage the Council's programme for recruitment of Modern Apprentices and Skillseekers, where by the Council or other employers.
8. To manage the Big Lottery funded programme – Better Off North Ayrshire, including entering into contracts with third party providers and to offer money and household budgetary related advice and assistance.
9. To authorise and provide grants within budget parameters to support business start – up, Growth and sustainability
10. To manage the Councils business loan programme via West of Scotland Loan Fund and Business Loans Scotland
11. To manage and deliver the Councils approved International Strategy

12. To manage and deliver the Councils Social Enterprise Strategy
13. To support sectors identified through EDR Board as key to North Ayrshire Economic Development.
14. To develop the Team North Ayrshire Approach to business development and deliver agreed actions from this.
15. To work with partners to deliver increased support to business.
16. To deliver the services as set out in the Scottish Government approved Business Gateway Contract for North Ayrshire

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.

17. 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.
18. 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.
19. To administer the provision of Part VI (Enforcement) and Part VII (Trees) of the 1997 Act and to determine applications.

20. 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.
21. 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.
22. Agree the discharge of planning conditions where the terms of the condition have been fulfilled.
23. To determine any application for advertisement consent under Regulations in terms of Section 182 of the 1997 Act to the displays of advertisements.
24. 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.
25. 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.
26. 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.
27. Evaluate applications and determine whether an Environmental Impact Assessment is required and where so, scope.
28. 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.
29. 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.
30. Make observations on behalf of the Planning Authority on routine proposals by statutory undertakers or on routine consultations to the Council as Planning Authority.
31. Determine applications for certificate for proposed and existing lawful use and development.
32. Determine applications for hazardous substance consent.
33. 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.

34. Represent the Council at Inquiries or Hearings to the Scottish Ministers under the Planning Legislation.
35. Confirm provisional Tree Preservation Orders, where no objections have been received.
36. To construct and maintain paths, to produce a Core Paths Plan and other duties in terms of the Land Reform (Scotland) Act 2003.
37. 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.
38. Authorise grants, where contained within existing budgets for listed buildings, properties in the conservation areas and externally supported schemes.
39. Authorise grants within policy and budget for improvements to landscape and the environment.
40. Authorise and apply for grants within policy and budget to improve access to the countryside.
41. Respond to consultations on planning applications from neighbouring planning authorities and make observations on consultations to the Council as Planning Authority.
42. 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.
43. Maintain statutory registers and lists.
44. To respond on behalf of the Council to Historic Buildings and Monuments Directorate regarding a listing of buildings or architectural or historic interest.
45. To respond on behalf of the Council to the Forestry Commission regarding consultations on forestry applications.
46. To respond to consultations from adjoining Councils regarding plans or planning applications in their area.
47. To determine applications under the High Hedges (Scotland) Act 2014.
48. To exercise the functions of the Council under Section 85 and Section 97 relating to street numbering in terms of Civic Government (Scotland) Act 1982 (street naming determined by Committee).
49. To exercise the functions delegated to the Council under sections 5,8,11 and 16 of the Marine (Scotland) Act 2010, namely the preparation, amendment, and review of a regional marine plan and monitoring of implementation and periodical reporting on such regional marine plan

Building Standards

50. Authorised to carry out all Building Standards functions of the Council in terms of the following legislation: -
 - The Building (Scotland) Act 2003.
 - The Building Standards (Scotland) Regulations 2004
 - The Civic Government (Scotland) Act 1982
 - The Licensing (Scotland) Act 2005
51. Exercise the functions of the Council in relation to granting Building Warrants ensuring that the building regulations for the construction of new buildings and for the alteration, extension, conversion or demolition of existing buildings are met.
52. Exercise the functions of the Council in relation to defective and dangerous buildings in accordance with sections 28, 29 & 30 of the Building (Scotland) Act 2003.
53. Evacuate buildings and carry out works in case of immediate danger where necessary in accordance with section 42 and section 29 of the Building (Scotland) Act 2003.
54. Exercise the functions of the Council in relation to compliance and enforcement of unauthorised works and require buildings to comply with Building Standards Regulations.
55. To assist in the determination of applications for Houses in Multiple Occupation lodged under the Civic Government Scotland Act 1982.
56. 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.
57. Exercise the functions as Building Standards Authority in terms of issuing certificates of suitability under section 50 of the Licensing (Scotland) Act 2005.
58. Grant or refuse clearance certificate applications for building warrants under the Building (Scotland) Act 1959, and accept or reject certificates of completion under the Building (Scotland) Act 2003, subject to a right of appeal to the Sheriff Court.
59. Grant extensions to the life of building warrants.
60. Exercise the functions of the Council by maintaining and making available for public inspection at all reasonable times a Building Standards Register
61. To respond on behalf of the Council, on matters relating to disability access in and around buildings, to the North Ayrshire Access Panel.

62. To determine all applications for raised structures in terms of section 89 of the Civic Government (Scotland) Act 1982

Environmental Health and Trading Standards

63. To undertake the functions of the Council relating to Environmental Health and Trading Standards
64. To assist in the determination of applications lodged under the following statutes in conformity with Council or Licensing Board policies.
- Animal Health & Welfare (Scotland) Act 2006
 - Civic Government (Scotland) Act 1982
 - Control of Pollution Act 1974
 - Environmental Protection Act 1990
 - Environment Act 1995
 - European Communities Act 1972
 - Health and Safety at Work etc Act 1974
 - Licensing (Scotland) Act 2005 (Section 50)
 - Local Government (Scotland) Act 1973
 - Local Government etc. (Scotland) Act 1994
 - Local Government in Scotland Act 2003
 - Tobacco & Primary Medical Sales (Scotland) Act 2010
 - Petroleum (Consolidation) Regulations 2014
 - Tobacco & Primary Medical Sales (Scotland) Act 2010
 - Explosives Regulations 2014
 - Poisons Act 1972
65. To immediately suspend licenses where necessary for the purposes of public safety.
66. 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).

67. To exercise the Trading Standards and Environmental Health functions of the Council in terms of the following legislation, including the provision of education, mediation or enforcement:

Consumer Protection

- Consumer Rights Act 2015
 - Timeshare Act 1992
 - Unsolicited Goods and Services Act 1971
 - Enterprise Act 2002 (Part 8)
 - Consumers, Estate Agents and Redress Act 2007
 - European Communities Act 1972
- Associated legislation made under this Act including:*
- Package Travel, Package Holidays and Package Tours Regulations 1992

Consumer Credit and Estate Agency

- Consumer Credit Act 1974
 - Estate Agents Act 1979
 - Consumers, Estate Agents and Redress Act 2007
 - European Communities Act 1972
- Associated legislation made under this Act*

Consumer Safety

- Consumer Protection Act 1987 (parts II & IV)
 - Poisons Act 1972
 - Medicines Act 1968 (ss53, 54 & 66)
 - Motor Cycle Noise Act 1987
 - Tobacco Advertising and Promotion Act 2002
 - Tobacco and Primary Medical Services (Scotland) Act 2010
 - Health (Tobacco, Nicotine etc., and Care) (Scotland) Act 2016, Chapters 1 and 2
 - Fireworks Act 2003
 - Tobacco and Primary Medical Services (Scotland) Act 2010
 - Fireworks Act 2003
 - Antisocial Behaviour (Scotland) Act 2004 (ss122-125)
 - Road Traffic Act 1988 (section 17)
 - European Communities Act 1972
- Associated legislation made under this Act including:*
- General Product Safety Regulations 2005
 - Construction Products Regulations 1991
 - Chemicals (Hazard Information and Packaging for Supply) Regulations 2009
 - Gas Appliances (Safety) Regulations 1995
 - REACH Enforcement Regulations 2008
 - Supply of Machinery (Safety) Regulations 1992
 - Electromagnetic Compatibility Regulations 1992
 - Personal Protective Equipment (EC Directive) Regulations 1992

- Electro-medical Equipment (EEC Requirements) Regulations 1988
- Recreational Craft Regulations 1996
- Simple Pressure Vessels (Safety) Regulations 1991
- Medical Devices Regulations 1994
- Pressure Equipment Regulations 1999
- Radio Equipment and Telecommunications Terminal Equipment Regulations 2000
- Boiler (Efficiency) Regulations 1993

Unfair Trading

- 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
- Housing (Scotland) Act 2006 (Part 3)
- Olympic Symbol (Protection) Act 1995
- Energy Act 1976
- Education Reform Act 1988 (ss214-216)
- Telecommunications Act 1984 (s30)
- Hallmarking Act 1973
- European Communities Act 1972
- Associated legislation made under this Act including:*
 - Consumer Protection from Unfair Trading Regulations 2008
 - Business Protection from Misleading Marketing Regulations 2008
 - Textile Products (Indications of Fibre Content) Regulations 1986
 - Footwear (Indications of Composition) Labelling Regulations 1995
 - Provision of Services Regulations 2009

Agriculture

- Agriculture Act 1970 (Part IV)
- Feed Hygiene Regulation 183/2005
- Agriculture (Miscellaneous Provisions) Act 1968
- European Communities Act 1972
- Associated legislation made under this Act including:*
 - Feed (Hygiene and Enforcement) (Scotland) Regulations 2005
 - Official Food and Feed Controls (Scotland) Regulations 2009
 - Animal By-Products (Enforcement) (Scotland) Regulations 2011

Animal Health

- Animal Health Act 1981
- Protection of Animals (Scotland) Act 1912
- Animal Health and Welfare (Scotland) Act 2006
- Bluetongue (Scotland) Order 2008 [Article 3(2)]
- Bluetongue (Scotland) Amendment Order 2008 [Article 16A(2)]
- Welfare of Farmed Animals (Scotland) Regulations 2010
- Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006
- European Communities Act 1972
- Associated legislation made under this Act including:*
 - Animal By-Products (Enforcement) (Scotland) Regulations 2011

- The Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008.

Metrology

- Weights and Measures Acts 1976 and 1985
- European Communities Act 1972
Associated legislation made under this Act including:
 - Measuring Instruments (Automatic Discontinuous Totalisers) Regulations 2006
 - Measuring Instruments (Automatic Rail-weighbridges) Regulations 2006
 - Measuring Instruments (Automatic Catchweighers) Regulations 2006
 - Measuring Instruments (Automatic Gravimetric Filling Instruments) Regulations 2006
 - Measuring Instruments (Beltweighers) Regulations 2006
 - Measuring Instruments (Capacity Serving Measures) Regulations 2006
 - Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006
 - Measuring Instruments (Material Measures of Length) Regulations 2006
 - Measuring Instruments (Cold-water Meters) Regulations 2006
 - Measuring Instruments (Liquid Fuel delivered from Road Tankers) Regulations 2006
 - Measuring Instruments (Non-Prescribed Instruments) Regulations 2006

Non-automatic Weighing Instruments

- Non-automatic Weighing Instruments Regulations 2000

Environment

- Clean Air Act 1993 (s30) including the determination of chimney heights, implementation of smoke control areas and prevention of emission of dark smoke and smoke nuisance
- Food and Environment Protection Act 1985 (Part III)
- Control of Pesticides Regulations 1986
- Pesticides Act 1988
- European Communities Act 1972
Associated legislation made under this Act including:
 - Packaging (Essential Requirements) Regulations 2003
 - Plant Protection Products (Scotland) Regulations 1995
 - Energy Information (Washing Machines) Regulations 1996
 - Energy Information (Refrigerators and Freezers) Regulations 1997
 - Energy Information (Dishwashers) Regulations 1999
 - Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005
 - Energy Information Regulations 2011.
- Control of Pollution Act 1974
- Noise and Statutory Nuisance Act 1993
- Radioactive Substances Act 1993
- Antisocial Behaviour (Scotland) Act 2004 Part 5 Noise
- Water Services etc.(Scotland) Act 2005 in relation to odour from sewerage treatment plants

- Environmental Protection Act 1990
- Environment Act 1995
- Waste (Scotland) Regulations 2012
- Clean Air Act 1993
- Air Quality Limit Values (Scotland) Regulations 2003
- The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Scotland) Regulations 2003
- Food and Environment Protection Act 1985

Health and Safety

- Petroleum (Consolidation) Regulations 2014
 - Health and Safety at Work etc. Act 1974 and Regulations made thereunder
 - Dangerous Substances and Explosive Atmospheres Regulations 2002
 - Explosives Act 1875
 - Manufacture and Storage of Explosives Regulations 2005
 - Biocidal Products Regulations 2001
 - European Communities Act 1972
 - Health and Safety at Work etc. Act 1974
 - Offices Shops and Railway Premises Act 1963
 - Radioactive Substances Act 1993
- Associated legislation made under this Act*

Food Safety

- Food and Environmental Protection Act 1985
 - Food Safety Act 1990
 - Food Hygiene (Scotland) Regulations 2006
 - The Official Feed and Food Control (Scotland) Regulations 2009
 - The Food Information (Scotland) Regulations 2014
 - Food (Scotland) Act 2015
 - The Food Information (Scotland) Regulations 2014
 - European Communities Act 1972
- Associated legislation made under this Act including:*
- The TSE (Scotland) Regulations 2010
 - The Trade in Animal and Related Products (Scotland) Regulations 2012
 - The Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2006
 - The Products of Animal Origin (Import and Export) Regulations 1996
 - The Contaminants in Food (Scotland) Regulations 2013
 - Animal By-products (Enforcement) (Scotland) Regulations 2013

Public Health

- Public Health etc. (Scotland) Act 2008
- National Assistance Act 1948
- Sewerage (Scotland) Act 1968
- Prevention of Damage by Pests Act 1949
- Dog Fouling (Scotland) Act 2003
- Smoking Health and Social Care (Scotland) Act 2005
- The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006

- International Health Regulations 2005
- Public Health (Ships) (Scotland) (Amendment) Regulations 2007
- Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2007
- Smoking Prohibition (Children in Motor Vehicles) (Scotland) Act 2006
- Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016
- Burial & Cremation (Scotland) Act 2016 (Section 87)

Housing

- Housing (Scotland) Act 1987
- Housing (Scotland) Act 2006

Licensing - Animal

- Pet Animals Act 1951/83
- Animal Boarding Establishments Act 1963
- Breeding of Dogs Act 1973/91
- Dangerous Wild Animals Act 1976
- Riding Establishments Act 1964/70
- Zoo Licensing Act 1981
- Licensing of Animal Dealers (Young Cats & Dogs) (Scotland) Regulations 2009

Licensing - Leisure

- Caravan Sites and Control of Development Act 1960
- Cinemas Act 1985
- The Licensing of Relevant Permanent Sites (Scotland) Regulations 2016

Licensing - Safety

- Petroleum (Consolidation) Regulations 2014
- Manufacture and Storage of Explosives Regulations 2005
- Poisons Act 1972

Licensing - Food

- Deer(Scotland) Act 1996
- Game Licences Act 1860

Licensing - Civic Government (Scotland) Act 1982

- Civic Government (Scotland) Act 1982 – Parts I, II, III, V and IX
- Theatres Act 1968

Public Health Licensing

- Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006.
- Civic Government (Scotland) Act 1982 Part II (Public Entertainment Licences – Sunbeds)

- The Public Health etc. (Scotland) Act 2008 (Sunbed) Regulations 2009

Water

- Water(Scotland) Act 1980
- Water Act 1989
- Water Services (Scotland) Act 2005
- Private Water Supplies (Scotland) Regulations 2006
- The Water Supplies (Water Quality)(Scotland) Regulations 2014

Contaminated land

- Environmental Protection Act 1990
- Environment Act 1995
- Control of Pollution Act 1974
- Contaminated Land (Scotland) Regulations 2000/2005

Dog Control

- Environmental Protection Act 1990 (Sections 149 – 151)
- Control of Dogs (Scotland) Act 2010
- Dog Fouling (Scotland) Act 2003
- The Microchipping of Dogs (Scotland) Act 2016

Private Landlord Registration

- The Private Rented Housing (Scotland) Act 2011

68. 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.
69. To undertake the functions of the Council for the calibration and certification services to industry and commerce.
70. To undertake the functions of the Council for securing compliance with trades description and consumer product safety issues.
71. To undertake the public health functions of the Council under the Public Health (Scotland) Act, including pest control duties of the Prevention of Damage by Pests Act 1949.
72. To undertake the functions of the Council relating to communicable diseases.

73. To undertake relevant inspections for the licensing of caravan sites, riding establishments, animal boarding establishments, pet shops, zoos, keeping of wild animals, breeding of dogs and venison dealers, and relevant inspections under the Civic Government (Scotland) Act 1982.
74. To arrange for the burial or cremation of deceased persons in terms of the National Assistance Acts
75. To undertake all other functions of the Council relating to environmental health and trading standards.
76. To undertake all other functions of the Council as enforcing authority relating to health and safety of premises or services, excluding Council buildings or services.

Regeneration

77. To promote economic development and regeneration within North Ayrshire, in doing so working with local stakeholders and national agencies or bodies who can help deliver investment priorities through funding or policy support.
78. To promote the Ayrshire Growth Deal including development of businesses cases for investment.
79. To promote and manage the Irvine Enterprise Area
80. To develop and implement significant physical interventions within town centres including for leisure, employment and other activities that may generate new activity and investment, focusing on town centres or other identified priorities such as our major Harbours.
81. To develop and implement local regeneration projects including Conservation Area Regeneration Schemes, shopfront improvement scheme, public realm schemes and area based masterplans.
82. To authorise and apply for grants within policy and budget to improve the physical environment of North Ayrshire
83. To authorise grants, where contained within existing budgets for listed buildings, properties in conservation areas and externally supported schemes.
84. To authorise grants within policy and budget for improvements to landscape and the environment.
85. To coordinate and manage the expenditure of Vacant and Derelict Land Funding secured from the Scottish Government.
86. To promote outdoor access and active travel within North Ayrshire.
87. Implementation of active travel and transport projects as set out in relevant strategies

88. To construct and maintain paths, to produce a Core Paths Plan and other duties in terms of the Land Reform (Scotland) Act 2003.
89. 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.
90. Authorise and apply for grants within policy and budget to improve access to the countryside.
91. To exercise the strategic planning of functions detailed in the following legislation, any subordinate legislation made thereunder and any subsequent or similar legislation or replacing or expanding legislation, including service of any notices required thereunder:-
 - Coast Protection Act 1949,
 - Roads (Scotland) Act 1984,
 - Roads Traffic Regulation Act 1984,
 - Disabled Persons Parking (Scotland) 2009,
 - Flood Prevention (Scotland) Act 1961
 - Flood Prevention and Drainage (Scotland) Act 1997,
 - Flood Risk Management (Scotland) Act 2009.
 - Transport (Scotland) Act 2005
 - New Roads and Street Works Act 1991
 - Security for Private Road Works (Scotland) Regulations 1985
 - To carry out the function of the Council (including maintaining registers, inspecting and enforcing) in terms of the Reservoirs Act 1975.
92. 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.
93. 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.
94. Authorised to respond to consultation for applications for planning development control where these relate to roads and flooding issues.
95. 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
96. Issue and otherwise deal with road construction consents and road bonds in terms of section 21 of the Roads (Scotland) Act 1984 and the Security for Private Road Works (Scotland) Regulations 1985.

Connected Communities

97. To ensure proper arrangements for community engagement, consultation, participation and community empowerment.
98. To develop and support the capacity of organisations, individuals and communities to become involved in, and contribute to North Ayrshire, its neighbourhoods and communities.
99. To support the development of locality planning, the development of defined neighbourhood priorities and community action plans.
100. To support organisations and communities seeking to acquire Council assets in terms of the Council's Asset Transfer Policy
101. To manage Participation Requests, Asset Transfer Requests, and Community Right to Buy Requests under the Community Empowerment (Scotland) Act
102. 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.
103. To ensure the development and delivery of a tourism strategy which takes account of the special attributes of North Ayrshire, for example, but not solely, the coastal economy, and to consult with industry and community partners to develop and agree action plans to deliver these priorities.
104. To ensure the provision of an adequate library and information service which meets the needs of residents.
105. To acquire whether by purchase, donation, bequest or exchange any items for the museum and art collections of the Council.
106. 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.
107. To authorise the acceptability of gifts to art galleries or museums on behalf of the Council and to acknowledge the acceptability of these gifts.
108. 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.
109. 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.
110. 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.

111. To lead and develop for the CPP an Active Communities Strategy and Plan, designed to increase the amount and quality of physical activity experienced by North Ayrshire residents, for the benefit of their physical and mental health and well-being.
112. 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.
113. The management and delivery of Council sports and leisure facilities not operated by North Ayrshire Leisure Trust/KA Leisure.
114. Supporting arts and culture within and relating to North Ayrshire.
115. Support for community events and activities.
116. To make grants to community organisations and individuals in accordance with Council policy.
117. To provide support and assistance to Community Councils.
118. To provide support and assistance to Community Associations.
119. To provide discretionary grants to community organisations in pursuit of community interests.
120. 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.
121. To manage Eglinton Park and related open spaces.
122. Outdoor education including management of Arran Outdoor Education Resource Centre.
123. In accordance with the recommendations of the Locality Partnership made by consensus, or which failing, by the Elected Member or Members on the Locality Partnership in question:-
- 124.1 To agree and administer the disbursement of any grant or other financial payment to local organisations or individuals from within the area in terms of the relevant community development grant scheme, common good funds or other public trusts.
- 124.2 To name streets.

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 employees and/or pupils in connection with courses, conferences, educational visits and excursions.
11. To make grants to pupils who are selected to join national music ensembles in respect of fees and attendance at courses related to their membership of these bodies.
12. Exercise the powers available to the Council as Education Authority in relation to the exclusion of pupils from schools in line with policy.
13. Determine the dates of local school holidays within the Council after consultation.
14. Determine the dates of the 5 teachers' in-service days after due consultation with all relevant parties.
15. To receive and determine applications for distribution of funds in any endowments, subject to the terms of the endowment.
16. To accept and administer any new trusts or small endowments which may be offered to the Council for schools in its area.
17. To issue licenses in terms of the Children (Performances) Regulations 1968 and the Children (Performances and Activities) (Scotland) Regulations 2014.
18. To agree or refuse requests for access to an amendment of records in terms of the Pupils Education Records (Scotland) Regulations 2003 and the Further Education Student Records (Scotland) Regulations 1990 and to review any such decisions.
19. Authorised to approve monthly PPP and NDP Unitary Charge invoices.

8. Executive Director (Finance and Corporate Support)

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

- **Finance** including Insurance, Risk, Fraud and Audit, Financial Management and Procurement
- **People and Transformation** including Human Resources; Employment Services (including Payroll), Health and Safety, Organisational Development and Change
- Customer and Digital Services; Customer Services (including Business Support), Revenue and Benefits, ICT; and; Registration of Births Deaths and Marriages;

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. To be the primary point of contact with external audit and provide support, information and recommendations to external auditors.
6. The provision of financial services to other bodies, organisations, etc. subject to a charge being made where appropriate.
7. Authorise disposal or write-off of surplus materials, stores, or equipment where the value does not exceed £10,000.
8. Determine Home Loan Applications and implement amendments to interest rates for the Home Purchase Loans.
9. In consultation with the appropriate Executive Director, up to a maximum of £100,000 and in conformity to any approved policy, authorise the transfer of approved estimates from one head of expenditure to another, within a Service estimate, unless it is considered to materially affect the approved budget, in which case authorisation of the Council will be sought.

Treasury Management

10. Act as the Proper Officer for the purposes of Section 92 of the Act relating to the transfer of securities.
11. Make the necessary arrangements for duly authorised borrowing and lending in terms of Section 165 of the 1994 Act

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.

1. Act as Registrar of Stocks, Bonds and Mortgages.
2. Borrow and invest monies as required for the purposes of the Council's Treasury functions (within the terms of the Council's Treasury and Investment Policy) and perform Debt Rescheduling as appropriate.
3. Make payments by cheque or other instrument.
4. Authorise the signature of cheques and other appropriate financial documentation on behalf of the Council

Risk and Insurance

5. Ensure adequate risk management arrangements are in place throughout the Council.
6. To exercise functions relating to the identification, planning and mitigation of risks affecting the Council.
7. Duties relating to business continuity, including identification of issues, business continuity planning, liaison with external bodies and putting in place arrangements to deal with business continuity issues.
8. To take steps to manage the risk of fraud, to identify and investigate cases of potential fraud and to take steps to recover or otherwise deal with cases of fraud.

Procurement

9. 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

10. In relation to Internal Audit work being carried out, the Senior Manager (Internal Audit, Risk and Fraud) and any member of the Internal Audit section has the authority to: -

- Enter at all reasonable times and without notice any premises or land of the Council, provided that where such premises or land are leased to a third party the terms of the lease are observed;
 - Have access to, and remove, all records (both paper and electronic), documents and correspondence within the possession or control of any officer of the Council, relating to any transactions of the Council;
 - Be provided with a separate log-in to any computer system within the Council and have full access to any system, network, personal computer or other device in the ownership of the Council;
 - Require and receive explanations concerning any matter under examination from any employee, including Chief Officers, and request such explanations from any elected member;
 - Require any employee of the Council to produce cash, stores or any other Council assets under their control.
12. 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.
 13. 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.
 14. 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.

People and Transformation

15. 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.
16. To supervise and, so far as necessary, administer the Council's Corporate Human Resources Policies and Procedures.
17. Develop and maintain human resources and organisational development policies and procedures.
18. Authorise employee terms and conditions associated with Council Policies and Procedures, Appeals, Health, Safety and Wellbeing, National Agreements and Pension Regulations (Special Leave, Recruitment and Selection, Dignity at Work, Annual Leave, Discipline and Grievance, etc) ,.
19. Contribute to the effective operation of the Council's Appeals Committee,, Joint Consultative Forum and the Local Negotiating Committee for Teachers.

20. To undertake on behalf of the Council negotiations and discussions with Trade Unions and other employee organisations concerned with the interests of Council employees.
21. Implement national pay awards and amendments to national and local rates of travel, subsistence and other allowances.
22. 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.
23. After consultation with the appropriate Executive Director to approve the acceleration of increments within existing salary scales..
24. 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.
25. To pay salary and wages and make associated arrangements for payment of Council paid employees in accordance with statutory requirements.
26. 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.
27. To co-ordinate the Council's arrangements for obtaining reports relating to potential criminal convictions.
28. To manage and support the Council's policies and procedures on absence at work and to enter into arrangements for the provision of an Occupational Health service, counselling or other services to support employees.
29. Enter into agreements and deliver human resources and organisational development services to other bodies.
30. To provide training to design and deliver or arrange for the delivery of training or training facilities to Council employees, Councillors or others.
31. To make arrangements for employee recognition and reward.
32. To undertake employee consultation surveys.
33. To support and facilitate public consultation exercises, including the budget consultation.
34. To provide support and assistance to the Strategic Leadership Group and Senior Management Network.
35. 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.

36. 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.

Transformational Change

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

Customer and Digital Services

38. The provision of efficient and effective Information Technology and Telecommunications Systems, including advice, appropriate to the needs of the Council and its departments.
39. To keep under review the provision of Information Systems to Council departments and the local community.
40. Monitoring the integrity, effectiveness and economic utilisation of all information technology bases processing facilities.
41. 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.
42. Authorise appropriate software licensing and other ICT Contracts.
43. In conjunction with the relevant Chief Officers, maintain ICT/Security Policies and Procedures.
44. To ensure that all computer information processing conforms to the Data Protection Act 1998.
45. 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.
46. In consultation with the appropriate Executive Director to submit comments to the Scottish Public Services Ombudsman and the Pensions Ombudsman into alleged maladministration.
47. 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.
48. To manage the Council's Customer Complaints procedures
49. To determine and issue school clothing grants
50. Ingather all monies due to the Council and enforce payment thereof.
51. Write off debts if satisfied that they cannot reasonably be recovered

52. 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

53. To administer the Scottish Welfare Fund on behalf of the Scottish Government

54. To administer Housing Benefit on behalf of the Department for Work and Pensions

55. To administer council tax reduction scheme on behalf of the Scottish Government.

56. To bill and collect sundry income for the Council

57. To support the delivery of Universal Credit in North Ayrshire in accordance with the Department of Work and Pensions Delivery Partnership Agreement.

58. Rent collection and accounting, arrears recovery and collection of other miscellaneous charges.

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 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 persons 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, Roads and Transportation. Corporate Transport Hub, Streetscene. Parks and Open Spaces, and Burial Grounds
- **Physical Environment** including Housing Services, Homelessness & Community Safety, Property Management & Investment (Housing and all buildings), Facilities Management (Catering, Cleaning, Janitorial, School Crossing Patrol), Building Services, Sustainability and Directorate Performance.

