



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

North Ayrshire Council

A Meeting of the **North Ayrshire Council** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 27 June 2018** at **13:00** to consider the undernoted business.

- 1 Apologies**
- 2 Declarations of Interest**
Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.
- 3 Previous Minutes**
The accuracy of the Minutes of the meeting held on 9 May 2018 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).
- 4 Provost's Report**
Submit report by the Provost for the period from 10 May - 20 June 2018 (copy enclosed).
- 5 Leader's Report**
Submit report by the Leader of the Council covering the period from 3 May - 20 June 2018 (copy enclosed).
- 6 North Ayrshire Council Minute Volume (issued under separate cover)**
Submit, for noting, the Minutes of meetings of committees of the Council held in the period 18 December 2017 - 13 June 2018.

- 7 North Ayrshire Community Planning Partnership (CPP) Board: Minutes of meetings held on 31 May 2018**
Submit report by the Chief Executive on the Minutes of the meeting of the North Ayrshire Community Planning Partnership Board held on 31 May 2018 (copy enclosed).
- 8 Committee Timetable**
Submit report by the Chief Executive on a revised committee timetable for the remainder of 2018 and for 2019 (copy enclosed).
- 9 Governance Documents**
Submit report by the Chief Executive on a review the key Governance documentation which regulates the operation of Council, its Committees and Officers (copy enclosed).
- 10 Unaudited Annual Accounts 2017/18**
Submit report by the Executive Director (Finance and Corporate Support) to (i) provide the Council with an overview of the Council's unaudited Annual Accounts for the year to 31 March 2018; (ii) provide an overview of the Council's financial performance for the year; and (iii) outline how the 2017/18 outturn impacts on the Council's overall financial position (copy enclosed).
- 11 North Ayrshire Charitable Trusts: Unaudited Trustees' Annual Reports 2017/18**
Submit, for approval, report by the Executive Director (Finance and Corporate Support) on the unaudited Trustees' Annual Reports for the year to 31 March 2018 (copy enclosed).
- 12 Treasury Management and Investment Annual Report 2017/18**
Submit report by the Executive Director (Finance and Corporate Support) on the Treasury Management and Investment Annual Report and Prudential Indicators for 2017/18 (copy enclosed).
- 13 Car Park, New Street, Stevenston - Compulsory Purchase**
Submit report by the Chief Executive on the proposed compulsory purchase of land required to provide parking spaces in Stevenston town centre, relieving and preventing congestion (copy enclosed).

14 Strategic Planning, Commissioning and Delivery of Health and Social Care Services within Ayrshire and Arran

Submit report by the Chief Executive (i) providing a conclusion to the 2017 review of arrangements for planning, commissioning and delivery of health and social care services in Ayrshire and Arran; (ii) presenting proposals to address the findings from the Review of the Integration Scheme between North Ayrshire Council and NHS Ayrshire & Arran in respect of lead partnership arrangements; (iii) seeking agreement for the next steps in respect of Fair Share commissioning within the Ayrshire and Arran Health and Care system; and, (iv) outlining future development in respect of "Directions" as the Model provided by the Public Bodies (Joint Working)(Scotland) Act for Integration Joint Boards to commission services from the Council and NHS Board (copy enclosed).

15 Ayrshire Regional Partnership for Inclusive Economic Growth

Submit report by the Executive Director (Economy and Communities) on the proposed establishment of an Ayrshire Regional Partnership for Inclusive Economic Growth (copy enclosed).

16 Questions

(a) a question by Councillor Donald L. Reid to the Cabinet Member for Health and Social Care in the following terms:-

"Is the Cabinet Member for Health and Social Care aware that 1 in 4 children (230,000) in Scotland were living in poverty between 2014 and 2017 and that the respected Institute for Fiscal Studies estimates that this will increase by 50% by 2021, and can he:-

(1) confirm to Members the estimated number of young people in NA living in poverty in that same period (2014-17); and

(2) advise what steps NAC propose to take to ensure that we have in place a plan for NAC to ameliorate this trend of increasing levels of child poverty."

(b) a question by Councillor Donald L. Reid to the Cabinet Member for Communities in the following terms:-

"Can the Cabinet Member for Communities:-

(1) advise if there is any indication of the local impact being felt as a result of the closure of North Ayrshire Citizen Advice Service (NACAS) in terms of providing advice and support to our poorest residents when all the evidence points to the real benefits of having advice services readily available and accessible; and

(2) say whether there has been an assessment made of the impact on our own NAC Money Advice Service following the closure of NACAS and are there any plans to bolster this vital service."

(c) a question by Councillor Donald L. Reid to the Cabinet Member for Health and Social Care in the following terms:-

"The Cabinet Member for Health and Social Care will be aware that suicide is a growing problem in men under 50 in Scotland and indeed is now that age group's leading cause of death. Scottish Council for Voluntary Organisations advise that some 728 people took their own lives Scotland in 2017 - 75% of whom were male.

Can the Cabinet Member (a) provide details of the number of suicides in North Ayrshire in 2017 (or 2016 if 2017 figures are not available) and if practicable give a breakdown by age and sex; and (b) give brief details of any current or planned initiatives to combat the number of suicides in North Ayrshire."

(d) a question by Councillor Donald L. Reid to the Cabinet Member for Health and Social Care in the following terms:-

"The Portfolio holder (H&SC) may be aware that in Scotland recent research has shown that over 15,000 people fell into arrears for their care home costs over the past two years. Of the 15,733 found to be in debt, 6,443 were registered with local authorities as being the subject of debt management procedures for non-payment of social care charges. Can you portfolio holder comment on the current situation as it applies to North Ayrshire and in particular advise if anyone in North Ayrshire has ended up in court for non-payment in the past two years."

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

"The Leader will be aware of the 'Local state we're in 2018' report which recently surveyed 81 local authority chief executives and leaders across the UK, along with a poll of over 2,000 members of the public. Almost three-quarters (74%) of council leaders are expecting some local authorities to plunge into a "serious financial crisis" next year.

A whopping 74% of council respondents said that they expect some councils to get into **serious financial crisis** in the next year – a 20% increase in the level of failure compared to last year.

Whilst it is appreciated we are living through challenging times, can the leader reassure members that NAC is not one of the local authorities likely to get into serious financial crisis this year or next and highlight what steps the executive is taking to ensure the long-term financial stability of this authority."

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

"Can the Portfolio Holder for Place advise what support is given to residents across North Ayrshire who are bereaved and require financial assistance organising funerals?"

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

"Disabled people have an equal right to live an independent and fulfilling life in North Ayrshire.

"With this in mind, and following enquiries from constituents in my ward, I ask the Cabinet Member for Place if he can provide me with information on what he is doing to improve accessibility to our pavements for people with disabilities, people who are infirm and users of wheelchairs or mobility scooters in North Ayrshire."

(h) a question by Councillor Donald L. Reid to the Cabinet Member for Health and Social Care in the following terms:-

"The Cabinet Member will be aware of changes about to be actioned with regard to the contract for the provision of hearing (audiology) services to NAC by Action for Hearing (SAC lead authority for three Ayrshires). Several volunteers who provide key services in terms of manning audiology drop-in clinics in the Garnock Valley area advise that the first class services currently provided in North Ayrshire will drop from 7 clinics to 3 and that no home visits or care home visits will take place after July 2018. Such visits are absolutely vital, especially for older folk and those with disabilities. He will be aware that this service is provided mainly by volunteers whose commitment and professionalism is first class. I would ask the Cabinet Member to explain how local folk in North Ayrshire with hearing issues will be impacted by this reduction in service and outline how local people with hearing issues can be supported in future."

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

"Why is it necessary to have an assisted crossing / lollipop person within the grounds of the new Largs Campus? Was there a survey carried out in advance and if so what was the result?"

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

"How much revenue was lost to the Largs Seafront Car Park Fund between Good Friday 30 March 2018 and Tuesday 15 May 2018 due to cars being unable to access spaces as a result of the location of a construction compound?"

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

"Why is it necessary to have an Environmental Impact Assessment (EIA) for the proposed development at the Arran Ferry Terminal within Ardrossan Harbour and not for the Oil Rig Decommissioning Yard at Hunterston?"

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

“The i3 business area, Scotland’s Life Sciences Enterprise Zone, is situated within my ward. I am dismayed at the recent decision to snub i3, and consequently North Ayrshire, as the location for the new Medicine Manufacturing and Innovation Centre, a project that officers of this Council have worked on for some time and which formed a key part of the Ayrshire Growth Deal. Can the Leader advise Council what action is being taken following this most recent investment snub for North Ayrshire?”

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

“Universal Credit Full Service was rolled out in North Ayrshire on 22nd November 2017. Evidence from other areas where UC Full Service has been introduced have shown a sharp increase in rent arrears of UC claimants. Can the Leader of the Council give an early indication of the impact UC Full Service has had on North Ayrshire Council rent arrears?”

(n) a question by Councillor Marshall to the Leader of the Opposition in the following terms:-

‘The well respected and independent Institute for Fiscal Studies (IFS) have recently commented that the blueprint for independence laid out by SNP’s Growth Commission implies at least another decade of the sort of restraint on public spending that Scotland is currently experiencing.

If true and with UK public expenditure expected to grow at a greater rate, assuming an Independent Scotland, what cuts to public services would the SNP Opposition Group on North Ayrshire propose or support over the next 10 years to balance the budget?”

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

“Is the Leader of the Council still of the view that investment by the Council in the purchase of a private sector retail businesses guarantees a return on capital?”

17 Motions

(a) a Motion by Councillor Macaulay, seconded by Councillor Davidson, in the following terms:-

"Unison have recently launched its apprenticeship charter which provides a tool to ensure apprenticeships deliver positive outcomes for both apprentices and employers. Well funded, high quality apprenticeships which lead to a meaningful job, make an important contribution in addressing skills gaps and tackling youth unemployment. The most effective apprenticeships are developed by a joint approach, involving employers, trade unions, training providers, and apprentices. This Council has a good record on provided high quality apprenticeships that delivers good outcomes for apprentices and also employers. The Council therefore pledges to work with trade unions and partners to agree an Apprenticeship Charter for North Ayrshire Council."

(b) a Motion by Councillor Brahim, seconded by Councillor Burns, in the following terms:-

"Keep Scotland Beautiful recorded that 82.8% of motorways and A road verges in Scotland were littered in 2016/17. Furthermore, 68% of Scottish adults believe the amount of roadside litter is problematic and 88% of Scottish adults believe it creates a negative impression of Scotland.

Council understands the importance of keeping North Ayrshire's roads as litter free as possible to maximise its appeal for visitors and residents alike as well as for environmental health reasons, and believes that prevention is a key element in tackling the problem.

Council therefore resolves to support Keep Scotland Beautiful's Roadside Litter Campaign, encouraging drives across North Ayrshire to "give their litter a lift" by conducting an ongoing publicity campaign, exploring options to optimise the presence and location of roadside bins and monitoring roadside litter levels.

Finally, in line with the Scottish Government Litter Strategy, Council supports ongoing efforts to strengthen legislation in order to remove barriers to enforcement in relation to littering from vehicles."

(c) a Motion by Councillor Davidson, seconded by Councillor Larsen, in the following terms:-

"North Ayrshire Council recognises the significance of Kilwinning Academy being awarded the LGBT Youth Scotland Bronze Charter Mark in recognition of the outstanding work of the school's LGBT group; their many areas of excellent practice; and their thoughtful and comprehensive journey leading to an improved culture throughout the school community; and that Council congratulate them on this outstanding achievement and encourages our other schools to emulate their success."

(d) a Motion by Councillor McClung, seconded by Councillor Dickson, in the following terms:-

“That Council commends the Scottish Government for the passing of its new Domestic Abuse (Scotland) 2018 Act. This recognises as a criminal offence, not only the more obvious forms of domestic abuse involving physical and sexual violence, but also its more subtle manifestations, which may take the form of isolating one’s partner from friends and relatives, controlling his/her day-to-day activities, and frightening, humiliating, degrading or punishing said partner or ex-partner, all of which can have a profound detrimental effect on the victims of such abuse. The Act also recognises that not only adults, but children under eighteen, can suffer from domestic abuse.

Council agrees to continue to work with our Community Planning partners and Community Justice Ayrshire partners to reduce domestic violence, raise awareness of the changes in the Domestic Abuse (Scotland) Act and promote the support which is available to families that have been, or are currently being, affected by domestic abuse.

Further, that Council commends the work of North Ayrshire Women’s Aid and the Young Voices volunteers for their campaign to highlight the changes to the legislation, and also to promote healthy relationships for the young people of North Ayrshire.”

(e) a Motion by Councillor Davidson, seconded by Councillor McClung, in the following terms:-

"That North Ayrshire Council congratulates Kilwinning’s Corsehill Primary School on its outstanding achievement of winning the prestigious National Competition in The Best Garden for One Planet Picnic Award at Gardening Scotland in Edinburgh in June 2018; understands that the pupils were tasked with cultivating their creative garden designs which reflected the 2018 competition themes of growing food for people, gardening for wildlife and the UN Sustainable Development Goals; notes that the entries were required to use plants that can be eaten and attract biodiversity, reuse materials that would otherwise be thrown away, and that the garden should use clean and affordable energy sources; Council also notes that Corsehill Primary School placed as joint winner of the My Favourite Garden Award."

18 Urgent Items

Any other items which the Chair considers to be urgent.

Webcasting

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

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

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

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

North Ayrshire Council Sederunt

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

Chair:

Apologies:

Attending:

North Ayrshire Council
9 May 2018

IRVINE, 9 May 2018 - At a Meeting of North Ayrshire Council at 2.00 p.m.

Present

Ian Clarkson, Robert Barr, John Bell, Timothy Billings, Joy Brahim, Marie Burns, Joe Cullinane, 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, Tom Marshall, Jean McClung, Ellen McMaster, Ronnie McNicol, Louise McPhater, Davina McTiernan, Jimmy Miller, Jim Montgomerie, Ian Murdoch, Donald Reid, Donald L. Reid and John Sweeney.

In Attendance

E. Murray, Chief Executive; L. Friel, Executive Director (Finance and Corporate Support); C. Hatton, Executive Director (Place); K. Yeomans, Executive Director (Economy and Communities); S. Brown, Director (Health and Social Care Partnership); C. Amos, Head of Service (Inclusion) (Education and Youth Employment); and A. Fraser, Head of Democratic Services, A. Craig, Senior Manager (Legal Services), M. Gilmour, Senior Communications Officer (Media and Internal Communications); H. Clancy and A. Little, Committee Services Officers and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

Chair

Provost Clarkson in the Chair.

Apologies

Angela Stephen.

1. Provost's Remarks

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

2. Apologies

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

3. Declarations of Interest

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

There were no declarations of the Party Whip.

4. Previous Minutes

The accuracy of the Minutes of the Ordinary and Special Meetings of the Council held on 28 February 2018, was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973, subject to the undernoted.

Councillor McNicol, made reference to Item 10(b) of the Minute of the Ordinary Meeting of the Council held on 28 February 2018 and to the amendment moved by Councillor Cullinane, seconded by Councillor Bell. Councillor McNicol indicated that the terms of the amendment, as recorded in the Minute, did not reflect the words spoken by Councillor Cullinane, recorded as part of the webcast of the meeting.

The Provost agreed, in terms of Standing Order 5.7, to adjourn the meeting at 2.10 p.m. for a short recess, to allow Officers to review the matter raised by Councillor McNicol. The meeting reconvened at 2.30 p.m., with the same Members and Officers present and in attendance.

The Chief Executive advised that the Minute reflected the wording of the amendment which had been submitted by Councillor Cullinane by email in advance of the meeting and, it was understood, circulated in writing at the meeting. It was proposed, and the Council agreed, that the Minute be amended to include the following transcript of the words spoken by Councillor Cullinane at the meeting:-

“I heard from the Chief Executive that we’ve got an offer from Police Scotland to come and meet with us.

I think, given the feedback the Chief Executive has had with her discussions with Police Scotland, a letter writing process is just extending the period before we can get that meeting and I think that Council today should take up the offer from Police Scotland to get their Economic Crime unit down and any Members who do have questions or concerns arising from the documentary can then raise that with those officers at that moment in time.”

5. Provost's Report

Submitted report by the Provost for the period from 1 March to 2 May 2018.

The Provost highlighted a number of elements of his written report, including:-

- a reception to celebrate the Year of Young People 2018 at the Scottish Parliament on 7 March 2018;
- the International Women’s Day Lunchtime Gathering which took place in Cunninghame House on 8 March 2018;
- the Ayrshire Chamber Annual Dinner held on 8 March 2018;
- the 12 March 2018 Fly a Flag for the Commonwealth initiative;

- the Convention of the Highlands and Islands which took place on 12 March 2018;
- a St Patrick's Day Reception hosted by the Consul General of Ireland on 15 March 2018;
- the Provost's Civic Pride Awards which took place at the Portal in Irvine on 16 March 2018;
- a Citizenship ceremony held in Saltcoats Town Hall on 21 March 2018;
- the formal opening of Poppyscotland Ayrshire on 21 March 2018;
- Corsehill Primary School's production of "Oliver" on 22 March 2018;
- the opening of the Horticultural Skills Schools project on 23 March 2018, an initiative supported by the Princes Trust and Developing the Young Workforce;
- the Remembrance events held between 24 and 27 March 2018 to mark the 75th anniversary of the sinking of HMS Dasher;
- the Developing the Young Workforce Ayrshire Conference, which took place on 27 March 2018;
- the Faslane Patrol Boat Squadron Dinner which was held on 29 March 2018;
- the RYA National Youth sailing event and Sailing Youth National Championships held on 1 and 5 April 2018, respectively;
- the Prince's Trust and Cornerstone Get into Care awards ceremony held on 6 April 2018;
- a service arranged by the Irvine branch of the British Legion on 8 April 2018, to celebrate the centenary of the Royal Air Force;
- a visit to the Council Chambers by members of the Woodlands Debating Group on 10 April 2018;
- the 2018 Yom HaShoah (Holocaust Remembrance Day) event hosted by the Glasgow Jewish Representative Council on 11 April 2018;
- a visit to the Ayrshire Samaritans in Kilmarnock on 12 April 2018;
- a visit by delegates from more than twenty countries to the 5th Pan European Duck Symposium on 17 April 2018;
- a tour, on 17 April 2018, of facilities at the Lady Margaret Hospital;
- a visit to Cumrae Primary School on 17 April 2018;
- the Boys' Brigade National Badminton Finals held on 21 April 2018 at the SportScotland National Centre in Largs;
- a concert with young people who took part in the Ayrshire Music Festival on 25 April 2018;
- the Young Enterprise Scotland Awards which took place on 25 April 2018;
- a visit to the Ayrshire Armed Forces Veterans Breakfast Club on 30 April 2018;
- the celebration of Girdle Toll couple Mr and Mrs Pioli's Diamond Wedding anniversary on 30 April 2018;
- attendance at the Irvine Takeda Karate Club on 30 April 2018; and
- a wreath laying ceremony held on 2 May 2018 to mark the birth of John Galt in 1779.