Commercial Services

1. Authorised to exercise the functions of the Council in respect of the collection, recycling and disposal of Household Waste in accordance with the Environmental Protection Act 1990 and other legislation.
2. Authorised to exercise the functions of the Council in respect of the collection, recycling and disposal of Commercial Waste in accordance with the Environmental Protection Act 1990 and other legislation.
3. Specification of type of waste receptacles.
4. Set charges for services.
5. The removal and disposal of abandoned vehicles and other refuse in terms of the Refuse Disposal (Amenity) Act 1978.
6. To sell or dispose of surplus vehicles and plant belonging to the Council.
7. Oversee: -
 - The Corporate Transport Hub including carrying out of repair to vehicles, plant, mechanical equipment as well as the operation of maintenance schedules;
 - The replacement of vehicles, plant and mechanical equipment within the Council's policy in consultation with the appropriate Chief Officers and to act as the Council's Transport Officer;
8. To sign agreement forms for rental, hire or leasing of items of equipment where the rental or hire charge does not exceed £150,000pa unless otherwise provided for.
9. To operate 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 (Puer) - for external hire equipment/plant
 13. To co-operate with Strathclyde Passenger Transport in terms of **Section 88 of the Transport Act 1985** to secure the best value for money, from expenditure on public passenger transport, taken as a whole.
 14. 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.;
 15. Authorised to appoint officers for the enforcement of management rules for cemeteries, war memorials and public parks.
 16. Provision, maintenance and emptying of litter bins in terms of the Litter Act 1983.
 17. To remove and dispose of abandoned vehicles and recover expenses for their removal, to remove and dispose of refuse other than a motor vehicle and to enter land at any reasonable time in terms of the Refuse Disposal (Amenity) Act 1978.
 18. The regulation of the use of parks, open spaces, civic spaces and pedestrian precincts, cemeteries and other similar facilities.
 19. The exercise of any functions of the Council required in terms of management rules approved by the Council under the Civic Government (Scotland) Act 1982.
 20. The exercise of enforcement powers in respect of legislation governing littering, fly tipping, fly posting, dog fouling and the parks management rules.

21. Authorised to appoint officers to issue fixed penalty notices for litter, dog fouling, fly tipping and fly posting offences via any relevant departmental officers within appropriate delegated authority.
22. Authorised to let or arrange for letting, hire, maintenance and use of playing fields in accordance with policies, practices and procedures and subject to the charges fixed from time to time by the Council.

Roads and Transportation

23. To exercise the operational management of functions detailed in the following legislation, any subordinate legislation made thereunder and any subsequent or similar legislation or replacing or expanding legislation, including service of any notices required thereunder:-
 - Coast Protection Act 1949,
 - Roads (Scotland) Act 1984,
 - Roads Traffic Regulation Act 1984,
 - Disabled Persons Parking (Scotland) 2009,
 - Flood Prevention (Scotland) Act 1961
 - Flood Prevention and Drainage (Scotland) Act 1997,
 - Flood Risk Management (Scotland) Act 2009,
 - Transport (Scotland) Act 2005
 - New Roads and Street Works Act 1991
24. Authorised, after consultation with the Chief Constable and the Chief Executive to make, revoke or vary orders and schemes under the following legislation, providing no objections are received: -
 - Road Traffic Regulation Act 1984
 - Section 68, 69, 70, 71 of the Roads (Scotland) Act 1984
25. Authorised to grant wayleaves in respect of public utilities.
26. Authorised to carry out function of the Road Safety Officer in conjunction with the Chief Constable. 48. Authorised to deal with all requests for information in connection with grant applications made under section 8 of the Railways Act 1974 (Grants to assist in the provision of facilities for freight haulage by rail).
27. Authorised to carry out the functions and duties of Harbour Authority under the Harbours Act 1964, the Millport Piers Order, and the Saltcoats Harbour Act in relation to piers, harbours and navigable rivers.
28. Authorised to exercise functions of the Council under section 12 of the Roads (Scotland) Act 1984 in relation to the stopping up or diversion of highways, crossing or entering routes of proposed new highways.
29. Authorised after consultation with the Chief Executive to agree terms for bridge agreements with the relevant Railway body and terms of discharge of the Councils liability for annual maintenance and renewal charges in that connection.

30. Authorised after consultation with the Chief Constable to consider and, where acceptable in road safety terms, approve locations for advertisements on road safety barriers and similar structures subject to the necessary consents being obtained in respect of Planning Approval.
31. Authorised to make arrangements for the management of car parks etc including granting their use or part thereof to other persons and bodies, and the imposition or waiving of charges for such use.
32. To carry out the functions of the Council in terms of Section 4, 5, 8, 12 and 25 of the Coast Protection Act 1949.
33. Authorised in terms of the Health and Safety at Work Act 1974 and the Electricity at Work Regulations 1989 to carry out all duties set out in the statements of responsibilities for (health, safety and welfare in places of work) and the general statement of policy and health and safety at work issued in 1985 as amended.
34. Authorised to respond to consultation for applications for planning development control where these relate to roads and flooding issues.
35. Authorised to make application for extensions to the operator's licence to the vehicle licensing authority or any other decisions necessary to ensure the legal operation of the Council's fleet
36. Carry out the functions of the Council under the Transport (Scotland) Act 2005 and associated legislation and amendments, including enforcement and imposition of penalties as prescribed in the Act and the relevant Code of Practice

Physical Environment

37. To manage the Council's physical assets including management of non-operational and operational land and buildings.
38. 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 employee able to authorise particular transactions, and the provisions of the Local Government (Scotland) Act 1973 and regulations made thereunder;
39. 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.
40. Authorise, in respect of leases, sub-leases and assignments referred to in paragraphs 1 and 2 above to consent to rent free periods.

41. 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.
42. Authorise to agree lease rentals at review periods.
43. 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.
44. 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.
45. Authorised to proceed with the repairs to land, commercial and industrial premises in the ownership of the Council subject to budgetary provisions.
46. 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.
47. Authorised to negotiate and settle all claims arising from the exercise of the Councils powers to enter upon and take land in the discharge of statutory powers.
48. Authorised to proceed with the repairs and maintenance to the Councils operational property portfolio within approved policies.
49. Authorised to proceed with the repairs and maintenance to the public realm.
50. Authorised to determine requests for rent abatement.
51. Subject to the Councils Standing Orders relating to contracts to arrange for the demolition and clearance of buildings declared surplus by the Council where this is to be considered in the interest of the Council, and subject to advising the relevant Convenor and local Elected Members.
52. Authorised to apportion office accommodation amongst Council services and to arrange for any necessary alterations or adaptations to such accommodation.
53. Authorised to ensure the proper application of the Council Asset Management Strategy with respect to property including space standards etc.
54. 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.
55. To maintain the Council's Asset Register and keep a record of all assets owned by the Council.

56. To monitor the energy performance of buildings in terms of the Energy Performance of Buildings (Scotland) Regulations 2008.
57. To undertake Council functions relating to carbon reduction and climate control in terms Climate Change (Scotland) Act 2009.

Housing, Homeless and Community Safety

58. Authorised to manage the Councils housing stock within approved policies.
59. 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.
60. Undertake the Councils Statutory responsibilities in terms of the Prevention of Homelessness and Homelessness provision in line with the Housing Scotland Act 1987 as amended.
61. Authorised to sign missives of let issued under the terms of the Housing (Scotland) Act 1987.
62. Authorised to exercise powers with respect to sub-standard housing under the Civic Government (Scotland) Act 1982 and the Housing (Scotland Act 2006
63. Authorised to exercise powers with respect to closing and demolition orders under the Housing (Scotland Act 2006.
64. Authorised to exercise powers with respect to houses in multiple occupation under the Housing (Scotland Act 2006.
65. Authorised to exercise powers with respect to compensation payments under sections 304 - 310 of the Housing (Scotland) Act 1987.
66. Authorised to agree, recharge and recover amounts payable by private owners as part of common repairs involving Council property.
67. Authorised to sign notices of proceedings and notices to quit to raise proceedings for repossession of dwelling housing.
68. 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.
69. Control and monitoring of the Housing Revenue Account Capital and Revenue budgets.
70. Making payments in respect of tenants/residents groups, re-decoration grants, ex-gratia payments and similar such payments.

71. Authorise payments of grants applicable in terms of the Housing (Scotland) Act 2001 and 2006, relative to the improvement of houses;
72. Providing out of hours emergency services for homeless persons, urgent repairs etc.
73. Consulting with tenants/residents groups on housing issues.
74. Ordering, managing, performing and inspection of repairs and improvements to ensure that housing stock meets the Scottish Housing Quality Standard.
75. 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;
76. Determining in accordance with relevant legislation or Council policy requests for succession of tenancies, mutual exchanges, lodgers, sub-letting, alterations etc.
77. Providing a factoring service for purchasers of Council houses and recovering appropriate charges.
78. 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.
79. Preparing the Councils Strategic Housing Investment Plan and other strategic documents and monitoring their implementation.
80. Assessment of general needs and special housing needs in liaison with other services and agencies.
81. Maintaining all buildings, furniture, equipment etc under his/her control and ensuring safety checks and procedures etc. are undertaken.
82. Ensuring proper arrangements are in place in respect of statutory compliance for housing properties in relation to issues such as Asbestos, Legionella etc.
83. 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.
84. To provide services to travelling persons including the management and maintenance of a site for travelling persons.
85. Managing and supporting unauthorised encampments of gypsies, travellers and others within North Ayrshire.

86. Authorised to appoint, and authorise as appropriate, officers to ensure that enforcement and administration of statutory responsibilities.
87. 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.
88. 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.
89. To install and manage close circuit television (CCTV), and to provide support as appropriate to North Ayrshire CCTV Company.
90. Carry out any duties required in relation to antisocial behaviour in terms of the Antisocial Behaviour etc. (Scotland) Act 2004.
91. 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.
92. Authorised to provide Housing Options Advice and Information in line with Statutory Guidance.
93. Authorised to facilitate access to Private Sector Housing including the provision of Rent Deposit Guarantees.
94. Authorised to provide Housing Support in line with the Housing Support Duty 2013 in line with Statutory Guidance.
95. 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. DUTIES OF STATUTORY OFFICERS

A. HEAD OF PAID SERVICE

The Head of Paid Service is a statutory appointment by virtue of Section 4 of the Local Government and Housing Act 1989. The Council has resolved that the Head of Paid Service is the Chief Executive.

Although a statutory appointment, the law does not require the Head of Paid Service to hold any specific qualifications. However, the post holder is expected to have appropriate leadership, communication and interpersonal skills and qualities of integrity and impartiality in order to deliver the statutory objectives of the post.

By virtue of section 2(1)(a) of the 1989 Act, the post of Head of Paid Service is designated as a politically restricted post, and accordingly is included in the list of such posts required to be maintained by the Council.

Delegations to the Post

The overall powers of the Council's Head of Paid Service are:

- a) To ensure the effective co-ordination of the discharge by the authority of its different functions.
- b) To assess the number and grades of employees required by the authority for the discharge of its functions.
- c) To ensure the effective organisation of the authority's employees.
- d) To ensure that proper arrangements are in place for the appointment and proper management of the authority's employees.
- e) To make a statutory report to the full Council where considered appropriate to do so in respect of the matters in (a) to (d) above.

B. MONITORING OFFICER

The Monitoring Officer is a statutory appointment by the Council by virtue of Section 5 of the Local Government and Housing Act. The Council has resolved that the Monitoring Officer is the Head of Democratic Services. North Ayrshire Integration Joint Board has also resolved that the Head of Democratic Services will have a similar role as its Standards Officer under the Ethical Standards in Public Life etc.(Scotland) Act 2000.

By virtue of Section 5(7) of the 1989 Act, the duties of the Monitoring Officer must be carried out personally by them or, where they are unable to act owing to absence or illness, personally by such member of their staff nominated by them as their deputy.

By virtue of Section 2(1)(e) of the 1989 Act, the post of Monitoring Officer is designated as a politically restricted post, and accordingly is included in the list of such posts required to be maintained by the Council.

Although a statutory appointment, the law does not require the Monitoring Officer to hold any specific qualification, and in particular, they do not require to be a solicitor or advocate. However, the recommendation of Audit Scotland is that the post holder should be in a position of sufficient seniority within the Council to enable them to carry out their statutory responsibilities effectively. This means that, irrespective of the substantive post which the Monitoring Officer holds in the Council, they will either be a member of the Council's Executive Leadership Team, or have direct access to the Council's Chief Executive, Executive Directors, Heads of Service and Legal Services Manager as they see fit.

Delegated to the Post

The overall powers of the post are:-

- a) To ensure that the Council complies with the requirements of the law and any statutory Codes of Practice relevant to the carrying out of the Council's duties and the delivery of the Council's services.
- b) To ensure that, where any contravention of the law, Code of Practice or corporate governance system has arisen, or is likely to, appropriate advice is given to the Chief Executive and relevant senior officers of the Council regarding the mitigation, rectification or prevention of such contraventions.
- c) To draw to the attention of the Provost or any Convener, any motion or amendment which may contravene any law or code of procedure in order that the Provost or Convener can determine whether the motion or amendment will be considered by Council, committee etc.
- d) To make a statutory report to the full Council regarding any breach or potential breach of the law or statutory code of practice by the Council where it proves impossible to rectify or prevent such breach.
- e) To act as the Council's point of contact by the Public Standards Commissioner for Scotland and the Standards Commission for Scotland regarding complaints concerning alleged breaches of the Councillors' Code of Conduct.
- f) To carry out such investigations as the Chief Executive may determine as relevant to the Monitoring Officer's role.
- g) To obtain, at their discretion, the opinion of Counsel or external solicitors on any matter relevant to the Monitoring Officer's role.
- h) To provide appropriate advice to Elected Members and Council officers regarding the promotion of high standards of conduct, and ensure that suitable training is given regarding compliance with the Code of Conduct for Councillors.
- i) To carry out such other duties compatible with the role of the Monitoring Officer as the Council may delegate, or as the Chief Executive may request, such as the investigation of a complaint to the Council alleging breach of the Councillors' Code of Conduct.

Corporate Rights

The Monitoring Officer has the following rights in respect of the carrying out of their statutory role:-

- To have unqualified access to any information held by the Council and to any Officer of the Council who can assist in the discharge of their statutory role.
- To have access to all reports to the Council, its Committees, Sub-Committee, Joint Boards, Joint Committees and Working Groups, as he or she sees fit.

C. PROPER OFFICER for FINANCIAL ARRANGEMENTS (Chief Financial or Section 95 Officer)

The Proper Officer for Finance Arrangements is a statutory appointment by virtue of Section 95 of the Local Government (Scotland) Act 1973 which requires local authorities to make arrangements for the proper administration of their financial affairs and appoint a Chief Financial Officer (CFO) to have responsibility for those arrangements. The Council has resolved that the proper officer is the Executive Director (Finance and Corporate Support).

By virtue of section 2(1)(b) and (6)(d) of the Local Government and Housing Act 1989, the post of CFO is designated as a politically restricted post, and accordingly is included in the list of such posts required to be maintained by the Council.

In Scotland, there is no statutory requirement for the CFO to be a member of a specified accountancy body.

Delegated to the Post

The overall powers of the CFO post are:

- a) To lead the promotion and delivery by the whole authority of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively.
- b) To lead and direct a finance function that is resourced and fit for purpose.
- c) To manage the Council's financial resources to ensure the delivery of strategic objectives.
- d) To be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer term implications, opportunities and risks are fully considered, so that there is alignment with the authority's overall financial strategy.
- e) Corporate Accounting Arrangements – ensuring adequate systems of accounting control are maintained throughout the Council and that services conform with Council policy, legislation and codes of practice.

- f) Financial Regulations – maintaining a continuous review and submitting any changes, other than of a minor nature, to the Council's Cabinet for approval.
- g) General Service Capital Budget and General Fund Revenue Budget – preparing and monitoring in accordance with Financial Regulations.
- h) Housing Revenue Account and Capital Budget- preparing and monitoring in accordance with Financial Regulations.
- i) Administration of the Sundry Debtors System.
- j) Internal Audit - examination of the accounting, financial and other operations of the Council.
- k) Banking and Insurance Arrangements.
- l) Signing Operating and Finance Leases.
- m) Treasury Management - ensure that the Council's annual Treasury Management Plan complies with the Treasury Management Code, The CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code) and the Local Government Investments (Scotland) Regulations 2010.
- n) Payment Processing and Supplier Invoice Administration – In accordance with the Late Payments and Commercial Debts Act 1998.

D CHIEF SOCIAL WORK OFFICER

The Chief Social Work Officer is a statutory appointment by virtue of Section 3 of the Social Work (Scotland) Act 1968.

The Chief Social Work Officer is appointed for the purposes of the Council's functions under the 1968 Act and under those other enactments listed in Section 5(1B) of that Act. In broad terms, those functions cover all social work and social care services whether provided directly by the Council, in partnership with other agencies, or procured by the Council and provided by others on its behalf. Those functions are referred to in this document as "social work services".

The qualifications required for the post are set out in the Qualifications of Chief Social Work Officers (Scotland) Regulations 1996 (S.I. 1996/515 (1996/49)).

The Chief Social Work Officer is required by section 5(1) of the 1968 Act to carry out the duties of the post under the general guidance of the Scottish Ministers. The Scottish Ministers issued revised and finalised guidance in May 2016.

<http://www.gov.scot/Publications/2016/07/3269/0>

The Chief Social Work Officer is a "proper officer" of the Council in relation to its social work functions. By virtue of section 2(1)(b) and (6)(c) of the Local Government and Housing Act 1989, the post is designated as a politically restricted post, and accordingly is included in the list of such posts required to be maintained by the Council.

Delegated to the Post

The duties of the Chief Social Work Officer post are:-

1. To promote values and standards of professional practice, including all relevant national Standards and Guidance, and ensure adherence with the Codes of Practice issued by the Scottish Social Services Council for social service employers.
2. To work with Human Resources and responsible senior managers to ensure that all social service workers practice in line with the SSSC's Code of Practice and that all registered social service workers meet the requirements of the regulatory body;
3. To establish a Practice Governance Group or link with relevant Clinical and Care Governance arrangements designed to support and advise managers in maintaining and developing high standards of practice and supervision in line with relevant guidance, including, for example, - the *Practice Governance Framework: Responsibility and Accountability in Social Work Practice* (SG 2011);
4. To ensure that the values and standards of professional practice are communicated on a regular basis and adhered to and that local guidance is reviewed and updated periodically.
5. To provide professional leadership for social workers and staff in social work services and:-
 - a) To support and contribute to evidence-informed decision making and practice – at professional and corporate level – by providing appropriate professional advice;
 - b) To seek to enhance professional leadership and accountability throughout the organisation to support the quality of service and delivery;
 - c) To support the delivery of social work's contribution to achieving local and national outcomes;
 - d) To promote partnership working across professions and all agencies to support the delivery of integrated services;
 - e) To promote social work values across corporate agendas and partner agencies.
6. To provide advice and contribute to decision-making in the Council and Health and Social Care Partnership in the context of-
 - a) Effective governance arrangements for the management of the complex balance of need, risk and civil liberties, in accordance with professional standards;

- b) Appropriate systems required to 1) promote continuous improvement and 2) identify and address weak and poor practice;
- c) The development and monitoring of implementation of appropriate care governance arrangements;
- d) Approaches in place for learning from critical incidents, which could include through facilitation of local authority involvement in the work of Child Protection Committees, Adult Support and Protection Committees and Offender Management Committees where that will result in the necessary learning within local authorities taking place;
- e) Requirements that only registered social workers undertake those functions reserved in legislation or are accountable for those functions described in guidance;
- f) Workforce planning and quality assurance, including safe recruitment practice, probation/mentoring arrangements, managing poor performance and promoting continuous learning and development for staff;
- g) Continuous improvement, raising standards and evidence-informed good practice, including the development of person-centred services that are focussed on the needs of people who use services and support;
- h) The provision and quality of practice learning experiences for social work students and effective workplace assessment arrangements, in accordance with the SSSC Code of Practice for Employers of Social Service Workers;

7. Decisions in relation to:-

- a) Whether to implement a secure accommodation authorisation in relation to a child (with the consent of a head of the secure accommodation), reviewing such placements and removing a child from secure accommodation if appropriate;
- b) The transfer of a child subject to a Supervision Order in cases of urgent necessity
- c) Acting as guardian to an adult with incapacity where the guardianship functions relate to the personal welfare of the adult and no other suitable individual has consented to be appointed;
- d) Decisions associated with the management of drug treatment and testing orders
- e) Carrying out functions as the appropriate authority in relation to a breach of supervised release order, or to appoint someone to carry out these functions and;
- f) Joint arrangements in co-operation with other authorities under the 2014 guidance on Multi Agency Public Protection Arrangements (MAPPA)

Corporate Responsibilities

The Chief Social Work Officer has the following corporate powers which require direct access to the Council's Chief Executive and Elected Members, and the provision of forthright and independent advice to them:-

- To ensure compliance with the Council's statutory duties to prepare, publish and review plans for the provision of social work services.
- To promote, communicate, support and review values and standards of professional practice, and to ensure that they are adhered to.

- To establish, in conjunction with the Council's Corporate Management Team, appropriate experience and qualified cover for the post of Chief Social Work Officer during the post-holder's absence or incapacity.
- To report to the Chief Executive any failure in the Council's corporate policy or governance arrangements designed to reflect the proper balance amongst need, risk and civil liberties in the provision and management of social work services.
- To report to the Chief Executive any weaknesses and failures in the systems in place to promote good practice and identify and address poor practice in the provision of social work services.
- To report and provide independent comment where necessary to the Chief Executive and Elected Members on the findings of significant case reviews and relevant performance reports and on any other social work related issues.
- To provide an annual report to the Council on all of the statutory, governance and leadership functions of the role of the Chief Social Work Officer.

Document Control Summary:-		
Location:	I:\Committee Services\Publications\01 Standing Orders Relating to Proceedings of the Council and Committees	
Last Revised:	Revised By	Nature of Revision
Version 2 – 8 June 2015	MJA	Updates in respect of Protective Services powers and references to provisions of the 2006 Housing (Scotland) Act which replace the 1987 Act. Amendments do not require Council approval.
Version 3 – 16 December 2015	MJA	Change in respect of Civic Contingencies arrangements, agreed by Council. Page 24, para 106
March 2016	MJA	Additions to reflect Locality Partnerships (Section 6) paras 93 and 94

Guidelines for Member/Officer Relations

(incorporating the Protocol on Member/Officer Relations from the Councillors' Code of Conduct)

May 2017

Why Have Guidelines?

Guidelines are a positive tool to aid relations between Members and officers.

The key guiding principles are for officers and Members to:

- Work and communicate effectively with one another
- Act within the law and the Standing Orders of the Council
- Behave with mutual courtesy
- Communicate effectively with one another
- Adopt a constructive approach to resolving differences and difficulties
- Work in the interests of North Ayrshire as a whole

The Guidelines also give advice on what to do when problems occur.

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9. Monitoring the Performance of Officers
10. Support to Officers
11. Support Services to Members and Party Groups
12. Multi-Member Wards
13. Meetings and Correspondence
14. Media Relations
15. Review of the Guidelines

Document Classification: Public
Approved by Council May 2017

1. INTRODUCTION

- 1.1 These Guidelines set out the way in which Members and officers of the Council should behave towards one another. They define the roles and responsibilities of Members and officers. They cannot cover every eventuality, but set a framework for dealing with issues as they arise.
- 1.2 The Guidelines take account of the Ethical Standards in Public Life (Scotland) Act 2000, and the Councillors' Code of Conduct, (Standards Commission for Scotland – December 2010). Appendix C of the Councillors Code of Conduct contains a model Protocol for Relations between Councillors and Employees in Scottish Councils, breach of which contravenes the Councillors Code of Conduct. These Guidelines incorporate the provisions of the model Protocol in Appendix C. They should also be used in conjunction with other existing guidance such as the North Ayrshire Council Code of Conduct for Employees and the Council's Standing Orders.

2. WHO IS AFFECTED?

- 2.1 The most frequent contacts are between Members and senior officers at Chief Executive, Executive Director or Head of Service level, and these Guidelines are largely about those contacts. There are also many contacts between Members and other officers in their daily business, and the principles of these Guidelines also apply to them. The particular position of officers who provide support services for Members is dealt with separately in paragraph 11.

3. THE ROLE OF ELECTED MEMBERS

- 3.1 Within a Council, Members have a number of different roles:
 - Some are Chairs or Portfolio Holders for specific issues.
 - Many belong to political groups, with others forming Independent Groups.
 - Each has a local ward to represent along with other Elected Members, involving contact with local groups and providing surgeries for individual constituents.
 - Each may represent the Council in partnership arrangements and on outside organisations.
- 3.2 Collectively, Elected Members also:
 - Provide strategic leadership;
 - Determine policy aims and objectives;
 - Take decisions not delegated to officers and;
 - Review performance

In all such roles, Councillors should act in accordance with the principles of the Code of Conduct for Councillors and these Guidelines.

3.3 ***The Council and Committees***

The main functions of the Council are to:

- Debate and agree policy proposals;
- Debate and agree budgets;
- Appoint the Members of regulatory and other committees;
- Make appointments to outside bodies and;
- Provide a forum for debating key issues;

Details of remits for the Council and committees are included in the Standing Orders and Scheme of Administration.

It should be noted that under the Local Government (Scotland) Act 1973, functions or decisions cannot be delegated to individual Councillors. Thus an individual Councillor can never have power to make decisions which bind the Council or its officers.

4. THE ROLE OF OFFICERS

4.1 The role of officers is as follows:

- The Chief Executive and Executive Directors are responsible for assisting the Council in the development of its policies and the discharge of its responsibilities;
- The Chief Executive and Executive Directors have responsibility for ensuring policy implementation;
- The Chief Executive and Executive Directors are responsible for operational management of services;
- The Chief Executive has responsibility for providing advice and management and publishing decisions;
- The Executive Directors and Service Heads have managerial accountability for their service areas and act as the first point of contact for that service;
- Some officers have personal statutory powers and duties, for example the officer designated as Head of Paid Service (Chief Executive), the Monitoring Officer (Head of Democratic Services), the Section 95 Officer (Executive Director of Finance and Corporate Support) and the Chief Social Work Officer (Head of Children, Families and Criminal Justice)

4.2 The following duties will apply to the position of Chief Executive:

- The Chief Executive is the statutory Head of Paid Service and as such will be “responsible for managing and securing the professional body of staff needed to deliver modern, well-focussed service effectively” (DETR, June 2000).

- The Chief Executive, as the most senior manager, is the main point of contact for Members when difficulties arise; however Members should generally raise any problem with the appropriate Executive Director or Head of Service in the first instance.
 - The Chief Executive, as the Head of Paid Service, will work closely with the Leader of the Council in ensuring policy implementation but will work impartially with all groups and individual Members.
- 4.3 The organisational role of officers has two important dimensions. Some officers have professional skills relevant to a particular organisational task. Others have primarily a managerial responsibility. Many have elements of both in their jobs.
- 4.4 Officers also know that they must:
- Pursue lawful policies of the Council;
 - Implement the decisions of Council, committees and sub-committees;
 - Inform Members immediately of any decision that cannot be fully implemented, (senior officers should undertake this task);
 - Behave in a professional manner;
 - Treat all Councillors fairly and openly in their role as local representatives;
 - Serve all Members of the Council;
 - Deal with Member enquiries efficiently and promptly;
 - Strive continually to comply with the Council's performance management processes
 - Maintain political neutrality at all times
- 4.5 Council officers have an obligation to follow Council policies and to implement the decisions of the Council and its committees even if they have professional misgivings about proposed decisions. The role of officers in that situation is to advise Elected Members and to voice concerns in giving that advice. An officer will normally have a duty not to implement a Council decision if it is manifestly illegal. In such circumstances, the officer should seek the advice of the Monitoring Officer and the Chief Executive.
- 4.6 Officers' delegated powers are outlined in the Council's Scheme of Delegation which forms part of Standing Orders.

5. PERSONAL CONDUCT

- 5.1 **Courtesy** – in line with the Councillors' Code of Conduct reference to "mutual trust and respect" – it is important that Members and officers should behave courteously to one another. None should take unfair advantage of their position.
- 5.2 **Disagreements** – should be acknowledged and worked out in private rather than in public view.

- 5.3 **Close personal friendships** – personal friendships between individual Councillors and officers can also damage good relations and prove embarrassing to other Councillors and officers. Councillors and employees should, therefore, be cautious in developing close personal friendships while they have an official relationship.
- 5.4 **Constructive criticism** – Members have the right to make reasonable and constructive criticism of the work of officers. Members should remember that officers cannot respond to personal criticisms of themselves or other officers in the same way that politicians can and should make their comments accordingly. In accordance with the Code of Conduct for Councillors, Councillors should not raise matters relating to the conduct or capability of employees in public. Employees must accord to Councillors the respect and courtesy due to them in their various roles.
- 5.5 **Lines of accountability** – Members must be aware of the lines of accountability within Directorates. They must not apply pressure to an officer to act against the instructions of management.
- 5.6 **Decisions delegated to officers** – Members should not put pressure on an officer on matters which have been delegated for officer decision. Officers should be left to make decisions that are:
- Objective and can be accounted for
 - Fair and consistent in their applications
 - Accord with policy
- See paragraph 4.6
- 5.7 **Undue influence** – Members should not bring undue influence to bear on an officer to take any action which is contrary to law or against the Council's approved procedures. This could include action which is:
- A breach of personnel procedures
 - In conflict with Standing Orders/financial regulations
 - In conflict with planning procedures and policies
 - In conflict with Codes of Conduct
- 5.8 **Declaring relationships with constituents** – Members must declare any relevant close personal relationships with constituents when dealing with council officers. Although Members are elected to represent the interests of their constituents, they should not seek special treatment for any individual.

6. ACCESS TO INFORMATION AND DOCUMENTS

- 6.1 Members are free to request council Directorates provide them with information, explanation and advice about that Directorate's functions, which they may reasonably need in order to help them carry out their roles as Members of the Council. Councillors should normally approach the Executive

Director or a Head of Service. This can be for general information about aspects of the Directorate's activities or specific information on behalf of a constituent.

- 6.2 Members have certain statutory and common law rights to request and inspect Council documents. The common law rights are wider and more significant than those given by the Access to Information provisions of the Local Government (Scotland) Act 1973. For instance, papers which contain "exempt information" relating to the categories specified in the Access to Information legislation may fall within the rights of inspection given to Councillors by common law.
- 6.3 Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a Council, Committee or sub-committee meeting. This extends not only to reports which are to be submitted to the meeting but also to any relevant background papers. In relation to reports which are exempt under the Local Government (Scotland) Act 1973, Council practice has generally been to disclose these where possible, on request. It should however be appreciated that there are certain documents which cannot be disclosed particularly those which contain sensitive personal information relating to employees, occupiers of Council property, applicants for grants and other services, the care of children, social work and criminal justice cases. In other cases, such as an opinion of Counsel or documents relating to contract negotiations, disclosure may only be made if the Councillor signs an undertaking promising not to further disclose the document.

Members also have a right to get copies of documents under the Freedom of Information (Scotland) Act. Again, there are some exemptions.

- 6.4 The common law right is based on the principle that any Member has a right to inspect Council documents if access is reasonably necessary to enable the Member to perform his/her duties as a Member of the Council – commonly referred to as the "need to know" principle.
- 6.5 The exercise of this common law right depends upon the Member's ability to demonstrate that he/she has the necessary "need to know". This question will initially be determined by the Executive Director who holds the document in question. In the event of a dispute, the question should be referred to the Chief Executive (taking advice if necessary from the Monitoring Officer).
- 6.6 A "need to know", and therefore a right to inspect, will not exist in relation to:
- A document which forms part of the internal workings of another party group
 - The working draft of an officer's report before it has been authorised for circulation to Council or other committee
 - Personal information covered by the provisions of the Data Protection Act

- 6.7 In some areas there are specific statutory codes which deal with the treatment of confidential information. This is especially true of Education and Social Work records. At all times, both Members and officers must recognise the need to operate within the overall legislative framework surrounding information.
- 6.8 There is no automatic right to confidentiality of any communication. Members and officers need to be aware that the Council is subject to the rigours of the Freedom of Information (Scotland) Act and Environmental Information (Scotland) Regulations and Re-use of Public Sector Information Regulations which require the Council to provide, subject to exceptions, recorded information held by it.
- 6.9 Members and officers should be aware of the provisions of the Data Protection Act 1998. If Members hold personal information (such as details of constituent enquiries), and most will do so, they will require to be registered under the Data Protection Act. When holding such personal information Members must abide by the following rules:-
- Members must only use the information for the purposes for which it was given.
 - Members must not share this information with anyone without the consent of the person giving the information. If a constituent or other member of the public asks you to resolve an issue you are allowed to contact officers to attempt to resolve the issue on behalf of your constituent.
 - You should not keep the information any longer than you need to.

Members requesting sensitive personal information on behalf of constituents from the Health and Social Care Partnership or other Directorates will only receive such information if they have a signed consent form from the constituent asking the Councillor to obtain such information.

The Information Commissioner's website gives further information including the following briefing 'Advice for Elected and Prospective Councillors' which can be viewed at

<https://ico.org.uk/media/for-organisations/documents/1432067/advice-for-elected-and-prospective-councillors.pdf>

- 6.10 Members should not put pressure on officers to provide them with documents to which they have no statutory or common law right or to withhold from other Councillors documents to which they have a statutory common law right of access. The advice of the Monitoring Officer and the Chief Executive should be sought promptly if there is doubt about whether access should be given.
- 6.11 If a Member is refused information by a Council employee they should be clearly advised as to why they are being refused. If a Member is not satisfied by the refusal he should initially raise the issue with the appropriate Executive Director. If a Member is not satisfied with the Executive Director's refusal of information the member can appeal this refusal to the Council's Chief Executive who may refer this to the Monitoring Officer to be dealt with as a

Freedom of Information Review. If the Chief Executive/Monitoring Officer refuses the request on the basis that it results in the disclosure of personal information under the Data Protection Act, or on the basis that disclosure would be illegal, the Member can appeal this refusal to the Freedom of Information Commissioner.

- 6.12 Both Members and officers have access to information which has not yet been made public and is still confidential. It is a betrayal of trust to breach such confidences. Confidential information must never be disclosed or used for personal advantage or to the disadvantage or the discredit of the Council or anyone else. This is a breach of the Councillors' Code of Conduct.
- 6.13 In light of the above procedures, Members will not normally be expected to request information under the Freedom of Information arrangements.

7. ACCESS TO ADVICE

- 7.1 Officers provide professional and managerial advice to Councillors in a number of settings.
- To the Council, committees, sub-committees and working groups in written reports
 - To the political leadership
 - To the party groups
 - To individual Councillors with specific roles (Committee Chairs, Portfolio Holders)
 - To individual Councillors as local members
- 7.2 Officers within a Directorate are accountable to their Executive Director and Heads of Service and should take this into account when giving advice to Elected Members.
- 7.3 In the spirit of informed and co-operative working the Chair of a committee will often be consulted on the preparation of reports. However the ultimate decision on whether and when to submit a report to Council or committee is one for officers. While employees will wish to listen to the views of Chairs or Portfolio Holders, the Executive Director will always have final responsibility for the contents of any report submitted in his/her name. The decision on whether to submit a motion to Council is one for an Elected Member, subject to the provision in Standing Orders which allows the Provost to rule on whether an illegal motion can be admitted. An Elected Member has the right to submit a motion to the Council which disagrees with the advice and recommendation of an officer.
- 7.4 ***Committee Chairs and Portfolio Holders***

Portfolio Holders are recognised as the legitimate spokespersons on their Directorate's area of responsibility. Where authority is delegated to employees they may wish to consult the relevant Portfolio Holder about the

action they propose to take but the responsibility for the final decision remains with the employee who is accountable for it. Portfolio Holders and Chairs should bear this in mind when discussing proposed action with employees.

- 7.4.1 Chairs and Portfolio Holders will have many dealings with employees. These employees should always seek to assist a Chair or Portfolio Holder but it must be remembered that they are ultimately responsible to their Executive Director.

7.5 *Party or Independent Groups and Officers*

- 7.5.1 The Council operates through a system of groups of councillors, based on political affiliation and Independent Members. All employees must, in their dealings with Groups and Members, treat them in a fair and even handed manner. Employees must at all times maintain political neutrality.
- 7.5.2 Officers may properly be called upon to support and contribute to deliberations by Groups on matters of Council business under consideration. This support can be provided in many forms, ranging from a briefing meeting with a Portfolio Holder to a presentation to a full party group meeting. Whilst in practice such support is likely to be in most demand from the Group or Groups in control of the Council, support is available to all Groups. The advice given by employees to different Groups and individual Members should be consistent.
- 7.5.3 If attendance at a Group meeting is required, the office bearers of the Group should contact the Chief Executive and outline the type of advice they are seeking. The Chief Executive will decide whether attendance at the meeting is appropriate, and which officer(s) should attend.
- 7.5.4 Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party or political business and are not expected to be present at meetings or parts of meetings when matters of party business are to be discussed.
- 7.5.5 Officers must respect the confidentiality of any Group discussions at which they are present. It is acknowledged however that factual information upon which any advice is based will, if requested, be available to all Groups.
- 7.5.6 Special care needs to be exercised if officers are involved in providing information and advice to a Group meeting which includes persons who are not Members of the Council. Such persons are not bound by the Councillors' Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality). For this and other reasons, officers may not be able to provide the same level of information and advice as they would to a meeting where those in attendance are bound by the provisions of the Code. Normally an officer attending a Group meeting must request that non-Councillors be absent for the period of their attendance.

- 7.5.7 Officers must respect the confidentiality of any discussions at which they are present with Members. If officers receive information which, although confidential, they have a duty to disclose elsewhere, they must indicate that this is the case.
- 7.5.8 Conclusions reached at party group meeting are not Council decisions, and it is essential that they are not interpreted or acted upon as such.
- 7.5.9 Providing information and advice to a Group cannot act as a substitute for providing all necessary information and advice to Council or the relevant committee or sub-committee.
- 7.5.10 Elected Members should recognise that information and advice given by employees should be used to enhance discussion and debate at Council and committee meetings. If such information is used for political advantage, for example media briefings beforehand, then the process could become devalued and place employees in a difficult position in giving information and advice.
- 7.5.11 The Chair of a political group meeting attended by employees has a responsibility for ensuring that those attending are clear on the status of the meeting and the basis on which employees are attending.
- 7.5.12 Officers must never allow their own personal or political opinions to interfere with their professional advice. Officers should not take part and Members should not ask officers to take part in any activity which could be seen as influencing support for a party. Members should raise with the Chief Executive any concerns about the political neutrality of an officer.
- 7.5.13 Senior Officers, and other officers providing advice and support services to Elected Members, are subject to legal rules limiting their political activities outside work.
- 7.5.14 Should any difficulty of uncertainty arise in the area of employees' advice to party groups, this should be raised with the Chief Executive, who will discuss the matter with the group leader.

8. THE COUNCIL AS EMPLOYER

- 8.1 Officers are employed by the Council and both they and the Council are governed by contracts of employment and the Council's personnel policies and procedures. The Council has a duty of care towards all of its employees and these Guidelines reflect this.
- 8.2 In making employment decisions, the key principles for Elected Members to follow are:
- Members involved in appointments of employees must act fairly and openly and judge candidates solely on merit.

- Members should not gain financially or personally, nor should their families or friends.
 - Members have a duty to declare any private interest, and to protect the public interest.
 - Members should have no involvement in employment or recruitment decisions in which they have a personal interest.
 - In making public appointments or recommending people for rewards or benefits, Members must make choices on merit, using objective criteria.
 - Members should be open about, and are accountable for, the decisions they make in the role of employer. However, some employment matters should be dealt with in confidence.
 - Employment issues are usually dealt with by following written procedures, often agreed with the unions. Members should not do anything to undermine the following of proper procedures.
- 8.3 Members are collectively responsible when acting as employer and are bound by the complete framework of national and European employment law. However, it must be noted that an individual who commits an act of discrimination on the basis of race, gender or disability can be personally liable. The Council is an equal opportunity employer and Members should be guided by this principle in all their relationships with staff.
- 8.4 In addition, under the Code of Conduct:
- Members must not solicit a job with the Council for any person (but, in appropriate cases, may give them a written testimonial.)
 - Members must not try to influence the recruitment process.
 - Members should know that canvassing support for a candidate for a job with the Council disqualifies the candidate from that job.
- 8.5 Members must not become involved in issues relating to individual employees' pay or terms and conditions of employment, except while serving on a committee delegated to deal with such matters. A Staffing and Recruitment Committee has been established for Chief Executive and Chief Officer appointments. An Appeals Committee has been established to hear appeals lodged by individual members of staff against certain decisions, such as dismissal. All other disciplinary, capability or grievance processes are decisions for officers.
- 8.6 Members must not get involved in the operational management of Council services; this is an officer role. Nor must Members become involved in the management of Council employees or engage in activities which might undermine the management lines of responsibility or adherence to Council personnel procedures.
- 8.7 Members will frequently come into contact with representatives of the Joint Consultative Forum (JCF). The remit of the forum is:

- To provide a forum and procedure for Members and Trade Unions to meet on a regular and constructive basis to exchange information and resolve issues of mutual concern and
 - To promote and develop good relations between the Council and their Trade Unions
- 8.8 This forum does not have a remit to become involved in matters affecting an individual employee's terms, conditions and pay and Members must observe this remit in their contacts with Trade Union Officials.
- 8.9 Members must, at all times, adopt a professional approach in their dealings with the Trades Unions and in particular must:
- Avoid giving unauthorised commitments
 - Take a balanced view of information provided by the Trades Unions along with that of officers
 - Not allow undue influence to be placed upon themselves
- 8.10 Likewise, officers must not raise directly with Members any personal matter to do with their jobs, or relating to any potential appointment.
- 8.11 There are restrictions on former Elected Members' employment within the Council. A 12 month restriction for former Councillors being employed in politically restricted posts and for former Councillors who have been directly involved in the appointments process for Council Officers holding politically restricted posts, but the restriction is three months for all other posts.

9. MONITORING THE PERFORMANCE OF OFFICERS

- 9.1 Members should set the parameters for Council work and then let officers undertake the work, whilst guaranteeing that strong monitoring and performance management systems are in place. Members should not be involved in the operational management of Council services; this is an officer role.
- 9.2 Members have a right to criticise reports or the actions taken by officers, but they should always:
- Avoid personal attacks on officers
 - Ensure that criticism is constructive and well founded
 - Avoid undermining respect for officers at committee meetings, in any public forum or through the media
 - Use the agreed grievance procedures (when resolution cannot be achieved through normal lines of communication)
- 9.3 The Chief Executive, as the statutory appointed Head of Paid Service, is the first point of contact for Members regarding organisational and staffing matters. Executive Directors and Heads of Service are the first point of contact in their respective service areas.

- 9.4 Complaints about officers or Council services should be made to the Executive Director or to the Chief Executive as appropriate. Members have a duty to raise any issues that they have reason to think might involve fraud or corruption of any sort. These issues must, however, be raised through the proper channels.
- 9.5 The Monitoring Officer has power to report any proposal, decision or omission by the Council or its officers which causes or is likely to cause:
- A contravention of the law or any code of practice
 - A maladministration or injustice which could be investigated by the Scottish Public Services Ombudsman.

10. SUPPORT TO OFFICERS

- 10.1 Just as Section 9 of this protocol provides Members with a mechanism for criticising the actions or decisions of officers, officers too must have some protection where they feel that Members' expectations are unreasonably demanding or in conflict with managerial instruction or Council policy or procedure.
- 10.2 Complaints or concerns should be raised with the appropriate Directorate's Executive Director, or with the Chief Executive. Officers have the right to make a complaint about a breach of the Councillors' Code of Conduct to the Standards Commission. While individual Councillors have the right to defend any such complaint, pressure must not be put on any officer by Council, its committees or councillors to withdraw or amend the complaint.

11. SUPPORT SERVICES TO MEMBERS AND PARTY GROUPS

- 11.1 The Council can only lawfully provide support services to Members to assist them in discharging their role as Members of the Council – secretarial and typing support, policy support, stationery, printing, photocopying, transport and such like. Support services must be used only for Council business. They must never be used in connection with party political or campaigning activity or for private purposes. Members should never ask staff to provide improper support.
- 11.2 The protocols governing the duties of Members' support services staff are as follows:
- They are Council employees and subject to Council contracts of employment, Standing Orders, and staff instructions. As such they cannot be required to breach Council procedure, the terms of their contract of employment or the legal restrictions on them
 - They are responsible to officers for the conduct of their duties. Any issues about conflicting priorities, conduct or performance must be referred to their line managers

- They cannot represent or stand in for Members
- The existence of Members' services support staff should not detract from normal Member/officer relationships

12. MULTI-MEMBER WARDS

- 12.1 Members have a duty to be accessible to all the people of the multi-member ward they have been elected to and to serve their interests conscientiously. However Members also have a duty to act in the interests of the Council area as a whole and all the communities served by it, not just those of their own ward or town.
- 12.2 The introduction of multi-Member wards has implications for the co-ordination of constituents' enquiries. Individual constituents have the right to choose to approach any of the Elected Members representing their ward.
- 12.3 When constituents seek contact with local Elected Members, information should be provided in a consistent manner, leaving the constituent to choose which Elected Member they wish to contact. Elected Members' names and contact details should be provided in alphabetical order, by surname, along with their political affiliation.
- 12.4 Where a constituent has not identified a particular Councillor to deal with their concerns, officers should contact the constituent to clarify which Member they would like to deal with their enquiry.
- 12.5 If a constituent does not wish to specify a Member, the last resort should be to copy the query to all the ward Members, with the express permission of the constituent.
- 12.6 Members within a particular ward may agree among themselves on ways of allocating responsibilities, however the individual constituent has the right to approach the Elected Member of their choice.
- 12.7 The relationship between the Elected Member and constituents is of a confidential nature, therefore the consent of the constituent is required before any information about them or the nature of their query is passed between Elected Members.
- 12.8 An Elected Member may suggest to a constituent passing on their query to another Elected Member. Such a referral should only be made with the express approval of the constituent who may request that the enquiry be dealt with by the Member of their choice.
- 12.9 There is the possibility that constituents could raise their concerns with more than one Elected Member, without the Elected Members knowing this. This could lead to the situation where one officer is dealing with an enquiry without knowing that another officer is also dealing with the same enquiry. To avoid

this potential duplication, Members should ensure that constituent complaints are recorded in the Lagan system.

13. MEETINGS AND CORRESPONDENCE

- 13.1 Both Members and officers should take proper account of the time demands each is under when arranging meetings, particularly at short notice.
- 13.2 Officers should respond to requests for meetings with Members with priority but where these are requested at short notice, Members should accept that officers may have pre-arranged commitments.
- 13.3 There is no requirement for officials to invite other ward Members to, or notify them about, meetings organised by an individual Councillor with that official.
- 13.4 When Councillors initiate a meeting, officers should always ensure that the Councillors are given the opportunity to have other ward members attend.
- 13.5 Whenever a public meeting or consultative exercise on an issue local to one or more wards, is arranged by the Council, all ward Members should generally be invited to attend that meeting.
- 13.6 Officers should not divulge their discussions with individual Councillors to other Councillors, particularly Councillors of another political party, without the consent of the individual Councillor concerned. Correspondence between an individual Member and an officer should not be copied by an officer to any other Member. Where it is necessary to copy the correspondence to another Member, this should be made clear to the original Member at the time, or the consent of the original Member obtained. Officers are however entitled to divulge such discussions and correspondence to other officers, particularly Chief Officers where required. These other officers will also be bound not to disclose the discussions or correspondence to other Councillors, without the consent of the original Councillor.
- 13.7 When officers write to or meet with residents regarding matters of general concern in an area, all ward councillors should be sent copies or informed.

14. MEDIA RELATIONS

- 14.1 The Chief Executive in consultation with the Council Leader where appropriate, and the Corporate Communications Manager, will issue press releases and similar information on behalf of the Council, deal with media enquiries and implement the Council's Communications Strategy. Officers are responsible for the decision whether to issue a press release on behalf of the Council, its timing and content. However if a Member is to be quoted in a press release that Member must first have agreed the terms of any such quote.

- 14.2 Individual Executive Directors when issuing press releases and dealing with media enquiries in relation to their own service will do so in consultation with the Corporate Communications Manager.
- 14.3 Where a response is required to circumstances which are corporate or “council wide”, the Chief Executive, in consultation with the Council’s Corporate Communications Manager, will express the views of the authority within the corporate policies agreed by the Council.

15. REVIEW OF THE GUIDELINES

- 15.1 These Guidelines will be kept under review and may be amended by the Council from time to time. They will be kept up to date to take into account any future relevant legislation. Any amendments will be communicated to employees and Members.

AF/ v1.2 Final 04-04 17



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Standing Orders Relating to Contracts and Contract Procedure Rules for North Ayrshire Council

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1. Introduction

- 1.1. The Standing Orders Relating to Contracts (the Standing Orders) set out how the Council will invite tenders and let contracts for the supply of goods, works or services. The purpose of the Standing Orders which are made under Section 81 of the Local Government (Scotland) Act 1973, is to ensure that contracts are appropriate for their purpose provide the right balance between price and quality, and are procured in an open way that demonstrates probity and compliance with the Council's policies. The Standing Orders also apply to the sale/lease of property and the disposal of surplus or scrap materials/equipment.
- 1.2. Every contract whether authorised by the Council, the Cabinet, a Committee, Sub-Committee, Officer or other person engaged by the Council to which the power of entering into contracts has been delegated, shall comply with these Standing Orders and
- a) The Revenue or Capital Budgets as approved by the Council
 - b) The Financial Regulations of the Council
 - c) The Scheme of Delegation to Officers
 - d) The Procurement Reform (Scotland) Act 2014
 - e) The Public Contract (Scotland) Regulations 2015
 - f) The Procurement (Scotland) Regulations 2016
 - g) Construction contracts, other than those expressly excluded under the Construction Contracts Exclusion Order 1998, must comply with the requirements of the Local Democracy, Economic Development and Construction Act 2009 Commencement no. 2 (Scotland) Order 2011
 - h) North Ayrshire Councils Procurement Strategy
 - i) North Ayrshire Councils Procurement Manual
- 1.3 Due consideration should also be given to all Guidance and Policy Notes issued by the Scottish Government, Scottish Procurement Directorate in respect of procurement matters.

2. Definitions

- 2.1 In these Standing Orders the following words and phrases shall have the meaning hereinafter assigned to them, that is to say:
- a) "the 1973 Act", means the Local Government (Scotland) Act 1973
 - b) "the 2003 Act", means the Local Government in Scotland Act 2003
 - c) "the Scheme of Delegation", means the Scheme of Delegation to Officers approved by the Council on 17th May 2017 or any subsequent amendment
 - d) "the 2015 Regulations" means the Public Contracts (Scotland) Regulations 2015
 - e) "the Reform Act" means the Procurement Reform (Scotland) Act 2014
 - f) "the SDS 2013 Act means the Procurement and Social Care Self Directed Support (Scotland) Act 2013
 - g) "Cabinet" means the Cabinet of North Ayrshire Council

- h) “Chief Officer”, means the Chief Executive, Executive Director, or Head of Service of the Council
- i) “Designated Officer”, means any Officer authorised in writing by any Chief Officer for the purposes of these Standing Orders
- j) “ESPD” means the European Single Procurement Document
- k) “Mandatory contract standstill period” means a period of not less than 10 calendar days following communication by electronic means of the award decision to all tenderers as provided for in Public Contracts (Scotland) Regulations 2015
- l) “OJEU” means the Official Journal of the European Union. Tenders over the OJEU threshold will be published in the OJEU
- m) “Post tender negotiations”, means any communication between a Chief or Designated Officer and a tenderer subsequent to the return date for the tender and the acceptance of any such tender
- n) “PCS” means Public Contracts Scotland this is the national tender advertising portal
- o) “Quick Quote” means an invitation only procurement exercise, published on Public Contract Scotland required where the estimated value is between £10,000 and £50,000 (Supplies and Services) and between £10,000 and £100,000 (Works).
- p) “Services”, means any service as defined by the Public Contracts (Scotland) Regulations 2015 and any subsequent amendments thereof
- q) “Supplies”, means any supplies as defined by the Public Contracts (Scotland) Regulations 2015 and any subsequent amendment thereof
- r) “Tender” means any procurement exercise published on Public Contract Scotland with a value greater than £50,000 (supplies and services) and £100,000 (works)
- s) “Works”, means any works defined in the Public Contracts (Scotland) Regulations 2015 and any subsequent amendment thereof.

3. Extent and Application

- 3.1 These Contract Standing Orders are made under Section 81 of the Local Government (Scotland) Act 1973 as amended and, subject to the provisions of Contract Standing Order 5 (Exempted Contracts), shall apply to all contracts made by or on behalf of the Council for the provision of Supplies or Services and the execution of Works.
- 3.2 The Contract Standing Orders shall be applied having regard always to the key principles of:
 - Transparency
 - Equal Treatment
 - Non-discrimination
 - Proportionality
- 3.3 The Contract Standing Orders are subject to the over-riding provisions of European Union, United Kingdom or Scottish legislation, including the EU Procurement Directives and EU Regulations. They are also subject to any EU Commission, UK Government or Scottish Government guidance on public procurement that may be issued from time to time.

- 3.4 All Council employees engaged in procurement on behalf of the Council must comply with the duty to secure best value in accordance with the 2003 Act.
- 3.5 All Council employees shall comply with the terms of the Contract Standing Orders and any failure to do so may result in disciplinary action.
- 3.6 Any Council employee who is contract managing a third party or agent that is procuring on behalf of the Council must ensure that the third party complies with the terms of the Contract Standing Orders and any failure to do so may result in disciplinary action.
- 3.7 Other than alterations of a minor or technical nature or such as are required to be enacted immediately to ensure compliance with statutory obligations that do not have a policy impact ("minor changes"), the Contract Standing Orders may only be varied or revoked by the Council and any motion to vary or revoke these Standing Orders shall conform to the requirements of Standing Order No. 22 of the Standing Orders for regulating the meetings and proceedings of the Council. Any minor changes must be approved by the Cabinet and reported to the next meeting of the Council.
- 3.8 It is the responsibility of each Chief Officer to ensure officers within their Directorates who are involved in procurement comply with the Standing Orders.
- 3.9 Any query regarding the application or interpretation of these Contract Standing Orders must be referred in the first instance to the Head of Democratic Services.

4. Health and Social Care Services

- 4.1 These Contract Standing Orders shall apply to contracts for all Health and Social Care Services subject to the special procedures set out in Annex C.
- 4.2 All Health and Social Care procurement will be undertaken by the Corporate Procurement Unit with the agreement of the Corporate Procurement Manager.

5. Exempted Contracts

- 5.1 Subject to the continued application of Standing Order 3.2 (key principles), and 5.2 to 5.8 (which apply in all cases), these Contract Standing Orders shall not apply to:
 - 5.1.1 Any contract of employment; this exemption does not extend to any arrangements for the employment of staff on an agency basis
 - 5.1.2 Any contract or type of contract which the Council or any Committee of the Council declare to be exempt, upon declaration that they are satisfied that the exemption is justified by special circumstances. Note: lack of forward procurement planning does not constitute special circumstances.

- 5.1.3 Any contract with a value less than £1M. which a Chief Officer in consultation with the relevant Portfolio Holder and after obtaining the agreement of the Chief Executive, considers may be exempted by virtue of any special circumstances. Special circumstances do not extend to lack of forward planning for the appropriate procurement exercise.
- 5.1.4 Any contract for the supply of goods or materials or for the provision of services or for the execution of works which in the opinion of any Chief Officer, are urgently required for the prevention of damage to life or property.
- 5.1.5 Any contract or framework arrangement, that has been deemed appropriate by the Corporate Procurement Manager, entered into on the Council's behalf by a consortium, partnership, company or similar body of which the Council is a member or user, where such body has invited Tenders for the provision of Supplies, Services or works, including for example the Scottish Government, Crown Commercial Services and Scotland Excel.
- 5.1.6 Any contract entered into by Hub South West Scotland (Hub) on behalf of the Council. The Hub is a public-private partnership that enables design and construction of community facilities within South West Scotland, the Council is one of seventeen participants of the Hub.
- 5.1.7 Any individual contract (less than £1m) awarded under a Dynamic Purchasing System (DPS) subject to the award of the overarching DPS being approved by Cabinet in accordance with clause 23.5. All individual contracts associated with the DPS must be advertised through Public Contracts Scotland.
- 5.1.8 Any contract relating to the disposal or lease of land and buildings where offers have been invited and a closing date set. Such offers relating to property shall be invited and accepted in accordance with the provisions as set out in the Procedure for Disposal of Surplus Land and Property Assets (set out in Annex B) to the Council's Policy for Property Acquisitions and Disposals.
- 5.1.9 All contracts for the supply of goods or materials (including second-hand goods or materials) and the provision of services including consultancy services where the total estimated contract value does not exceed £50,000, subject always to the need to demonstrate value for money and probity when entering into any such contracts, see 5.2 below
- 5.1.10 All contracts for the execution of works where the total estimated contract value does not exceed £100,000, subject always to the need to demonstrate value for money and probity when entering into any such contracts, see 5.2 below
- 5.1.11 Subject to Council or Cabinet approval any contract where the appropriate Executive Director is satisfied (a) that the requirement is not readily obtained from more than one supplier, service provider or contractor and it can be demonstrated that no equivalent is available or (b) the prices of the supplies, services or works are wholly controlled by trade organisations or government order and it can be demonstrated that no equivalent is available or; (c) the

requirements are subject to intellectual property rights and it can be demonstrated that either no suitable alternative is available or that exposure to competition of an item covered by copyright, patent or trademark would breach such rights.