The Provost also reported verbally on the following:-

- funds raised by Members and Council staff on Superhero Day on 4 May 2018, in support of Cash for Kids; and

- an event on 9 May 2018 to mark the first anniversary of Ayrshire and Arran Veterans First Point at Bridgegate.

Noted.

6. Leader's Report

The Leader of the Council reported for the period from 20 February to 2 May 2018.

The Leader highlighted the reference within his report to an inspirational meeting he had had with a local care experienced young person, who had explained the challenges she has faced as a care leaver and the positive impact on her life of the exemption from paying Council Tax.

Noted.

7. Council Minute Volume

Submitted for noting and approval of any recommendations contained therein, the Minutes of meetings of committees of the Council held in the period 16 February to 25 April 2018.

Noted.

8. North Ayrshire Community Planning Partnership (CPP) Board: Minutes of Meeting held on 22 March 2018

Submitted report by the Chief Executive on the Minutes of the meeting of the Community Planning Partnership Board held on 22 March 2018. The Minutes were attached as an appendix to the report.

The undernoted elements of the Minute were highlighted:-

- the decision by the CPP Board to endorse the establishment of a Pan-Ayrshire Collaborative Forum on Adverse Childhood Experiences and Trauma and to assist with the distribution of invitations for the viewing of the documentary “Resilience – the biology of stress and the science of hope”;
- updates which had been given on the work of the North Coast and Cumbraes and the Irvine Locality Partnerships in identifying local priorities and linking in with the wider community;
- the outcome of the Challenge Poverty Conference; and
- the decision to extend the list of invitees for the next CPP Board meeting to a wider range of statutory partners, in recognition of the engagement requirements of the Community Employment (Scotland) Act 2016.

Noted.

9. Appointments to Committees

In terms of Standing Order 7.2, the Council was invited to note resignations from Committees and subsequent appointments made by the relevant political Groups.

The Council agreed, in respect of the Police and Fire and Rescue Committee, to note (i) the resignation of Councillor McPhater and (ii) the appointment of Councillor Miller.

10. Appointment to Outside Bodies

The Chief Executive referred to a vacancy on the Haylie House Board of Trustees, following the resignation of Councillor Gallagher as the Council's representative, and also advised that nominations were sought for a Ward 6 and a Ward 8 representative to serve on a Hunterston Marine Yard Liaison Group.

Nominations, proposed and seconded, were received in respect of (i) Councillor Marshall to serve as the Council's representative on the Haylie House Board of Trustees, (ii) Councillors Barr and Ferguson to serve as the Council's Ward 6 representative on the Hunterston Marine Yard Liaison Group and (iii) Councillor Murdoch to serve as the Council's Ward 8 representative on the Hunterston Marine Yard Liaison Group.

Councillor Ferguson intimated the withdrawal of his nomination to serve on the Hunterston Marine Yard Liaison Group.

The Council agreed to (a) note the resignation of Councillor Gallagher as the Council's representative on the Haylie House Board of Trustees; and (b) appoint (i) Councillor Marshall as the Council's representative on the Haylie House Board of Trustees and (ii) Councillors Barr and Murdoch as the Council's Ward 6 and 8 representatives, respectively, on the Hunterston Marine Yard Liaison Group.

11. Questions

In terms of Standing Order No. 12 there were submitted the following questions:-

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

"Members will be aware that teachers, like other public sector employees, have endured a pay freeze for several years. Can the Leader outline his intentions, through his involvement in COSLA and other ways, to ensure teachers achieve an equitable result in their pay negotiation, bearing in mind the current budgetary constraints on this and other councils across Scotland."

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

“In 2017/18 Teachers received a pay settlement of 2% (1% effective from 1 April 2017 and a further 1% from 1 January 2018). This settlement exceeds the 1% agreed for all other local government employees, removing equity across the workforce.

Through participation at the COSLA Council Leaders meetings I will lobby to ensure that an equitable pay settlement is achieved for all local government employees including teachers.”

Councillor Easdale joined the meeting at this point.

(b) a question by Councillor Donald L. Reid to the Cabinet Member for Health and Social Care in the following terms:-

“Can you confirm and perhaps give any practical examples of the great work of our Care at Home Team during the period of heavy snow, ice and overall difficult condition - 28 February to 3 March - and confirm that these professional and dedicated workers have been appropriately acknowledged by senior management for their dedication to duty, and (2) advise Members of the approximate number of staff who were involved in delivering services during this period of extreme weather in Skelmorlie, Largs and Garnock Valley; and (3) confirm if any lessons have been learned from this situation which can be applied in future to ensure staff safety whilst maintaining the vital delivery of service to home care clients.”

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

“The period 28 February to 3 March was indeed a very difficult and challenging time for our services. Our Care at Home service, in particular, delivering personal care alongside medication administration and prompts to thousands of the most vulnerable in our communities was tested to the limit.

The professionalism and dedication of the staff involved meant that throughout that time, services continued to be delivered. For some of the more remote areas, and those areas affected worst by the snow, the Health and Social Care Partnership’s Care at Home teams were ably assisted by colleagues from the Place Directorate who cleared and gritted roads to assist access. Indeed members of the Streetscene team assisted by driving some Care at Home staff to less accessible homes in 4 x 4s.

Many staff also walked significant distances by foot to turn out for shifts and throughout the period our 700 strong workforce continued to deliver care. Their dedication through the adverse weather has been acknowledged by the management team and was recognised in the Director’s Weekly email.

Of the lessons learned, we found that our scheduling and monitoring system ensured that staff whereabouts, and therefore, safety was monitored throughout. We learned, however, that further work is required around the advice and guidance required for staff during periods of red weather warnings. Whilst no red weather warning was in place in North Ayrshire, staff travelling from areas where such a warning was in place were left unsure of the best course of action. This lesson is not just specific to Care at Home and has been actioned through our Health and Safety Committees and raised at a national level.

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

“We all recognise that without more investment in our roads infrastructure there will be a significant negative affect on our economy. How will North Ayrshire Council put pressure on the Scottish Government to make more money available so that all roads within North Ayrshire can be brought up to a good standard?”

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

“The Council’s Roads Service has in place an asset management approach to road maintenance to allocate available funds to locations that will offer the most beneficial return on the investment.

The estimated carriageway maintenance backlog figure for North Ayrshire is currently £31.6 million, including an additional £700,000 of estimated damage arising from the prolonged severe weather over the recent winter. The steady state figure for maintaining our roads at their condition prior to the recent winter was estimated at £3.8 million per year.

The Council provided an additional £1 million investment in 2017 and further increased investment from £16 million to £33 million over the next 10 years through the Capital Plan agreed in February 2018. The allocated capital investment for 2018/19 supported by revenue funding is £3.8 million. This funding will deliver the approved the 2018/19 Road Maintenance programme.

Scottish Government has recently announced the provision of £10 million to be shared across all councils in recognition of additional winter maintenance expenditure and repairs arising from the severe and prolonged winter weather. North Ayrshire's share of this is £213,000 which is now being invested in accordance with our Asset Management Plan prioritisations.

The Leader of the Council has written to the Finance Minister on several occasions, and will continue to raise issues, regarding the budget settlement and the requirement to provide additional funding to enable the Council to invest in its services. Furthermore at their meeting of the 27th April COSLA Leaders resolved to request additional funding from Scottish Government beyond the £10 million allocation.”

As a supplementary question, Councillor Billings asked for an assurance from the Administration that they would develop a plan for the repair of the minor roads on Arran.

Councillor Montgomerie responded by undertaking to meet with the Councillor Billings and Officers on Arran, to hear the Member's concerns.

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

"At the Council meeting in February the SNP councillors removed £280,000 from the Health and Social Care Partnership budget, resulting in cuts to the Care at Home budget.

When I receive complaints from constituents about not being able to get access to care packages, what cold comfort can I give them on how the money removed from social care is benefiting the education of the children of North Ayrshire?"

On a point of order, Councillor Gurney asked whether a question was competent if based upon a falsehood. The Head of Democratic Services advised that Standing Orders did not prevent consideration of a question, motion or amendment which included factual inaccuracy.

Councillor Foster thanked the Member for his question and, a written copy of the undernoted having been circulated at the meeting, he responded and responded in the following terms:-

"This is a Labour administration that recognises the pressure on our Health and Social Care system.

This is a Labour administration that invested millions more funding to the HSCP through the Challenge Fund, a challenge fund that is leading change across the local sector and gaining national attention.

This is a Labour administration that proposed to invest £1m more in our HSCP than any other party in this Chamber.

I am disappointed that the SNP cut deeper than the Tories and on budget day couldn't even tell us where they wanted the axe to fall.

But the Member should also be under no illusion that austerity politics and Tory policies are forcing the poorest in our communities, the more vulnerable in our communities, into our services with barbaric policies, universal credit, bedroom tax, cuts to disability payments and the loss of vital public services.

The challenge for the HSCP and others across Scotland is continuing to deliver high quality public services in line with a reducing settlement, this is something that will remain a challenge due to rising demand pressures."

On a point of order, Councillor Burns asked for confirmation that Standing Orders would have required the SNP Group, in proposing a budget change, to indicate the source of the money in question. The Chief Executive confirmed this was the case.

On a further point of order, Councillor Gurney requested advice on whether falsehoods in the answer to a question were permitted in terms of Standing Orders. The Head of Democratic Services advised that there was no requirement in Standing Orders for questions, motions, amendments or responses to be factually accurate, given the difficulty in drawing a line between what was inaccurate and that which was merely disputed. He further advised that statements which were defamatory were not permitted, albeit the issue of qualified privilege may apply. The Head of Service undertook to provide further information to Members on request.

As a supplementary question, Councillor Billings asked how the Administration proposed to demonstrate that the money moved from Health and Social Care to the Education budget had resulted in improved educational achievement and whether there was an intention to bring an education impact assessment on the matter back to the Cabinet.

Councillor Foster responded by expressing the view that it was too early to judge the impact of the change to the Education budget but confirmed the changes would be impact assessed in terms of normal practice and that this information should be available to Members in due course.

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

- “1. Between PFI/PPP/NPD/LOBO and PWLB, how much debt is the Council currently carrying?
2. For each type of debt that is applicable, what was the purpose of the debt/loan, and what is the repayment regime?
3. Who had the authority to incur the debt(s) and when were Elected Members consulted in each case?”

Councillor Cullinane thanked the Member for his question and referred to the following table which had been circulated at the meeting:-

Loan Type	Loan Principal at 31 March 2018 £m	Description	Actual Date / Date From	Date To	Term	Repayment Terms	Approved by	Date of (Latest) Approval
PPP	£66.990	PPP schools	29/10/2007		30 Years	Annuity	Council	13/12/2005
NPD	£46.628	Largs Campus	05/03/2018		25 Years	Annuity	Council	09/12/2014
LOBO	£53.100	General borrowing in support of the Council's approved General Services and HRA Capital	18/02/1985	29/01/2008	25 - 70 years	Maturity	Council - Scheme of Delegation authorises the Executive Director (Finance and Corporate Support) to make all borrowing arrangements for the Council.	01/03/2017
PWLB	£154.379	Investment Programmes,	24/01/1990	11/03/2016	10 - 60 years	Maturity	Treasury Management and Investment Strategy approved annually.	
Other	£41.569	including cash flow management.	01/03/2016	26/03/2018	1 - 60 Months	Maturity		
Total	£362.666							

As a supplementary question, Councillor McNicol asked the purpose of the following LOBO loans secured by the then Labour Administration Council between 3 April 1986 and 29 January 2008, who advised Council to enter the LOBOs and who signed them on behalf of the Council:-

- £10m borrowed on 29 January 2008 at an interest rate of 3.89% p.a., redeemable on 31 January 2078;
- £1.150m borrowed on 22 January 2008 at an interest rate of 11.125% p.a., redeemable on 3 April 2026;
- £10m borrowed on 18 December 2006 at an interest rate of 4.75% p.a., redeemable on 18 December 2065;
- £4m borrowed on 29 September 2006 at an interest rate of 4.99% p.a., redeemable on 29 November 2066;
- £10m borrowed on 19 May 2006 at an interest rate of 4.45% p.a., redeemable on 19 May 2066;
- £5m borrowed on 15 May 2006 at an interest rate of 4.75% p.a., redeemable on 15 May 2066;
- £2m borrowed on 31 March 2006 at an interest rate of 4.99% p.a., redeemable on 31 March 2066;
- £5.6m borrowed on 16 May 2005 at an interest rate of 4.75% p.a., redeemable on 17 May 2055;
- £2m borrowed on 31 December 1990 at an interest rate of 11% p.a., redeemed on 31 December 2015;
- £1m borrowed on 31 December 1990 at an interest rate of 11% p.a., redeemed on 31 December 2015;
- £2m borrowed on 28 December 1990 at an interest rate of 11% p.a., redeemed on 28 December 2015;
- £1m borrowed on 21 December 1990 at an interest rate of 11% p.a., redeemed on 21 December 2015;
- £2m borrowed on 7 December 1990 at an interest rate of 11 3/8% p.a., redeemable on 7 December 2050;
- £2m borrowed on 30 November 1990 at an interest rate of 11 1/8% p.a., redeemed on 30 November 2015; and
- £350,000 borrowed on 3 April 1986 at an interest rate of 11 1/8% p.a., redeemable on 7 April 2026.

Councillor Cullinane responded by indicating that, having been himself born in 1986 and North Ayrshire Council not having come into being until 1996, he was unable to provide information on the bonds in question, but would work with the Executive Director (Finance and Corporate Support) to establish what information could be retrieved. At the request of Councillor McNicol, the Leader undertook to circulate this to all Members.

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

“Can the Cabinet Member for Health and Social Care confirm the budget contribution from North Ayrshire Council to the Integrated Joint Board for year 2017/18 and again for 2018/19.”

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

“The 2017/18 NAC element of the budget currently sits at £89.334m. The 2018/19 contribution is £90.498m.

Councillor Macaulay thanked the Cabinet Member for confirming the increase to the Health and Social Care budget, but expressed disappointment at the earlier lack of acknowledgement by Councillors Billings and Foster of the extra £3.5m delivered in the SNP’s budget this year and the positive impact on schools of securing frontline education staff, and asked both Members to consider visiting a school to ask staff what difference that makes to children’s lives.

Councillor Foster responded by commenting that putting a budget up by £1 each year and describing that as a record investment was not the same as providing the funds necessary to deliver high quality public services. He referred to the NHS Ayrshire and Arran having to apply for brokerage in the amount of £23m from the Scottish Government and the £25m of cuts on the table for this year alone. He suggested the Member should focus on developing a model for Health and Social Care that is properly funded and sustainable and, if he really did wish to see change, the Member should join the many voices asking the current Health Secretary to resign.

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

“What contact, if any, has there been with the UK Government following Theresa May’s public commitment to ‘talk’ about the Ayrshire Growth Deal?”

Councillor Gallagher thanked the Member for her question and officers for their work in terms of the Ayrshire Growth Deal, and responded in the following terms:-

“Following the announcement of the Prime Minister on the 29th March that the UK Government would enter into formal talks on the Ayrshire Growth Deal there was a tripartite meeting of officials from both Governments and the Chief Executives of North, East and South Ayrshire Councils on the 9th April to discuss next steps in the negotiation process on the Growth Deal. Officials are preparing a 'routemap' setting out the key milestones to deliver a final deal document and a template for the Deal's Heads of Terms document. There is a further meeting scheduled for the 15th May to further progress this. Project business cases have been refreshed and brought up to date and are being submitted to both Governments.

On the 25th April Patrick Wiggins, Bid Director, met with Jake Berry MP Parliamentary Under Secretary of State, Minister for the Northern Powerhouse and local growth (the UK Government's City and Regional Growth Deal teams report through this Department). The meeting focussed on the potential timetable for the AGD (but not in any detail, but the case was put for this to be progressed swiftly) and what the UK Government expected to see in Regional Deals including a focus on sectors, linkages to the Industrial Strategy, productivity gains and a key role for the private sector.”

As a supplementary question, Councillor Burns asked whether any meeting had taken place or was planned with the representative of the UK government in Scotland, David Mundell.

Councillor Gallagher responded by indicating that he presumed meetings would be held with as many influential people as possible.

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

“In the summer of 2014, the SNP administration, as part of the NACPP, agreed to invest in a detailed ChildrenCount Wellbeing Survey conducted by Dartington Research Unit; a study completed by our school children aged 9-16 years, asking them directly about their lives.

From that survey information, completed by 8,138 pupils (93%) from 50 primary schools and 9 secondary schools, we gathered hugely valuable information that has given direction to our Children's Services Commissioning Plan and the embedding of Nurture in our schools to support Wellbeing as well as Attainment.