- 5.2 Where a contract is exempt due to the value, in accordance with the clause 5.1.8 and 5.1.9 above, the following will apply to ensure value for money is achieved:

<u>Type of Contract</u>	<u>Threshold (excluding VAT)</u>	<u>Procedure</u>
Supplies, Services & Works	< £1,000	Single quotation.
Supplies, Services & Works	£1,000 - £4,999	Minimum 3 verbal quotes
Supplies, Services & Works	£5,000 - £9,999	Minimum 3 written quotes.
Supplies & Services	£10,000 - £49,999	Quick Quote via Corporate Procurement
Works	£10,000 - £99,999*	Quick Quote via Corporate Procurement
*Where transparency, non-discrimination and equal treatment are not compromised the Corporate Procurement Manager retains sole discretion to increase the threshold for Works up to £2,000,000.		

- 5.3 In all cases, records must be kept of all quotes. Where three quotes cannot be obtained, that fact, together with a note of the efforts made to obtain three quotes should be recorded.
- 5.4 Trading Operations in accordance with clause 8 below.
- 5.5 Where a contract is exempt under clauses 5.1.2 or 5.1.3 then a Single Tender Action Request form (see Annex A) is required to be authorised prior to any contractual commitment being made to a supplier.
- 5.6 Where a contract is exempt under clauses 5.1.4 then a retrospective Single Tender Action Request form is required to be completed.

5.8 Any contract exempted from these standing orders shall still:-

- comply with the duty to achieve Best Value.
- comply with all legal procurement requirements, including the terms of the Public Procurement Regulations.

6. Disaggregation

6.1 Contracts must not be disaggregated, packaged or split into separate smaller contracts or requirements to avoid the application of any provision of the Contract Standing Orders, the EU Regulations or any other legislative provisions. The aggregate value of any single requirement for works, services or supplies across the whole Council must be taken into account in determining whether it exceeds the threshold for application of the EU Regulations or the thresholds stated within the Standing Orders.

6.2 Where specialist consultancy services are required, whether through an existing Framework Agreement or as a new tendering process, at the initial stage, costs must be obtained for all potential stages of the project to ensure that the award decision is based on total potential costs rather than the initial stage only.

7. Authority to Invite Tenders

7.1 Tenders for the provisions of Services, Supplies and Works may be invited by a Chief Officer or Designated Officer where-

- authority for the project to which the tender relates has been granted, either through delegated powers, the Capital Plan or Revenue Estimates or specific Committee authority and;
- where they are satisfied, after proper project appraisal, that the cost of the contract can be met within the approved budget for the project.

8. Trading Activities

8.1 Notwithstanding anything to the contrary under these Standing Orders, it is recognised that the Council when carrying out its function in terms of Trading Activities recognised by the Council from time to time, will be entering into contractual relationships related to those trading activities (such as appointing sub-contractors, ordering materials or other supplies, etc.) and the following procedures shall apply:-

- The Chief Officer or Designated Officer may invite, accept and/or negotiate offers from proposed contractors or suppliers for the supply of goods or materials or for the execution of works or for the provision of services to third parties. In exercising powers under this paragraph they must, unless satisfied that an exemption is justified by special

circumstances, secure competition for contracts and regulate the manner in which tenders are invited by securing compliance as far as considered practicable with the terms of these Standing Orders.

- In undertaking trading activities on behalf of the Council all employees are subject to the duty to secure best value in accordance with the 2003 Act

9. Collaborative Procurements including Joint Commissioning of Social Care

- 9.1 Where the relevant Chief Officer considers it to be in the best interests of the Council and in accordance with Best Value to do so, he/she may seek to enter into a collaboration with one or more other public authorities in respect of the procurement of a requirement for Supplies, Services or Works, subject to the following provisions.
- 9.2 Every Collaborative procurement exercise shall require to be approved in advance by the Executive Director (Finance & Corporate Support) or their Designated Officer and the procurement process shall be undertaken in conjunction with the Corporate Procurement Manager.
- 9.2.1 Every Joint Commissioning exercise shall require to be approved in advance by the Executive Director (Social Services & Health) or their Designated Officer and the commissioning process shall be undertaken in conjunction with the Corporate Procurement Manager.
- 9.3 A business case shall be prepared in respect of every Collaboration/Joint Commissioning exercise to establish the justification for this and shall be approved in advance by the Executive Director (Finance & Corporate Support).
- 9.4 Where it is proposed that the Council shall act as “Lead Authority” in a Collaborative procurement/Joint Commissioning exercise with one or more public authorities, the terms of these Contract Standing Orders shall apply to the procurement process and the written agreement of the other parties to the Collaboration, in the form of a Memorandum of Understanding, shall be obtained to this effect.
- 9.5 Where another authority acts as “Lead Authority” in a Collaborative procurement/Joint Commissioning exercise for a contract on behalf of two or more public bodies, including the Council, the procurement and award process shall be conducted in accordance with the Standing Orders of the “Lead Authority”. In every such case however, the appropriate Chief Officer or Designated Officer must first be satisfied that the procurement and award of any such contract ensures that the principles of Best Value are adhered to and the best interests of the Council are served at all times in Collaboration/Joint Commissioning.
- 9.6 Prior to commencing any Collaborative Procurement/Joint Commissioning exercise, the appropriate Chief Officer shall agree the parameters for this with the appropriate officers in the public authorities and shall record this in writing.

Appropriate monitoring arrangement shall be put in place by the appropriate Chief Officer to ensure the agreed terms for the Collaboration/Joint Commissioning exercise are adhered to by all parties.

10. Delegation of Procurement Activity

- 10.1 Each Chief Officer may nominate, in writing, such other properly qualified officers as they consider appropriate to undertake any of the duties as set out in these Contract Standing Orders who will then have delegated authority to act in lieu of them in respect of the prescribed duties.
- 10.2 No officer may award a contract greater than £10,000 without written delegated purchasing authority from the relevant Chief Officer and only after consultation with Corporate Procurement to ensure that a robust procurement process has been undertaken.
- 10.3 A note of all written nominations made in terms of Standing Order 10.2 shall be provided to the Executive Director (Finance and Corporate Support) for retention.

11. Conflicts of Interest

- 11.1 No officer who has a potential conflict of interest or a direct or indirect pecuniary interest in any Tender is permitted to be involved in the Tendering process.
- 11.2 If any officer has a conflict of interest in any aspect of the procurement process, they must declare this interest as soon as it arises. The interest must be declared to the Corporate Procurement Manager.

12. Procedures prior to Commencing Procurement Exercise

- 12.1 Prior to commencing with a Procurement Exercise, any Officer shall consult with the Corporate Procurement Unit to establish whether any existing contracts or Framework Agreements accessible to the Council might fulfil their requirement.
- 12.2 No Tender shall be invited or any contract negotiations commenced, unless:
 - 12.2.1 The estimated expenditure thereon is within the budgetary provision previously approved by the Council and in compliance with the Council's Financial Regulations. The Officer shall be responsible for ensuring that sufficient funds are available prior to the commencement of any Procurement Exercise
 - 12.2.2 A Request for Procurement Action (RPA) (see Annex D) has been completed and authorised by the requesting Service and authorised by Financial Management prior to being submitted to the Corporate Procurement Unit

12.2.3A Contract Strategy has been prepared by Corporate Procurement in consultation with the Service representative

12.2.4 In cases of Collaborative Procurement, the terms of Standing Order 9 have been complied with.

13. Advertising of Contracts

13.1 In terms of the EU Procurement Directive, The Reform Act and 2015 Regulations, the Council has a duty to ensure that contracts are procured in accordance with the principles of non-discrimination on grounds of nationality, equal treatment and transparency.

13.2 Contract opportunities that are subject to the requirements of the Reform Act or the 2015 Regulations must comply with the provisions relating to advertising of contracts set out in that legislation.

13.3 All contract opportunities shall be advertised using Public Contracts Scotland, unless a decision has been reached by reason of either Standing Order 5 or Standing Order 14 that the contract opportunity is to be awarded without advertising.

14. Tendering Procedures

14.1 Subject to the provisions of clause 5.2 above, where the total contract value exceeds £50,000 (supplies and services) and £100,000 (works) formal tenders will be obtained by one of the following methods:

<u>Type of Contract</u>	<u>Threshold (exc VAT)</u>	<u>Procedure</u>
Supplies & Services	£50k – OJEU	<ul style="list-style-type: none">• Single Stage tendering• Two Stage tendering
Works	£100k – OJEU	<ul style="list-style-type: none">• Single Stage tendering• Two Stage tendering

Supplies, Services & Works	>OJEU	<ul style="list-style-type: none"> • Open tendering; • Restricted tendering; • Negotiated Procedure without Prior Publication of a Notice • Competitive Procedure with Negotiation • Competitive Dialogue Procedure • Innovation Partnerships
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14.2 The relevant Chief Officer in consultation with Corporate Procurement will determine through market research which procedure will be used to maximise competition.

14.3 For Open and Restricted Tenders, the relevant Chief Officer shall seek tenders from any Organisations registered on Public Contracts Scotland.

14.4 Single Stage tendering (below OJEU threshold)

This procedure shall apply when after consultation Corporate Procurement and the Chief Officer decides that tenders for a contract shall be obtained by open competition.

Corporate Procurement shall publish a contract notice on Public Contracts Scotland.

The notice shall:

- specify the nature and purpose of the contract;
- Include an ESPD;
- contain all tender documentation (including tender award criteria)
- clearly identify any selection criteria
- include the tender return deadline
- allow at least 21 days between the published date of the notice and the tender return deadline

14.5 Two Stage Tender (below OJEU threshold)

This procedure shall apply when after consultation Corporate Procurement and the Chief Officer decide to use a short listing process which limits invitations to tender to the applicants responding to a notice

Before inviting tenders, the Chief Officer shall publish a notice on Public Contracts Scotland.

The notice shall:

- specify the nature and purpose of the contract;

- Include an ESPD;
- include selection criteria;
- include the ESPD return deadline
- allow at least 14 days between the published date of the notice and the ESPD return deadline (unless otherwise agreed with the Corporate Procurement Manager or Designated Officer).

After the ESPD return deadline an Invitation to Tender document shall be issued by Corporate Procurement via Public Contracts Scotland to at least five providers, where possible. Where less than five ESPD returns are received from provider's advice must be sought from the Corporate Procurement Manager or Designated Officer before proceeding.

As soon as practical after deciding to exclude applicants from the Tender list unsuccessful applicants must be given a notice of:

- the names of the applicants proceeding to the second stage
- the criteria used to exclude the applicant
- the Councils scoring (if any), against those criteria, of the applicant.

The Invitation to Tender document shall:

- specify the nature and purpose of the contract;
- contain all tender documentation (including award criteria)
- include the tender return deadline
- allow at least 21 days between the published date of the notice and the tender return deadline (unless otherwise agreed by the Corporate Procurement Manager or Designated Officer).

14.6 Negotiated Tendering (below OJEU Threshold)

Negotiated tendering allows the Council to negotiate directly with a supplier or limited number of suppliers in order to award a contract. It is a procedure which should only be used in limited circumstances, for example in cases of extreme urgency or when a single stage or two stage tendering process has been discontinued.

As such the use of Negotiated tendering is strictly limited to exceptional circumstances as inappropriate use of the Negotiated tendering may lead to legal challenge.

Any negotiated tendering below the OJEU threshold must be approved by the Corporate Procurement Manager, prior to negotiation commencing.

14.7 Open tendering (above OJEU threshold)

This procedure shall apply when after consultation Corporate Procurement and the Chief Officer decide that tenders for a contract shall be obtained by open competition.

Corporate Procurement shall publish a contract notice on Public Contracts Scotland

The notice shall:

- specify the nature and purpose of the contract;
- Include an ESPD;
- contain all tender documentation (including tender evaluation criterion)
- clearly identify any selection criteria
- include the tender return deadline
- allow at least 25 days between the published date of the contract notice and the tender return deadline or at least 10 days if Prior Information Notice (not a call for competition) has been published within 35 days and 12 months from date of contract notice.

14.8 Restricted tendering (above OJEU threshold)

This procedure shall apply when after consultation Corporate Procurement and the Chief Officer decide to use a short listing process which limits invitations to tender to the applicants responding to a notice.

Corporate Procurement shall publish a contract notice on Public Contracts Scotland

The notice shall:

- specify the nature and purpose of the contract;
- include an ESPD;
- include selection criteria;
- clearly identify selection criteria
- include the ESPD return deadline
- allow at least 25 days between the published date of the notice and the ESPD return deadline.

After the ESPD return deadline an Invitation to Tender document shall be issued by Corporate Procurement via Public Contracts Scotland to at least five providers. Where less than five expressions of interest/questionnaires are received from provider's advice must be sought from the Corporate Procurement Manager before proceeding. The Corporate Procurement Manager will either authorise accepting less than five expressions of interest/questionnaires or require a re- tender.

As soon as practical after deciding to exclude applicants from the Tender list unsuccessful applicants must be given a notice of:

- the names of the applicants proceeding to the second stage
- the criteria used to exclude the applicant
- the Councils scoring (if any), against those criteria, of the applicant

The Invitation to Tender document shall:

- specify the nature and purpose of the contract;
- contain all tender documentation (including award criteria)
- include the tender return deadline
- allow at least 25 days between the published date of the contract notice and the tender return deadline or at least 10 days if Prior Information Notice (not a call for competition) has been published within 35 days and 12 months from date of contract notice.

14.9 Negotiated Procedure without Prior Publication of a Notice (Above OJEU)

Negotiated Procedure without Prior Publication should only be used in very exceptional circumstances. These exceptions should be limited to cases where publishing a call for competition (e.g. Contract Notice) is not possible such as:

- Where no tenders, no suitable tenders, no requests to participate or no suitable requests to participate have been submitted for a previous Open or Restricted tender exercise, provided that the initial conditions of the contract are not substantially altered. A tender shall be considered not to be suitable where it is irrelevant to the contract, being manifestly incapable, without substantial changes, of meeting the Organisation's needs and requirements as specified in the procurement documents. A request to participate shall be considered not to be suitable where the bidder has been or would be excluded or where it does not meet the [selection criteria](#).
- Where the supplies or services can be supplied only by a particular supplier for any of the following reasons:
 - The aim of the procurement is the creation or acquisition of a unique work of art or artistic performance;
 - Competition is absent for technical reasons (only if it is not caused by artificial narrowing down of the parameters of the procurement and no reasonable alternative or substitute exists);
 - The protection of exclusive rights, including intellectual property rights (only if it is not caused by artificial narrowing down of the parameters of the procurement and no reasonable alternative or substitute exists).
- Where it is strictly necessary for reasons of extreme urgency (where the time limits for the Open or Restricted Procedure or Competitive Procedure with Negotiation cannot be complied with) brought about by events unforeseeable and not attributable to the Organisation, such as emergency situations affecting the public e.g. flooding.

Negotiated Procedure without Prior Publication in case of **goods**:

- Where the products involved are manufactured purely for the purpose of research, experimentation, study or development, but not including quantity production to establish commercial viability or to recover research and development costs. Note this should not be abused to allow a single

supplier to be approached to design an item which must subsequently be purchased as a result of proprietary rights;

- Where a change in supplier(s) would mean that the Organisation would have compatibility issues or disproportionate technical difficulties; this procedure can be used to acquire additional deliveries from the original supplier when needed to replace or increase supplies or installations. In this case, the contract or recurrent contract length must not exceed three years, other than in exceptional circumstances.;
- For supplies quoted and purchased on a commodity market;
- For the purchase of supplies on particularly advantageous terms, from either a supplier which is definitively winding up its business activities, or the liquidator in an insolvency procedure, an arrangement with creditors, or a similar procedure under national laws or regulations.

Negotiated Procedure without Prior Publication in case of **services**:

- Where the contract concerned follows a [design contest](#) organised in accordance with the [Public Contracts \(Scotland\) Regulations 2015](#) and where the contract concerned is to be awarded as part of the design contest to the winner or winners. Where there is more than one winner of the design contest, all of them must be invited to participate in the negotiation;
- In instances when all of the following apply:
 - Where it is for new services consisting of the repetition of similar services performed by the supplier to which the Organisation awarded an original contract, provided that such services are in conformity with the basic project for which the original contract was awarded and the award indicated the extent of possible additional services and the conditions under which they would be awarded;
 - The possible use of this procedure was disclosed in the Procurement Documents and the total estimated cost of subsequent services was taken into consideration by the Organisation when applying the thresholds in relation to the original contract; and
 - Not more than three years have elapsed following the conclusion of the original contract.

As with all aspects of the Procurement Journey, the activities at this stage must be carried out in a carefully managed manner that supports the Principles of Procurement. As a minimum the processes must be carried out in a transparent way that ensures there is no distortion of the market place, the outcome cannot be a procurement that unduly favours or disadvantages a particular supplier and it is the responsibility of the Organisation to make sure that these requirements are met.

You must justify the use of this procedure; however, it can only be used in situations which have not been created by your Organisation. Organisations relying on the exception should provide reasons why there are no reasonable

alternatives or substitutes such as using alternative distribution channels including outside the UK or considering functionally comparable supplies and services. Where the situation of exclusivity is due to technical reasons, they should be rigorously defined and justified on a case-by-case basis. Technical reasons may also derive from specific interoperability requirements which must be fulfilled in order to ensure the functioning of the works, supplies or services to be procured.

Timescales:

When fixing any time limits the Organisation must take account of the complexity of the contract.

A Contract Notice will not be published in this procedure. The only procurement documents which may be published would be a Voluntary Ex-Ante Transparency (VEAT) Notice which an Organisation can use to protect itself by sending a VEAT Notice to OJEU prior to entering the contract. It is still mandatory to publish a Contract Award Notice with this procedure.

14.10 Competitive Procedure with Negotiation

Competitive Procedure with Negotiation can be used:

- where the needs of the public body cannot be met without adaptation of readily available solutions
- the works, supplies or services required include design or innovative solutions
- a contract cannot be awarded without prior negotiation because of the nature or complexity of the works, suppliers or services
- the technical specifications of the works, supplies or services cannot be established by sufficient precision by the public body
- the public body has already tried to procure the goods, works or services using the open or restricted procedure but only received irregular or unacceptable tenders

Under this procedure:

- the contract notice will make it clear that the competitive procedure with negotiation is being used
- any supplier may make a request to participate
- the request to participate must be accompanied by an [ESPD](#)
- following assessment of the submitted ESPDs, the buyer will invite suppliers that meet the selection criteria to the initial tender phase
- this can be followed by several rounds of negotiation in order for the public body to seek approved offers
- this may result in a new or revised tender being issued

- finally, leading to a contract award

A record of clear reasons for selecting this approach is required and commercial confidentiality is of key importance in employing this procedure.

14.11 Competitive Dialogue Procedure

Competitive Dialogue can be used:

- where the needs of the public body cannot be met without adaptation of readily available solutions
- the works, supplies or services required include design or innovative solutions
- a contract cannot be awarded without prior negotiation because of the nature or complexity of the works, suppliers or services
- the technical specifications of the works, supplies or services cannot be established by sufficient precision by the public body
- the public body has already tried to procure the goods, works or services using the open or restricted procedure but only received irregular or unacceptable tenders

Under this procedure:

- the contract notice will make it clear that the competitive dialogue procedure is being used and will also set out the award criteria which the public body will apply during the dialogue stage
- any supplier may make a request to participate
- the request to participate must be accompanied by an [ESPD](#)
- following assessment of the submitted ESPDs, the buyer will conduct a dialogue with the suppliers which meet the selection criteria. The aim of the dialogue will be to develop one or more suitable alternative solutions capable of meeting the requirements.
- on the basis of this dialogue the buyer will select suppliers to invite to tender

A record of clear reasons for selecting this approach is required and commercial confidentiality is of key importance in employing this procedure.

14.12 Innovation Partnerships

Innovation Partnerships can be used where there is no existing product or solution currently available on the market.

Under this procedure:

- the contract notice will make it clear that the innovation partnership procedure is being used
- any supplier may make a request to participate
- the request to participate must be accompanied by an ESPD
- following assessment of the submitted ESPDs, the buyer will use a negotiated approach to invite suppliers to submit ideas to develop innovative works, suppliers or services aimed at meeting a need for which there is no suitable existing 'product' on the market.
- the public body is allowed to award partnerships to more than one supplier

A record of clear reasons for selecting this approach is required and commercial confidentiality is of key importance in employing this procedure.

15. Electronic Tendering

- 15.1 All tenders must be advertised by electronic means through Public Contracts Scotland (PCS) and the tender process will be managed through the Public Contracts Scotland Tender (PCS-t) e-tendering system. All Quick Quotes will be invited and submission accepted via PCS.

16. Submission of Tenders

- 16.1 The Invitation to tender shall state that a tender will not be considered unless it is received electronically by the date and time stipulated in the invitation to Tender. No Tender delivered in contravention of this clause shall be considered.

- 16.2 All invitations to tender shall include the following:-

- (i) A specification that describes the Council's requirements in sufficient detail to enable the submission of competitive offers;
- (ii) A requirement for tenderers to declare that the tender content, price or any other figure or particulars concerning the Tender have not been disclosed by the tenderer to any party (except where such a disclosure is made in confidence for a necessary purpose);

- (iii) A requirement for tenderers to complete fully and sign all tender documents including a form of tender and certificates relating to canvassing and non-collusion;
 - (iv) Notification that tenders are submitted to the Council on the basis that they are compiled at the tenderer's expense;
 - (v) A description of the award procedure and evaluation criteria (including quality/price ratio, weighted quality criteria and price scoring model). The award procedure and evaluation criteria must remain unchanged throughout the tender process.
 - (vi) The method by which any arithmetical errors discovered in the submitted tender is to be dealt with. In particular, whether the overall price prevails over the rates in the tender or vice versa.
- 16.3 All Invitations to Tender or Quotations must specify the goods, services or works that are required, together with the terms and conditions of contract that will apply.
- 16.4 The Invitation to Tender or Quotation must state that the Council is not bound to accept any Quotation or Tender.
- 16.5 All candidates invited to tender or quote must be issued with the same information at the same time and subject to the same conditions through PCS or PCT-t. Any supplementary information must be provided on the same basis.
- 16.6 Candidates invited to respond must be given an adequate period in which to prepare and submit a proper Quotation or Tender, consistent with the urgency of the contract requirement. Normally at least 3 weeks should be allowed for submission of tenders. For all tenders that exceed the EU threshold, the EU timescales will apply.

17. Late Tenders

- 17.1 No tenders received after the closing date and time for submission shall be considered.

Where a tender is late due to a failure or lack of availability of the electronic tendering platform, and which is not attributable to the tenderer or as the case may be their agent, the express approval of the Executive Director – Finance and Corporate Support shall be required to admit the tender for consideration.

18. Opening of Tenders

- 18.1 Due to the system controls in place all tenders shall be opened by an authorised user, using the parallel opening functionality on PCS or PCS-t, as soon as it is practical to do so.
- 18.2 The Corporate Procurement Manager or Designated Officer shall ensure that for each e-tendering project, the system shall keep and, if required, produce a record showing the date and time when tenders were opened.

19. Checking of Tenders

- 19.1 All Tenders shall be subject to checking for completeness and errors by an appropriate officer nominated by the Chief Officer of the service concerned. Any arithmetical errors that result in a change to the pricing submitted must be documented.
- 19.2 Tenders for construction works shall be checked in accordance with current industry best practice and relevant practice notes, such as JCT Tendering 2012 Practice Note, where deemed appropriate to do so.

20. Evaluation of Tenders

- 20.1 Apart from the notification required or permitted by Standing Order 20.3:
- (i) Confidentiality of Quotations, Tenders and the identity of candidates must be preserved at all times.
 - (ii) Information about one candidate's response must not be given to another Candidate.
- 20.2 Contracts must be evaluated and awarded in accordance with the Award Criteria stated in the contract notice or tender documents and in compliance with Order 16.2 (v).
- 20.3 Where genuine pricing errors are found, they should be notified to the tenderer, who should be requested to confirm or withdraw their Tender. Alternatively, if the individual figures in the Tender, rather than the overall price, were stated within the Invitation to Tender as being dominant, an amended Tender price may be requested to accord with the figures given by the tenderer.
- 20.4 Chief Officers shall ensure that submitted tender prices are compared with any pre-tender estimates and that any discrepancies are examined and resolved satisfactorily.
- 20.5 Where changes to the tender are reasonable by the tenderer, and where such change is viewed to be reasonable by Council staff, erroneous figures shall be adjusted and the tender documents recalculated arithmetically. Changes to the tender document's figures should be signed by the tenderer. A letter from the tenderer, confirming and agreeing to the changes in erroneous figures shall also be appended to the tender documents.
- 20.6 The original tender form shall be amended to reflect the outcome of any new tender offer and the changes shall be signed by the tenderer.

- 20.7 At the end of the evaluation process, tender evaluation summary sheets shall be endorsed by the Evaluation Panel.

The evaluation panel must be made up a panel of at least 2 for tenders over the value of £50K for Supplies and Services and £100K for works

- 20.8 Quotations and Tenders received in respect of proposed contracts should only be accepted where they have been sought and evaluated fully in accordance with these Standing Orders.

21. Post Tender Communication

- 21.1 Between the last date and time for the receipt of Tenders and the date on which a decision is taken as to which, if any, Tender is to be accepted, the Corporate Procurement Manager or any Procurement Officer designated by them may contact a Tenderer in respect of any Tender submitted in order to seek clarification on the terms of the tender.
- 21.2 Where any factor giving rise to post Tender communications is not specific to one Tenderer, all Tenderers must be invited to participate in such communications. There must be no material change to the specification(s) and/or criteria on which Tenders are to be evaluated. If it becomes apparent that a material change is required, the Tendering process must be recommenced with a revised specification or award criteria.
- 21.3 A full written record shall be kept of all such communications and shall be retained with the original Tender.
- 21.4 This provision shall not be used in any way to permit any Tenderer to amend their bid in a manner that allows them to improve their offer, nor to put other Tenderers at a disadvantage nor to distort competition. All Tenderers must be treated at all times equally and in an open, transparent and fair manner.
- 21.5 For all EU tenders a mandatory standstill period must be observed before a contract can be awarded, see paragraph 23.8.

22. Post Tender Negotiations

- 22.1 Once the evaluation of tenders has been completed in accordance with Standing Order 20, the Chief Officer may request the Corporate Procurement Manager or any Procurement Officer designated by them to enter into post Tender negotiations. Such negotiations shall take place with the tenderer who has submitted the Most Economically Advantageous Tender for a contract; and where there is scope for improvement in the Tender received and that such negotiations will be in the best interests of securing Best Value and improved terms and conditions for the Council.

- 22.2 Where it is considered possible that post Tender negotiations might apply, a clear indication will be given to prospective contractors in the instructions to tenderers that post tender negotiations might be considered.
- 22.3 A full record (which shall include copies of all written communications) shall be kept by Procurement of all contracts where post Tender negotiations have been used and the written record will be retained with the original Tender. The written record will include the justification for authorising post Tender negotiations, the nature of the negotiations undertaken, the outcome of such negotiations and shall detail any additional terms agreed by the Council.
- 22.4 This Standing Order 22 shall not be used in any way to put any tenderer at a disadvantage or to distort competition, and it shall not be used to make any change to the specification(s) and/ or criteria on which the identified Tender is to be assessed.

23. Acceptance of Tender

- 23.1 Every Tender issued shall state the award criteria as the Most Economically Advantageous Tender (lowest price is no longer legally compliant). The evaluation of all bids received shall take place in accordance with the criteria specified in the Tender documentation.
- 23.2 No Tender shall be accepted unless:
- The appropriate Chief Officer is satisfied that the selection criteria stated within the tender have been met.
 - The appropriate Chief Officer is satisfied, in accordance with the award criteria, that the Tender is the Most Economically Advantageous Tender and technically compliant proposal for the Council;
- 23.3 Tenders for contracts where the total contract value (including optional extensions) does not exceed £500,000 shall be accepted upon written approval of the appropriate Chief Officer, subject always to confirmation that the tender has been issued in compliance with the provisions of paragraphs 7 and 8 of the Standing Orders.
- 23.4 Where the value of the tender is more than £500,000 but is £1,000,000 or less (including optional extensions), such tender shall be accepted upon the written approval of the Chief Executive or any Executive Director.
- 23.5 Where the value of the tender exceeds £1,000,000 (including optional extensions), such tender will be accepted upon the approval of the Cabinet, as set out herein. A tender outcome report will require to be submitted to Cabinet setting out details of the tenders received. Following the Cabinet meeting a period of 5 working days (excluding Sunday) must elapse prior to a contract being awarded to allow for any call in of the Cabinet decision in terms of clause 24 of the Standing Orders Relating to Meetings and Proceedings of the Council and Committees. In the event of a call-in, the contract shall not be accepted until the call-in is determined.