After 4 years, could the Cabinet holder for Health and Social Care advise if this administration is planning to propose a follow up survey, to ensure that the support measures and service provision put in place since, do meet the current needs of our young people?”

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

“The development of the Children Services Plan - Getting it Right for You, was as highlighted, directly influenced and shaped by the views and experiences of children and young people in North Ayrshire, in addition to knowledge of the demographic, health and wellbeing profile/data.

The immense value of developing a Children Services plan in this way has been recognised not only locally but also across Scotland. We are committed to continue to work with the Dartington Research Unit and plan to engage with and undertake further research activity 2019/20.

As a supplementary question, Councillor Dickson asked whether this, the Year of Young People, would be the ideal time to carry out and bring forward further research activity on the extent to which need was now being matched with service provision, suggesting that information on this would be advantageous to the Council, the IJB and wider CPP.

Councillor Foster responded by extending an invitation for the Member to meet with the relevant Officer and himself to discuss issues around running the Dartington research again, including budget implications.

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

“Now that North Ayrshire Council have passed a budget that included funding the process to decriminalise parking enforcement, what is the program and timescale for the Council to begin enforcement?”

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

“Following the budget decision Officers met with representatives from Transport Scotland's Road Policy Team to progress the implementation of DPE. It is anticipated that the timescale to introduce Decriminalised Parking Enforcement (DPE) will take between 18 months and 2 years. However objections at any stage of the process may result in a longer timescale.

The process is extensive and requires a range of actions including the preparation of a detailed business case, review of existing parking controls, consultation at various stages, submission of applications at draft and final stages to Transport Scotland, preparation and development of Statutory Instruments and Ministerial and Parliamentary approval.

A cross-service project board has been established consisting of officers from Place, Economy and Communities, Legal Services and Finance and Corporate Support. Progress and reports will be submitted to the Cabinet as appropriate.”

As a supplementary question, Councillor Murdoch asked that the Council introduce a full strategic traffic and parking management plan, particularly in Largs, before enforcement begins and look sympathetically on all North Ayrshire town centres to keep them thriving in a declining market.

Councillor Montgomerie responded by advising that a recommendation would come to Cabinet in due course.

(j) a question by Councillor Murdoch to the Cabinet Member for the Economy, in the following terms:-

"Does North Ayrshire Council have any plans to follow South and East Ayrshire Councils' example and implement a Trusted Traders Initiative?"

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

"In 2014/15 North Ayrshire Council's Protective Services Team considered the costs, benefits and risks of joining an all Ayrshire, jointly administered, Trusted Trader scheme. At that time a decision was taken not to enter into the agreement and instead develop our own service which would better fit North Ayrshire's engagement model with residents, businesses and partner organisations. As Trusted Trader schemes are traditionally focused on builders and home improvement companies the 'Find a Builder' page was added to the Trading Standards web site in September 2015. This gives guidance and advice on budgets, quotes and contracts as well as listing companies that are affiliated to the professional body that represents them and who carry out the appropriate professional checks and audits relevant to their area of work. This service compliments the other year round work that Trading Standards do to promote legitimate businesses and protect vulnerable individuals from bogus callers, doorstep crime and scams. North Ayrshire Council at present therefore do not have any plans to implement a Trusted Traders Initiative."

As a supplementary question, Councillor Murdoch asked the Council to consider implementing such a scheme, as it appeared to be successful in South and Each Ayrshire and could potentially cover all trades.

Councillor Gallagher responded by confirming that no option was 'off the table', but questioned the success of the scheme elsewhere, given the low take-up. He also referred to a number of alternative trade bodies offering registration and advised of the need to avoid duplication of effort.

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

“Will the Cabinet Member for Place join me in congratulating the Scottish Government's continued support of council house building, welcome the latest £35 million increase to council house building allocations in Scotland for a total of £568 million this year, £591 million next and £630 million in financial year 2020/21, and confirm an expanded building programme for North Ayrshire underpinned by Scottish government funding during the current term of this Council.”

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

“Under Labour, 30,000 housing association houses were constructed. The Council's house building programme was introduced in 2011 under a Labour Administration and proposed a build programme of 500 new Council homes. Since the SNP resigned in August 2016, the current Labour Administration have twice expanded that build programme, making our SHIP, including new homes being delivered by the Council and through our registered social landlord partners amongst the largest if not the largest per head of population in Scotland. This is before any additional investment in social housing is delivered through the high rise flats proposal at Fullarton.

I welcome any investment in social housing and, as I have said in my previous response to the Member, grant funding from the Scottish Government equates to around 40% of the overall planned investment. With that in mind, and the fact that we have welcomed the Scottish Government funding, I am sure the Member will want to take this opportunity to thank the previous Labour Administration for kick-starting council house building in North Ayrshire again in 2011 and welcome the fact that this Labour Administration are delivering the biggest social house building programme in a generation and one of the largest per head of population in this country.”

12. Motions

In terms of Standing Order 13, submitted:-

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

"North Ayrshire Council condemns the decision of commercial operators, Europe and Jersey to close the car park in New Street Stevenston, built to serve their commercial development. The closure impacts on their tenants, their customers and public alike. We note that closure appears to be designed to put pressure on the Council to relieve the owners from their responsibilities. As a matter of principle Council will not be held to ransom. Nor should public funds be used to benefit private companies that have such disregard for community interests. The closure has a significant impact on Stevenston. Accordingly Council agrees to instruct officers to examine parking provision within Stevenston to identify the extent of any shortfall, whether reasonable terms can be agreed with Europe and Jersey to acquire the car park, the provision of alternative car parking provision elsewhere, to investigate the potential to improve disabled car parking to support the most vulnerable and to report back to Cabinet in June. In the interim, Council calls on Europe and Jersey to show good faith by re-opening the car park pending such investigation."

As an amendment, Councillor Marshall, seconded by Councillor Billings, moved that the Council instruct officers to negotiate with Europe and Jersey to bring the car park into use and report back to the Cabinet.

As a further amendment, Councillor Gurney, seconded by Councillor McMaster, moved that the Council agree the terms of the motion subject to the removal of the phrase "whether reasonable terms can be agreed with Europe and Jersey to acquire the car park" and the addition after "support the more vulnerable" the phrase "and investigate whether any enforcement action can be taken to ensure Europe and Jersey comply with their legal obligations."

In terms of Standing Order 14.5, and following clarification from the Head of Democratic Services on the terms of the applicable Section 75 order, Councillors Gurney and McMaster agreed to alter their amendment to remove its reference to investigating enforcement action.

Members asked questions and debated the matter.

In terms of Standing Order 14.5, and with the agreement of the Council, the movers of the amendments agreed to withdraw their amendments. Accordingly, the motion was declared carried.

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

"Council notes the request by Irvine Community Council for a North Ayrshire wide public consultation, including the sharing of information with the public, regarding the previous proposal to purchase the Rivergate Centre and resolves to support the request."

On a point of order, Councillor Hill sought clarification as to whether it was competent for the Council to consider undertaking a public consultation exercise on a matter which had already been determined by the Council, the decision having been taken on 20 December 2017 not to purchase the Rivergate Centre. The Head of Democratic Services confirmed the competence of the motion. He confirmed the issue was whether the motion was the same or substantially the same as the decision made by the Council on 20 December. If so, the agreement of two thirds of Members would be required to suspend Standing Orders before the motion could be considered. The decision on 20 December had been not to accept the recommendations of a report, the key recommendation of which was to acquire the Rivergate Shopping Centre. In the view of the Head of Democratic Services, any amendment which sought either to acquire the Rivergate Shopping Centre or to confirm the Council's decision not to acquire it, would require suspension of Standing Orders. However, the current motion was different as it sought support for a request for a consultation, which did not in itself impact on the decision not to acquire the Rivergate Centre.

As an amendment, Councillor Gurney, seconded by Councillor Glover, moved that the Council note Irvine Community Council's request regarding the proposal to purchase the Rivergate Centre and agree to provide such information as is not held commercially in confidence.

Members asked questions and debated the matter.

On a point of order, Councillor Gurney queried whether there were any budget implications associated with the motion which should properly have been taken into account within the terms of the motion. The Chief Executive advised that, if a consultation could not be met from existing resources or via an underspend, then the matter would be reported to the Council for decision.

The movers of the amendment and the motion then summed up.

On a division, there voted for the amendment 20 and for the motion 11, and the amendment was declared carried.

The Council then adjourned at 5.00 p.m. for a comfort break, reconvening at 5.15 p.m. with the same Members and officers present and in attendance, with the exception of Councillor Marshall, who left the meeting at this point.

(c) a motion by Councillor Foster, seconded by Councillor Cullinane, in the following terms:-

“In December 2017 North Ayrshire agreed a number of actions to become a childcentred Council.

Council therefore welcomes and notes the work currently being undertaken by the independent review into the care system in Scotland. The Independent Care Review will not publish its final recommendations until 2020, however Council believes that children and young people who are care experienced should not wait until 2020 for changes that can be made sooner.

Council notes that the majority of children and young people who are care experienced are in this position because their family support has broken down, and that this is very rarely as a result of their actions.

Already the Independent Care Review has advised that as a result of stigma, language and the day-to-day arrangements that are made to support care experienced children and young people public services could change and improve their approach.

The Council instructs Chief Officers to work to address these issues and encourage professionals who work with care experienced children and young people to use language and behaviours that are more suited to a family setting.

For example, Council notes that care experienced children and young people are routinely taken out of education to attend meetings with social workers and other professionals. Being removed from the classroom during the school day has a detrimental impact on care experienced children and young people and can negatively impact on, attainment, building relationships, mental health and can lead to a feeling of being singled out as different from their peers.

The Council therefore instructs Chief Officers to review the practice of removing children and young people from school with the aim of ceasing this practice at the earliest opportunity.

Council notes that care experienced children and young people who have fewer homes and live long term with well supported foster carers who build positive relationships will statistically be healthier, have better education attainment and are more likely to reach a positive destination post-secondary school.

The Council asks that work be undertaken between the HSCP and Housing Services to encourage and support new prospective foster carers, especially those who currently live in housing that cannot accommodate children, to ensure they meet the requirement of becoming a North Ayrshire foster carer. Council asks that the way we recruit prospective foster parents no longer takes into account the applicant's current housing situation at the first stage. Instead the assessment focuses solely on an individual's ability for the role and we then support any new foster carers to access adequate housing to take this important role forward."

There being no amendment, the motion was declared carried.

(d) a motion by Councillor Cullinane, seconded by Councillor Macaulay, in the following terms:-

"Council notes that:

- The Transatlantic Trade and Investment Partnership (TTIP), the trade deal between the EU and US, stalled at the beginning of 2017, due to widespread public and political concern on both sides of the Atlantic.
- The Comprehensive Economic and Trade Agreement (CETA), between the EU and Canada, despite similar concerns, was passed by the European Parliament in February 2017 and is now awaiting ratification by member states.
- CETA will allow corporations to use a new Investor Court System (ICS) which affords transnational companies rights over elected governments.
- The effects of trade deals like TTIP and CETA go well beyond traditional goals of trade agreements, encompassing a wide spectrum of public policies. These include the harmonisation of regulatory standards; opening markets in the service sector; and the opening up of public procurement markets.
- The current UK government has indicated that it plans to use TTIP and CETA as the basis for any new trade agreements that it negotiates after Brexit.
- In the last two years, ten local Scottish Councils passed motions opposing TTIP and CETA (Dundee, East Dunbartonshire, Edinburgh, Fife, Glasgow, Inverness, Midlothian, North Ayrshire, Stirling and West Dunbartonshire), which demonstrates widespread concern amongst local authorities about the negative impacts of these kinds of trade deals.

This Council believes that:

- This new generation of trade deals represents a real threat to local democracy, affecting the freedom local authorities have in decision making, when these decisions affect the profits of multi-national companies.
- These trade deals could also negatively impact on local services, employment and suppliers, as power is transferred from local and national governments to international corporations.
- A different system of trade is needed, which honours obligations to human rights, workers' rights and climate change commitments.

- Trade deals should be used to help build a fairer society and protect the planet

This Council therefore agrees:

- To endorse the Trade Justice Scotland Coalition’s ten principles for just trade, as an alternative to trade deals like TTIP and CETA.
- That the Leader of this Council should write to the Secretary of State for Communities, Social Security and Equalities; the Cabinet Secretary for Finance and Constitution, and local MPs and MSPs to warn of the impact that a new generation of trade deals might have on Council decision-making after Brexit, and to call for them to endorse the Trade Justice Scotland Coalition’s principles for just trade
- That the Leader of the Council will write to COSLA to express concern about the impact that future trade deals, negotiated by the UK government after we leave the EU and modelled on TTIP and CETA, might have on local council decision-making, and ask them to raise these with the UK government and Scottish government on this Council’s behalf.”

In speaking to his motion, Councillor Cullinane summarised the Trade Justice Scotland coalition’s ten principles for just trade, a copy of which he had circulated by email to Members prior to the meeting.

There being no amendment, the motion was declared carried.

13. Motions to Amend Standing Orders

In terms of Standing Order 22, submitted:-

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

“That clause 2 of the Standing Orders be amended as follows:- The word “eighth” where it appears in line 3 of clause 2.1 shall be replaced by the word “sixth” and the word “eight” where it appears in the same line shall be replaced by the word “six”.”

Councillor Hill, by way of clarification, proposed that the above change be implemented following the summer recess and applicable only to meetings of the full Council. He also requested, and received, confirmation that the proposed change could be accommodated within existing resources.

There being no amendment, the motion was declared carried.

(b) a motion by Councillor Hill, seconded by Councillor Larsen, in the following terms:-

“Clause 21.1 delete “in any case of urgency as determined by the Provost.”

As an amendment, Councillor Billings, seconded by Councillor Gallagher, moved that Clause 21.1 of Standing Orders should not be amended.

Members asked questions and debated the matter. The movers of the amendment and the motion then summed up.

On a division, there voted for the amendment 16 and for the motion 14, and the amendment was declared carried.

The Meeting ended at 5.30 p.m.



PROVOST'S REPORT

For the period covering: 10 May– 20 June 2018

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



PROVOST'S REPORT

For the period covering: 10 May– 20 June 2018

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

Ground Breaking Ceremony, Watt Court, Dalry, 11 May

On 11 May I was delighted to attend the Ground Breaking ceremony to mark the start of our new housing development at Watt Court, Dalry. The site will provide 22 new homes within a sheltered housing complex, eight amenity bungalows and a Local Housing Office. This new project will continue the Council's ambitious affordable house building programme in North Ayrshire.

Polish National Day - Reception and Concert hosted by Consul General of Poland, Edinburgh City Chambers, 11 May

On the evening of 11 May I attended a reception and concert, hosted by the Consul General of Poland in Edinburgh City Chambers. The event was organised to celebrate Polish National Day and was attended by civic leaders throughout Scotland.

The Salvation Army West Scotland Division - Advisory Board AGM, Glasgow, 14 May

On the 14 May I attended the Salvation Army West Scotland Division - Advisory Board AGM in Glasgow. The Division covers North Ayrshire and I was interested to hear about the work this particular organisation carries out in our local communities and communities throughout Scotland.

Creative Pathways – Exhibition, Trinity Church, Irvine, 16 May

On 16 May I was delighted to attend an exhibition and pop-up shop featuring environmental-themed artwork and upcycled items by young people taking part in the Creative Pathways employability programme. Ten unemployed 16-17 year olds from North Ayrshire had been working with Impact Arts' artists and employability staff, learning creative skills and making artwork while getting guidance and support to find employment, education or training.

It was excellent to be able to acknowledge the achievements of these young people.



Poppyscotland Ayrshire, Mental Health Awareness Open Day, Kilmarnock, 17 May

On 17 May, I went along to Poppyscotland Ayrshire who in conjunction with a number of their specialised Armed Forces Mental Health related partners, hosted a Mental Health Awareness Open Day. The aim of the event was to:

1. Inform and increase awareness of mental health support for our Armed Forces Community in Ayrshire, how to access and give knowledge of other services available.
2. Reduce stigma and promote mental health pathways for our Armed Forces Community in Ayrshire.
3. Inform statutory, third sector agencies, the general public and our Armed Forces Community of the support available in Ayrshire.

Launch of Confucius Primary Hub, St Mary's Primary School, Largs, 18 May

On 18 May I joined Consul General Pan from the Chinese Consulate in Edinburgh at the launch of the Confucius Primary Hub at St Mary's Primary School in Largs. During the launch there were excellent performances from our talented pupils and Scottish Opera. The Hub concept promotes joint planning of cultural activities, sharing ideas and resources to stimulate the learning and teaching of Chinese language and culture.

The Opening of the General Assembly of the Church of Scotland, Edinburgh 19 May

On 19 May the Executive Director (Place) and I were joined by Lord Provosts, Provosts, Conveners and Chief Executives from local authorities throughout Scotland for the Opening of the General Assembly of the Church of Scotland. Guests gathered at Edinburgh City Chambers then paraded to the Assembly Hall for the official opening which included the installation of the Moderator, Rev. Susan Brown who is Minister of Dornoch Cathedral. This year the General Assembly celebrated the 50th anniversary of the ordination of women to the ministry of word and sacrament.



43rd Annual May (Burgh) Ball, Riverside Lodge Hotel, Irvine, 19 May

On the evening on 19 May I was in Irvine for the 43rd Annual May (Burgh) Ball. The event arranged by Irvine Incorporated Trades celebrates the Town's rich cultural history. It is a tradition at the event that the Provost gives the reply to the toast of the Royal Burgh, which I was delighted to do. I also took the opportunity to acknowledge the positive role the Incorporated Trades play in promoting Irvine and its history to audiences both locally and nationally.