- 23.6 Subject to the procedures at paragraph 23.3 to 23.5 being adhered to, the contract acceptance and award letter will be issued by the Corporate Procurement Manager.
- 23.7 In exceptional circumstances, where for reasons of urgency, it is not possible to submit a report to the Cabinet in terms of paragraph 23.5 above, the relevant Chief Officer shall with the approval of the Chief Executive, be empowered to authorise acceptance of the tender, subject to a report being submitted to the Cabinet at the first available opportunity. During recess the Chief Executive is also entitled under the Scheme of Delegation to Officers to deal with any urgent matters, subject to reporting back to Cabinet at the first available opportunity.
- 23.8 For all tenders over the EU threshold a mandatory standstill period must be observed prior to the award of contract. If a report has been approved by Cabinet in accordance with paragraph 23.5, the mandatory standstill period will commence after either (a) expiry of 5 working days from the Cabinet decision without any call in or (b) in the event of a call-in, the contract shall not be accepted until the call-in is determined. Guidance on this must be obtained from the Corporate Procurement Manager. The mandatory standstill period must be for a period of at least 10 calendar days.

24. Nomination of Sub-Contractors

- 24.1 Where the Council nominates a sub-contractor or supplier to a main contractor, in the absence of any statutory requirements setting out different procedures, all tenders must be invited by the Council in accordance with the relevant tendering procedures laid down in these Standing Orders.
- 24.2 The terms of the invitation will require an undertaking by the tenderer that, if selected, they will be willing to enter into a contract with the main contractor in terms which may indemnify the main contractor against their own obligations under the main contractor for the work goods or services included in the sub-contract.

25. Contract Register

- 25.1 The Reform Act requires the Council to publish an external Corporate Contract Register. The Corporate Procurement Unit shall be responsible for updating the Council's Contracts Register.
- 25.2 The contract register must include the:
- 1) Contract name, description and unique reference number
 - 2) Contractor details
 - 3) Commencement date for contract
 - 4) Termination date for contract
 - 5) Trigger date for renewal/re-tender of contract
 - 6) Annual value of contract

26. Variations to Contract

- 26.1 Consideration must be taken of the value of variation, type of variation and scope of variation relevant to the original contract. Variations cannot be considered if the terms and conditions of the contract do not allow for this or if the value and/or scope of the variation are significantly different from the original contract
- 26.2 Variations to contract should not be agreed without the prior approval of the Corporate Procurement Manager and without having necessary budget provision.
- 26.3 Details of all variations to contract must be held in writing by the relevant Directorate and a summary forwarded to Corporate Procurement on a monthly basis.

27. Termination of Contracts

- 27.1 Every contract shall contain a provision allowing for the contract to be terminated.
- 27.2 The Chief Officer may request to terminate any contract or the Council's participation in a Framework Agreement, subject to consultation with the Head of Democratic Services and the Corporate Procurement Manager.
- 27.3 Any termination shall be subject to the Head of Democratic services and the Corporate Procurement Manager being satisfied that it is reasonable and in the interests of the Council to exercise that power.
- 27.4 Details of all terminations to contract must be held in writing and copies forwarded to the Corporate Procurement Unit.

28. Form of Contract

- 28.1 Except where otherwise agreed by the Executive Director (Finance & Corporate Support) and the Head of Democratic Services every contract shall be in writing, shall be signed by the appropriate Executive Director or other officer specifically authorised by him/her for this purpose and shall be subject to the laws of Scotland and the jurisdiction of the Scottish Courts.

29. EC Standards

Where an appropriate and recognised international or European Standard or British Standards Specification or British Standard Code of Practice is current at the date of the Invitation to Tender, every contract shall require that, as the case may be, all goods and materials used or supplied and all workmanship shall at least meet the requirements of that EC Standard or alternatively British Standard, unless otherwise approved by the appropriate Chief Officer. In the absence of any such recognised European or other standard, the Tender document shall require an appropriate equivalent standard be used.

30. Copyright

The Chief Officer shall, in so far as practicable, ensure that in contracts for the commissioning of reports, research, graphics, design, media and other consultancy services to which copyright applies, that whilst copyright in the work vests in the Contractor, the Council has royalty free rights to utilise the information provided in relation to the continued development of the specific project and subsequent related projects.

31. Prevention of Collusion and Corrupt Illegal Practices

Every contract shall contain a clause entitling the Council to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation if the contractor or his representative (whether with or without the knowledge of the contractor) shall have practised collusion in tendering for the contract or any other contract with the Council or shall have employed any corrupt or illegal practices either in the obtaining or execution of the contract or any other contract with the Council, or have been convicted of an offence under Section 1 of the Bribery Act 2010.

North Ayrshire Council supports the Scottish Governments policy on ensuring that public contracts are awarded to legitimate businesses and has signed up to an Information Sharing Protocol with Police Scotland to share information about organisations who bid for public contracts.

32. Equal Opportunity in Employment

Before entering into a contract the Council shall obtain from the Contractor an assurance in writing that, to the best of its knowledge and belief it has complied with all statutory requirements in respect of ensuring equal opportunity in employment; and that it is not unlawfully discriminating within the meaning and scope of the provisions of the on the Equality Act 2010 (or any statutory modification or re-enactment thereof) including but not limited to discrimination on grounds of gender, marital or civil partnership status, race, disability, gender reassignment, religion or belief, sexual orientation, age, pregnancy or maternity leave.

33. Freedom of Information

33.1 The Freedom of Information (Scotland) Act 2002 came into force on 1st January 2005. The Act gives a statutory right of access to all information held by Scottish Public Authorities, except where an exemption can be applied. All invitations to tender, invitations to negotiate and ESPD documents should, accordingly, give notice of this.

33.2 On occasions, parties with whom the Council contracts will seek to incorporate stipulations that all or some information is provided in confidence. No such provision should be accepted without the prior approval of the Head of Democratic Services.

- 33.3 In all cases other than those specifically approved by the Head of Democratic Services all contract conditions should include the following provision:-

“All information submitted to the Council may need to be disclosed and/or published by the Council. Without prejudice to the foregoing generally, the Council may disclose information in compliance with the Freedom of Information (Scotland) Act 2002. The decision of the Council in the interpretation thereof shall be final and conclusive in any dispute, difference or question arising in respect of disclosure under its terms, any other law or as a consequence of judicial order or order by any court, tribunal or body with the authority to order disclosure (including the Scottish Information Commissioner). Further, the Council may also disclose all information submitted to them to the members, employees, agents and contractors of the Council”.

34. Sustainability

- 34.1 Sustainable procurement incorporates environmental, economic and social considerations. The Council is legally bound by the Sustainable Procurement duty in the Reform Act to consider sustainability and procure responsibly and in a way that delivers community well-being, minimises use of resources and prevents environmental degradation. Where relevant to the subject matter of the contract, consideration should be given to:

- limiting energy and water consumption during delivery of the requirement
- the use of non-toxic substances and renewable materials
- disposal, reuse and recycling options at the end of life
- incorporation of recycled or part recycled goods and energy efficient products.
- encouraging local recruitment and training of staff employed in the delivery of the contract.
- Involving Small and Medium Enterprises (SME's), Third Sector Bodies and Supported Business
- Promoting innovation – Innovation in design and delivery of public services, procurement of innovative goods and services and use of innovative procurement processes.

- 34.2 Every contract shall provide that no goods, products or services shall be supplied which may endanger the health of any person, cause significant damage to the environment during manufacture, use or disposal, which consume a disproportionate amount of energy during manufacture, use or disposal, which cause unnecessary waste, or which contain materials derived from threatened species or environments.

35. Assignment

In every contract, there shall be included a provision whereby:

- the Contractor shall be prohibited from transferring, assigning or sub-contracting a contract or any part thereof without the prior written consent of the Council; and
- the Contractor shall be prohibited from changing any sub-contractors from those noted in the Contract Documents without the prior written consent of the Council.

36. Interest of Members

- 36.1 A member of the Council with a personal interest in a matter who attends the meeting of the Council at which the matter is considered must disclose to that meeting the existence and nature of that interest at the beginning of that meeting or when the interest becomes apparent, all in compliance with the Councillor's Code of Conduct in terms of Section 1 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.
- 36.2 A member with a personal interest in a matter also has a prejudicial interest if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard the interest as so significant that it is likely to prejudice the member's Discussion or decision making in their role as a Councillor.

A member with a prejudicial interest in any matter must:

- Withdraw from the room where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting; and
- Not seek improperly to influence a decision about that matter.

37. Interest of Officers

- 37.1 In addition to his or her duty under Section 81 of the 1973 Act and the requirements of the 2003 Act, if any officer of the Council finds that he or she has a disclosable financial interest in any contract which has been or is proposed to be entered into by the Council or in some other matter which is to be considered by the Council or any of its Committees or Sub-Committees other than:

- A contract of employment under which he or she serves the authority or;
- The tenancy of a dwelling provided by the Authority;

He or she must as soon as is practicable give notice of the fact in writing to the Chief Executive.

- 37.2 For the purpose of this section, a disclosable financial interest is an interest that, if the officer were a member of the Council and if the contract or other matter were to be considered at a meeting of the Council at which he or she were present, he or she would have to disclose under the provision of the Councillor's Code of Conduct referred to in section 36 above.
- 37.3 The Chief Executive shall record in a register to be kept for the purpose, particulars of any notice of a financial interest given by an officer under Section 81 of the 1973 Act or under paragraph 37.1 of the Standing Orders.

38. Health & Safety

- 38.1 Every Contractor appointed by or on behalf of the Council shall be required to comply with current Health and Safety legislation and approved Codes of Practice, as may be applicable to the contract. The Chief Officer will have the ultimate decision as to whether a Contractor's Health and Safety qualification is equal to that required by the Council or in an approved form.
- 38.2 In the case of contracts for construction type works, in addition to the aforementioned, contractors appointed by or on behalf of the Council shall be required to hold either Contractors Health and Safety Scheme (CHAS), Safety Schemes in Procurement (SSIP) or equal and shall be required (prior to entering a contract) to exhibit an approved letter of compliance or accreditation certificate.

39. Insurance

Every contract shall contain a clause requiring the Contractor to take out and maintain, for the duration of the contract, such insurance cover for such amounts as the Chief Officer may deem relevant to the contract, including, if appropriate, but not restricted to:

- Employers Liability Insurance;
- Public (Third party) Liability Insurance;
- Professional Indemnity Insurance, which shall remain in force for a period of 6 years beyond the end of the contract;
- Other such specialist classes of insurance as advised by the Senior Manager (Internal Audit, Risk and Fraud)..

40. Performance Bonds and Parent Company Guarantees

Where considered necessary by the Chief Officer, the Council shall require the Contractor to take out a bond, obtain and deliver a formal parent company guarantee or provide other sufficient security for the due performance of the contract.

41. Disposal of Surplus or Scrap Materials/Equipment

These standing orders also apply for the disposal of surplus of scrap materials and equipment. The Chief Executive may authorise the adoption of an appropriate method of doing so following a recommendation from the Chief Officer of the Service concerned. This method should be adopted in line with the provisions contained within these standing orders and where more than one offer is received, the highest satisfactory offer will be accepted.

42. Disposal of Interest in Land and Building

The Policy for Property Acquisition and Disposal as set out in Annex B shall apply to the making of contracts for the disposal by the Council of its interest in land or buildings (including the disposal by lease thereof, other than leases by the Council for periods not exceeding 5 years) where the interest has been declared surplus to the Council's requirements. Except in cases of community transfers (in accordance with the Council's policy for the Transfer of Assets to the Community), or otherwise in accordance with the Disposal of Land by Local Authorities (Scotland) Regulations 2010 where more than one offer is received the highest satisfactory offer shall be accepted. Any disposal for less than the recorded value must fulfil the requirements of the Disposal of Land by Local Authorities (Scotland) Regulations 2010.

43. Post Contract Monitoring and Evaluation

During the life of the Contract the Contract and Supplier Management Policy contained within the Procurement Manual will apply.

44. Variation and Revocation

These Standing Orders may be varied or revoked by the Council and any motion to vary or revoke these Standing Orders (which motion shall conform to the requirements of Standing Order 22 of the Standing Orders Relating to Meetings and Proceedings of the Council and Committees) shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

45. Thresholds and VAT

All monetary thresholds contained within the Standing Orders are exclusive of VAT.

46. Commencement

These Standing Orders Relating to Contracts shall apply and have effect from 17th May 2017. These Orders supersede the Standing Orders approved by the Council on 20th December 2012.

Annex A

Single Tender Action Request

Section 1 – Service Requestor Details

1.1 Service:

1.2 Service Officer Name (Block Capitals):

1.3 Telephone Number:

1.4 Date of Request:

Section 2- Project Details

2.1 Project Title:

2.2 Project Description:

2.3 Supplier/Service Provider Details:

Do you have a Supplier/Service Provider Quotation

Yes/No

If yes please attach a copy

2.4 Category - Supplies/Services/Works/Health & Social Care Services:

2.5 Project Status - New Requirement, Renewal or Variation of Existing Contract:

2.6 Proposed Contract Start Date and duration:

2.7 State reason for requesting a Single Tender Action (see section 3. Single Sourcing Validity)

2.8 Provide justification/business case why a competitive quote/tender is not an option

How have you evidenced value for money in the absence of a competitive process?

Section 3 – Budget Details

3.1 Total Value (ex VAT) of this Procurement Exercise (only) - including all extensions if appropriate.

£

3.2 Breakdown of Value by Financial Year (amend FYs as necessary):

FY 2017 / 2018	£
FY 2018 / 2019	£
FY 2019 / 2020	£
FY 2020 / 2021	£

3.3 Type of Expenditure - Capital/Revenue:**3.4 Cost Centre:****3.5 Account Code:****Section 4 – IT Security****Please provide a Yes or No reply to every question.**

	Question	Yes/No
1	Will Council official-protect ¹ information be hosted or held external to the Council by another party? (this includes both paper and electronic formats)	
2	Will you be requiring the supplier/service provider to connect to the Council network to provide support for an application / system residing within the Council? (this includes connecting from a remote location or physically coming into NAC premises)	
3	Are you requiring the supplier/service provider to develop an application / system that will host or hold Council information?	
4	Are you procuring an application / system that the supplier/service provider already has available / developed that will host or hold Council information? (includes situations where changes will be made on the Council's behalf)	
5	Will the supplier/service provider be providing access to a system via the Internet to hold Council information?	

¹ Official-protect covers business sensitive data and data that identifies a living individual. Please note that extracts of Council email addresses would be official-protect.

If you answer **yes** to any of the questions above you will be required to engage with the Council's ICT Security Officer, itsecurityofficer@north-ayrshire.gov.uk, 01294 324250, for guidance on questions to be included as part of your procurement exercise.

You are also required to indicate that you have undertaken the following:

	Only complete if answered YES to any of the questions above	Yes
1	If you replied Yes to any of the questions above please confirm that you have engaged with the ICT Security Officer	
2	Enter the number of documents to be included within your procurement exercise	
3	Confirm you have booked diary time with the ICT Security Officer to review your security returns or that you are aware of this requirement and will schedule in advance.	

Section 5 – Information Governance

Does your purchase have information governance implications?

Yes / No

If no please confirm you have contacted the Information Governance Manager on 01294 324128 to agree that there are no implications:

If yes please provide details of requirements to be included in the tender if applicable:

Section 6 - Approvals

6.1 Budget Holder

Name of Officer (Block Capitals):

*****Signature:***

Date:

6.2 Financial Management

Please sign below to confirm all information detailed in Section 3

Name of Officer (Block Capitals):

*****Signature:***

Date:

6.3 Head of Service

Please sign below to confirm all information detailed in Section 2 & 3. If the requirement is >£50k Supplies & Services or >£100k Works, sections 6.3.1 and 6.3.2 must be completed

6.3.1 Please confirm that the Head of Service or Director or Executive Director have consulted with the Portfolio Holder, Chair of Cabinet and Chief Executive

Yes/No

Date of consultation with Portfolio Holder

Date of consultation with Chair of Cabinet

6.3.2 Please confirm that you will prepare a report for Cabinet

Yes/No

Please confirm the date that this will be reported to Cabinet

Name of Chief Officer (Block Capitals):

****Signature:**

Date:

6.4 Chief Executive

Name of Chief Executive or Designated Officer (Block Capitals):

****Signature:**

Date:

6.5 Corporate Procurement Manager

Please sign below to confirm decision:

Decision	Signed	Date
STA Request Authorised with no conditions.		
STA Request Authorised subject to conditions. <u>Conditions</u>		
STA Rejected <u>Details of reason for rejection</u>		

STA Reference Number*

*To be completed by CPU

** Internal Audit requirement – original signature required, type signed is not acceptable

Annex B

Disposal of Property / Land

PROCEDURES FOR INVITING AND OPENING OFFERS RELATING TO THE SALE/LEASE OF PROPERTY WHERE A CLOSING DATE HAS BEEN FIXED.

1. Introduction

- 1.1 In all cases where offers for the sale or lease of Council property have been invited following appropriate authorisation from the relevant Committee or the Chief Executive in terms of the Scheme of Delegation to Officers, and a closing date has been fixed, the procedures set out below must be followed.
- 1.2 Prior to carrying out the sale or lease of the property, the Head of Physical Environment or Designated Officer shall obtain from the relevant Planning Officers, a report on the planning history of the property, including a development brief document, where appropriate, which information where relevant, will be incorporated into any marketing material which shall be used as part of the evaluation process of offers.
- 1.3 No proposal for the development of or investment in land, property or building fabric shall be made to the Council or Cabinet without prior approval of the Executive Director of Place or an officer designated by them. .

2. Invitation to Submit Offers

- 2.1 When inviting offers it is important that uniform instructions are given and the following information must therefore be included in all instructions:
 - 2.1.1 Interested parties must be instructed to return offers in the official envelope provided. Each offer must be returned in a separate envelope.
 - 2.1.2 Interested parties must be informed that it is their responsibility to have the offer delivered to the address on the instructions by 12 noon on the designated day. Under no circumstances will a late offer be considered, and any offer arriving after the specified time will be returned unopened. It should also be noted that offers in the form of a faxed document or submitted by e-mail cannot be accepted.
- 2.2 It is the responsibility of the Head of Physical Environment or Designated Officer to send out with the sale or lease particulars an official return envelope. This envelope must not identify the interested party by name but must have unique reference number marked in the relevant place. This reference will correspond to those used on the official return notification and record form (see below) and the Head of Physical Environment or Designated Officer will keep a record of the reference numbers and the relevant interested parties.

3. Offer Return and Notification Record

- 3.1 The Head of Physical Environment or Designated Officer must prepare an offer return form for every sale or lease. The unique reference numbers referred to in paragraph 2.2 above must be added.

4. Procedure for Opening Offers

- 4.1 The Head of Physical Environment or Designated Officer will collect offers when received and mark the envelopes with the date and time of receipt. Any offers arriving after the specified time will be clearly marked with the date and time of receipt and the words "late offer". The Service representative will also enter the date and time of receipt in the relevant column on the offer return form.
- 4.2 The Head of Physical Environment or Designated Officer will, as soon as possible after the closing of offers, take the offer return form and all offers received to the Executive Director (Finance and Corporate Support) or their nominee who along with the Head of Democratic Services or their nominee shall open the offers.

5. Acceptance of Offers

- 5.1 Offers received and evaluated as provided for above, shall be accepted in the following manner:
- 5.1.1 Where the value of the offer to purchase or the annual rental does not exceed £150,000 or £50,000 respectively, acceptance of the offer may be authorised by the Executive Director (Place) in terms of the Scheme of Delegation to Officers;
- 5.1.2 Where the value of the offer to purchase or lease exceeds the respective limits set in 5.1.1 above, a report shall be submitted to the Cabinet for authorisation to accept the offer.
- 5.2 All formal legal documentation in respect of offers relating to the sale or lease of property shall be undertaken by the Head of Democratic Services or his nominee.
- 6.1 The Head of Democratic Services or his nominee shall sign the last page of each offer which is opened and the date of opening will also be marked thereon. In addition, the offer return form should be completed and signed by both officers.
- 6.2 All offers received shall be evaluated jointly by representatives of the Head of Physical Environment and the Head of Democratic Services prior to any further action being taken.

Annex C

Health and Social Care Services

Procedures for Commissioning of Health and Social Care Services

1. Introduction

- 1.1 In accordance with Standing Order 4, the Contract Standing Orders shall apply to the procurement of contracts for Health and Social Care Services subject to the special procedures set out in this Annex.
- 1.2 These procedures are intended to accord with and reflect the principles set down in the Statutory Guidance issued by Scottish Ministers in terms of the Procurement Reform (Scotland) Act 2014 as well as the Best Practice Guidance on the Procurement of Care and Support Services 2016 issued in terms of the Procurement Reform (Scotland) Act.
- 1.3 All Health and Social Care Services procurement will be undertaken by the Corporate Procurement Unit.
- 1.4 The Director of Health and Social Care Partnership or designated Officer must satisfy themselves that all procurement has been undertaken and authorised by the Corporate Procurement Unit in terms of these standing orders

2. Governing Bodies (Care Inspectorate)

- 2.2 Any tenderers wishing to provide Health and Social Care Services to the Council must be registered with Care Inspectorate (or its statutory successor(s)) or any other relevant regulatory bodies that are a mandatory requirement to the service provision, where required in terms of the contract.

3. Procedures for Procuring Contracts for Health and Social Care Services

- 3.1 In accordance with Standing Order 12.2, a contract for Health and Social Care Services that has an estimated value in excess of the EU Threshold for Social and Other Specific Services must be procured by following a procedure that satisfies the Council's duties set out in the 2015 Regulations.
- 3.2 In cases of procuring a contract for Health and Social Care Services that has an estimated value below the EU Threshold for Social and Other Specific Services, the Director - Health and Social Care Partnership in conjunction with the Corporate Procurement Manager shall be responsible for deciding whether the particular contract is one which may be awarded without advertisement and competition, in accordance with section 12 of the Reform Act.
- 3.3 In determining whether a contract for Health and Social Care Services may

be awarded without advertisement and competition in terms of paragraph 3.2, the Director - Health and Social Care Partnership shall take account of the individual circumstances of the contract, including the subject matter and estimated value of the contract, the specifics of the service sector concerned and the geographic location of the place of performance of the contract to firstly identify whether there is likely to be a cross-border interest in the contract. The Director - Health and Social Care Partnership, following consultation with the Corporate Procurement Manager, may determine that there is no cross-border interest in the contract where:

- 3.3.1 it can be demonstrated that the contract is of no interest to service providers in other EU member states; and/ or
 - 3.3.2 the total sum to be paid under the contract is so low that service providers located in other EU member states would not be interested in bidding for the contract; and/ or
 - 3.3.3 the service is of such a specialised nature that no cross-border market of suitable service providers exists; and/ or
 - 3.3.4 advertising the contract would result in the loss of a linked service and/or
 - 3.3.5 the service is one that in accordance with the SDS 2013 Act the individual service user has a choice in selecting the provider.
- 3.4 Where the Director - Health and Social Care Partnership decides under paragraphs 3.2 and 3.3 above that a contract is likely to attract a cross-border interest, it should be procured by way of a competitive process and it will be advertised in accordance with Standing Order 12 unless the Director - Health and Social Care Partnership with the agreement of the Corporate Procurement Manager decides that there are special circumstances justifying a departure from that requirement. Such decisions will be taken on a case by case basis and advertising may not be required where, for example:
- 3.4.1 the needs of the service user(s) concerned would be best met by a particular service provider; and/ or
 - 3.4.2 the existing service provider(s) are the only service provider(s) capable of delivering the service to meet the needs of the individual(s) concerned; and/ or
 - 3.4.3 the nature of the service is such that it should not or cannot be adequately specified in advance because of the nature of the social care needs of the service user(s) concerned; and/ or
 - 3.4.4 there are special circumstances such as ownership of land or property, geographic locations or particular skills or experience of service providers of social care which limit the choice to one service provider; and/ or
 - 3.4.5 there are reasons of extreme urgency, brought about by unforeseen events which are not attributable to the Council.

- 3.5 Where the Director - Health and Social Care Partnership decides under paragraphs 3.2 and 3.3 above that EU Treaty Principles do not apply to a contract for Health and Social Care Services, he/ she may also decide with the agreement of the Corporate Procurement Manager that Standing Order 12 shall not apply to that contract.
- 3.6 The Director - Health and Social Care shall be required to maintain a list of all proposed contracts which he/ she decides do not require to be advertised on the basis of the determinations made under paragraphs 3.2, 3.3, 3.4 or 3.5 above. He/ she shall provide a copy of that list to the elected members on an annual basis. Any decisions taken under paragraphs 3.2, 3.3, 3.4 or 3.5, that neither advertising nor competition will be required for a particular contract shall be subject to review by the Director - Health and Social Care Partnership at regular intervals (and at least annually).
- 3.7 The decisions (and subsequent review of those decisions) taken by the Director - Health and Social Care Partnership under this Annex will all be fully documented. Any reasons for deciding that a proposed contract will not be advertised must be recorded and included on the list which is to go to the elected members under paragraph 3.6.
- 3.8 In addition to demonstrating how Best Value will have been achieved, the contracting service will be responsible for evidencing the reasons referred to under paragraph 3.6.

Request for Procurement Action

CORPORATE PROCUREMENT UNIT (CPU) **REQUEST for PROCUREMENT ACTION (RPA) FORM**

Section 1 – Service Details

Service:

Service Officer Name (Block Capitals):

Telephone Number:

Date of Request:

Section 2- Project Details

Project Title:

Category - Supplies/Services/Works/ Health and Social Care Services:

Project Status - New Requirement or Renewal of Existing Contract:

Proposed Advertisement Date:

Deadline Date for Questions:

Proposed Contract Start Date and duration:

Section 3 – Budget Details

Total Value (ex VAT) of this Procurement Exercise (only) - including all extensions if appropriate.

£

Breakdown of Value by Financial Year (amend FYs as necessary):

FY 2017 / 2018	£
FY 2018 / 2019	£
FY 2019 / 2020	£
FY 2020 / 2021	£
FY 2021 / 2022	£

Type of Expenditure - Capital/Revenue:

Cost Centre:

Account Code:

Section 4 – IT Security

Please provide a Yes or No reply to every question.

	Question	Yes/No
1	Will Council official-protect ² information be hosted or held external to the Council by another party? (this includes both paper and electronic formats)	
2	Will you be requiring the supplier to connect to the Council network to provide support for an application / system residing within the Council? (this includes connecting from a remote location or physically coming into NAC premises)	
3	Are you requiring the supplier to develop an application / system that will host or hold Council information?	
4	Are you procuring an application / system that the supplier already has available / developed that will host or hold Council information? (includes situations where changes will be made on the Council's behalf)	
5	Will the supplier be providing access to a system via the Internet to hold Council information?	

¹ Official-protect covers business sensitive data and data that identifies a living individual. Please note that extracts of Council email addresses would be official-protect.

If you answer **yes** to any of the questions above you will be required to engage with the Council's ICT Security Officer, itsecurityofficer@north-ayrshire.gov.uk, 01294 324250, for guidance on questions to be included as part of your procurement exercise.

You are also required to indicate that you have undertaken the following:

	Only complete if answered YES to any of the questions above	Yes
1	If you replied Yes to any of the questions above please confirm that you have engaged with the ICT Security Officer	
2	Enter the number of documents to be included within your procurement exercise	
3	Confirm you have booked diary time with the ICT Security Officer to review your security returns or that you are aware of this requirement and will schedule in advance.	

Section 5 – Information Governance

Does your purchase have information governance implications?

Yes / No

If no please confirm you have contacted the Information Governance Manager on 01294 324128 to agree that there are no implications:

If yes please provide details of requirements to be included in the tender if applicable:

Section 6 – Protecting Vulnerable Groups (PVG) Checks

Does your purchase require PVG checks?

Yes / No

If yes please provide details of requirements to be included in the tender if applicable:

Section 7 - Approvals

7.1 Budget Holder

Name of Officer (Block Capitals):

****Signature:**

Date:

7.2 Finance Manager

Please sign below to confirm all information detailed in Section 3

Name of Officer (Block Capitals):

****Signature:**

Date:

Note:

* All boxes are required to be completed by the person completing the form. On completion the RPA should be sent to CPU at: Procurement@north-ayrshire.gov.uk .

** Internal Audit requirement – original signature required, type signed is not acceptable

FINANCIAL REGULATIONS

Version:	Final
Date:	08/05/2017
Author:	Paul Doak
Classification:	Public



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

FINANCIAL REGULATIONS

1 Scope and Observance

- 1.1 Section 95 of the Local Government (Scotland) Act 1973 states that:
“....every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that the proper officer of the authority has responsibility for the administration of those affairs.”
- 1.2 These Financial Regulations fulfil this requirement by providing a mandatory framework for the financial administration of North Ayrshire Council and will apply to every financial transaction and to every employee throughout the Council.
- 1.3 It is the duty of Heads of Service to ensure that all relevant employees are familiar with these Regulations and other relevant documents detailed at Section 10 below and that they are adhered to.
- 1.4 Failure to observe these Financial Regulations may be regarded as a breach of trust and may lead to disciplinary action.

2 Principals of Financial Administration

- 2.1 The financial affairs of the Council will at all times be conducted in accordance with the seven principles of public life as set out by the Nolan Committee on Standards in Public Life:

Selflessness: Employees will not take decisions which will result in any financial or other benefit to themselves, their family or friends. Decisions will be based solely on the Council's best interests.

Integrity: Employees will not place themselves under any financial or other obligation to an individual which might influence them in their work with the Council.

Objectivity: Any decisions which employees make in the course of their work with the Council will be based solely on merit.

Accountability: Employees are accountable to the Council as their employer and, in turn, to the public.

Openness: Employees will be as open as possible in all the decisions and actions that they take.

Honesty: Employees have a duty to declare any private interests which might affect their work with the Council.

Leadership: Management will promote and support the above principles by leadership and example.

- 2.2 No financial transactions will take place unless they fall within the legal powers of the Council. In cases of doubt, Heads of Service must consult with the Head of Democratic Services to obtain clarification as to legality before any liability or expenditure is incurred. Expenditure on new service developments, initial contributions to other organisations and responses to new emergency situations which require expenditure must be clarified as to legality prior to being incurred.

- 2.3** The Local Government in Scotland Act 2003 places the duty on local authorities to make arrangements that secure 'Best Value'. 'Best Value' is defined in the Act as 'continuous improvement in the performance of the authority's functions'.

3 Role of the Council

- 3.1** The full Council is responsible for setting the Council's annual budgets, housing rent and Council Tax levels. The Council is also responsible for approving the Annual Treasury Management and Investment Strategy.

4 Role of the Cabinet

- 4.1** The Cabinet is responsible for monitoring the use of the Council's resources throughout the financial year.

5 Role of Audit and Scrutiny Committee

- 5.1** The Audit and Scrutiny Committee will monitor the effectiveness of controls maintained by Heads of Service within their Service.

6 Role of Executive Director (Finance and Corporate Support)

- 6.1** The Executive Director (Finance and Corporate Support) is the proper officer of the Council under Section 95 of the Local Government (Scotland) Act 1973 for the administration of the financial affairs of the Council.
- 6.2** All accounting procedures and records of the Council will be determined by the Executive Director (Finance and Corporate Support) and all accounts and accounting records of the Council will be compiled by or under the direction of the Executive Director (Finance and Corporate Support).
- 6.3** The Executive Director (Finance and Corporate Support) will act as financial adviser to the Council, the Cabinet and all its Committees and will monitor and report on the financial performance and position of the Council.
- 6.4** The Executive Director (Finance and Corporate Support) will be entitled to:
- access to any information and to be given such explanations as are considered necessary;
 - issue, and require compliance with, any instructions on any aspect of financial administration;
 - examine administration and control systems within any Service of the Council and secure any improvements which are considered necessary.

7 Responsibilities of Chief Executive, Executive Directors and Heads of Service

- 7.1** The Chief Executive, Executive Directors and Heads of Service are accountable for the financial performance of their Services within the budgets allocated.
- 7.2** They will ensure at all times that they and their employees endeavour to secure the best value for expenditure incurred by them when pursuing the objective of achieving the policies of the Council.
- 7.3** The Chief Executive, Executive Directors and Heads of Service are responsible for the maintenance of effective controls within the financial procedures operated by their Services.

8 Accounting and Internal Control

Internal Control

- 8.1** The following principles will be observed in the allocation of duties:
- There must be an effective **separation of duties** so that the different stages of financial transactions are progressed by different people;
 - Financial transactions will be subject to **internal check** to reduce the likelihood of fraud and errors.
- 8.2** Procedures for calculating, checking and recording sums due to or by the Council should be arranged in such a way whereby the work of one person is proven independently or is complementary to the work of another and these operations will be separated from the duty of collecting or disbursing such sums.
- 8.3** There will be regular **management review** by service managers of financial transactions, other than budget monitoring, to ensure the accuracy and completeness of financial records.

Authorisation

- 8.4** Authorisation of financial transactions indicates acceptance of responsibility for them.
- 8.5** Heads of Service are responsible for determining the numbers and distribution of authorising officers to meet the needs of their Service.
- 8.6** An officer must not authorise a transaction in which they have a personal interest.
- 8.7** A register of all authorised signatories will be maintained by the appropriate section and kept up-to-date. Entries on this register will be authorised by Heads of Service and will detail the following:
- Names, designations and locations of authorised signatories;
 - The financial authorisation limits placed upon individual officers;
 - Sample signatures of authorising officers.

Monthly Financial Performance

- 8.8** Each Head of Service or nominated senior manager will monitor expenditure and income against approved budgets and provide information to Financial Services to support projections and on actions being taken to address potential overspends or income shortfalls.

Annual Statement of Accounts

- 8.9** Each Head of Service will at dates to be specified by the Executive Director (Finance and Corporate Support) submit to the Executive Director (Finance and Corporate Support) such information as is required in order that the Council's annual accounts can be closed.

9 Internal Audit

- 9.1** Internal Audit will carry out independent reviews of financial and other systems of the Council to ensure that the interests of the Council are protected.
- 9.2** The objective of Internal Audit is to assist Elected Members and Council officers in the effective discharge of their responsibilities by reviewing and evaluating:
- the completeness, reliability and integrity of financial and other management information;
 - the systems established to ensure compliance with corporate and departmental policies and procedures and legislative requirements;
 - the means of safeguarding assets;
 - the economy, efficiency and effectiveness with which resources are employed;
 - the extent to which operations are being carried out as planned and objectives are being met.
- 9.3** The Senior Manager (Internal Audit, Risk and Fraud) reports directly to the Executive Director (Finance and Corporate Support). In addition, the Senior Manager has the right of access to the Chief Executive and the Chair of the Audit and Scrutiny Committee on any audit matter.
- 9.4** In relation to Internal Audit work being carried out, the Senior Manager (Internal Audit, Risk and Fraud) and any member of the Internal Audit section has the authority to:
- Enter at all reasonable times and without notice any premises or land of the Council, provided that where such premises or land are leased to a third party the terms of the lease are observed;
 - Have access to, and remove, all records (both paper and electronic), documents and correspondence within the possession or control of any officer of the Council, relating to any transactions of the Council;
 - Be provided with a separate log-in to any computer system within the Council and have full access to any system, network, personal computer or other device in the ownership of the Council;
 - Require and receive explanations concerning any matter under examination from any employee, including Chief Officers, and request such explanations from any Elected Member;
 - Require any employee of the Council to produce cash, stores or any other Council assets under their control.

10 Associated Procedures and Codes of Practice

The following is a list of other documents which should be read in conjunction with these financial regulations:

10.1 Codes of Financial Practice

Although not contained within the body of these financial regulations, Codes of Financial Practice will be issued under their authority and will have the same status as if they were included therein.

The Codes of Financial Practice are maintained by the Executive Director (Finance and Corporate Support).

10.2 Corporate Procurement Strategy

This document sets out the recommended activities and procedures required when purchasing all externally provided goods, services and works.

The strategy is maintained by the Head of Finance.

10.3 Standing Orders Relating to Contracts

The Standing Orders Relating to Contracts set out how the Council will invite tenders and let contracts for the supply of goods, services and works.

This document is maintained by the Head of Democratic Services.

10.4 Scheme of Delegation to Officers

The Scheme of Delegation to Officers contains details of those functions both statutory and non-statutory which the Council has chosen to delegate to officers.

The Scheme of Delegation is maintained by the Head of Democratic Services.

10.5 Risk Management Strategy

The Risk Management Strategy sets out the Council's approach to dealing with risk and explains how risk management should be integrated throughout the Council. The document also defines the roles and responsibilities of Elected Members and officers in dealing with risk.

The Strategy is maintained by the Executive Director (Finance and Corporate Support).

10.6 Code of Corporate Governance

The Council's local Code of Corporate Governance defines the six core principles of good corporate governance and outlines how the Council aims to comply with these.

The Code of Corporate Governance is maintained by the Head of Democratic Services.

10.7 Annual Treasury Management and Investment Strategy

The Annual Treasury Management and Investment Strategy sets out the Council's strategy for borrowing and managing investments.

The strategy is maintained by the Head of Finance.

10.8 Code of Practice for Funding of External Organisations

This document sets out the way in which financial assistance and assistance in kind is provided to other organisations within North Ayrshire. The code is designed to enable the external organisation and the Council to fulfil their respective responsibilities.

The Code of Practice is maintained by the Head of Democratic Services.

11 **Irregularities**

- 11.1** Any evidence or reasonable suspicion of an irregularity relating to any property of the Council must be reported immediately in accordance with the Council's Defalcation Procedures or "Whistleblowing" Procedure, whichever is appropriate.
- 11.2** All reported irregularities will be investigated in accordance with the appropriate procedure and the Council's Counter Fraud and Corruption Strategy.
- 11.3** Any contact with the police will be made only by the Chief Executive or by another officer acting with the prior approval of the Chief Executive.

12 **Review of Financial Regulations**

- 12.1** These Regulations may be varied or revoked subject to a report by the Executive Director (Finance and Corporate Support) on any variations and revocations being approved by the Council.

Laura Friel
Executive Director (Finance and Corporate Support)
May 2017

CODES OF FINANCIAL PRACTICE

Version:	Final
Date:	09/05/2017
Author:	Paul Doak
Classification:	Public



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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Codes of Financial Practice are issued under the authority of the Council's Financial Regulations. They shall be read in conjunction with, and have the same status as the Financial Regulations.

It shall be the duty of each Head of Service to ensure that the requirements of the Codes of Financial Practice are made known to the appropriate staff within their Service and that they are adhered to.

Failure to comply with Codes of Financial Practice may be regarded as a breach of trust and may lead to disciplinary action.

Code of Financial Practice 1

Capital Finance

Financial Plans and Capital Estimates

Finance shall prepare a financial plan for capital expenditure which covers more than one financial year, with years one to five being approved for implementation.

The annual Capital Estimates shall correspond to the first year of the financial plan, subject to funds being available, and shall detail the committed capital projects and new capital projects on which the Council intends to incur expenditure.

The detailed form of the financial plan and Capital Estimates shall be determined by the Chief Executive in consultation with the Executive Director (Finance and Corporate Support).

All Executive Directors shall provide such information as may be required by the Chief Executive and Executive Director (Finance and Corporate Support) for the purpose of preparing the financial plan and Capital Estimates.

The financial plan and Capital Estimates, along with reports by the appropriate officers, shall be considered by the Council for approval.

Prior to submission to the Council, all new projects or requests for a change in expenditure profile must be forwarded to the Capital Programme and Assets Group (CPAG) for consideration. CPAG will ensure that accurate costings are agreed and that appropriate option appraisals have been carried out.

For any new projects a business case should be completed detailing the need for Investment or change in service delivery and the options that have been considered. This should be forwarded to the Capital Programme and Assets Group (CPAG) for consideration. CPAG will ensure that accurate costings are agreed and that appropriate option appraisals have been carried out.

Any requests for a change in expenditure profile should be included in the capital financial report to be considered by CPAG.

The approval of the financial plan by the Council shall permit Heads of Service to:

- incur preliminary expenses and design costs in respect of projects included in years one to five of the Plan, and;
- in conjunction with the Head of Democratic Services, take the necessary steps to acquire land associated with specified projects included in years one to five of the Plan.

The approval of the Capital Estimates by the Council shall permit Heads of Service to proceed with projects within the Capital Estimates unless:

- the actual tender price of the project or the revised estimate of the project exceeds the provision in the Capital Estimates, or
- the nature of the capital project has changed substantially from that envisaged when the Capital Estimates were approved.

In these cases, fresh approval shall be sought from the Cabinet before the project proceeds, which approval shall be given only if the capital expenditure can be contained within the overall capital allocation or if additional funding is identified.

Control of Capital Expenditure

No expenditure shall be incurred without the approval of the Cabinet except as authorised by the Council's Scheme of Delegation to Officers and the Standing Orders Relating to Contracts.

No capital expenditure chargeable to the Capital Account shall be incurred unless the expenditure is provided for in the Capital Estimates and meets the definition of capital expenditure in the CIPFA Code of Practice, which states that "the expenditure results in the acquisition, construction, or enhancement of fixed assets (tangible and intangible) in accordance with proper practices". Scottish Ministers may also issue guidance that it would be proper practice to capitalise specified expenditure. The Capital Programme and Assets Group (CPAG) shall ensure that projects comply with the definition of capital expenditure.

The approval of the Cabinet shall be required before a new capital project outwith the financial plan is introduced into the Capital Estimates. Such approval shall be given only if the expenditure can be contained within the capital allocation for that year or if additional funding is identified.

If it becomes apparent after the start of a capital project that it will be considerably over or under spent, or if the phased expenditure for the current year is likely to vary significantly, it shall be the duty of the appropriate Head of Service to report such variation immediately to the Capital Programme and Assets Group (CPAG). CPAG is responsible for ensuring that the capital programme is delivered on time and for considering where projects may be advanced within the plan. Thereafter, a report on the action taken shall be submitted to the Cabinet.

It shall be the duty of the Executive Director (Finance and Corporate Support) to report regularly and timeously to the Cabinet with statements comparing actual financial performance with the respective Capital Estimates.

It shall be the duty of the appropriate Head of Service to ensure that any required legal or statutory approvals have been obtained before the commencement of a capital project.

Code of Financial Practice 2

Revenue Finance

Revenue Estimates

Finance shall determine the procedure for the preparation of the Revenue Estimates and shall report to the Cabinet on the financial guidelines to be considered for the Revenue Estimates.

Each Head of Service shall, in conjunction with the Executive Director (Finance and Corporate Support), prepare Revenue Estimates in respect of their Service in accordance with the guidelines set by the Cabinet and to a timetable set by the Chief Executive in consultation with the Executive Director (Finance and Corporate Support).

The Revenue Estimates shall be submitted to the Council for approval with a recommendation as to:-

- the proposed expenditure and income for the financial year ahead;
- the Council Tax to be levied and the level of bad debt provision to be applied;
- the council house rent level to be applied.

Control of Revenue Expenditure

No expenditure shall be incurred without the approval of the Cabinet except as authorised by the approved Revenue Estimates, Scheme of Delegation to Officers and the Standing Orders relating to Contracts.

No expenditure chargeable to a revenue account shall be incurred unless it has been included in the Revenue Estimates, except:-

- where a supplementary estimate has been approved by the Cabinet;
- in emergency situations in terms of the Scheme of Delegation to Officers;
- as provided for by the rules on Virement below.

It shall be the duty of the Head of Finance to furnish regularly and timeously to all Heads of Service budgetary control statements on the Revenue Account comparing actual performance with the respective Estimates.

It shall be the duty of the Head of Service concerned to ensure that items of expenditure in the Revenue Estimates of their Service are not overspent and that the income and expenditure of their Service conform to the requirements of this Code of Practice and their delegated powers under the Scheme of Delegation to Officers.

Heads of Service shall also provide the Head of Finance with whatever assistance and information the Head of Finance considers necessary in order to ensure the effectiveness of the budgetary control system.

It shall be the duty of the Executive Director (Finance and Corporate Support) to report every 2 months, or more frequently if it is considered appropriate, to the Cabinet on the current financial position of the Council.

Virement

Virement shall be permitted only in the following circumstances:-

- A deficit under those subjective headings of expenditure and income and objective headings as defined in Appendix 1 may be balanced by a transfer from another head of expenditure or income on which there is a surplus where the deficit has arisen due to circumstances which could not have been foreseen and the transfer would not involve a change of policy of the Council. Where a net saving could be achieved by overspending under one head of expenditure without changing the policy of the Council, a transfer may be made from a head of expenditure or income which is in surplus.
- Virement shall not create an additional overall budget liability. One-off savings or additional income should not be used to support recurring expenditure or to create future commitments including full-year effects of decisions made part way through a year.
- All transfers shall be authorised by the Executive Director concerned and Financial Services. Where the amount transferred from a budget heading is over £100,000 (either as a single transfer or the sum of transfers within a financial year) or where the transfer of any amount would affect the execution of existing Council policy the approval of the Cabinet will be required. Lower amounts will be authorised within Finance as follows:
 - Finance Manager up to £20,000
 - Senior Manager (Financial Services) £20,001 to £50,000
 - Head of Finance £50,001 to £100,000

Where it appears that the actual amount of any item of income or expenditure may vary significantly from that appearing in the Revenue Estimates, it shall be the duty of the Executive Director concerned, in conjunction with the Executive Director (Finance and Corporate Support), to report the details of the variance and any remedial action required to the Cabinet as soon as possible after the variance has become apparent.

All reports presented to Cabinet by Executive Directors must specifically identify the extent of any financial implications, having firstly consulted with the Executive Director (Finance and Corporate Support) on these financial implications. Any such implications must be clearly stated in the reports to Cabinet, identifying the following:

- costs and income in the current and future financial years;
- the impact on capital and revenue spending;
- the extent of budget provision and, if none, how and from where it is proposed that such financial resources be obtained.

The rules concerning budget virement within those areas of Education and Skills that fall within the Council's Devolved School Management (DSM) scheme (see Appendix 1) are separately defined by the DSM policy.

Code of Financial Practice 3

Control of Income

Determination of Charges

Each Head of Service shall review not less than annually the charges for goods and services provided by their Service and, except where the charge is fixed externally, or unless otherwise provided for in the Scheme of Delegation to Officers, shall submit proposals thereof for the consideration of the Council.

In order to preserve the real value of such income, increases recommended to Council should have regard to the cost of providing the service, the current rate of inflation and the impact of any change in the rate of value added tax.

Accounting Arrangements

The Executive Director (Finance and Corporate Support) shall make adequate financial and accounting arrangements to ensure the proper recording and collection of all monies due to the Council.

All official forms and books for the expenditure and collection of monies shall be in a form approved by the Executive Director (Finance and Corporate Support) and shall be ordered, controlled and issued to Services by the Executive Director (Finance and Corporate Support) or under arrangements approved by the Executive Director (Finance and Corporate Support).

Notification of Income to Finance

All debtors' accounts for income due to the Council shall be rendered by, or under arrangements approved by, the Executive Director (Finance and Corporate Support).

Treatment of Monies Collected

All monies received on behalf of the Council in any Service shall be recorded and deposited with the Executive Director (Finance and Corporate Support) or the Council's Bankers in accordance with arrangements made with the Executive Director (Finance and Corporate Support).

Receipts shall be issued for all monies collected and the receipt should indicate the method of payment, i.e. cash, cheque, credit or debit card. All **cash** receipts exceeding £3,000 must be accompanied by adequate personal identification which confirms the identity of the person making the payment and should be notified to the Senior Manager (Internal Audit, Risk and Fraud) in accordance with the Council's policy in relation to money laundering.

Heads of Service shall be responsible for ensuring adequate custody and control of all cash held within their Service. Cash held should not exceed the maximum limits for cash holdings agreed with the Executive Director (Finance and Corporate Support).

Where a service identifies any cash shortage of more than £50 between transactions recorded and physical cash banked, contact must be made with the Internal Audit section in accordance with the Council's Defalcation Procedures.

No deduction shall be made from such monies unless specifically authorised by the Executive Director (Finance and Corporate Support) (e.g. Paris refunds, library refunds).
Cash discount shall not be offered to any debtor.

Personal Cheques

Personal cheques shall not be cashed from monies collected on behalf of the Council.

Transfers of Cash, Cheques and other Cash equivalents

All transfers of responsibility for cash, cheques or other cash equivalents from one member of staff to another shall be evidenced in the records of the Services concerned by the signature of the receiving officer.

Where the monetary amount transferred is not physically verified upon transfer, staff must ensure that the reason for non-verification is recorded (e.g. sealed bank bag with serial number noted, locked cash box, signed cheque or bank withdrawal slip).

Write-offs

The Debt Recovery team shall provide all services with a list of accounts recommended for write-off on an annual basis. Services shall be required to authorise accounts for write-off, subject to the approvals below.

Sums due to the Council will not be written-off without the prior written approval of the Executive Director (Finance and Corporate Support).

Sums written-off shall be written back to the service account to which the income was originally credited when the invoice was raised.

Grant Income

The Executive Director (Finance and Corporate Support) shall be advised timeously of all relevant information so that applications for grants due to the Council may be submitted or certified. All applications for grant funding will require to be notified to the Executive Director (Finance and Corporate Support) prior to submission to the funding body.

All grants received are to be paid directly to the Executive Director (Finance and Corporate Support).

Code of Financial Practice 4a Treasury Management

Treasury Policy Statement and Practices

The Council has adopted the key recommendations of the CIPFA document 'Treasury Management in Public Services: Code of Practice' (the Code) as described in section 4 of that Code. Accordingly, the Council shall create and maintain, as the cornerstones for effective treasury management:

- an 'Annual Treasury Management and Investment Strategy' identifying policies with regard to treasury management and the objective of these, and;
- suitable Treasury Management Practices (TMPs), setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

The content of the Strategy and TMPs shall follow the recommendations contained in sections 6 and 7 of the Treasury Management Code, subject only to amendment where necessary to reflect the particular circumstances of the Council. Such amendments shall not result in the Council materially deviating from the Code's key recommendations.

The Executive Director (Finance and Corporate Support) shall provide reports on the Council's treasury management policies, practices and activities. This will include, as a minimum, the annual strategy and plan in advance of the year to Council, a mid-year progress report to Cabinet and an annual report to Council, in the form prescribed in the Council's TMPs.

Borrowing and Leasing

All borrowing arrangements of the Council for the purpose of its functions shall be made by the Executive Director (Finance and Corporate Support) and the arrangements made shall be reported regularly to the Cabinet in accordance with the Council's treasury management strategy.

All borrowings on behalf of the Council shall be affected in the name of the Council. The Executive Director (Finance and Corporate Support), or officers authorised by the Executive Director (Finance and Corporate Support), shall sign all loan documents unless statute or other legal requirements provide that other signatures are required.

Registrar of Stocks, Bonds and Mortgages

The Head of Finance shall be the Registrar of Stocks, Bonds and Mortgages and shall maintain records of all borrowing of money by the Council.

Leasing

No leasing of equipment or other capital assets shall be undertaken without the prior approval of the Executive Director (Finance and Corporate Support).

Investments and Trust Funds

North Ayrshire Council funds shall be invested in the name of the Council or in the name of nominees approved by the Cabinet.

Surplus funds shall only be invested in financial institutions listed in the Treasury Management Strategy statement.

All Trust Funds shall, wherever possible, be held in the name of the Council.

All officers acting as trustees by virtue of their official position shall deposit all securities, bank books and documents (other than title deeds to heritable property) and articles of value relating to any trust with the Head of Finance unless the relevant trust deed otherwise provides.

Control of Charitable Funds and Common Good funds

The Head of Finance shall ensure the proper and safe custody and control of all charitable funds held by the Council and that all expenditure is in accordance with the conditions of the Fund.

Code of Financial Practice 4b Banking

Banking Arrangements

The Executive Director (Finance and Corporate Support) is responsible for appointing the Council's Bankers. This should be carried out in accordance with the Council's tendering procedures.

All arrangements with the Council's Bankers concerning the Council's bank accounts, the issue of cheques and all other banking services shall be made by the Executive Director (Finance and Corporate Support).

The Executive Director (Finance and Corporate Support) will be an authorised signatory for all the Council's bank accounts.

Official bank accounts bearing the Council's name shall be opened or closed only by the Executive Director (Finance and Corporate Support).

All monies received shall be paid into the Council's bank accounts daily or at such other intervals as may be approved by the Executive Director (Finance and Corporate Support) and shall be accounted for in accordance with arrangements made with the Executive Director (Finance and Corporate Support) .

All arrangements for the ordering, controlling and signing of cheques on behalf of the Council shall be made by the Executive Director (Finance and Corporate Support).

Code of Financial Practice 5

Imprests

Provision of Imprests

The Council is changing the way that it is managing imprests, it is moving away from Imprest Bank Accounts to the use of a Procurement Card. The transitioning to Procurement card is almost complete across the Council with only a few bank accounts still in use.

Procurement Cards

The Council has a Corporate Procurement Card (P-Card) system in place, this provides an enhanced service which incorporates electronic monitoring and approval of spend. Procurement cards offers a more transparent alternative to petty cash, offering benefits for staff in service areas as well as prompt payment for suppliers. Replacing the use of cash with the use of cards will reduce the amount of petty cash required.

P-cards are issued subject to the discretion of the Executive Director (Finance and Corporate Support).

P-cards are in the name of North Ayrshire Council, but individual Cardholders names are held within the records system. Each card has a limit (inclusive of VAT) for a single transaction as well as a cumulative monthly limit.

Individual P-cards will be set up for specific categories of spend relevant to the individual cardholder and service area.

P-Cards can also, for pre-approved individuals, be used to withdraw petty cash up to a pre agreed limit.

No cash should be withdrawn where a purchase can be made by raising a Purchase Order or using the P-card online, instore or over the telephone.

All P-Card transactions must be reviewed and approved via Secure Data Online (SDOL). Access to the SDOL is via unique user names and passwords and separation of duties between the cardholder and the approver is controlled and monitored.

Accounting Arrangements for Imprest

Due to bank charges it is recommended that cash withdrawals should be £100 or greater.

Cardholders must maintain a petty cash spreadsheet showing all sums of money withdrawn and expenditure incurred. The balance on the spreadsheet should reflect the balance of money on hand at all times.

Cardholders and approvers must ensure that cash transactions are reviewed and approved regularly within SDOL.

In normal circumstances, if the amount of cash on hand requires replenished, the previous cash withdrawal should be reconciled within SDOL prior to the next withdrawal.

The Procurement Team monitor the use of the P-cards to ensure that cardholders are compliant with the Procurement Card – Policy and Procedures

Closure of Accounts

Where a cash or card facility is no longer required it will be withdrawn by the GPC Card Administrator within the Corporate Procurement Unit.

Guidance

Detailed Guidance is given via the 2 documents detailed below:

- 1) Procurement Card (PCard) – Policy and Procedure Reference Guide
- 2) Procurement Card (PCard) – Imprest Petty Cash Reference Guide

Both documents are available on the intranet.

Code of Financial Practice 6

Tax Management

The Executive Director (Finance and Corporate Support) will have responsibility for managing all tax matters concerning the Council. This includes Value Added Tax (VAT), income tax and corporation tax. The Executive Director (Finance and Corporate Support) will ensure that tax liabilities and obligations are properly reported and accounted for to avoid any possible losses.

Value Added Tax (VAT)

The Executive Director (Finance and Corporate Support) will ensure that:

- transactions follow the relevant statutory requirements and rules;
- the Council's liability for paying tax is kept as low as possible;
- the rate of 'tax flow' (i.e. the recovery of tax which is due to the Council) is kept as high as possible, and;
- guidance is issued to employees involved in processing tax-related transactions.

Heads of Service must ensure that guidance is sought from the Head of Finance on the tax implications of any new or unusual transactions before committing the Council.

Income Tax

The Head of People and Transformation will ensure that income tax is deducted where appropriate from payments to employees and remitted to HM Revenue and Customs timeously.

Returns of income tax deducted will be made to HM Revenue and Customs in accordance with statutory deadlines and employees will be issued with a P60 showing the amount of income tax they have paid by 31st May each year.

Code of Financial Practice 7

Risk Management and Insurance

Responsibility for Risk and Insurance

The Executive Director (Finance and Corporate Support) shall make appropriate Risk Management and Insurance arrangements for all aspects of the Council's activities and shall arrange the negotiation of all insurance claims by the Authority, in consultation with other officers where necessary. Delegated authority has been granted to the Executive Director (Finance and Corporate Support) to negotiate and settle liability claims.