ADP Cup, Kilwinning Community Sports Club, 22 May

On 22 May I attended the ADP (Alcohol and Drug Partnership) Cup Event at Kilwinning Community Sports Club. Hosted by the FITba4u project, service users took on staff at what is now an annual footballing challenge. This was a great occasion for everyone involved and highlighted all the hard work taking place, the range of interventions offered and the positive impact the FITba4U project has on the service users and their quality of life.

Lawthorn Primary School, Irvine 31 May

On 31 May, I attended a school assembly at Lawthorn Primary School where I got the chance to wish all the P7s well on the next chapter of their education journey to Secondary School. I also got the opportunity to wish Mrs. McCall our very best on her retirement. I was also delighted to return to the School on 14 June to shortleet their citizenship awards nominations

Mr. and Mrs. Brennan, Diamond Wedding Anniversary, Saltcoats, 31 May

On the afternoon of 31 May it was a great pleasure to visit Mr. and Mrs. Brennan from Saltcoats on the occasion of their Diamond Wedding anniversary. 60 years of marriage is a huge milestone and I was only too delighted to mark this celebration.

Year of Young People Civic Reception, Saltcoats Town Hall, 31 May

2018 is Year of Young People and I was delighted to host a civic reception to mark the achievements of our young people here in North Ayrshire. Over 100 young people from the world of sport and music were recognised at the event for their national or international successes. The event, held in Saltcoats Town Hall on 31 May, opened with performances from North Ayrshire's highly acclaimed Schools' Senior Concert Band, who secured a Gold award at the National Concert Band Festival earlier this year. This gave way to a street dance show by pupils from Whitehirst Park and Caledonia primary schools.



Young people were then invited on stage to collect certificates – one from the Council, and the other issued on behalf of the First Minister as part of the Year of Young People. Our own Year of Young People Ambassadors greatly assisted in organising this special event which I am truly grateful for.

Official Opening of Largs Campus, Largs 13 June

It was an honour to officially welcome my colleagues and guests to the formal opening of Largs Campus by the First Minister on 13 June. It has been a long road for us to finally get to this point, with the planning for this building commencing five years ago. The facilities available for the schools and the community are truly amazing and I hope they will be well used for many years to come.

Ardrossan Academy Nail Bar Launch, 15 June

Ardrossan Academy officially launched their Nail Bar project on 15 June. With the help from Developing Young Workforce and the Princes Trust, the Project helps develop pupils' skills and prepare them for future employment.

Walking with Heroes Reception and Concert, Kilmarnock, 15 June

On 15 June, I attended a civic reception and concert hosted by Provost Todd from East Ayrshire Council in support of Armed Forces charity Poppyscotland. Scotland's State Band, the Band of the Royal Regiment of Scotland, performed as part of a national tour 'Walking with Heroes' marking the centenary of the end of the First World War. This is their first ever national tour and they hope to raise tens of thousands of pounds. 'Walking with Heroes' featured classical compositions and folk tunes as well as traditional Military / brass band musical pieces.

Opening of Ardrossan Castle Carnival, Ardrossan, 16 June

On 16 June I officially opened the Ardrossan Castle Carnival. The event is now in its third year and is going from strength to strength. A huge range of activities were on offer arranged by the volunteers who make up the Ardrossan Castle Heritage Society. I cannot emphasise enough the amazing work carried out by volunteers in our local communities, they work tirelessly throughout the year, normally without recognition, for the benefit of others and my gratitude goes to each and every one of them.



Scottish Provost's Association, Edinburgh, 19 June

I travelled to Edinburgh City Chambers to attend a meeting of the Scottish Provost's Association on 19 June. The guest speaker was from the Scottish Government's Protocol and Honours Team who discussed the honours system and the role of Provost in it. We also had a general discussion on the future of the Association prior to the AGM later in the year.

Children's Panel, Award Ceremony, Greenwood Centre, Dreghorn, 19 June

The Provosts from East and South Ayrshire joined me on the evening of 19 June at the Greenwood Centre in Dreghorn to recognise and thank those people throughout Ayrshire who serve on the Children's Panel. All panel members devote considerable amounts of time to their task, preparing for hearings, undertaking the hearings themselves and then a significant amount of continuous training which is so willingly undertaken. The decisions that hearings take significantly change children's and young people's lives for the better, not infrequently these are, literally, life saving interventions. They offer a better chance to live safe, happy and fulfilled lives.



Ian Clarkson

Councillor Ian Clarkson
Provost North Ayrshire Council



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

LEADER'S REPORT

For the period covering: 3 May – 20 June 2018

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



LEADER'S REPORT

For the period covering: 3 May – 20 June 2018

Visit to Eglinton Park, 8 May

On 8 May, I visited two exciting projects, in the run up to Mental Health Awareness Week which are having a positive impact on the mental health of North Ayrshire residents. Both are based in Eglinton Park Country Park and work in tandem using horticultural therapy as an alternative method to help people overcome a range of issues associated with mental health.

The “Breaking Ground” initiative is run by Park Ranger and horticultural therapist, Linda Tedford and is a 9 month course which can accommodate up to 15 people referred by their GP who have struggled with anything from anxiety to depression.

The course aims to give people the opportunity to learn new skills in an outdoor setting, which improves mental and physical well-being. This could range from garden landscaping, planting flowerbeds to general garden duties and the key aspect is the “nurturing” concept and the connection for people when they plant something from seed, care for it and then watch it blossom. It is similar to the life cycle of an individual which helps them to move forward in life.

Also based in the park, is The Ayrshire Community Trust (TACT) community garden run by Anne Wilson who oversees the work done by the volunteers in the garden. This community garden helps not just those with alcohol and drug issues but those with learning disabilities, mental health issues and older people who are struggling with social isolation. It really is a fantastic facility that helps so many.

I would like to thank all the staff and volunteers who are involved with these projects, they are making a real difference to the lives of real people and deserve recognition.



Some of the volunteers from the TACT community garden based in Eglinton Park. With Councillor Cullinane, Leader of North Ayrshire Council (third from left) and Ann Wilson (far right) from TACT.

QUARRY ROAD, 10 May

Our Cabinet has now approved plans for the second phase of work to begin at the Quarry Road development and I was pleased to visit the site on 10 May together with Provost Clarkson, Councillor Louise McPhater and Councillor Gallagher. This will see a further £5.4m investment in the site which will provide indoor and outdoor 3G pitches for football and other sports and also the provision of a cycle loop.

I am proud that we are a Council committed to investing and regenerating our town centres. This will provide a much needed boost to our local communities while at the same time improving local health outcomes.



Provost Ian Clarkson, Caitriona McAuley, Council Leader Joe Cullinane, John Brown from the SFA, Councillor Louise McPhater, Gary Holt (ex footballer), Alasdair Laurenson, Councillor Alex Gallagher and Gary Hay (ex footballer).

HEAT AND EAT, 10 May

On 10 May I visited the new “Heat and Eat” pilot initiative at the Church of the Nazarene in Ardrossan. North Ayrshire Foodbank has been developing this new project in partnership with our Council and Garfield Tapas and Wine Bar. It will offer those with no to low energy, access to cooking facilities two days a week. It is the expectation of the project that the users will have their own food but lack the facilities to cook it.

The project will provide cooking equipment, trays to take food away or crockery to eat at the church. A cook / chef will be at hand each session to give guidance on the use of the equipment and basic cooking instructions when necessary. This is thanks to the chefs from Garfield’s Tapas.



WATT COURT HOUSING COMPLEX, 11 May

On 11 May I attended the ground breaking ceremony at Watt Court in Dalry. This new sheltered housing development is part of our ambitious affordable house building programme and will see the provision of 22 new homes, 8 amenity bungalows and a Local Housing Office.

MENTAL HEALTH AWARENESS WEEK 14-20 May

During Mental Health Awareness Week I visited several projects to highlight some of the invaluable work that North Ayrshire Council are involved in. This included:

Meeting with School Counsellors, 16 May

On 16 May together with our Mental Health Champion, Councillor John Sweeney, I met with our School Counsellors in Cunninghame House to find out how they are helping our pupils manage and cope with the stresses that exam pressures can bring.

It is almost a school year since our Counsellors have been in situ and so far their impact has been felt by pupils who have experienced a range of issues such as anxiety and low mood. More recently, specific courses have been organised to help pupils prepare for exams and to teach them coping mechanisms if they should feel stressed at any time.

Their work is invaluable and my thanks to all of you and the support you have provided, in what has been a very difficult year for some more than others.



Councillor Cullinane, Leader of North Ayrshire Council, Councillor John Sweeney and our team of school Counsellors.

Visit to North Ayrshire Wellbeing and Recovery College, 17 May

On 17 May I visited Ayrshire College, Kilwinning Campus to find out more about some of the courses on offer by our North Ayrshire Wellbeing and Recovery College. This new scheme which is being being piloted by our NAHSCP will see a range of courses made available to those who may have been affected by mental ill-health and who are seeking help on wellbeing and recovery.

The courses which will be run in local communities across North Ayrshire will provide safe spaces where people can improve their knowledge of mental health, learn self-management techniques and receive and provide peer support.

The pilot is being managed by a steering group consisting of representatives of NAHSCP along with community partners and individuals with have experience of mental ill-health. Courses are open to anyone over the age of 16 who lives, works or studies in North Ayrshire and either has experience of mental ill-health themselves, or has a partner, relative or friend who has.



Visit to Tarryholm Drive, 17 May

Also on 17 May, I went along to visit Tarryholm Drive (formerly Red Cross House) in Irvine. The site was jointly purchased by North Ayrshire Council and NHS Ayrshire and Arran, on behalf of the North Ayrshire Health and Social Care Partnership (NAHSCP).

As part of the Partnership's work to transform community mental health and learning disability services in Ayrshire, the plans for this development will see the refurbishment of the existing properties at Warrix Avenue and refurbishment and extension the existing building at Tarryholme Drive.

Building work has already begun and it is hoped that works will be finished in March 2019. Upon completion the facilities will include:

- a new learning disability day facility
- supported accommodation for people with complex learning disabilities (26 houses)
- transitional community based mental health rehabilitation homes for people recovering from mental-ill health and moving on from Woodland View (9 houses)

TOUR OF GLENCAIRN HOUSE, 17 May

On 17 May, I paid a visit to Glencairn House in Stevenston to have a look around our new sheltered home project and in particular find out more details about the district heating network that will be shared by Glencairn House and Glencairn Primary school. A twin biomass boiler plant was installed adjacent to the primary school and will provide a cost effective heating system to both facilities. Using wood fuel which is low carbon as an alternative to other traditional fossil fuels will produce less harmful emissions therefore, bring socio and environmental benefits to our local area.

I look forward to attending the official opening of the Sheltered Home Complex on the 21st June, which will see the completion of 28 high quality, dementia friendly new homes including one which is fully wheelchair adapted as well as providing residents communal facilities.



COSLA LEADERS, 25 May

I attended COSLA Leaders in Edinburgh on 25 May, there was a packed agenda on a range of subjects including the proposal to reintroduce funding for education psychologists, school clothing grants and access to sanitary products in schools. I am pleased to say that the Leaders were unanimous in their support to deliver a national minimum level of clothing grant of £100 per eligible child and to support the financial partnership arrangements.

On the subject of provision of free sanitary products in schools, North Ayrshire Council has been the Council leading the way on this campaign and I was happy to share my thoughts with other Leaders about the campaign's success here in North Ayrshire and how well this has been received by pupils and general public alike.

KILWINNING ACADEMY SURGERY, 29 May

On 29 May, I was delighted to spend the morning at Kilwinning Academy meeting pupils across all year groups for a special surgery. The morning provided the opportunity for pupils to ask me questions on a range of topics that were important to them. I was also able to explain to them details of what my job, as Leader of North Ayrshire Council, involves and some of our Council priorities. The session also provided our National 4/5 Modern Studies pupils the opportunity to ask me questions relating to Scottish politics and some of the wider, current political issues.

AYRSHIRE REGIONAL PATHFINDER MEETING, 30 May

I met with the two Leaders from East and South Ayrshire Councils and all our respective Chief Executives on 30 May to hold discussions on the Ayrshire Regional Pathfinder. The meeting enabled all parties to share their thoughts on how they view any future collaborative joint working and to agree the best way to achieve our aims and goals. We are all in agreement that we must continue momentum in pushing through our Ayrshire Growth Deal and some discussion was given to how best to do this, in light of Patrick Wiggins departure as lead officer.

I would like to thank Patrick for his dedication and drive on the project and for getting us to where we are now.



COMMUNITY PLANNING PARTNERSHIP BOARD MEETING, 31 May

On 31 May our Community Planning Partners met for their Board meeting which was held in Fullarton Community Hub. Agenda items included an update by Morna Rae on key CPP issues covering our Fair for All priorities, Locality Partnerships, tackling child poverty, Local Outcome Improvement Plan (LOIP) priorities and an overview of the community engagement and consultation.

Stephen Brown, Director of North Ayrshire Health and Social Care Partnership (NAHSCP) presented an informative paper on collaborative working to improve current children's services and in the future. This covered our work NAC in becoming a child centred Council and the importance of partnership working.

Attendees then took part in one of three workshop group sessions under the subject headings of "Garnock Valley Locality Partnership", "Fair for All Food Pledges" and the "Kilwinning Locality Partnership".

The next CPP Board meeting will be held on 20 September 2018.

YOYP RECEPTION, 31 May

Later on 31 May I attended a reception, hosted by Provost Clarkson, in Saltcoats Town Hall to celebrate some of the achievements of our young people in North Ayrshire. As Leader of the Council I am immensely proud of the work we have done in conjunction with our young people and I can think of no better place than North Ayrshire to demonstrate the impact and valuable contribution our young people have already made to their local community and further afield. Whether this be through the work of our Youth Cabinets, MSYPs, youth forums, charity work or their contribution to the world of sports or expressing their talents in the fields of music, dance or art, we have some incredibly talented and inspirational young people who are a positive influence to all those around them.

KILWINNING ACADEMY SCHOOL SHOW "WE WILL ROCK YOU", 5 June

On the 5 June, I was invited to watch senior pupils at Kilwinning Academy perform in their school show "We Will Rock You". It was an outstanding performance and once again, I am proud to



see our young people working together with enthusiasm and passion to deliver some first class entertainment.

I would also like to wish all pupils who are leaving Kilwinning Academy and indeed, all our North Ayrshire school leavers, good luck with their future endeavours as they leave familiar pastures to continue on their life's journey and on to pastures new.

INAUGURAL NORTH AYRSHIRE SPORTS ACADEMY GRADUATION, 6 June

I was delighted to attend the Inaugural North Ayrshire Sports Academy Graduation on 6 June held at Saltcoats Town Hall and equally delighted to be asked to present two awards on the evening; award for outstanding commitment and award for outstanding volunteering.

Our North Ayrshire Sports Academy is a Coach Education, Leadership and Personal Development Course aimed at senior pupils. All students on the course completed a number of workshops, National Governing Body (NGB) courses and leadership opportunities. They have also worked closely with their Active Schools Co-ordinator and school staff to promote, deliver and provide opportunities for younger pupils to participate in sport and physical activity in their school and local community.

I would like to express my thanks to all those who have been involved in delivering the courses and workshops and to pass on my congratulations to all our Sports Academy graduates. A special mention to the winners of the two awards I was asked to present on the night: Abbie Freeman and Jodie Quirk winners for their outstanding commitment and Rachel Gorman, for outstanding volunteering.

KILWINNING LOCALITY PARTNERSHIP MEETING, 7 June

On the evening of 7 June, I attended a meeting of the Kilwinning Locality Partnership at Ayrshire College, Kilwinning Campus to discuss a packed agenda. I am pleased to say that the Group has been successful in arranging for new and enhanced signage to be purchased and displayed in the taxi ranks and disabled bays. These have been ordered and we are just waiting for a date for them to be erected.

There was also discussion about our future "Active Travel Hub" which will involve the recruitment of officers to promote healthy lifestyle changes which will include walking and cycling initiatives. This, in turn, should hopefully see a reduction in traffic congestion and problems with parking. We will liaise with community partners, including Ayrshire College, to successfully deliver this.



JOINT YOUTH CABINET, 13 June

On 12 June, together with my colleagues in Cabinet, we held another successful Joint Youth Cabinet meeting with representatives from all of our secondary schools throughout North Ayrshire. The meeting was held at Greenwood Conference Centre and informative debates were held on a range of subjects including, safety in our local community, police stop and search and work around our Syrian refugee resettlement plan. I am proud to say that as a Council we have already provided homes for 97 refugees within North Ayrshire, who are now settling into their new lives here with the help of our officers and their local communities. By 2021, we hope to have the number increase to 160.

My thanks to the officers in our Youth Services and Education teams for enabling these meetings to take place. They are as valuable to the pupils as they are to the Cabinet Members.

OFFICIAL OPENING OF LARGS CAMPUS, 13 June

On the 13th June, the First Minister, Nicola Sturgeon visited North Ayrshire to formally open our new Largs Campus. The First Minister was taken on a tour to see the first class facilities on offer at the school, including one of the largest sports halls in the UK and a visit to our new Confucius Hub to meet pupils.

FINALLY

Finally, may I wish you all an enjoyable and well deserved summer break with your families and loved ones. I look forward to working with you all again in the early autumn and to build on the great work we have done so far; work which is setting the bar which others aim for.



A handwritten signature in black ink that reads "Joe Cullinane". The signature is written in a cursive, flowing style.

Councillor Joe Cullinane
Leader North Ayrshire Council

NORTH AYRSHIRE COUNCIL

27 June 2018

North Ayrshire Council

Title: **North Ayrshire Community Planning Partnership (CPP) Board:
Minutes of meetings held on 31 May 2018**

Purpose: To submit the minutes of the meeting of the North Ayrshire Community Planning Partnership Board held on 31 May 2018

Recommendation: That the Council notes the Minutes contained in Appendix 1.