Executive Directors or Heads of Service must not admit liability or give any indication that the Council may make an offer of settlement.

Risk Management

The Risk Management Strategy contains the framework to be adopted to ensure risk is properly identified and controlled within the authority.

Identification of Risk

The Senior Manager (Internal Audit, Risk and Fraud) will be responsible for the co-ordination of a Strategic Risk Register. All Executive Directors and Heads of Service will be responsible for ensuring that suitable arrangements for the identification, recording and monitoring of risks are established within their Service.

Executive Directors and Heads of Service shall give prompt notification to the Senior Manager (Internal Audit, Risk and Fraud) of all new or increased risks, properties or vehicles which should be covered by insurance and of any alteration affecting existing insurances.

Notification of Claims

Executive Directors and Heads of Service shall notify the Team Manager (Risk and Insurance) immediately of any loss, liability or damage or any event likely to lead to an insurance claim. Thereafter the Team Manager (Risk and Insurance) will be responsible for advising the insurance company concerned.

Review of Insurance Portfolio

The Senior Manager (Internal Audit, Risk and Fraud) will annually review all insurance covers in consultation with Executive Directors and Heads of Services as appropriate. All Insurance policies will be subject to tendering procedures at least once every 5 years.

Responsibility for Security

Each Executive Director and Head of Service shall be responsible for maintaining proper security, custody and control at all times of all plant, buildings, materials, stores, furniture, equipment and cash etc. under their control. Services will notify the Senior Manager (Internal Audit, Risk and Fraud) immediately of circumstances resulting in financial loss or circumstances likely to result in a claim against the Council's insurance policy.

Limits to Cash Holdings

Executive Directors and Heads of Service will notify the Insurance Section of safes used to hold cash. The Team Manager (Risk and Insurance) will notify Services of the insured cash limits that should not be exceeded. In exceptional circumstances where cash limits are likely to be exceeded guidance should be obtained from the Insurance Section.

Safe Keys

Keys to safes and similar receptacles holding cash or valuable documents will not be left in premises overnight. Safe keys will be carried by the responsible person at all times and the loss of safe keys will be reported immediately to Internal Audit. Services will maintain a log of all such key holders and transfers of keys in order that a clear audit trail is always available of which member of staff had responsibility for safe keys at any particular time.

Security of Pre-printed and Pre-signed cheques

The Head of Finance will ensure that secure arrangements are made for the preparation and holding of pre-printed / pre-signed cheques, stock certificates, bonds and other financial documents.

Security / Retention of Documentation

Each Executive Director and Head of Service shall be responsible for maintaining proper security, custody and control of all documents within their Directorate. All documents and records shall be retained for the minimum prescribed duration as set out in the Council's Master Retention Schedule.

The retention period for all books, forms and records related to financial matters shall be determined by the Head of Finance in consultation with the Information and Records Manager.

IT Security

Each Executive Director and Head of Service shall be responsible for ensuring that all staff within their Service comply with the Council's Acceptable Computer Usage Policy and associated documents.

Each Executive Director and Head of Service shall also consult the Senior Manager (ICT) in any case where security of IT systems is thought to be defective or where it is considered that special security arrangements may be required.

Code of Financial Practice 8

Salaries and Wages

Information regarding Payroll Amendments

Each Head of Service shall notify the Head of People and Transformation timeously of all matters affecting the payment of emoluments, in particular:

- appointments, resignations, dismissals, suspensions, secondments and transfers;
- changes in remuneration (other than normal increments), agreements of general application and changes in terms and conditions of service;
- absences from duty for sickness or other reason apart from approved paid leave;
- information necessary to maintain records of service for superannuation, income tax and social security purposes.

Arrangements for Payments

The payment of all salaries, wages and other emoluments to all employees of the Council shall be made by the Executive Director (Finance and Corporate Support) or under arrangements approved by the Executive Director (Finance and Corporate Support).

Form and Certification of Records

All pay documents shall be in a form prescribed or approved by the Executive Director (Finance and Corporate Support).

All timesheets shall be completed and signed by the employee themselves confirming the accuracy of the claim except in cases of illiteracy when a supervisor may complete them, suitably endorsing the timesheets to this effect.

All pay documents shall be certified in manuscript or electronically via HR21 by or on behalf of the appropriate Head of Service. Signature stamps shall not be used for this purpose.

The names of officers authorised to certify such documents shall be sent to the Head of People and Transformation by Heads of Service together with specimen signatures and the names shall be amended on the occasion of any change. Where a Service is responsible for its own information processing, the names of officers authorised to certify pay documents shall be provided to the appropriate input staff.

Code of Financial Practice 9

Expenses

Arrangements for Claims

The Executive Director (Finance and Corporate Support) shall be responsible for making arrangements for the regulation, administration and payment of claims for expenses and allowances to members and employees of the Council.

Employees' Claims

All claims for payment of travelling allowances, subsistence allowances, car allowances and incidental expenses, duly certified in manuscript on the appropriate official form provided by the Head of People and Transformation or processed electronically via the expenses module on H21 self-service system shall be submitted to Employment Services on an ongoing regular monthly basis.

Claims shall not be paid from imprest accounts. All such expenses shall be paid via the Payroll System except in extraordinary circumstances, in which case the approval of the Executive Director (Finance and Corporate Support) will be required for an alternative method of payment.

Claims for travelling and subsistence allowances must be accompanied by the appropriate receipts. Claims for car allowances must be accompanied by a VAT receipt for fuel, dated prior to the first journey. Where claims are processed via HR21 receipts must be retained by the Service in accordance with retention details outlined within the HR21 user guide.

In signing an expenses claim form or submitting via HR21, employees are confirming that they have a valid driving licence and appropriate insurance arrangements in place to cover their vehicle for business use. Heads of Service must ensure that driving licences and insurance documents are inspected on an annual basis and details recorded on the Council's integrated HR and payroll database.

Certification of Employees' Claims

The Head of each Service shall arrange for the certification in manuscript or approval via HR21 by an officer of their Service of all claim forms. The certification by or on behalf of the Head of Service shall be taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenditure was wholly, exclusively and necessarily incurred in the course of the employment of the claimant and that any allowances are properly payable.

The names of officers authorised to certify such claims shall be sent to the Head of People and Transformation by Heads of Service together with specimen signatures and the names shall be amended on the occasion of any change. In addition, an annual review of such authorisations shall be carried out by each Service to ensure that the list of names submitted to the Head of People and Transformation is complete and up-to-date.

No officer authorised to certify such claims shall certify their personal claim. Personal claims must be certified by a separate authorised signatory.

Cash Advances

Cash advances shall only be made in exceptional circumstances when other means of payment is not available.

The Head of each Service shall arrange for the certification in manuscript by an officer of their Service of all cash advances. The certification by or on behalf of the Head of Service shall be taken to mean that the certifying officer is satisfied that the cash advance is necessary in the course of the claimant's employment and that no other means of meeting the anticipated expenses is available.

Officers authorised to certify cash advances shall not certify a cash advance to themselves.

All requests for cash advances, duly certified in manuscript on the appropriate official form provided by the Executive Director (Finance and Corporate Support), shall be submitted to the Head of Finance for payment.

The officer to whom an advance is given shall be fully accountable for the advance.

Immediately after the event for which the cash advance is given the accountable officer, using the appropriate official form, shall prepare a detailed statement of expenses incurred, with supporting receipts and invoices, which reconciles to the amount of the cash advance. The reconciliation, duly certified in manuscript by an officer authorised by the Head of Service to certify claims for expenses and allowances, shall be submitted to the Head of Finance along with the remaining unspent cash balance.

Elected Members' Allowances

Members' Allowances shall be paid in accordance with the Council's approved Scheme of Members' Allowances and national regulations.

Payments to Elected Members who are entitled to claim allowances shall be made by the Head of People and Transformation upon receipt of the prescribed form properly completed and certified in manuscript. Claims will checked by Democratic Services prior to submission for payment.

Claims shall be submitted promptly, and on a regular basis, and in any case claims applicable to a financial year shall be submitted within one month after 31st March in that year.

The Head of People and Transformation shall maintain a record of all allowances paid to Members, showing the name of the recipient and the amount and nature of the payments. This record shall be available for public inspection and will be published on the Council website not later than June 1st each year.

Code of Financial Practice 10

Procurement of Goods and Services and Payment of Accounts

Official Orders

All goods, materials and services supplied to or work executed for the Council shall be ordered or confirmed in writing by means of an official order, by written acceptance of a tender or offer, or by an electronic order through an eProcurement system. The only exceptions are for purchases using procurement cards, petty cash purchases, supplies of Public Utility services and periodic payments such as rates.

Each order shall conform to the Council's Standing Orders relating to Contracts in order to demonstrate best value procurement.

Authorisation of Orders and Acceptances

Orders and acceptances of tenders or offers shall be authorised either electronically or in writing only by officers certified to do so by the Head of Service of the ordering Service and in accordance with the Council's Standing Orders Relating to Contracts. Signature stamps shall not be used for this purpose. Each Service shall maintain a current list of officers so authorised.

Limits regarding the level and type of expenditure to which authorising officers can commit the Council shall be formalised and maintained by each Head of Service and shall be recorded on the list of authorised officers, which shall be held by the Head of Finance.

Checks on Goods, Materials and Services Received

It shall be the duty of the Head of each Service that places an order to ensure that all goods, materials and services received following the placing of such orders are as ordered in respect of price, quality and quantity.

Where goods have been ordered using the e Procurement system, the receipt of goods shall also be recorded against the appropriate order on the system.

Method of Payment

Apart from payments from imprest accounts (petty cash payments) the normal method of payment of money due from the Council shall be by BACS, cheque , Procurement card or other instrument drawn on the Council's bank account(s) by the Executive Director (Finance and Corporate Support) or any person or persons authorised by the Executive Director (Finance and Corporate Support).

The Council's preferred method of payment shall be by BACS.

Certification for Payment

A list of authorised signatories (including their financial limit) for certifying the payment of accounts shall be supplied and certified by all Heads of Service to the Head of Finance. Additions and deletions shall be notified to the Head of Finance as they occur. Heads of Service shall review the lists annually and confirm to the Head of Finance that this has been done.

There is no need to batch invoices as each invoice will be dealt with individually. Heads of Service must ensure that Authorised Signatories only sign invoices within their financial limits.

Once the invoice has been appropriately certified in accordance with the checks below, the Head of Service or other authorised officer intimated to the Head of Finance shall pass it without delay to the Accounts Payable team to ensure any offer of cash discount for early payment is received and that financial penalties for late payment are avoided.

Invoices relating to non-electronic orders

The Head of each Service which incurs expenditure shall arrange for the certification in manuscript by an authorised signatory of their Service that all accounts and invoices for payment comply with the following:

- the expenditure is on items or services which it is within the Council's legal powers to incur;
- the goods, materials, services or work to which the account relates have been received or carried out and have been examined and approved and are in accordance with the order and the Goods Received Note;
- the prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct;
- the relevant expenditure has been properly incurred and is within the relevant estimate provision;
- appropriate entries have been made in the inventories or stores/stock records as required;
- the appropriate financial ledger code numbers are entered on the document for payment.

Services should obtain and use a stamp designed by Corporate Procurement Unit for invoice checking purposes and Services should not amend the stamp in any way or use any other stamp.

Invoices relating to electronic orders

The eProcurement systems have controls in place to ensure that only Authorised Officers (as approved by their Head of Service) can approve orders and invoices. The eProcurement systems will not allow payment to be made unless the goods are recorded as being received and the invoice value agrees with the order or is within a tolerable variance. There is therefore no requirement to use the invoice stamp or manually sign/authorise invoices for orders that have been processed through the eProcurement systems.

Procurement Cards

Procurement Cards may be used by Services for high volume transactions, one-off low value purchases and/or internet purchases.

All applications for a Procurement Card require to be authorised by a Head of Service, Manager (Grade 14 and above) or Head Teacher.

All transactions are required to be approved on the procurement card system by an authorised approver. The system is administered by Corporate Procurement. It is the responsibility of all card holders and approvers to ensure transactions are approved promptly.

The Council's monthly statement is processed for payment by Corporate Procurement and all transactions made by individual Services will be journalled against the appropriate finance code.

Duplicate Invoices

Payment shall not be made on duplicate, photocopied or faxed invoices unless the appropriate Head of Service or other authorised officer within the appropriate Service certifies in writing that the amounts have not previously been passed for payment.

Pro-forma Invoices

Payment shall not normally be made on 'pro-forma' invoices that state 'this is not a VAT invoice'. In exceptional circumstances where such payments may be made, it shall not be possible for the Council to recover VAT.

Amendments to Invoices

No changes will be made to tax invoices which must instead be returned to the creditor for amendment and reissue.

The only exception to the above statement is where the Council needs to comply with Off-Payroll Working in the Public Sector known as IR35 (Intermediaries legislation). Where applicable the Council will amend the invoice to reflect a deduction of both PAYE and National Insurance Contributions.

Code of Financial Practice 11

Contracts for Supplies, Services and Works

Contracts Register

The Corporate Procurement Unit (CPU) shall maintain a record of all contracts held over the value of £10,000 on the Council's Corporate Contract Register.

The Corporate Register includes the following information:

- Contract Award date
- Contract Title
- Successful contractor(s)
- Contract Estimated Value
- Contract Start & End dates (excluding optional extensions)
- Period of extension

The Corporate Register will be published on the Council's external website.

Variations to Capital Contracts

All instructions to contractors on project work shall be issued by the responsible officer using the appropriate official variation order procedure or via a formal Architect's Instruction (AI)

If it becomes apparent after the start of a project that it will be over or under spent by 0.5% or more, or if the phased expenditure for the current year is likely to vary significantly, it shall be the duty of the appropriate Head of Service to report such variation immediately to the appropriate Directorate Project Board and thereafter to the Capital Programme and Asset Group (CPAG). Thereafter, an update will be provided to Cabinet on the action taken.

Claims from Contractors

Claims from contractors in respect of matters not clearly within the terms of any existing contract shall be referred to the appropriate Service Executive Director, Head of Democratic Services for consideration of the Council's liability and to the Executive Director (Finance and Corporate Support) for consideration before a settlement is reached.

Delay of Contract

Where completion of a contract is delayed it shall be the duty of the responsible officer in consultation with the Head of Democratic Services to take appropriate action in respect of any claim for liquidate or other damages.

Interim Payment

Interim payments to contractors shall be certified by the authorised officers responsible for the control and supervision of the work.

Procurement Guidance/Procedures

All matters relating to contracts should be conducted in accordance with the following Council Documents and other guidance that may be issued by the Council's Corporate Procurement Unit and Head of Democratic Services.

- Standing Orders Relating to Contracts
- North Ayrshire Council Procurement Manual
- Appropriate terms and conditions relating to the specific contract

Code of Financial Practice 12

Assets

Asset Registers

Detailed registers of the Council's assets shall be maintained as follows:

- Housing properties – Head of Physical Environment
- Other properties – Head of Physical Environment
- Fleet – Head of Commercial Services
- Open spaces - Head of Commercial Services
- Roads - Head of Commercial Services
- ICT – Head of Customer and Digital Services

Title Deeds

The Head of Democratic Services shall have custody of all title deeds under secure arrangements.

Capital Accounting Register

The Head of Finance shall maintain a register of all assets owned by the Council recording for each one the type of asset, asset value, asset life and depreciation policy. The information recorded in the fixed asset register shall be subject to a de-minimus asset value to be determined from time to time by the Head of Finance. The details contained within the fixed asset register shall be reconciled annually with the asset registers.

Code of Financial Practice 13

Stores and Inventories

Custody of Stores and Stocktaking

Arrangements made by Heads of Service for costing and stock control systems shall be subject to the approval of the Head of Finance.

The care, custody and level of stores and equipment in any Service shall be the responsibility of the appropriate Head of Service who will ensure that:

- stocktaking is carried out at regular intervals.
- all obsolete or excess stock or scrap material is identified and disposed of in accordance with the Standing Orders relating to Contracts and the Scheme of Delegated Functions.

All stock write-offs shall be notified to the Head of Finance.

Heads of Service shall supply the Head of Finance with a certificate within timescales laid down that states the financial value of stocks held at the year-end.

Inventories

Each Head of Service shall ensure that inventories shall be maintained at locations used by their staff.

Inventories shall be maintained in accordance with the inventory procedures issued by Internal Audit.

Appendix 1
Definition of Subjective and Objective Expenditure and Income Heads

Subjective Expenditure Heads

Employee Costs
Property Costs
Supplies and Services
Transport and Plant Costs
Administration Costs
Other Agencies, Bodies and Persons
Transfer Payments
Other Expenditure
Capital Financing Costs

Subjective Income Heads

Government Grants
Other Grants
Subsidies
Contributions from Other Authorities
All Other Grants, Reimbursements and Contributions
Sales, Fees and Charges
External Recharges
Internal Recharges
Miscellaneous Income

Objective Expenditure Heads

Democratic Services	Legal
	Policy, Performance and Community Planning
	Communications
	Committee and Member Services
	Civil Contingencies
Finance and Corporate Support	Director & Heads of Service
	Business Support
	Financial Services
	Corporate Procurement
	Revenues & Benefits
	Audit, Risk & Performance
	Human Resources
	Change
	ICT
	Customer Services and Registration
Education and Youth Employment	Early Years**
	Primary Education**
	Secondary Education**
	Additional Support Needs**
	Education Other
Place	Management and Administration
	Building Services
	Property Management & Investment
	Property Maintenance
	Property Costs
	Roads
	Waste Management
	Streetscene
	Facilities Management
	Transport
	Housing
Economy and Communities	Connected Communities
	Economic Growth

Health and Social Care	Management and Support
	Service Strategy and Regulation
	Children and Families
	Criminal Justice
	Older People
	Independent Living
	Learning Disabilities
	Mental Health
	Addictions
	Change Programme
	Changing Children's Services
Corporate Items	Joint Boards
	Pension Costs
	Loan Charges & Capital Charges
	Other Corporate Items

**** Virement within these objective heads in Education and Youth Employment will be subject to the conditions of the Council's approved Scheme of Delegation to Schools.**

NORTH AYRSHIRE COUNCIL

Agenda Item 10

17 May 2017

North Ayrshire Council

Title: Councillors' Remuneration : Senior Councillors

Purpose: To advise Council of the Councillor remuneration levels, and to seek confirmation of those posts appointed as Senior Councillor.

Recommendation: That the Council agrees (1) to note the recommended remuneration and expenses outlined in the Regulations; and (2) to consider the appointment of the following posts, in addition to the Leader and Provost, as Senior Councillors:

• Depute Leader - 75% of Leader's salary £25,392	1
• The Leader of the Opposition - 75% of the Leader's salary £25,392	1
• Depute Provost at £21,160	1
• Those Cabinet Members with portfolio responsibility for services at £21,160	5
• The Chair of the Audit and Scrutiny Committee at £21,160	1
• The Chair of the Licensing Committee / Board at £21,160	1
• The Chair of the Planning Committee at £21,160 and	1
• The Chair of the Policy Development Committee at £21,160	1
TOTAL	12

1. Executive Summary

- 1.1 This report summarises the remuneration for all Councillors, and seeks confirmation of those posts of significant responsibility which are entitled to a Senior Councillor salary.

2. Background

Current Regulations

- 2.1 Remuneration levels for Councillors is set out in the Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2017. The guidance classifies councils into one of four bands, linked to size, with North Ayrshire sitting within band B.
- 2.2 Under the Regulations the remuneration of the Leader of North Ayrshire Council is set at £33,857.

- 2.3 The Regulations also allow the Council to appoint one Civic Head, the Provost, at a salary of 75% of the Leader's salary (£25,392). Discretion is also available to pay the Provost an allowance of up to £3,000 per annum for expenses incurred in carrying out our civic duties.
- 2.4 In addition to the Leader and the Civic Head, each local authority may have a number of Senior Councillors. These are councillors who hold a significant position of responsibility in the Council's political management structure, for example, a convener of a major committee, Portfolio Holder or the leader of the main opposition group. Senior Councillors attract higher salaries due to their significant additional responsibilities. Subject to the restrictions set out in 2.5, individual local authorities have the flexibility to determine which positions should be considered Senior Councillors and the number of such positions. Senior Councillors should be paid according to the level of responsibility they hold and this can result in differing levels of salary.
- 2.5 The three restrictions that apply are:
- The limit on the number of Senior Councillor posts the Council may have is 14;
 - The total budget for paying Senior Councillors is £296,240; and
 - The maximum salary for any Senior Councillor cannot be more than 75% of the remuneration paid to the Leader - £25,392.
- 2.6 If the Council decides to appoint the maximum number of Senior Councillors, based on the total budget available, this would result in a salary of £21,160. The potential salary range for Senior Councillors is £16,928 to £25,392. However, Councils can decide the level of remuneration to be paid to each of the Senior Councillors within the overall budget limit set for that purpose. Senior Councillors should be paid according to the level of responsibility they hold and this may result in different levels of salary.
- 2.7 North Ayrshire Council has produced Guidance on Members Salaries, Allowances and Expenses which provides further information on all payments to Members.
- 2.8 The roles of the Leader, Provost, Senior Councillor and Councillors are attached at appendices 1 to 4.

Previous Senior Councillor Roles and Remuneration

- 2.9 Previously, the Councillors who held Senior Councillor positions were those who held significant positions of responsibility in the Council's political management structure. These were, in addition to the Leader and Provost, the following posts:-

- Depute Leader
- The Leader of the Opposition
- Depute Provost
- Those Cabinet Members with portfolio responsibility for services
- The Chair of the Audit and Scrutiny Committee,
- The Chair of the Licensing Committee/Board and
- The Chair of the Planning Committee.

If 5 Cabinet Members held portfolio responsibility for services (Democratic Services and Finance and Corporate Support, Education and Skills, Economy and Communities, Health and Social Care and Place), 11 Members in addition to the Provost and Leader would be appointed as Senior Councillors. If the Chair of the proposed Policy Development Committee was not occupied by one of the other Senior Councillor posts, such as Depute Leader, this would take the number of senior councillors to 12.

Proposed Senior Councillor Roles and Remuneration

- 2.10 Council previously set two levels of remuneration for Senior Councillors according to the level of responsibility they hold. The salary structure was as follows:

At 75% of Leader's Salary equivalent to a salary of £ 25,392

- Depute Leader
- Leader of the Largest Minority Party.

Senior Councillors at a salary of £21,160

- Depute Provost
- Chair of Audit and Scrutiny Committee
- Chair of Planning Committee
- Chair of Licensing Committee and Licensing Board
- Cabinet Portfolio Holders
- The Chair of the proposed Policy Development Committee would also be paid at this grade

- 2.11 While it is normal for portfolio holders to sit on Cabinet, other Members can also serve on Cabinet, albeit at a basic Councillor salary in line with our Scheme of Administration. Where a Member holds more than one Senior Councillor position, and where these have different salaries, only one salary, the highest, is paid.
- 2.12 Based on the foregoing, and assuming that no Member holds more than one Senior Councillor position the cost of Senior Councillors' remuneration would be £241,224. This would be less than the value of £296,240 outlined in the Regulations.

3. Proposals

- 3.1 Council is requested to consider the appointment of the following posts, in addition to the Leader and Provost, as Senior Councillors, at the salaries proposed:

• Depute Leader (75% of Leader's salary)	£25,392
• The Leader of the Opposition (75% of Leader's salary)	£25,392
• Depute Provost	£21,160
• Those Cabinet Members with portfolio responsibility for services	£21,160
• The Chair of the Audit and Scrutiny Committee	£21,160
• The Chair of the Licensing Committee/Board	£21,160
• The Chair of the Planning Committee	£21,160
• The Chair of the Policy Development Committee	£21,160

4. Implications

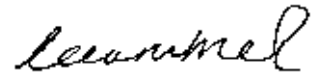
Financial:	Total remuneration and component parts require to align with the relevant legislation and regulations. The annual budget for Members salaries is £631,612. The proposals above would cost £643,246.
Human Resources:	None
Legal:	Appointment to key positions require to comply with relevant legislation and regulations
Equality:	None
Environmental & Sustainability:	None
Key Priorities:	None
Community Benefits:	None

5. Consultation

- 5.1 Consultation has been undertaken with the Chief Executive and the Monitoring Officer on the report.

6. Conclusion

- 6.1 The appointment of Senior Councillors will enable the authority to undertake the strategic roles in the Administration of the Council and satisfy the criteria for the Senior Councillors.



LAURA FRIEL
Executive Director (Finance and Corporate Support)

Reference :

For further information please contact Laura Friel, Executive Director (Finance and Corporate Support) on 01294 324554

Background Papers

0

Councillor Role Description

Key Purpose

- To represent the views and interests of your ward and its individual constituents and deal with their enquiries and representations fairly and without prejudice.
- To contribute to open government and the development of local democracy through actively encouraging community engagement and involvement in decision making.
- To contribute actively to the formulation and scrutiny of the Council's policies, budgets, strategies and service delivery.
- To champion the best interests of the Council and the community as they relate to the improvement of the quality of life, social, economic and environmental wellbeing of the community and its citizens.
- To work in partnership with others, through Community and Locality Planning Partnerships and otherwise, to help to achieve the above.
- To participate in the decision making processes of the Council having regard to statutory and regulatory requirements and the Councillors' Code of Conduct.
- To work in the interests of North Ayrshire as a whole

What the public is entitled to expect of you

- Reasonable access to you either by surgeries, telephone, mail or e-mail or through the Council to enable them to raise issues and complaints.
- Ensuring that their interests are effectively represented and their complaints fairly addressed.
- Being clear to them about your responsibilities as a member of the Planning Board, Licensing Board or other regulatory body.
- Attendance at meetings of Locality Partnerships, parent councils, community councils and other community groups to which councillors are invited or expected to attend.
- Using your best endeavours to represent your constituent's interests in relation to other public bodies or national service providers, eg Scottish Water and utility companies.
- Adhering to the Councillors' Code of Conduct and to North Ayrshire Council's member/officer protocol.

- Working constructively with other councillors representing the ward to make arrangements to ensure the interests, issues and complaints of constituents are effectively addressed.

What the Council is entitled to expect of you

- Regular attendance at meetings of the Council, Boards, Committees, Locality Partnerships and Working Groups of which you are a member.
- Reading the relevant reports and papers prior to such meetings and keeping up to date with issues affecting local government.
- Treating other councillors and all employees of the Council with respect and dignity.
- Respecting the authority of the Chair at any meeting of the Council, its Boards or other meetings and complying with his or her rulings.
- Respecting the confidentiality of information which has not been made public; not breaching any such confidence; and adhering to any embargoed agreements on confidential or sensitive issues.
- Respecting the limitations on the disclosure of information where there is a requirement of confidentiality placed on some employees of the Council.
- Undertaking training necessary to equip you to fulfil your responsibilities as a councillor.
- Understanding the different responsibilities and roles of councillors and officers.
- Your role is to determine policy and to participate in decisions on matters placed before you, not to engage in direct operational management of the Council's services;
- Accepting your responsibility not to raise matters relating to the conduct or capability of employees in public.
- Regular attendances as a representative of the Council at meetings of a body to which you have been appointed.
- Understanding and accepting your responsibilities when performing duties as the Chair of a body, to apply all Standing Orders impartially and to refrain from actions or statements that might bring your impartiality into question.
- Understanding and accepting responsibility where you have been appointed as a member of a trust, a company, joint board or joint committee.

- Adhering to the Councillors' Code of Conduct and to North Ayrshire Council's member/officer protocol.

What you are entitled to expect of the Council

- You have right to be consulted by officers on specific matters of interest to you as local councillor e.g.
 - Whenever a meeting is organised by the Council to consider local issues, all councillors representing the wards effected should normally be invited to attend. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue the local councillors should be notified at the outset;
 - To be consulted on all significant new projects and initiatives in their ward at the planning stage in order that their views may be taken into account;
 - To be advised of any significant work being undertaken by the Council in their ward and where it is known by any other statutory undertaker, eg Scottish Water, which is likely to inconvenience the public for any significant length of time;
 - To be consulted on any other issues which are likely to be of significant interest to the local community in their ward.
- You have the right, as a matter of courtesy, to be informed of visits to your ward by Ministers of the Scottish Government or UK Parliament, where the visit is in connection with one of the Council's responsibilities.

V.2.1 15-04-17

Senior Councillors' Role Description

The following additional key purposes/roles are expected of Senior Councillors:

Key Purpose/roles

- To provide leadership in relation to policy formulation, implementation and monitoring of the Council's policies, budgets, strategies and service delivery in relation to your specific area of responsibility and to contribute to the effective governance of the Council.
- To ensure that your area of responsibility contributes to promoting the best interests of the Council and the community, and improves the quality of life, social, economic and environmental well-being of the community and its citizens.

Key tasks/accountabilities

For your area of responsibility:

- To facilitate policy development through appropriate mechanisms –committees, Locality Partnerships, working groups, working with officers and working in partnership with partner organisations;
- To give political direction to senior officers of the Council in your area of responsibility;
- To chair effectively, relevant committees and working groups;
- To take responsibility for decisions taken within these committees or other forums;
- To support and encourage participation and debate by all councillors in relevant forums including committees and working groups and respond to scrutiny of decisions and service delivery/performance;
- To ensure that effective working relationships with all councillors, officers and relevant partner organisations are developed and maintained;
- To represent and communicate the views and best interests of the Council in relevant forums including the community, the media, partnership organisations and national bodies;
- To monitor, review and comment on performance and budget to ensure that Council policies are implemented and where necessary initiate relevant action;
- To be fully aware of relevant legislative and national and local policy frameworks.

V2.1 15-04-17

Leader's Role Description

The following additional key purposes/roles are expected of the Leader of the Council:

Key Purpose

- To lead the political administration of the Council;
- To provide leadership in relation to policy formulation, implementation and monitoring of the Council's policies, budgets, strategies and service delivery and to contribute to the effective governance of the Council;
- To provide strategic leadership and clear political direction and guidance to promote the best interests of the Council and the community and improve the quality of life, social, economic and environmental well-being of the community and its citizens.
- To ensure that through Community and Locality Planning, effective working relations are developed throughout the Council and between the Council and external partners in order to promote the best interests of all its communities.

Key tasks/accountabilities

- To provide strategic, political and cultural leadership for the Council in partnership with the Chief Executive;
- To give direction to the Chief Executive on political matters and participate in the performance review and development of the Chief Executive;
- To have an overview and facilitate corporate and cross cutting policy formulation, strategy development and financial planning;
- To promote partnership working with the community, partner organisations and other service providers, through community and locality planning arrangements;
- To act as the principal Council representative in discussions and negotiations with national bodies;
- To ensure that the political decision making structures of the Council operate effectively;
- To take responsibility for, and promote the Council's policy and political decisions;
- To be the political figurehead and provide an external focus for the Council including handling media and press enquiries;
- To develop and maintain effective working relationships with councillors and senior officials.

V2.1 15-04-17

Provost's Role Description

The following additional key purposes/roles are expected of the Provost of the Council:

Key Purpose

- To be the civic head of the Council;
- To impartially chair meetings of Council

Key tasks/accountabilities

The Provost is expected to

- Act as civic head hosting Council events and attending other events as civic leader and representative of the Council and the North Ayrshire communities;
- Promote North Ayrshire's profile to the wider community through public appearances at social, community, cultural and business events and through the media.
- Foster networks with other organisations in both the business and public sectors to support and enhance the development of North Ayrshire and its communities.
- Chair meetings of the full Council and ensure the proper and effective conduct of business in terms of the Council's Standing Orders
- When performing duties as the Chair of Council, to apply all Standing Orders impartially and to refrain from actions or statements that might bring your impartiality into question.
- Foster town twinning and promote good relations with authorities with whom the Council is twinned
- Liaise closely with the Leader of the Council and Chief Executive in terms of the civic roles and functions of the Council.

NORTH AYRSHIRE COUNCIL

Agenda Item 11

17 May 2017

North Ayrshire Council

Title: **Committee Timetable: Remainder of 2017**

Purpose: To invite the Council to consider a timetable for the period from May until the end of December 2017.

Recommendation: That the Council agrees to:-

- a. approve the draft committee timetable set out at Appendix 1; and
 - b. note that arrangements for Locality Partnership meetings and any ad hoc or Special Meetings will be intimated to Members separately.
-

1. Executive Summary

- 1.1 The Council generally sets a timetable of committee meetings for each calendar year. The appendix to this report sets out a proposed timetable for the remainder of the current year. A proposed timetable for 2018 will be presented for consideration in the Autumn.

2. Background

- 2.1 The proposed timetable of meetings (set out at Appendix 1) incorporates meetings of the Cabinet and standing committees of the Council as well as a Summer, October and Winter recess period. Arrangements for Pre-Agenda meetings and meetings of the Community Planning Partnership Board are also included for information.
- 2.2 The proposed timetable does not include the following meetings which will be intimated to Members separately:-
- the six Locality Partnerships, which take place in the early evening on a quarterly basis;
 - the Local Development Plan Committee, Staffing and Recruitment Committee, Education Appeal Committee, Appeals Committee and Special Council (Planning) which meet on an ad hoc basis, as required;
 - any Special Meetings of the Council and its committees which may be required, including meetings to consider Cabinet Call In requests.

3. Proposals

3.1 The Council is invited to:-

- (a) approve the draft committee timetable set out at Appendix 1; and
- (b) note that arrangements for Locality Partnership meetings and any ad hoc or Special Meetings will be intimated to Members separately.

4. Implications

Financial:	None arising from this report
Human Resources:	None arising from this report
Legal:	None arising from this report
Equality:	None arising from this report
Environmental & Sustainability:	None arising from this report
Key Priorities:	Not applicable
Community Benefits:	Not applicable

5. Consultation

5.1 A copy of the proposed timetable has been circulated to Group Leaders, with no adverse comment received.



ELMA MURRAY
Chief Executive

Reference :

For further information please contact Melanie Anderson, Committee Services Team Leader on telephone number 01294 324131.

Background Papers

None.

Draft Committee Timetable May-December 2017

Meeting Cycle 3

Wk Begin	Wk	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
8 May	1					
15 May	2			2.00 p.m. Statutory Council Meeting (first on new Administration)	10.00 a.m. Cabinet Pre-Agenda 12.30 p.m. IJB Pre-Agenda	
22 May	3		11.00 a.m. Audit and Scrutiny Pre-Agenda 2.30 p.m. Cabinet	2.00 p.m. Policy Development Committee	10.00 a.m. Integration Joint Board	
29 May	4	2.00 p.m. Policy Development Pre-Agenda	10.00 a.m. Audit and Scrutiny Committee 2.00 p.m. Police and Fire and Rescue Committee	10.00 a.m. Appeals (if required)	10.30 a.m. CPP Board (for information)	
5 June	5		10.00 a.m. IJB PAC Pre-Agenda 2.00 p.m. Policy Development Committee	10.00 a.m. Licensing Committee	10.00 a.m. Integration Joint Board Pre-Agenda	2.00 p.m. (TBC) Ayrshire Shared Services Joint Committee Pre-Agenda
12 June	6	2.00 p.m. Local Development Plan Committee	2.30 p.m. Cabinet Pre-Agenda	2.00 p.m. Planning Committee 2.15 p.m. Local Review Body	10.00 a.m. IJB PAC	
19 June	7		2.30 p.m. Cabinet (Education)	10.00 a.m. Appeals (if required)	10.00 a.m. Integration Joint Board	2.00 p.m. Ayrshire Shared Services Joint Committee
26 June	8			2.00 p.m. Council		
3 July		Summer Recess	Summer Recess	Summer Recess	Summer Recess 10.00 a.m. Integration Joint Board Pre-Agenda	Summer Recess
10 July		Summer Recess	Summer Recess	Summer Recess	Summer Recess	Summer Recess
17 July		Summer Recess	Summer Recess	Summer Recess	Summer Recess 10.00 a.m. Integration Joint Board	Summer Recess
24 July		Summer Recess	Summer Recess	Summer Recess	Summer Recess	Summer Recess
31 July		Summer Recess	Summer Recess	Summer Recess	Summer Recess 10.00 a.m. Integration Joint Board Pre-Agenda	Summer Recess
7 August		Summer Recess	Summer Recess	Summer Recess	Summer Recess	Summer Recess

Meeting Cycle 4

14 August	1		11.00 a.m. Audit and Scrutiny Pre-Agenda 2.30 p.m. Members' Private Briefing	10.00 a.m. Licensing Committee	10.00 a.m. Integration Joint Board	
21 August	2		10.00 a.m. Audit and Scrutiny Committee 2.30 p.m. Cabinet Pre-Agenda	10.00 a.m. Policy Development Committee 2.00 p.m. Planning Committee 2.15 p.m. Local Review Body		11.00 a.m. Ayrshire Shared Services Joint Committee Pre-Agenda
28 August	3		10.00 a.m. IJB PAC Pre-Agenda 2.30 p.m. Cabinet	2.00 p.m. Policy Development Committee	10.00 a.m. Integration Joint Board Pre-Agenda	
4 September	4		2.00 p.m. Police and Fire and Rescue Committee	10.00 a.m. Appeals (if required)	10.00 a.m. IJB PAC	2.00 p.m. Ayrshire Shared Services Joint Committee
11 September	5	Members' Seminar	2.30 p.m. Members' Private Briefing	10.00 a.m. Licensing Committee	10.00 a.m. Integration Joint Board	
18 September	6		2.30 p.m. Cabinet Pre-Agenda	2.00 p.m. Planning Committee 2.15 p.m. Local Review Body	10.30 a.m. CPP Board (for information)	
25 September	7	Public Holiday	2.30 p.m. Cabinet (Education)	10.00 a.m. Appeals (if required)	10.00 a.m. Integration Joint Board Pre-Agenda	
2 October	8			2.00 p.m. Council		
9 October		October Recess	October Recess	October Recess	October Recess 10.00 a.m. Integration Joint Board	October Recess
16 October		October Recess	October Recess	October Recess	October Recess	October Recess
23 October		October Recess	October Recess	October Recess	October Recess	October Recess 11.00 a.m. Ayrshire Shared Services Joint Committee Pre-Agenda

Meeting Cycle 5

30 October	1		10.00 a.m. IJB PAC Pre-Agenda 2.30 p.m. Members' Private Briefing	10.00 a.m. Licensing Committee	10.00 a.m. Integration Joint Board Pre-Agenda	
6 November	2		11.00 a.m. Audit and Scrutiny Pre-Agenda 2.30 p.m. Cabinet Pre-Agenda	10.00 a.m. Policy Development Committee 2.00 p.m. Planning Committee 2.15 p.m. Local Review Body	10.00 a.m. IJB PAC	2.00 p.m. Ayrshire Shared Services Joint Committee
13 November	3		10.00 a.m. Audit and Scrutiny Committee 2.30 p.m. Cabinet	2.00 p.m. Policy Development Committee	10.00 a.m. Integration Joint Board	
20 November	4		2.00 p.m. Police and Fire and Rescue Committee	10.00 a.m. Appeals (if required)		11.00 a.m. Ayrshire Shared Services Joint Committee Pre-Agenda
27 November	5	Members' Seminar	2.30 p.m. Members' Private Briefing	10.00 a.m. Licensing Committee	10.00 a.m. Integration Joint Board Pre-Agenda 10.30 a.m. CPP Board (for information)	
4 December	6		2.30 p.m. Cabinet Pre-Agenda	2.00 p.m. Planning Committee 2.15 p.m. Local Review Body		2.00 p.m. Ayrshire Shared Services Joint Committee
11 December	7		2.30 p.m. Cabinet (Education)	10.00 a.m. Appeals (if required)	10.00 a.m. Integration Joint Board	
18 December	8			2.00 p.m. Council		
25 December		Winter Recess	Winter Recess	Winter Recess	Winter Recess	Winter Recess

NORTH AYRSHIRE COUNCIL

Agenda Item 12

17 May 2017

North Ayrshire Council

Title:	Appointments to Committees
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Purpose:	To seek the appointment of Members and, where appropriate, lay representatives, to committees of the Council in line with the Scheme of Administration, including confirmation of the appointment of Chairs (and Vice Chairs where appropriate).
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Recommendation:	That the Council agrees to:-
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(a) note that all Elected Members are automatically members of the full Council and the Local Development Plan Committee;

(b) note that all Elected Members are members of the Locality Partnership which covers their respective ward, that Members of Ward 5 could potentially choose to be members of both the Arran and Three Towns Locality Partnerships and that Members of Ward 6 could potentially choose to be members of the Three Towns, North Coast and Garnock Valley Locality Partnership;

(c) approve the appointment of Chairs (and, where appropriate, Vice Chairs) of committees of the Council;

(d) approve nominations to the Appeals Committee, Audit and Scrutiny Committee, Ayrshire Shared Services Committee, the Cabinet, Education Appeal Committee, Licensing Committee, Local Review Body, North Ayrshire Integration Joint Board, Planning Committee, Police and Fire and Rescue Committee, Policy Development Committee and Staffing and Recruitment Committee;

(e) approve the filling by the Administration and Opposition of any remaining vacancies which they are entitled to fill in terms of the Scheme of Administration, such appointments to take effect 4 Clear Working Days after intimation to the Chief Executive;

(f) agree the following arrangements for the appointment to the Cabinet of additional Members when it considers Education Authority business (i) to appoint the Very Reverend Matthew Canon McManus and Ms Elizabeth Higton as the Roman Catholic Church and Church of Scotland representatives, respectively; (iii) to issue a public notice seeking nominations from church or denominational groups to fill the third Church representative position; (iv) to approve the appointment of a non-voting representative to be nominated by the Local Negotiating Committee for Teachers; (v) to appoint two non-voting pupil representatives (one male, one female), to be drawn from a pool of Youth Council members on a meeting-by-meeting basis and (vi) to remit to Cabinet to agree such appointments; and

(g) approve the appointment of lay representatives to the Education Appeal Committee, as referred to in 2.8 below.

1. Executive Summary

- 1.1 This report sets out the committee vacancies which require to be filled in terms of the Council's Scheme of Administration and invites the Council to approve appointments.

2. Background

- 2.1 The Council's Scheme of Administration provides for the establishment, terms of reference, and constitution of the Council and its committees. It also provides that all Chair and Vice Chair appointments should be made by the full Council; that the Leader and Depute Leader of the Council will fill the positions of Chair and Vice of the Cabinet; that the Depute Leader will chair the Policy Development Committee and that the Leader of the Council will Chair the Staffing and Recruitment Committee.
- 2.2 A draft Scheme of Administration is presented for the Council's approval elsewhere on the Agenda.

- 2.3 In terms of the Scheme of Administration, all Elected Members will automatically become members of the full Council and the Local Development Plan Committee. All Members are also members of the Locality Partnership for their respective area. There are six Locality Partnerships across North Ayrshire (i.e. Arran, Garnock Valley, Irvine, Kilwinning, North Coast and Three Towns). Members of Ward 5 could potentially choose to be members of both the Arran and Three Towns Locality Partnerships and Members of Ward 6 could potentially choose to be members of the Three Towns, North Coast and Cumbraes and Garnock Valley Locality Partnerships.
- 2.4 The Scheme of Administration details the composition of each Committee. It details the number of appointments to be nominated by the Administration, the Opposition (being the largest party not forming part of the Council Administration) and other Members. Members require to be nominated to the following committees:-
- Appeals Committee (membership pool comprising the Chair and all standing members of the Staffing and Recruitment Committee or named substitutes)
 - Audit and Scrutiny Committee
 - Ayrshire Shared Services
 - Cabinet
 - Education Appeal Committee (membership pool)
 - Licensing Committee
 - Local Review Body
 - North Ayrshire Integration Joint Board
 - Planning Committee
 - Police and Fire and Rescue Committee Policy Development Committee
 - Policy Development
 - Staffing and Recruitment Committee
- 2.5 In the event that the Administration and Opposition do not fill all of the Committee vacancies which they are entitled to fill in terms of the Scheme of Administration, it is recommended that Council agree that they can do so by intimating appointments to the Chief Executive, such appointments to take effect 4 Clear Working Days after such intimation. This is in line with the provision in the Scheme of Administration which provides that, on resignation of one of their nominees from a Committee, a Political Group can appoint a replacement.

- 2.6 Nominations are also sought in respect of the Chair (and Vice Chair if appropriate) position on each of the Committees established by the Council in its Scheme of Administration. These positions will be filled from among the Members appointed to each committee and will run for the duration of the administration.
- 2.7.1 The Council's draft Scheme of Administration, which is the subject of a separate report to the Council, provides for the following additional members of Cabinet when it meets to consider Education Authority business:-
- (a) as voting Members, three persons interested in the promotion of religious education appointed in accordance with Section 124 of the Local Government (Scotland) Act 1973 as amended by Section 31 of the Local Government Etc. (Scotland) Act 1994, and as detailed in Annexation A; and
 - (b) as non-voting Members, (i) a representative of the professional teaching associations nominated by the Local Negotiating Committee for Teachers, and (ii) two pupil representatives (one male and one female) being members of the Youth Council.
- 2.7.2 The church representatives referred to above are specified in Section 124(4) of the Local Government (Scotland) Act 1973 as:-
- (a) one representative of the Church of Scotland, nominated in such manner as may be determined by the General Assembly of the Church;
 - (b) in the case of the education authority for each area one representative of the Roman Catholic Church, nominated in such manner as may be determined by the Scottish Hierarchy of the Church; and
 - (c) one person in the selection of whom the authority shall have regard (taking account of the representation of churches under paragraphs (a) and (b) above) to the comparative strength within their area of all the churches and denominational bodies having duly constituted charges or other regularly appointed places of worship there.
- 2.7.3 The Roman Catholic Church has nominated Very Reverend Matthew Canon McManus to continue to serve in the role until September 2017. The Church of Scotland has nominated Ms Elizabeth Higton to continue as its representative. The third Church representative in the previous Administration was Mr Mark Fraser, representing the Bridge Church.

- 2.8 The Education Appeal Committee, in addition to comprising a pool of Elected Members from which one is drawn for each hearing, also has a pool of lay representatives, two of whom sit on each hearing. The following experienced individuals have previously served on the committee and have indicated their willingness to continue in the role:-

Katherine Emberson
Val Gibson
Gloria Killin
Edith Millroy
Ann Smyth
Jim Smith
Karen Wallace

3. Proposals

- 3.1 The Council is invited to:-

- (a) note that all Elected Members are automatically members of the full Council and the Local Development Plan Committee;
- (b) note that all Elected Members are members of the Locality Partnership which covers their respective ward, that Members of Ward 5 could potentially choose to be members of both the Arran and Three Towns Locality Partnerships and that Members of Ward 6 could potentially choose to be members of the Three Towns, North Coast and Garnock Valley Locality Partnership;
- (c) approve the appointment of Chairs (and, where appropriate, Vice Chairs) of committees of the Council;
- (d) approve nominations to the Appeals Committee, Audit and Scrutiny Committee, Ayrshire Shared Services Committee, the Cabinet, Education Appeal Committee, Licensing Committee, Local Review Body, North Ayrshire Integration Joint Board, Planning Committee, Police and Fire and Rescue Committee, Policy Development Committee and Staffing and Recruitment Committee;
- (e) approve the filling by the Administration and Opposition of any remaining vacancies which they are entitled to fill in terms of the Scheme of Administration, such appointments to take effect 4 Clear Working Days after intimation to the Chief Executive;

- (f) agree the following arrangements for the appointment to the Cabinet of additional Members when it considers Education Authority business (i) to appoint the Very Reverend Matthew Canon McManus and Ms Elizabeth Higton as the Roman Catholic Church and Church of Scotland representatives, respectively; (iii) to issue a public notice seeking nominations from church or denominational groups to fill the third Church representative position; (iv) to approve the appointment of a non-voting representative to be nominated by the Local Negotiating Committee for Teachers; (v) to appoint two non-voting pupil representatives (one male, one female), to be drawn from a pool of Youth Council members on a meeting-by-meeting business and (vi) to remit to Cabinet to agree such appointments; and
- (g) approve the appointment of lay representatives to the Education Appeal Committee, as referred to in 2.8 below.

4. Implications

Financial:	None arising from this report.
Human Resources:	None arising from this report.
Legal:	The appointment of Members to committees is essential to enable the Council to make decisions.
Equality:	Staffing and Recruitments Committee should have particular regard to the need for a gender mix.
Environmental & Sustainability:	None arising from this report.
Key Priorities:	None arising from the report.
Community Benefits:	Not applicable.

5. Consultation

- 5.1 Political Group Leaders have been consulted in terms of their nominations.



ELMA MURRAY
Chief Executive

Reference :

For further information please contact Melanie Anderson, Committee Services Team Leader on telephone number 01294 324131

Background Papers

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NORTH AYRSHIRE COUNCIL

Agenda Item 13

17 May 2017

North Ayrshire Council

Title: **Appointments to Outside Bodies**

Purpose: To advise the Council of the scope of appointments made to outside bodies and to invite nominations to fill Elected Member positions.

Recommendation: That the Council (a) appoints Elected Members to represent the Council on the outside bodies listed at Appendix 1; and (b) delegates authority to the Chief Executive to make officer appointments to the positions set out in Appendix 2 and notes the appointments set out therein.

1. Executive Summary

- 1.1 North Ayrshire Council is requested to make appointments to a range of outside bodies.
- 1.2 This report invites the Council to appoint Elected Member nominations to outside bodies and to grant delegated authority to the Chief Executive to make officer appointments.

2. Background

- 2.1 The Council appoints Elected Members to represent it on a wide range of outside bodies, both at national and local level. Such appointments ensure that the Council's interests, and therefore the interests of the people of North Ayrshire, are represented on key agencies.
- 2.2 In terms of the Council's draft Scheme of Administration, which is presented elsewhere on the Agenda for approval, all Elected Member appointments to outside bodies are approved by the Council. A list of all Outside Bodies for which Elected Member nominations are requested, is set out at Appendix 1.

- 2.3 On certain other bodies, officer representation is either requested by the Outside Body or is appropriate due to the degree of specialist expertise or operational involvement which is likely to be involved. It is recommended that the Chief Executive is given delegated authority to make these appointments. The list of nominations which fall into this category, and the officers to be appointed is contained at Appendix 2.
- 2.4 Where Members of Officers are appointed to an outside body, it is important to note that their primary duty when serving on that body will be to promote the interests of that body. Where a conflict of interest arises between the interests of the body and the Council, a Member may need to declare a conflict of interest. Where a Member serves on a Limited Company, Charity or Partnership, further specific legal duties also arise. Training in these duties will be provided as part of the Members' Induction Programme. Members serving on such bodies will also be supported by Lead Officers.

3. Proposals

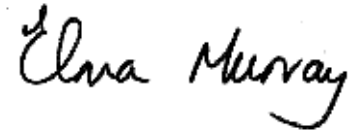
- 3.1 The Council is invited to:-
- (a) appoint Elected Members to represent the Council on the outside bodies listed at Appendix 1; and
 - (b) delegates authority to the Chief Executive to make officer appointments to the positions set out in Appendix 2 and notes appointments set out therein.

4. Implications

Financial:	The Council will meet the cost of officer and Member attendance at outside body meetings.
Human Resources:	Support for Elected Members in their role as Council representatives on outside bodies will be met by relevant Services from existing staff resources.
Legal:	<p>Members and officers serving on outside bodies, particularly on companies or charities, are subject to specific legal duties. The most important duty is that Members, when serving on that body require to promote the interests and objects of that body. Members are not appointed to promote the interests of the Council. Where a conflict arises between the interests of the body and the Council, and Members cannot in all conscience act in the interests of the outside body, then they will need to declare a conflict of interest and take no part in the particular decision.</p> <p>The Councillors' Code of Conduct contains a dispensation which allows Councillors who serve on outside bodies to take part in Council decisions relating to that body. This still requires the Member to declare their interest and cannot be used where the outside body is making a planning or other regulatory application to the Council.</p>
Equality:	None arising from this report
Environmental & Sustainability:	Relevant Outside Body appointments will support the Council's interest in terms of the environment and sustainability
Key Priorities:	Relevant Outside Body appointments support partnership working which in turn promotes all of the Council's Key Priorities.
Community Benefits:	Not applicable

5. Consultation

- 5.1 Group Leaders and independent Members have been invited to submit nominations.

A handwritten signature in black ink that reads "Elma Murray". The signature is written in a cursive style with a large initial 'E'.

ELMA MURRAY
Chief Executive

Reference :

For further information please contact Melanie Anderson, Committee Services Team Leader on telephone number 01294 324131

Background Papers

Correspondence with outside bodies

Members' List

Outside Body	No. of Appointees(s)	Nomination(s)	Substitute(s)
Arran Access Trust	1		N/A
Arran Economic Forum	1		N/A
Ayrshire Area Support Team	1		N/A
Ayrshire Educational Trust	5		N/A
Ayrshire Valuation Joint Board	6		N/A
Brodict Country Park Joint Committee	3		
Clyde Ferry Users Group	2		Not required but permitted
Clyde Local Liaison Committee	1		
Clyde Muirshiel Regional Park Joint Management Committee	2		2
Community Justice Ayrshire Committee	2		1
CPP Safer North Ayrshire Partnership	1		
COSLA Community Wellbeing Board	1		
COSLA Convention (proportionate to Council Members – 1 each (Labour, SNP and Others) plus 1	4		N/A
COSLA Environment and Economy Board	1		
COSLA Children and Young People Board	1		
COSLA Health and Social Care Board	1		
COSLA Leaders	1	Leader of the Council	Ad hoc
Cunninghame Housing Association	1		N/A
Dalgarven Mill Trust	1		N/A
Economic Development and Regeneration Strategy Board	3 Plus 1 Officer	Leader Leader of Opposition Portfolio holder	N/A
Flood Risk Local Plan District Steering Group (Ayrshire)	1		N/A
Haylie House Board of Trustees	1		N/A
Highlands and Islands Convention	1		N/A

Outside Body	No. of Appointees(s)	Nomination(s)	Substitute(s)
Hunterston Site Stakeholders Group	5 Plus 1 Officer		N/A
Kelburn Castle Restoration Works Trust	1 Plus 1 Officer	1 Member (North Coast & Cumbraes)	N/A
Kilbirnie Loch Management Committee	2		N/A
Largs Matters	2		N/A
Lowland Reserve Forces and Cadets Association	1		N/A
National Association of Councillors	1		
NHS Ayrshire and Arran	1	Leader	N/A
North Ayrshire Carer's Strategy Advisory Group	1		
North Ayrshire CCTV Limited	4		N/A
North Ayrshire Community Planning Partnership Board	6 plus (IJB Chair - NHS rep)	Members (Leader, Chairs of LPPs and Chair of IJB)	N/A
North Ayrshire Fairtrade Zone Steering Group	2		N/A
North Ayrshire Integration Joint Board	4 Plus 3 Officers (Advisors/ Members of the Board)	Portfolio Holder plus 3	
North Ayrshire Leisure Limited	4		N/A
North Ayrshire Licensing Board (same as Licensing Committee)	8	8 Members of Licensing Committee	N/A
North Ayrshire Municipal Bank	9		N/A
North Ayrshire Sports Association for the Disabled	1		N/A
North Ayrshire Ventures Trust Requested Member appointments are:- <ul style="list-style-type: none"> Portfolio holder for Communities One Opposition Member 	2 Plus 2 Officers		N/A
North Ayrshire Outdoor Access Forum	1		N/A
Response to Nuclear Decommissioning Steering Group	1		N/A

Outside Body	No. of Appointees(s)	Nomination(s)	Substitute(s)
Scotland Excel	1		
Scottish Councils Committee on Radioactive Substances	1	Portfolio Holder Finance	N/A
Scottish Islands Network	1	Leader	Portfolio Holder
Scottish Parliament Cross Party Group on Supporting Veterans	1	Provost	N/A
Spier's Trust Committee	3 Ward Cllrs		N/A
Strathclyde Concessionary Travel Scheme Joint Committee	1		
Strathclyde Partnership for Transport	1		
West of Scotland Archaeology Joint Committee	1		
West of Scotland European Forum	1		
West of Scotland Loan Fund	1		N/A
West of Scotland Road Safety Forum	3		

Officer List

Outside Body	No. of Appointees(s)	Appointment	Substitutes
Ardrossan North Shore LLP	2	Executive Director (Economy & Communities) Head of Service (Economic Growth)	
Economic Development and Regeneration Strategy Board	1	Chief Executive	No
Hunterston Site Stakeholders Group	1	Officer	No
Kelburn Castle Restoration Works Trust	1	Senior Manager (Property Management and Investment)	
Largs DBFM Co. Ltd.	1	Executive Director (Finance & Corporate Support)	
North Ayrshire Fairtrade Zone Steering Group	2	Either	No
North Ayrshire Integration Joint Board	3	Chief Social Work Officer Chief Officer of the Integration Board Proper Officer of the Integration Board appointed under section 95 of the Local Government (Scotland) Act 1973	Yes
North Ayrshire Ventures Trust	2	Chief Executive Head of Service (Connected Communities)	
Scottish Councils Committee on Radioactive Substances	1	Chief Executive Executive Director (Economy & Communities)	No
West of Scotland Loan Fund	1	Senior Manager (Business Development)	No