1. Executive Summary

- 1.1 It was previously agreed that the Minutes of the Community Planning Partnership (CPP) Board be submitted to North Ayrshire Council for information. The key matters arising from the minutes have been highlighted for the attention of Council and are detailed in Section 2.1.

2. Background

- 2.1 Minutes of the meeting of the CPP Board held on 31 May 2018 are appended. Particular matters for the Council's attention include the following:-

Agenda Item 4

The Board received a presentation on Universal Childrens' Services Planning. This highlighted the significance of partnership working and collaboration in achieving better outcomes for young people and their families, and detailed particularly successful areas of work such as the universal early years team, partnership working to tackle childhood obesity, and the Whole Systems Approach for youth justice.

Agenda Item 5

Using a workshop format there was discussion on the work of the Garnock Valley and Kilwinning Locality Partnerships. Board members heard from the Locality Partnership Chairs about the progress made in identifying and addressing local priorities, and linking in with the wider community. The third theme within the workshop was the Fair For All food pledges, where Board members received a briefing and approved the proposals.

Agenda Item 6

The Board received a report on the North Ayrshire Welfare Reform Working Group, including Universal Credit rollout and its impact locally. Information was given both on the training given to partnership staff and the support available to local people. Approval of the 2018-19 Action Plan was given.

Agenda Item 9

A briefing was given on the Scottish Government's review of the role of the Location Director, and changes made to reflect the requirements of the Community Empowerment Act. Partners noted that this was unlikely to cause significant changes with our local arrangements.

3. Proposals

3.1 That the Council notes the Minutes contained in Appendix 1.

4. Implications

Financial:	There are no financial implications arising from this report.
Human Resources:	There are no human resource implications arising from this report.
Legal:	There are no legal implications arising from this report.
Equality: Children and Young People:	There are no implications relating to equality or children and young people arising from this report.
Environmental & Sustainability:	There are no environmental implications arising from this report.
Key Priorities:	The CPP activities detailed within this report support the Local Outcomes Improvement Plan.
Community Benefits:	There are no community benefit implications arising from this report.

5. Consultation

5.1 No consultation was required.



Elma Murray OBE
Chief Executive

For further information please contact Morna Rae, Community Planning Team Leader on **01294 324177**.

Background Papers

N/A

Community Planning Partnership Board

Thursday 31 May 2018, 11am
Fullarton Community Hub, Irvine



North Ayrshire
Community Planning Partnership

Present

North Ayrshire Council

Joe Cullinane, Elected Member (**Chair**)

Marie Burns, Elected Member

John Bell, Elected Member

Alex Gallagher, Elected Member

Elma Murray, Chief Executive

Donald Reid, Elected Member

Scott Davidson, Elected Member

Ellen McMaster, Elected Member

Anthony Gurney, Elected Member

Jobcentre Plus

Lynn Hammell, District Operations Manager

Rhona Welch, District Manager

NHS Ayrshire and Arran

John Burns, Chief Executive

Martin Cheyne, Chairman (Vice Chair of CPP)

North Ayrshire Health and Social Care Partnership

Stephen Brown, Director

Scottish Enterprise

Mark Newlands, Location Director

Scottish Fire and Rescue

Jim Scott, Area Manager

Police Scotland

Colin Convery, Inspector

Third Sector Interface

Vicki Yuill, Chief Executive

Ayrshire College

Michael Breen, Vice Principal

Skills Development Scotland

Pat McPhee, Area Manager

In Attendance

Audrey Sutton (NAC), Morna Rae (NAC), Jacqui Greenlees (NAC), Colin Convery (Police Scotland), Greig Robson (NAC), Marion Mulholland (Scottish Natural Heritage)

Apologies

Stephen Gallagher, Heather Dunk, Steven Cullum, Ashley Pringle, Allan Comrie

1. Welcome and Apologies

The Chair welcomed everyone to the meeting and apologies were noted. It was highlighted that Jackie Galbraith of Ayrshire College has been appointed as Principal at West Lothian College, the Chair asked that congratulations be passed on to Jackie and that she be thanked for the support she has given to the CPP.

2. Minute of the Previous Meeting and Action Note

The minutes of the previous meeting were approved and the action note was discussed. Morna Rae, NAC, provided the following updates:

- Partners are making good progress in seeking carer positive accreditation,
- Representatives of North Ayrshire CPP have supported the pan Ayrshire ACEs forum and the Resilience documentary is being screened in each locality, along with supporting panel discussion,
- Inputs from Locality Partnerships are on the agenda, and
- Additional partners were invited to the CPP Board (statutory partners detailed within the Community Empowerment (Scotland) Act). Marion Mulholland of Scottish Natural Heritage was welcomed to the meeting.

3. North Ayrshire Community Planning Partnership Update

To support additional invitees to the Board, as well as newer or substitute members Morna Rae, NAC, gave an update and overview of key CPP issues. This included an overview of:

- Fair for All priorities
- Locality Partnerships
- Tackling child poverty
- LOIP priorities
- Community engagement and consultation

The Chair thanked Morna for her presentation.

4. Universal Children's Services Planning

Stephen Brown, NAHSCP, gave an engaging presentation on collaborative working to improve services now and in the future. He stressed the importance of moving upstream to support young people. This included an overview of the work to ensure NAC is a child centred council and the importance of ACES. He highlighted the significance of partnership working and collaboration in achieving better outcomes for children- no single partner has all the answers.

He detailed particularly successful areas of work such as:

- the universal early years team, with a wide range of professionals working together to support families,
- partnership working to tackle childhood obesity,
- the Multi Agency Domestic Abuse Response Team, and
- the Whole Systems Approach for youth justice

He stressed the importance of partners having shared and consistent aims which override any cultural or organisational differences.

Elma Murray, NAC highlighted that leadership for recent work around reducing obesity came directly from young people themselves and ties in with the priorities identified for young people through work with the Dartington Social Research Unit

Cllr Gallagher thanked Stephen for an inspirational presentation and highlighted that success costs less than failure- making an effort to fix things long term is more cost effective in the long run.

Audrey Sutton, NAC updated that the Scottish Government have invited North Ayrshire Council to be in the demonstration set for work in relation to childhood obesity, and active communities alongside NHS Ayrshire & Arran.

The Chair thanked Stephen for his presentation.

5. Workshops

At this point in the session attendees were split into three groups and participated in workshops on:

- Garnock Valley Locality Partnership by Cllr Bell, Chair of Garnock Valley Locality Partnership: An overview of key locality actions and issues and a discussion on CPP support.
- Fair for All Food Pledges by Audrey Sutton: An overview of related work and agreement of the proposed pledges; and
- Kilwinning Locality Partnership by Cllr Davidson, Chair of Kilwinning Locality Partnership: An overview of key locality issues and priorities and discussion on CPP support.

Each group moved around the room and was updated in turn by the three group leads.

The Chair thanked the group leads for their input.

6. North Ayrshire Welfare Reform Working Group

Greig Robson, NAC updated the group on the work of the Welfare Reform Working Group. Universal Credit is their main focus, North Ayrshire Council has delivered full Universal Credit since November last year. This means that there is now a bigger cohort of service users with more complex claims, as well as the move to a full digital platform. 12 awareness sessions have been delivered for staff and billboards, vans and bus stops advertisements have all been procured in order to get the message out to residents.

Greig highlighted that feedback on the process so far has been varied- feedback from the DWP was that the move to full service went smoothly when compared with some other areas. There has been an increase in rent arrears across all council areas that have moved to full service, including NAC as well as reports of increased pressure on the Housing Service and an increase in the number and complexity of cases handled by Money Matters.

The action plan for 17/18 is now complete and the group have moved on to the plan for 18/19. The roll out of full Universal Credit continues to be the main focus of the

group, including being more pro-active around providing expert advice to influence future related policies at a national level.

Martin Cheyne, NHS Ayrshire & Arran requested further information around what is being done to help residents falling into rent arrears, and what work was being done to help people in privately rented accommodation. Greig advised that there is a specific Housing Services team that supports residents around benefits claims and other related issues, and that [Better Off North Ayrshire](#) also support people with budgeting and other financial issues.

The Board agreed to:

- Note the report, PIs and action plan for 2017/18; and
- Approve the proposed action plan for 2018/19.

7. Inputs from partners

The Chair invited any new partners to provide an update. Marion Mulholland, Scottish National Heritage updated on links between the work of SNH and the CPP, including Green Health Partnerships. She noted the high level of connectivity between communities and partners apparent in the Board discussions and she will feed back to colleagues on the work of North Ayrshire CPP.

The Chair thanked Marion for her update and participation.

8. Minutes of Locality Partnership Meetings

The minutes from the last round of meetings were circulated in the meeting papers, for partner's information.

9. AOCB

Morna Rae, NAC updated that the Scottish Government CPP location director role has been refreshed to ensure the role ties in with the Community Empowerment agenda. It is not anticipated that this will mean any major changes for NA CPP. Audrey Sutton, NAC asked for clarity on future commitments of the role to place based working. Elma Murray will discuss further with the Scottish Government.

Morna Rae also updated on the Locality Conference. It was proposed that the conference be postponed and re-scheduled to an evening or weekend date to encourage increased attendance from community representatives. The Board agreed this change.

Martin Cheyne, NHS Ayrshire & Arran updated the group that Steven McKenzie has resigned from the Integrated Joint Board and NHS Ayrshire and Arran and asked the CPP Board to note that an advert is currently out for a new member. He also updated that there will likely be more vacancies later this year.

Vicki Yuill, Third Sector Interface updated the group that there is a new Place Scotland guidance document for community organisations available and gave an update on the Scottish Government TSI review. A new outcomes framework for TSIs is being developed. The draft document should be in place by September with the final report going live in January 2019.

10. Date of Next Meeting

20 September 2018 at 10:00a.m, Fullarton Community Hub, Irvine

The Chair thanked partners for their contributions.

Actions from Board Meeting 31 May 2018

Number	Minute Item	Action Required	By	Date Required
1.	Welcome and apologies	Contact Jackie Galbraith	Morna Rae	29 June 2018
2.	AOCB	Follow up with Scottish Government on Location Director role	Elma Murray	29 June 2018

NORTH AYRSHIRE COUNCIL
27 June 2018
North Ayrshire Council

Title: Committee Timetable

Purpose: To present, for consideration by the Council, a revised committee timetable for the remainder of 2018 and for 2019

Recommendation: That the Council agrees to approve (i) the revised committee timetable for the remainder of 2018 (Appendix 1) and (ii) the draft committee timetable for January-December 2019 (Appendix 2).

1. Executive Summary

1.1 The 2018 committee timetable was approved by the Council on 4 October 2018. Following a decision at the last meeting of the Council to change the frequency of Council meetings from 8-weekly to 6-weekly, a revised timetable for the remainder of 2018 is presented for the Council's consideration, together with a proposed timetable for 2019.

2. Background

2.1 At the start of each Administration, the Council agrees a timetable of meetings for the remainder of that year and, each year thereafter, approves a committee timetable for the following calendar year. The current committee timetable, covering the period January -

2.2 At the last meeting of the Council held on 9 May 2018, it was agreed to amend Standing Orders to change the frequency of meetings of the Council from eight-weekly to six-weekly, this change to come into effect for meetings following the summer recess.

2.3 A revised committee calendar has been prepared for the remainder of 2018 (Appendix 1). This takes into account 6-weekly* Council meetings and highlights consequential changes required to scheduled committee meetings. A timetable for the period January - December

* Please note that, to accommodate recess periods, one 5-week cycle has been included.

2.4 The 2019 timetable does not include meetings of the Integration Joint Board and IJB PAC, details of which will be intimated to Members separately in due course. Similarly, Locality Planning Partnership meetings and ad hoc/Special meetings are the subject of separate notification.

3. Proposals

- 3.1 The Council is invited to approve (i) the revised committee timetable for the remainder of 2018 (Appendix 1) and (ii) the draft committee timetable for January - December 2019. (Appendix 2).

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.
Children and Young People:	None arising from this report.
Environmental & Sustainability:	None arising from this report.
Key Priorities:	Not applicable.
Community Benefits:	Not applicable.

5. Consultation

- 5.1 Political Group Leaders, Independent Members and Executive Directors have been consulted on the proposed timetables. Consultation has also taken place with supporting the Women 50:50 focus group work. No adverse comments have been received.



Elma Murray OBE
Chief Executive

For further information please contact Melanie Anderson, Committee Services Team Leader on telephone number 01294 324131.

Background Papers

Correspondence with Group Leaders, Independent Members and Executive Directors.

Proposed Revised Committee Timetable August-December 2018

Meeting Cycle 4

		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
20 August	1		10.15 a.m. IJB PAC Pre-Agenda 2.00 p.m. Police & Fire & Rescue Ctte	10.00 a.m. Licensing Committee		
27 August	2		2.30p.m. Cabinet Pre-Agenda	2.00 p.m. Planning Committee 2.15 p.m. Local Review Body	9.30 a.m. IJB Pre-Agenda	10.00 a.m. IJB PAC (changed from 6 Sept at Chair's request)
3 September	3		2.30 p.m. Cabinet	10.00 a.m. Appeals Ctte (if required)		9.30 a.m. Ayrshire Shared Services Joint Ctte (TBC) (hosted by SAC) (EAC & SAC only to attend)
10 September	4			10.00 a.m. Appeals Ctte (if required) 10.00 a.m. Licensing Committee	10.00 a.m. Integration Joint Board	
17 September	5		11.00 a.m. Audit & Scrutiny Pre-Agenda	10.00 a.m. Licensing Committee 2.00 p.m. Council	CPP Board (for info)	

Meeting Cycle 5

		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
24 September	1		10.00 a.m. Audit & Scrutiny Committee 2.30p.m. Cabinet Pre-Agenda	2.00 p.m. Planning Committee 2.15 p.m. Local Review Body	9.30 a.m. IJB Pre-Agenda	
1 October	2	10.00 a.m. Licensing Board (TBC)	2.30 p.m. Cabinet (Education)	10.00 a.m. Appeals Ctte (if required)		
8 October	3			2.00 p.m. Council	10.00 a.m. Integration Joint Board	
15 October		October recess is reduced from 2 weeks to 1 week. Prior to 2018, it was a 1-week recess				
22 October	4			10.a.m. Licensing Committee		
29 October	5			10.a.m. Licensing Committee 2.00 p.m. Planning Committee 2.15 p.m. Local Review Body	9.30 a.m. IJB Pre-Agenda	
5 November	6		2.30p.m. Cabinet Pre-Agenda	2.00 p.m. Planning Committee 2.15 p.m. Local Review Body 2.00 p.m. Council		2.00 p.m. Ayrshire Shared Services Joint Ctte (TBC) (hosted by SAC) (EAC & SAC only to attend)

Meeting Cycle 6

		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
12 November	1		<i>11.00 a.m. Audit & Scrutiny Pre-Agenda</i> 2.30 p.m. Cabinet		10.00 a.m. Integration Joint Board	
19 November	2		10.00 a.m. Audit & Scrutiny Ctte 2.00 p.m. Police & Fire & Rescue Ctte	10.00 a.m. Appeals Ctte (if required)		
26 November	3		<i>10.15 a.m. IJB PAC Pre-Agenda</i>	<i>9.30 a.m. IJB Pre-Agenda</i> 10.00 a.m. Licensing Committee	CPP Board (for info)	
3 December	4		<i>2.30p.m. Cabinet Pre-Agenda</i>	2.00 p.m. Planning Committee 2.15 p.m. Local Review Body		9.30 a.m. Ayrshire Shared Services Joint Ctte (TBC) (hosted by SAC) (All 3 Ayrshire attend) 10.00 a.m. IJB PAC
10 December	5	10.00 a.m. Licensing Board	2.30 p.m. Cabinet (Education)	10.00 a.m. Appeals Ctte (if required)	10.00 a.m. Integration Joint Board	
17 December	6			2.00 p.m. Council		
24 December						

Classification: Public

Proposed Committee Timetable January • December 2019

Meeting Cycle 1

Wk Begin	Wk	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
1 Jan						
7 Jan	1		2.30p.m. Cabinet Pre-Agenda	10.00 a.m. Licensing	10.00 a.m. Appeals (if required)	
14 Jan	2		2.30 p.m. Cabinet (Education)			
21 Jan	3		11.00 a.m. Audit & Scrutiny Pre-Agenda 2.00 p.m. Police & Fire & Rescue	2.00 p.m. Planning 2.15 p.m. LRB		
28 Jan	4		10.00 a.m. Audit & Scrutiny			
4 Feb	5		2.30p.m. Cabinet Pre-Agenda	10.00 a.m. Licensing	10.00 a.m. Appeals (if required)	
11 Feb	6		2.30 p.m. Cabinet	2.00 p.m. Council		

Meeting Cycle 2

Wk Begin	Wk	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
18 Feb	1			2.00 p.m. Planning 2.15 p.m. LRB		
25 Feb	2					
4 Mar	3		2.30p.m. Cabinet Pre-Agenda	10.00 a.m. Licensing	10.00 a.m. Appeals (if required)	
11 Mar	4		2.30 p.m. Cabinet (Education)			
18 Mar	5		11.00 a.m. Audit & Scrutiny Pre-Agenda	2.00 p.m. Planning 2.15 p.m. LRB		
25 Mar	6		10.00 a.m. Audit & Scrutiny	2.00 p.m. Council		
1 April		Recess	Recess	Recess	Recess	Recess

Meeting Cycle 3

Wk Begin	Wk	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
8 April	1		2.30p.m. Cabinet Pre-Agenda	10.00 a.m. Licensing	10.00 a.m. Appeals (if required)	
15 April	2		2.30 p.m. Cabinet			
22 April	3			2.00 p.m. Planning 2.15 p.m. LRB		
29 April	4					
6 May	5		2.30p.m. Cabinet Pre-Agenda	10.00 a.m. Licensing	10.00 a.m. Appeals (if required)	
13 May	6		2.30 p.m. Cabinet (Education)	2.00 p.m. Council		

Meeting Cycle 4

Wk Begin	Wk	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
20 May	1		11.00 a.m. Audit & Scrutiny Pre-Agenda 2.00 p.m. Police & Fire & Rescue	2.00 p.m. Planning 2.15 p.m. LRB		
27 May	2		10.00 a.m. Audit & Scrutiny			
3 June	3		2.30p.m. Cabinet Pre-Agenda	10.00 a.m. Licensing	10.00 a.m. Appeals (if required)	
10 June	4		2.30 p.m. Cabinet			
17 June	5		10.00 a.m. Special Audit & Scrutiny (Directorate Plans)	2.00 p.m. Planning 2.15 p.m. LRB		
24 June	6			2.00 p.m. Council		
1 July						
8 July						
15 July						
22 July				Recess		
29 July						
5 August						
12 August						

Meeting Cycle 5

Wk Begin	Wk	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
19 August	1		2.30p.m. Cabinet Pre-Agenda	10.00 a.m. Licensing	10.00 a.m. Appeals (if required)	
26 August	2		2.30 p.m. Cabinet (Education)			
2 September	3		11.00 a.m. Audit & Scrutiny Pre-Agenda 2.00 p.m. Police & Fire & Rescue	2.00 p.m. Planning 2.15 p.m. LRB		
9 September	4		10.00 a.m. Audit & Scrutiny			
16 September	5		2.30p.m. Cabinet Pre-Agenda	10.00 a.m. Licensing	10.00 a.m. Appeals (if required)	
23 September	6		2.30 p.m. Cabinet	2.00 p.m. Council		

Meeting Cycle 6

Wk Begin	Wk	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
30 September	1			2.00 p.m. Planning 2.15 p.m. LRB		
7 October	2					
14 October		Recess	Recess	Recess	Recess	Recess
21 October	3		2.30p.m. Cabinet Pre-Agenda	10.00 a.m. Licensing	10.00 a.m. Appeals (if required)	
28 October	4		2.30 p.m. Cabinet (Education)			
4 November	5		11.00 a.m. Audit & Scrutiny Pre-Agenda 2.00 p.m. Police & Fire & Rescue	2.00 p.m. Planning 2.15 p.m. LRB		
11 November	6		10.00 a.m. Audit & Scrutiny	2.00 p.m. Council		

Meeting Cycle 7

Wk Begin	Wk	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
18 November	1		2.30p.m. Cabinet Pre-Agenda	10.00 a.m. Licensing	10.00 a.m. Appeals (if required)	
25 November	2		2.30 p.m. Cabinet			
2 December	3			2.00 p.m. Planning 2.15 p.m. LRB		
9 December	4					
16 December	5			2.00 p.m. Council		
23 December		Recess	Recess	Recess	Recess	Recess

Classification: Public

NORTH AYRSHIRE COUNCIL

27 June 2018

North Ayrshire Council

Title: **Governance Documents**

Purpose: To review the key Governance documentation which regulates the operation of Council, its Committees and Officers.

Recommendation: To review and approve with effect from 1 July 2018 the revised versions of (1) Standing Orders for Meetings and Proceedings of the Council attached at Appendix 1; (2) the Scheme of Administration attached at Appendix 2; (3) the Scheme of Delegation to Officers attached at Appendix 3; (4) the Guidelines on Member/Officer Relations attached at Appendix 4; and (5) the Standing Orders for Contracts attached at Appendix 5.

1. Executive Summary

1.1 This report suggests revisions to the key governance documents which regulate the operation of Council, its Committees and Officers. Changes are proposed to the following:-

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

2. Background

2.1 Audit Scotland in their report "Roles and Working Relationships- Are you Getting it Right" stress the importance of having governance arrangements that are fit for purpose and up to date. They note that such documents are critical in clarifying roles, responsibilities and expected behaviour and should be reviewed regularly. Good governance arrangements lead to sound decision making, and key governance documents should be regularly reviewed. While the key governance documents detailed in section 1.1 were all updated before approval by Council on 17 May 2017, the opportunity has been taken to further review them.

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. The main revisals which have been made in comparison to the previous Standing Orders are:

-) 9- Order of Business- to align this with the current order in which items appear on the Council agenda;
-) 12.4 - A time limit of 5 minutes is proposed for questions, supplementary questions and responses, albeit the original question can also be prefaced by a 2 minute preamble. This brings this into line with the time limits in debate
-) 13.2 and 14.4 - Motions and amendments for Council should be submitted in writing, and it is made clear that such motions or amendments need to be either read out or expressly referred to when being moved. This is intended to deal with some of the confusion at recent meetings;
-) 26.3 - The Call-in procedure for planning applications was previously omitted from Standing Orders and needs to be included. The opportunity has been taken to update this. The proposal is that as long as the call-in complies with 26.3.1 by being lodged in time and referring to planning considerations, the application will simply be referred to the Planning Committee for determination. There would be no interim Committee to decide whether to accept the call-in. The 21 days' time limit remains the same, albeit clarified that it starts from validation of the application. Similarly the existing provision remains that individual Members of the Planning Committee cannot determine any application which they have called-in. This is intended to deal with a possible perception of bias. However it would still be an option for the Planning Committee to decline to determine the application, which would mean that it would be remitted to officers for determination, and any subsequent appeal would be to the Local Review Body, rather than Scottish Ministers.
-) Appendix B Deputations and Petitions- additional exceptions have been added in 2.4 relating to a) functions delegated to the Integration Joint Board; b) where the request seeks to review a decision taken within the last 6 months; or c) seeks to review a matter which has already been reviewed by the Audit and Scrutiny Committee through the Call-in process.

Scheme of Administration

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

-) Section 1 General- the Social Work Complaints Review Panel was abolished by legislation in 2017 but remained in existence to deal with any complaints commenced before 1 April 2017. There are no remaining complaints and accordingly the Panel has now been removed.

-) Section 2- The functions reserved to Council now include a change to the North Ayrshire Integration Scheme. They also include two categories of planning application which in term of regulations, must be determined by Council.
- 2.4 Section 3 Cabinet- A number of functions which Cabinet presently undertakes are added, including approval of the Strategic Housing Investment Plan (SHIP), decisions required in relation to Business Improvement Districts (BID) and harbour authority functions
- 2.5 It is proposed that the Chair of the Appeals Committee should rotate amongst the pool of Members. Currently the result of having a fixed chair in a committee of three Members is that only two Members rotate from the remaining pool of 9 Members. Accordingly other Members only serve on every fifth meeting, which makes it difficult to build up experience and expertise. A rotating chair allows those from the pool to serve on every third committee.
- 2.6 The audit functions of the Audit and Scrutiny Committee have been revised to bring them into line with recommendations detailed in CIPFA's 'Audit Committee Guidance for Local Authorities' and CIPFA's 'Position Statement on Audit Committees in Local Authorities'. In practice there will be no change to the functions undertaken by the Committee.
- 2.7 Audit and Scrutiny Committee is given delegated power to determine Asset Transfer Reviews. The Asset Transfer Request (Review Procedures) (Scotland) Regulations 2016 require that review hearings against refusal of an asset transfer or conditions are heard by a Committee. Cabinet would make the original decision on whether to approve an asset transfer request. As the Audit and Scrutiny Committee sits in appellate capacity, where it has heard evidence from parties, its decision would be final.
- 2.8 Ayrshire Shared Services Committee- the Committee is given power to create a Sub-Committee. This is intended to facilitate the development of the pan Ayrshire Economic Pathfinder, which will require a sub-committee to be created to in order to include sufficient external representation.
- 2.9 Staffing and Recruitment Committee. The main change is to set out the joint arrangements with NHS Ayrshire and Arran to appoint Chief Officers of the Health and Social Care Partnership. Another change in both this section and the Scheme of Delegation to Officers, is to provide that all applications for voluntary early release, including those of Teachers and Chief Officers would be delegated to officers as long as in accordance with Council policy on early release. Any request for early release of a Chief Officer which did not accord with policy would still require to be determined by the Staffing and Recruitment Committee
- 2.10 Integration Joint Board- A number of changes were required as a result of the implementation of the Carers (Scotland) Act 2016.

Scheme of Delegation to Officers

2.11 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.

2.12 The main revisals 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;
-) As detailed in 2.7, clarity is provided that any application for voluntary early retiral or redundancy, including those from teachers, can be authorised if it is accordance with approved policies on early release
-) To include new legislation or new functions not included in the previous Scheme; and
-) Planning call-in procedures , as detailed in 2.2 of this report, are referenced
-) The Executive Director of Economy and Communities is given power to appoint the Chief Officer and/or individual officers of Trading Standards Scotland (TSS) as officers of the Council, and to authorise them to exercise specific Trading Standards powers, whether in perpetuity, on a time-limited basis or for the duration of a particular operation. This is intended to address GDPR issues involved in the sharing of the TSS intelligence database.

Guidelines on Member Officer Relations

2.13 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 main revisals which have been made in comparison with the previous Guidelines are:-

-) Updates to Data Protection duties under the General Data Protection Regulation;

-) Reference is made to the Standards Commission’s ‘Advice Note for Councillors on Distinguishing between their Strategic Role and any Operational Work’;
-) Reference is made to the recent Advice Note issued by the Standards Commission for Scotland on ‘The Application of Article 10 of the ECHR and the Councillors’ Code of Conduct’.

Standing Orders Relating to Contracts

2.14 The Council’s procurement rules are set out in the Standing Orders relating to Contracts. The main revisal which have been made in comparison with the previous Contract Standing Orders is in paragraph 14.13, where provision has been made for Public Social Partnerships, involving the third sector.

3. Proposals

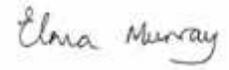
3.1 It is recommended that Council review and approve with effect from 1 July 2018, the revised 1) Standing Orders for Meetings and Proceedings of the Council attached at Appendix 1; (2) the Scheme of Administration attached at Appendix 2; (3) the Scheme of Delegation to Officers attached at Appendix 3; (4) the Guidelines on Member/Officer Relations attached at Appendix 4; and (5) the Standing Orders for Contracts attached at Appendix 5.

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
Children and Young People:	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 and Members regarding the documents.

A handwritten signature in black ink that reads "Elma Murray". The signature is written in a cursive style.

Elma Murray OBE
Chief Executive

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

Background Papers



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Committee Services

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

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

Final Draft – 18 June 2018

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 and Sub-Committees thereof, the foregoing Standing Orders for meetings shall as far as applicable be the rules and regulations for the proceedings of Committees and Sub-Committees and therefore reference to the term 'Council' in the said Standing Orders should be interpreted accordingly. The North Ayrshire Integration Joint Board and the Ayrshire Shared Services Committee and Sub-Committees thereof have their own Standing Orders for meetings. The term 'Provost' shall also be deemed to include the Chair of any Committee or Sub-Committee but only in relation to such Committees or Sub-Committees.

Part II Standing Orders

1. First Meeting of the Council after Elections

- 1.1 The first meeting of North Ayrshire Council after an ordinary election of Councillors shall be held within twenty-one days from the date of the election. The Chief Executive will decide the date, time and venue of this first meeting.
- 1.2 At the first meeting of the Council after an ordinary election of Councillors the 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. To approve Constitutional Documents, including Standing Orders for Meetings;
 - xiii. To agree the Timetable of Meetings;
 - xiv. To approve 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 sixth week of each six-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 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 which is legally required to be transacted at a meeting of Council or any other business brought before the meeting as a matter of urgency in accordance with these standing orders, no business shall be transacted at a meeting of the Council other than that specified in the notice of meeting.

Notice to Councillors

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

- (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;

- J Determine any questions of procedure for which no express provision has been made in these Standing Orders;
- J 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;
- J 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;
- J Decide whether to have a recess during a meeting.

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

6. Suspension of Members

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

7. Appointment and Removal of Members

- 7.1 Wherever possible, Officers will give 10 Clear Working Days' notice of a vacancy on any Committee, Joint Committees, Joint Board or outside body, the filling of which is to be considered at a subsequent Council meeting. Providing Members are given 10 Clear Working Days' notice, no nomination shall be considered for any such post unless (a) the nomination has been intimated in writing and delivered, faxed or e-mailed to the Chief Executive not later than 2:00 p.m. on the Wednesday of the week preceding the meeting and (b) the consent of the person nominated is given at the time of nomination. Where less than 10 days' notice is provided, no nomination will be considered unless it has been intimated in the same manner by 12noon on the day of the meeting.
- 7.2 Where any appointed or nominated Member is a Member of a political group within the Council, then where such member resigns from a Committee, any replacement may be nominated by the political group notifying the Chief Executive. At least 10 Clear Working Days' notice is required before the change is implemented.
- 7.3 Subject to the provisions of Section 35 of the 1973 Act 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 discussion of the minutes, except upon their accuracy and any question on their accuracy shall be raised by motion;
 - vii. Provost's report
 - viii. Leader's report;
 - ix. Minutes of meetings of Committees of the Council- submission for noting, and for approval of any recommendations;
 - x. Minutes of the Community Planning Partnership Board - submission for noting;
 - xi. Presentations
 - xii. Business expressly required by statute to be done at the meeting;
 - xiii. Business (if any) remaining from the last meeting;
 - xiv. Any items from the Cabinet referred for determination;
 - xv. Any items referred by any of its Committees for determination by the Council;
 - xvi. Appointment to Committees, Joint Committees, Joint Boards or outside bodies
 - xvii. Any business as per the agenda;
 - xviii. Questions;
 - xix. Motions.
- 9.2 Items 9.1 vii, viii, xiv, xv, xvi, xviii and xix shall be business for Council meetings only, not for any Committee.

- 9.3 No item will be removed from the agenda unless with the agreement of all Members present.
- 9.4 The Provost at any meetings of the Council may at his/her discretion and on cause shown alter the order of business to facilitate the conduct of the meeting.

Urgent Items

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

Declaration of Party Whip

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

Provost and Leader's reports

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

10. Declarations of Interest

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

11. Public Access to Meetings

- 11.1 Every meeting of the Council shall be open to the press and public to the extent that they are not excluded under the provisions of Sections 50A(2) and (4) of the 1973 Act.
- 11.2 The Council may by resolution at any meeting exclude the press and public therefrom during consideration of an item of business where it is likely in view of the nature of the business to be transacted or of the nature of the proceedings that if Members of the press and public were present there would be a disclosure to them of exempt information as defined in Schedule 7(A) of the 1973 Act or it is likely that confidential information would be disclosed in breach of an obligation of confidence. The categories of exemption, which may apply under Schedule 7(A) of the 1973 Act, are set out in Appendix A.
- 11.3 These provisions shall be without prejudice to the Provost's powers of exclusion in order to suppress or prevent disorderly conduct or other misbehaviour at a meeting as detailed in 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 A Member asking a question or supplementary question or responding thereto shall have a maximum of 5 minutes to deliver their question or answer. This is in addition to the 2 minute preamble referred to in 12,2.
- 12.5 Questions contravening legislation. If notice is given of any question that, in the opinion of the Solicitor to the Council, is likely to be illegal, defamatory or in breach of Data Protection principles the Solicitor to the Council shall immediately submit such notice of question to the Provost and it shall not be accepted and placed on the agenda without his/her sanction. In the event of non-acceptance the Solicitor to the Council shall so inform the Member who submitted the notice of question

Questions relating to items of business on an Agenda

- 12.5 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 must be directed to any senior officer seeking clarification of the terms of a report or to the mover or seconder of any motion or amendment seeking clarity of their motion or amendment.
- 12.6 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 determination of the Question of Order. No Member other than the Member who raised the Question of Order will speak to that question, except with the permission of the Provost.
- 12.8 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. For meetings of North Ayrshire Council only, such motion or amendment shall be in writing.

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 For meetings of North Ayrshire Council only, any motion or amendment shall be in writing. Notwithstanding this is lodged in writing, the terms of such motion or amendment require to be repeated or referred to by the Member moving such.

14.5 A motion or amendment once moved and seconded shall not be altered nor withdrawn without the consent of the mover and seconder. Once in debate the consent of Council will be required to the alteration or withdrawal of any motion or amendment.

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 must be directed to any senior officer seeking clarification of the terms of a report or to the mover or seconder of any motion or amendment seeking clarity of their motion or

amendment. A member may also ask the mover and seconder of the motion or amendment if they are prepared to amend or alter their motion or amendment to achieve consensus.

15. Debate

15.1 There shall be no debate unless there is a motion and amendment both of which are seconded.

15.2 When the Provost is satisfied that there are no more motions, amendments or questions to be raised he or she will state that Council is in debate.

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

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

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

-) a question of order in terms of Standing Order 12.7;
-) 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 finish speaking, otherwise the Provost will direct the Member to cease speaking.

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

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

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

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

15.9 Officers present at the meeting, with the exception of the Chief Executive, the Solicitor to the Council, the Chief Financial Officer and the Chief Social Work Officer will not be

allowed to address the Council once the Council is in debate, except:-

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

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

16 Procedural Motions

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

16.2 It will be competent for any Member who has not already spoken in a debate to move the closure of such debate. On such motion being seconded, the vote will be taken, and if a majority of the Members present vote for the motion, the debate will be closed. However, closure is subject to the right of the mover of the motion and of the amendment(s) to reply. Thereafter, a vote will be taken immediately on the subject of the debate.

17. Voting

17.1 All business of the Council will be decided by a majority vote of those Members present and voting, except in those circumstances where these Standing Orders specify that a two-thirds majority is required in terms of Standing Order 23.

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

21. Suspension of Standing Orders

21.1 Any one or more of the Standing Orders in any case of urgency as determined by the Provost upon a motion made, may be suspended at any meeting provided that two thirds of the Members of the Council present and 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 Council may be reconsidered and no item of business reconsidered which is the same or substantially the same as one

previously determined by the Council within six months of the date of the making of the previous decision or determination, except where:-

- (i) two thirds of the Members for the time being present and voting agree to suspend Standing Orders in accordance with Standing Order 21 above; or
- (ii) In the opinion of the Solicitor to the Council not doing so would, result in a decision which is likely to give rise to a contravention by the Council of any enactment or rule of law or of any code of practice made by or approved by or under any enactment.
- (iii) The original Council Decision cannot be implemented due to reasons outwith the control of the Council; or
- (iv) Where, as a matter of urgency, having regard to the potential loss of life, risk of substantial economic loss to the Council or any third party, (including potential loss or material underutilisation of funds or resources not available at the time of the Decision of Council), it is deemed by the Chief Executive that the matter ought to be reconsidered by the Council.

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

24. Decisions of Cabinet: Call-In Process

24.1 Minutes of the Cabinet will be sent to all Members of the Council by the end of the Working Day following the meeting, or as soon as practicable thereafter.. No action will be taken to implement decisions until the expiry of four further Clear Working Days following the issue of the Minutes. Decisions can then be acted upon unless they have been called in or referred.

24.2 Members will be entitled to call-in decisions of the Cabinet on a requisition as set out in the Call in Request Form (Appendix D to these Standing Orders). This must be signed by three Members and delivered to the Chief Executive, or submitted electronically, via an individual email to the Chief Executive from each of the three Elected Members in question. Such requisition must be received no later than 12 noon on the fourth Clear Working Day following, and not counting, the day on which the Cabinet Minute was issued. Such requisition must state the reason for the call in.

24.3 The Chief Executive will then immediately refer the matter to the Convener of the Audit and Scrutiny Committee who will be required to call a meeting of the Committee to consider the call-in within five Clear Working Days of receiving notification by the Chief Executive.

24.4 The Audit and Scrutiny Committee shall invite at least one of the Members who has requested the call-in to attend the Committee to explain the request. The Committee will also invite a representative from the Cabinet to present their views on the call-in request and 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, Chair, and quorum); and (b) determine the terms of reference of the Committees and Sub-Committees and the scope of their powers to exercise functions of the Council.
- 25.2 The Scheme of Administration will establish a Cabinet (which will also act as an Education Committee as required), Audit and Scrutiny Committee and such other Committees or Sub-Committees as the Council may from time to time determine.
- 25.3 In the event that any Group does not appoint to any committee the number of Councillors they are entitled to appoint, Council may appoint any other Member to fill such a vacancy or vacancies.

Working Groups

- 25.4 The Council and its Committees may establish any working group as may be required from time to time but each working group will have a limited time span as may be determined by Council or the parent Committee.
- 25.5 The membership, Convener and quorum of working groups will be determined by Council or the parent Committee, which membership will comprise Elected Members and, where appropriate, officers from this Council and/or representatives from community groups/partner agencies.
- 25.6 A working group is not a Committee or Sub-Committee of the Council and will not have any delegated powers to implement its findings but will prepare a report for consideration by Cabinet or the parent Committee.

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

Scheme of Delegation to Officers

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

26. Proceedings of Committees and Sub-Committees

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

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

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

- III. The Ordinary Meetings of Committees (excepting the North Ayrshire Integration Joint Board 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 Chair of a Committee or Sub-Committee will have power where the circular calling the meeting has not been issued, to rearrange the date, time and place of a Committee or Sub-Committee in cases of urgency, subject to obtaining the agreement of the Council Leader and the Leader of the Opposition. The date, commencement time and timetable of meetings of North Ayrshire Integration Joint Board and any of its sub-committees will be determined by North Ayrshire Integration Joint Board. The date, commencement time and timetable of meetings of the Ayrshire Shared Services Committee will be determined by whichever of the Councils then holds the Chair. .
- IV. A Chair of a Committee or Sub-Committee may at any time give instructions for the calling of a special meeting, but the notice will state the special purpose for which it is called. Such meeting will be held at the time, date and venue as determined by the Chief Executive.

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

- I. The exercise of powers is discretionary and a Committee or Sub-Committee may determine not to exercise its delegated powers.

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

26.3 Planning Committee Call-in

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

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

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

27. Approval and Signing of Minutes

- 27.1 Minutes of Meetings of Committees with delegated powers shall be submitted to the next meeting of that Committee for approval of their accuracy and thereafter signed by the Chair of that Committee. Subject to the provisions of 24.1, Officers may implement any decision made within the delegated powers of such Committees immediately after the meeting.
- 27.2 Minutes of Meetings of Committees, which do not have delegated powers, will be submitted to Council or Cabinet as appropriate for approval of the decisions contained therein and to the next meeting of that Committee for approval of their accuracy. Following approval of such minutes (excepting Cabinet, the decision of which cannot be implemented until the expiry of the periods mentioned in Standing Order 24) Officers will be able to implement any decisions contained within the Minutes.
- 27.3 Where Minutes are submitted for approval of their accuracy, there shall be no discussion of the Minutes, except upon their accuracy and any question on their accuracy shall be raised by motion.

28. Petitions and Deputations

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

29 Contract Standing Orders and Financial Regulations

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

30. Ultimate Power of the Council

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

31. Definitions

(a) In these Standing Orders the following words and phrases will have the following meanings respectively ascribed to them:-

- I. "Provost" or "Chair " will mean the person appointed to Chair the Council, Committee or Sub-Committee;
- II. "Vice-Provost" or "Vice- Chair " will mean the person appointed to Chair the Council, Committee or Sub-Committee in the absence of the Provost or Convener ;
- III. "Cabinet Portfolio Holder" will mean the Member who has been given responsibility for a group of services. The postholder will be a Senior Councillor and will receive appropriate remuneration in terms of the Scheme of Allowances;
- IV. "Chief Executive" will mean the Head of Paid Service of the Council as defined in terms of the Local Government and Housing Act 1989 s4(1)(a) or such other person as may be nominated by him/her;
- V. The "Chief Financial Officer" will mean the proper officer so designated by the Council in terms of the Local Government (Scotland) Act 1973 s.95 or such other qualified accountant as may be nominated by him/her;
- VI. "Clear Working Days" will unless otherwise specified, mean the whole 24 hour period of a day, Monday to Saturday inclusive, including public holidays.
- VII. The "Council" will mean North Ayrshire Council, being a Local Authority constituted under the Local Government Etc. (Scotland) Act 1994;
- VIII. A "Decision of Council" will be deemed to have been made where any of the following circumstances occur:-
 - i. A motion or amendment in accordance with the provisions of these Standing Orders, has been passed by the necessary majority at Council. Committee or Sub-Committee.
 - ii. The exercise by the appropriate officer of any power delegated to them either by reason of another Decision of Council or in terms of the Scheme of Delegation.
 - iii. The exercise by the Chief Executive of the discretion available to them.
 - iv. Such Decision of Council will be deemed to include any necessary actions required to give effect to such decision.

- v. Where a Decision of Council is subsequently found to be incapable of implementation because of a defect or a new supervening factor, then subject to the confirmation of the Chief Executive upon advice taken, the Decision of Council may be given effect to with the removal of such defective element, or its replacement with a suitable and in all respect compatible element, provided always that the likely outcome of the resultant Decision of Council is materially the same or sufficiently similar to the original decision. In such circumstances the Chief Executive will be obliged to report such change to the next appropriate meeting of the Council, and any decision on such report will not require the suspension of Standing Orders.
- IX. “Elected Members” and “Member” will mean, except where the expression will otherwise so require, a Councillor of the Council only, as the word “Councillor” is defined by reference to Local Government Etc. (Scotland) Act 1994 s5;
- X. “Solicitor to the Council ” will mean the Head of Democratic Services or such other legally qualified person as may be nominated by him/her;
- XI ‘Party’ will mean any grouping of two or more Members, previously intimated to the Chief Executive
- XII ‘ Present and voting’ or ‘present and vote’ shall mean Members casting an affirmative or negative vote. Members who abstain from voting are considered as not voting.
- XIII The Interpretation Act 1978 applies to the interpretation of the Standing Orders as it applies to an Act. Any Act or other legislative provision referred to herein will include reference to any amendment, modification or re-enactment of such provision as may from time to time occur.
- XIV In the event of any dispute or difference as to the interpretation 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 the Tenth Clear Working Day prior to the meeting.

2.2 The application should give details of the matter to be raised. You should be able to demonstrate that you have taken steps to resolve the issues prior to submitting your application. 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 or deputations will only be received if they relate to the delivery of Council services or to services which are provided by the Council in conjunction with other partner organisations, or if they relate to decisions that the Council has taken or is about to take. Your petition must contain a minimum of 10 written signatures from different North Ayrshire households. E-petitions may be lodged in support, but not in substitution for the 10 written signatures. The petition should give details of the matter concerned. Again you should be able to demonstrate that you have taken steps to resolve the issue of concern prior to submitting your petition.

2.4 A petition will not be competent in the following circumstances:-

-) If it relates to a case that is or has been subject to legal or court proceedings, ombudsman complaints, industrial tribunals, appeals procedures;
-) If it requests the Council to do something outwith its powers;
-) If it discloses information which is protected by an interdict or court order;
-) If it reveals commercially sensitive or confidential information;
-) If it would cause personal distress or loss; and
-) If it relates to an individual's circumstances or an individual's grievance
-) If it relates to any regulatory or quasi-judicial function of the Council where the opportunity of a hearing or deputation has previously been afforded to any person.
-) The deputation or petition seeks to review an issue which is the same or substantially the same as a Decision of Council made within the previous six months;
-) It relates to functions delegated to North Ayrshire Integration Joint Board;
-) The deputation or petition seeks to review an issue which has already been considered by the Audit and Scrutiny Committee in terms of 24 (Call-in of Cabinet Decisions)

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

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.

3. Addressing the Committee

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

4. Deputations and Petitions Relating to Planning Applications

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

Appendix C

North Ayrshire Council

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

1. Purpose

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

2. Background

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

3. Procedure

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

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

Appendix D

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

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

	Date	Time
Received by Chief Executive	/ /	

Received by Committee Services	/ /	
Acknowledged	/ /	

Appendix E

NORTH AYRSHIRE COUNCIL

Quick Guide to Dealing with Items of Business

1. Officer speaks to the terms of the report.
2. Questions by Members to Officers about their report.
3. The Administration move and second the motion. Provost asks if this is agreed. If it is, we move to the next item of business.
4. All Amendments are then moved and seconded.
5. Members can ask questions to the mover or seconder of a motion or amendment seeking clarity of the terms of the motion/amendment. This also gives Members the opportunity to ask if a mover of the motion or amendment is prepared to alter this to achieve agreement.
6. When the Provost is satisfied that there are no more amendments or questions (e.g. once the questions stop and the Provost receives a negative response to the question “are there any further amendments”) he or she will state “we are now in debate”.
7. Debate - At debate stage members are allowed up to 5 minutes each to make submissions.. No new amendments, 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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North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Committee Services

Scheme of Administration

Final Draft – June 2018

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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
- Staffing & Recruitment Committee

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

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

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

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

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

SECTION 2: PROVISIONS APPLICABLE TO ALL COMMITTEES

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

Delegated Functions

2. Except otherwise specified herein, subject to the provisions of the Local Government (Scotland) Act 1973, any other relevant statute and the Council's Standing Orders Relating to Meetings and Proceedings of the Council and Committees, where any function of the Council is delegated to a Committee, the Committee will have the power to exercise the function in like manner as the Council could have exercised it had there been no delegation; Provided however that it will be competent for such Committee in relation to any delegated matter, instead of taking a decision thereon to make a recommendation thereon to the Cabinet, in which event, the matter will be decided by the Cabinet after consideration of that recommendation.
3. There will be excluded from delegation to any Committee following:
 - (a) All functions and remits which are in terms of statute or other legal requirement bound to be undertaken by the Council itself;
 - (b) The raising of money by rates or council tax;
 - (c) The approval annually of the General Services Revenue Budget and the setting of the level of the council tax for any year;
 - (d) The approval of the General Services Capital Plan;
 - (e) The approval annually of the Housing Revenue and Housing Capital Budgets and the setting of the level of rents for council houses held in the Housing Revenue Account;
 - (f) The incurring of any net new expenditure not provided for in the estimate of capital or revenue expenditure;
 - (g) Approval of the unaudited Annual Accounts of the Council
 - (h) Any change to the Scheme of Administration regulating the constitution, membership, functions and powers of Committees of the Council;
 - (i) Any change to the Standing Orders Relating to Meetings and Proceedings of the Council and Committees, the Standing Orders for Contracts;
 - (j) Any change to the Scheme of Delegation to Officers, 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 approval or amendment of the Scheme of Establishment 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 appoint and nominate and remove Members and nominate and remove Chairs and Vice-Chairs of any Committee unless expressly provided in this Scheme. All subject to where any appointed or nominated Member is a Member of a Group within the Council, then where such member resigns from a Committee, any replacement may be nominated by the Group notifying the Chief Executive. At least ten Clear Working Days' notice is required before the change is implemented;
- (u) To appoint and nominate and remove Chairs and Vice-Chairs of any Committee unless expressly provided in this Scheme;
- (v) The appointment and setting of salary levels of Senior Councillors in terms of the Local Governance(Scotland Act 2004 (Remuneration) Regulations 2007 as amended;
- (w) Matters relating to the freedom of North Ayrshire;
- (x) Any functions referred to or delegated to any other Committee;
- (y) Any alteration or replacement of the North Ayrshire Integration Scheme;
- (z) The determination of planning applications for major developments which are significantly contrary to the Local Development Plan; and
- (aa) The determination of applications for national developments as specified in the National Planning Framework.
- (ab) The approval of Policy and Strategy relating to the borrowing of money by the Council and treasury management.
- (ac) The approval of Policy and Strategy relating to the investment of any funds including Trust, Common Good and Pension Funds under the control or direction of the Council.

(ad) The approval of the annual Treasury and Investment Strategy.

General

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

SECTION 3: CABINET

Constitution

The Cabinet will comprise seven Members of the Council including:

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

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

- (a) As voting Members, three persons interested in the promotion of religious education appointed in accordance with Section 124 of the Local Government (Scotland) Act 1973 as amended by Section 31 of the Local Government Etc. (Scotland) Act 1994, and as detailed in Annexation A hereto;
- (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 Council Plan;
15. Reviewing the implementation of Directorate Plans and Directorate 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. Policy and Strategy 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. Performance reporting relating to the borrowing of money by the Council and treasury management;
24. Performance reporting relating to the investment of any funds including trust, common good and pension funds under the control or direction of the Council;
25. Policy and strategy relating to the Council's portfolio of insurance policies;
26. Policy and strategy relating to the collection of council tax, non-domestic rates, community charges, water and sewerage charges (on behalf of Scottish Water) and acting as Collecting Authority therefor in terms of Section 79 of the Local Government etc. (Scotland) Act 1994;
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. Policy and strategy relating to the initiation of actions and procedures for the recovery of council tax, non-domestic rates, and any other charges for which the Council has authority to charge or recover;
29. Consideration of tenders in excess of £1m. or such revised sum as may be detailed in Financial Regulations of the Council or Contract Standing Orders except where forming part of a previously agreed framework agreement;
30. Policy and strategy relating to the Scottish Welfare Fund, Housing Benefit and Universal Credit;

D.Property, Accommodation and Staffing

31. Policy and strategy relating to the administrative buildings of the Council and providing, furnishing, equipping and maintaining the necessary offices and buildings for this purpose;
32. Providing advice and making recommendations to the Council on the level of rents for Council dwelling houses;
33. 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;
34. Policy and strategy relating to energy management in all properties owned or used by the Council;
35. The assessment and determination of housing needs;
36. The approval, amendment or replacement of a local housing strategy and Strategic Housing Investment Plan (SHIP);

37. Policy and strategy relating to the training, development and welfare of all staff including the preparation and review of Council policies on staffing issues and Health & Safety at Work, pay modernisation and the promotion of good human resource and employment practices;
38. 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;
39. Oversight of use of powers under the Regulation of Investigatory Powers (Scotland) Act;
40. The development and monitoring of policies relating to equalities;

E. Digital

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

F. Education

43. Consideration or alteration within the policy framework established by the Council of policy objectives and priorities in relation to Education;
44. 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 policy and strategy relating to education including pre-school education, primary education, secondary education, outdoor and sports education, lifelong education and community learning;
 - ii. All policy and strategy relating to Parent Councils;

G. Miscellaneous

45. 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;
46. All matters relating to the Council's involvement in the provision of national and local youth and adult training schemes;
47. Policy and strategy with regard to social, educational, cultural, recreational and community based activities;
48. Determination of community asset transfer requests under either the Council's Community Asset Transfer Scheme or the Community Empowerment (Scotland) Act 2015;
49. All matters relating to the administration of bursaries;

50. Approval of the Council's Communications Strategy;
51. 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;
52. 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 or delegated to Officers;
56. Policy and strategy relating to Civil Contingencies and Business Continuity;
57. Policy and strategy relating to Community and Locality Planning, including approval of the Locality Outcomes Improvement Plan and Locality Plans;
58. Policy and strategy relating to mental health functions excluded from delegation to the North Ayrshire Integration Joint Board.
59. Decisions in relation to Business Improvement Districts proposed under the Planning etc. (Scotland) Act, including exercise of the Council's veto of bid proposals, and to instruct the holding of a ballot.
60. To exercise the functions of the Council as harbour authority and Duty Holder under the Harbours Act 1964, the Port Marine Safety Code, the Millport Piers Order and the Saltcoats Harbour Act in relation to piers, harbours and navigable rivers.

Annexation A

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

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

SECTION 4: APPEALS COMMITTEE

Constitution

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

Chair

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

Quorum

Three members of the Committee will constitute a quorum.

Delegated Powers

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

Meetings:

The Appeals Committee will meet as and when business requires.

Functions Referred

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

SECTION 5: AUDIT AND SCRUTINY COMMITTEE

Constitution

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

Chair

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

Quorum

Three Members of the Committee will constitute a quorum.

Delegated Powers

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

Functions Referred

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

Performance Functions

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

Audit Functions

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

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

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, Directorate Plans and Service Budgets;
4. Monitoring the functions of external bodies funded by the Council (Following the Public Pound);
5. Monitoring and reviewing the Council's complaints procedures;
6. As a result of call-in requests, scrutinise decisions of Cabinet, in terms of the procedures set out in the Standing Orders for Meetings;
7. To be responsible for setting its own work programme which will include the right to undertake reviews following input from inter alia the Cabinet, the Council, members of the Audit and Scrutiny Committee itself and Community Planning Partners;
8. The Committee may at its discretion set up short term working groups for review work. Membership of the working group will be open to anyone with the exception of Cabinet Members, whom the Committee considers will assist in the task assigned. The working groups will not be decision making bodies or formal committees but will make recommendations to the Audit and Scrutiny Committee;
9. Promoting the highest standards of conduct by Elected Members including appropriate training;
10. Assisting Elected Members in observing the relevant Codes of Conduct;
11. Monitoring and keeping under review the Codes of Conduct maintained by the Council;
12. Reviewing the personal development and training of Councillors;

13. To receive all petitions and deputations submitted to the Council except those relating to the Council's planning functions, which shall be considered by the Planning Committee. The arrangements for receiving petitions are as set out in Appendix B to the Standing Orders relating to Meetings and Proceedings of the Council and Committees;
14. Determination of a request under the Asset Transfer Request (Review Procedures) (Scotland) Regulations 2016, to review a decision to either refuse an asset transfer request or grant it subject to conditions.

SECTION 6: AYRSHIRE SHARED SERVICE JOINT COMMITTEE

Constitution

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

Chair

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

Quorum

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

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

Standing Orders and Meetings

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

Delegated Powers

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

Functions Referred

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

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

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

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

Functions Referred

The following functions stand referred to the Committee:

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

SECTION 8: LICENSING COMMITTEE

Constitution

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

Chair

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

Quorum

Three Members of the Committee will constitute a quorum.

Delegated Powers

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

Functions Referred

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

SECTION 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

Ten Members of the Planning Committee.

Chair

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

Quorum

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

Delegated Powers

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

Functions Referred

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

Procedure to be followed by the Local Review Body

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

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

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

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

SECTION 11: PLANNING COMMITTEE

Constitution

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

Chair

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

Quorum

Three Members of the Committee will constitute a quorum.

Delegated Powers

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

Functions Referred

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

All planning matters under the provisions of the Town and Country Planning (Scotland) Act 1997, the Countryside (Scotland) Act 1967, the Planning and Compensation Act 1991, the Local Government Etc. (Scotland) Act 1994, the Land Reform (Scotland) Act 2003 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, if possible, include a Member who represents each of the six Localities, namely Irvine, Kilwinning, Three Towns, Arran, Garnock Valley and North Coast and Cumbraes.

Chair

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

Quorum

Three Elected Members of the Council shall constitute a quorum.

Delegated Powers

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

Functions Referred

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

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

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

SECTION 13: 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.

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

Chair

The Leader of the Council will be the Chair.

Quorum

Three Members of the Committee will constitute a quorum.

Delegated Powers

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

Meetings

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

Functions Referred

The following functions stand referred to the Committee:

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

SECTION 14 - 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 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 5 (The giving of the opportunity to choose a self-directed support option.)
-) Section 6 (The taking of steps to enable a person to make a choice of self-directed support option.)
-) Section 7 (The giving of the opportunity to choose a self-directed support option.)
-) Section 8 (Choice of options: children and family members.)
-) Section 9 (The provision of information.)
-) Section 10 (Provision of information: children under 16.)
-) Section 11 (Giving effect to the choice of self-directed support option.)
-) Section 12 (Review of the question of whether a person is ineligible to receive direct payments.)
-) Section 13 (Offering another opportunity to choose a self-directed support option.)
-) Section 16 (The recovery of sums where a direct payment has been made to a person and the circumstances set out in section 16(1)(b) apply.)
-) Section 19 (Promotion of the options for self-directed support.)

22. Carers (Scotland) Act 2016

-) Section 6 (Duty to prepare adult carer support plan)
-) Section 21 (Duty to set local eligibility criteria for carer support)
-) Section 24 (Duty to provide support)
-) Section 25 (Provision of support to carers: breaks from caring)
-) Section 31 (Duty to prepare local carer strategy)
-) Section 34 (Information and advice service for carers)
-) Section 35 (Short breaks services statements)

23 Miscellaneous

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

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

24. Appointment of:-

- 24.1 The Chief Officer of the Integration Joint Board in terms of section 10 of the Public Bodies (Joint Working) (Scotland) Act 2014.
- 24.2 The Chief Finance Officer of the Integration Joint Board, appointed in terms of section 95 of the Local Government (Scotland) Act 1973.

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North Ayrshire Council
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Committee Services

Scheme of Delegation to Officers

Approved

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Section 1 – Introduction

This Scheme of Delegation was approved by North Ayrshire Council onin terms of section 56 of the Local Government (Scotland) Act 1973 and to meet the requirements of Section 50G (2) of the Local Government (Scotland) Act 1973. The scheme contains details of those functions both statutory and non-statutory which the Council has chosen to delegate to Officers.

This Scheme of Delegation needs to be read and used alongside the Council's Standing Orders relating to Contracts, Financial Regulations, Scheme of Administration, and Standing Orders relating to Meetings which together make up the wider framework of governance within the Council. North Ayrshire Council's Code of Governance is based upon the principles of:

-) Openness;
-) Accountability;
-) Responsiveness;
-) Democracy.

The Scheme of Delegation contributes to the Code of Governance and these fundamental principles by defining a route for certain decisions enabling the Council to be:

-) Speedy and responsive in taking decisions;
-) Efficient – by freeing the formal decision making structures of the Council to focus on key strategic decisions which have to be taken under full public scrutiny; and
-) Accountable – by holding appropriate employees fully accountable for the operational decisions they take to ensure the smooth running of the Council.

Section 2 – Core Principles

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

Every attempt has been made to list the specific powers which are available to Officers. However if a specific power is not mentioned in this Scheme of Delegation, it does not necessarily mean that Officers cannot exercise that power. Unless it has been specifically reserved to Council or Committee, the power will still be delegated to Officers. The powers reserved by Council are detailed in this section. In case of doubt the Chief Executive has power to determine the Officer to whom the power is delegated.

2.1 Delegations to Officers

The undernoted powers are delegated to Officers of the Council:-

- i) The Chief Executive or appropriate Chief Officer will have delegated responsibility for all matters in respect of the operation, development and implementation of policy for the service area assigned to them unless specifically reserved to the Council or other Committees or contrary to the principles listed in 2.2 and 2.3 below, together with such Statutory Duties as may have been specifically and personally assigned to them.
- ii) The Chief Executive and/or the appropriate Chief Officer will be responsible for the appointment of all posts below the level of Chief Officer.
- iii) Such delegations are at all times to be exercised in accordance with the relevant law, and the Council's Standing Orders relating to Contracts, Financial Regulations, Scheme of Administration and Standing Orders relating to Meetings and other relevant policies and procedures.
- iv) Where clarification is required, the Chief Executive will determine which matters are operational or otherwise.

2.2 Powers Reserved to Council

General Issues

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

Specific powers reserved for Council or Committee

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

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

Statutory Reservations

- a) To change the name of the Council in terms of Section 23 of the Local Government (Scotland) Act 1973.
- b) To appoint the Convener and Depute Convener of the Council and to decide on their titles, in terms of Section 4 of the Local Government etc. (Scotland) Act 1994.
- c) To appoint Committees in terms of Section 57 of the Local Government (Scotland) Act 1973.
- d) To promote and oppose private legislation in terms of Section 82 of the Local Government (Scotland) Act 1973.
- e) To set Council Tax in terms of Section 56(6) of the Local Government (Scotland) Act 1973.
- f) To receive the certified abstract of the Council's annual accounts, in terms of the Local Authority Accounts (Scotland) Amendment Regulations 1988 and 1997.
- g) 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..
- (g) Any amendment of the Scheme of Administration regulating the constitution, membership, functions and powers of Committees of the Council.
- (h) Amendment of the Standing Orders regulating meetings proceedings and business of the Council and Committees and contracts.
- (i) Any amendment of the Scheme of Delegation detailing those functions delegated by the Council to its Officers.
- (j) The making of an order for the compulsory acquisition of any land or buildings.
- (k) The appointment of any Chief Officer or the dismissal of the Chief Executive, Monitoring Officer, Chief Social Work Officer or S95 Financial Officer. The voluntary redundancy or early retirement of any Chief Officer which is not in compliance with the Council policies on voluntary early retirement or redundancy
- (l) All matters relating to election of Councillors where these are not the responsibility of the Returning or Counting Officer.

- (m) To consider matters relating to the fixing or amendment of the Council's geographic boundaries, its electoral boundaries and wards, or matters relating to the fixing or amendment of the boundaries of the parliamentary constituencies lying wholly or partly within North Ayrshire.
- (n) The decision to co-operate or combine with other Local Authorities in the provision of services other than by way of collaborative agreement.
- (o) The approval or amendment of the scheme for Community Councils.
- (p) Consideration of Provisional Orders or Private Bills affecting the interests of the Council.
- (q) The grant of the freedom of North Ayrshire.
- (r) To fix and amend a programme of Council and Committee meetings.
- (s) Any alteration or replacement of the North Ayrshire Integration Scheme;
- (t) Specific functions which are reserved to Council, Committees, Joint Committees or Joint Boards as detailed in the Scheme of Administration
- (u) To deal with matters reserved to the Council by Standing Orders, Financial Regulations and other Schemes approved by the Council.

2.3 General Restrictions on Exercise of Delegated Powers by Officers

- a) If any decision proposed under delegated powers might lead to a budget being exceeded, the Officer must consult with both the relevant Cabinet Portfolio Holder or Convener of the appropriate Committee, as appropriate, and the Chief Executive or Executive Director (Finance and Corporate Support), before exercising the delegated power.
- b)(i) Chief Officers must ensure that the relevant Cabinet Portfolio Holder, is, where appropriate, consulted on matters of a controversial nature. Where appropriate, such matters should be referred to Council or the appropriate Committee for decision.
- b)(ii) In particular, and without prejudice to the foregoing, Chief Officers will exercise particular care in determining whether a matter is to be regarded as controversial in the following circumstances. The Chief Executive will be the final arbiter of whether a matter is controversial: -
 -) Where determination of the issue may involve a decision contrary to local or national policy or the determination may lead to a breach of a relevant Code of Guidance.
 -) Where it is proposed that any issue be determined contrary to significant objections or the strong recommendation of Statutory Consultees.

- J 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.
- J There are perceived public safety or significant public policy issues dependent on the determination (save in the case of urgency as aforesaid).
- J Standing Orders, National or International regulation requires determination otherwise.
- J 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:

- J "Act" means the Local Government (Scotland) Act 1973;
- J "1994 Act" means the Local Government Etc. (Scotland) Act 1994;
- J "2003 Act" means the Local Government in Scotland Act 2003;
- J "2014 Act" means the Public Bodies (Joint Working) (Scotland) Act 2014;
- J "Council" means the North Ayrshire Council;
- J "Chief Officer" means the Chief Executive, the Executive Directors, the Director of the Health and Social Care Partnership and Heads of Service all as appointed by the Council.

Any reference to any Act of Parliament shall be construed as a reference to the Act of Parliament as from time to time amended, extended or re-enacted and shall include any byelaws, statutory instruments, rules, regulations, orders, notices, directions, consent or permissions made thereunder. Any reference to any statutory instrument, regulation or order shall be construed as a reference to that instrument, regulation or order (as the case may be) as from time to time amended, extended or re-enacted.

Subject to the foregoing provisions of this paragraph, the Interpretation Act 1978 shall apply to the interpretation of the scheme as it applies to the interpretation of an Act of Parliament.

2.7 Alteration of Scheme

Subject to the provisions of the Act the Council shall be entitled to amend, vary or revoke the scheme from time to time.

The financial limits as set by the terms of this scheme may be reviewed on 1st April each year.

2.8 Consultation with Chief Executive

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

2.9 Absence of Executive Director

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

3. DELEGATIONS TO OFFICERS - GENERAL PROVISIONS

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

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

- 3.10 To take such measures as may be required in emergency situations, subject to advising the Chief Executive as soon as possible thereafter on any items for which Committee approval would normally be necessary. This includes any Contract for the execution of works which are urgently required for the prevention of damage to life or property.
- 3.11 To enter into contracts for the supply of goods and materials, the execution of works and the provision of services where there is adequate provision in the estimates and in accordance with the Standing Orders for Contracts (which currently provides for letting of contracts by officers where the expenditure is less than £1m.) or the contract is let in terms of a framework agreement to which the Council is a party.
- 3.12 In the case of emergency involving danger to life or property, to enter into contracts for the supply of goods and materials, the execution of works and the provision of services where the estimated expenditure is more than £1m, subject to reporting the expenditure to a subsequent committee.
- 3.13 To sell surplus stores, plant, furniture and equipment, including any IT equipment, for the best price obtainable and write off any such stores, plant, furniture and equipment which have become unfit for use and are un-saleable, subject to the Standing Orders Relating to Contracts and any relevant Council policies.
- 3.14 To deal with, and in appropriate circumstances, to approve applications from employees for reimbursement of reasonable legal expenses, in part or in whole, incurred in defending any actions raised against them personally, providing:-
- 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) approves the grading, conditions of service and designation of posts.
- 3.17 In accordance with the Council's approved Disciplinary and Incapability and Maximising Attendance Procedures, to take disciplinary action including dismissal, as appropriate in respect of employees in their relevant Service;

- 3.18 In accordance with the Council's approved policies for early release, to approve any application for voluntary early retirement, redundancy or early release.
- 3.19 Action virement within the overall revenue budgets for their Services in accordance with the Financial Regulations and Codes of Financial Practice subject to confirmation by the Executive Director (Finance and Corporate Support) or representative.

DELEGATIONS TO OFFICERS - SPECIFIC PROVISIONS

4. Chief Executive

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

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

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

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

10. In consultation with the Head of Service (People), to exercise all discretions available to the Council in terms of the Local Government Pension Scheme (Administration) (Scotland) Regulations 2008, the Local Government Benefits, Membership and Contributions)(Scotland) Regulations 2009, the Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 2008 and the Local Government (Discretionary Payments and Injury Benefits)(Scotland) Regulations 1998.
11. To ensure that effective and equitable employment policies are developed and implemented throughout all services of the Council in the interests of the authority and its employees.
12. To maintain a list of politically restricted posts in terms of the Local Government and Housing Act 1989;
13. To authorise the implementation of national and local agreements relating to pay and conditions of service of employees or Councillors in consultation with the Head of Service (People)
14. To give direction on the applicability of the scheme and where appropriate that any Officer shall not exercise a delegated function; except where (a) part of a statutory function delegated to that Director or officer or (b) the power derives from a function delegated by the Council to North Ayrshire Integration Joint Board.
15. To consider and deal with any urgent issues, whether arising during a recess period or otherwise, subject to reporting back to the Cabinet at the first available opportunity. This power is to be exercised in consultation with the relevant Chief Officer and the relevant portfolio holder;
16. To deal, in consultation with the Provost of the Council, with applications for the patronage of the Council, the use of the Council's Coat of Arms subject to the provisions of Lord Lyon King of Arms and for the use of municipal buildings;
17. To act as the Proper Officer for the following purposes of the Act:
18. Section 33A Declaration of Acceptance of Office as a Councillor;
19. Section 34 – Receipt of resignations of Councillors;
20. Sections 50B, C, D & F – Access to information;
21. Section 194(1) – Execution of deeds;
22. Section 50(D) of the Local Government (Access to Information) Act 1985 - "Listing of background papers for a report to Members".
23. To undertake the statutory responsibilities of Returning and Counting Officer in respect of Council and Parliamentary elections, referenda and ballots for Business Improvement Districts..
24. In an emergency to instruct executive action and incur expenditure on a report from the appropriate Executive Director on any matter, after consultation with the Provost/Leader of the Council as appropriate.

25. To devise, alter and issue, as required, job descriptions in respect of Chief Officers and other officers in accordance with Council duties and functions.
26. To exercise every power delegated to Executive Directors or Officers except where (a) part of a statutory function delegated to that Director or Officer or (b) the power derives from a function delegated by the Council to North Ayrshire Integration Joint Board.
27. To appoint in the absence of the Chief Executive an Acting Depute Chief Executive and Acting Head of Paid Service to cover periods of absence. When the Chief Executive is absent the Acting Chief Executive and Head of Paid Service will have all the delegated authority of the Chief Executive.
28. To 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, , Community and Locality Planning, Policy and Performance, Health Improvement and Equalities, Elections and Council Officers.

) **Communications**, both internal and external, marketing 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 to maximum of £500,000 in cases of urgency subject to consultation with the appropriate Cabinet Portfolio holder and approval by the Chief Executive) and in addition to agree appropriate fees and expenses in connection with those settlements.
16. To settle claims arising in terms of the Land Compensation (Scotland) Act 1973 in respect of home loss payments following compulsory acquisitions and also to settle any discretionary payments arising from acquisitions by voluntary agreement provided that the statutory requirements have been met.
17. In consultation with the relevant Executive Director, to authorise ex-gratia payments up to a maximum of £5,000 relative to recommendations by the Scottish Public Services Ombudsman.
18. Custody of all titles and standard securities in the Council's favour.
19. To implement reports from the Council's Valuer with regard to leasing of property, rent reviews and acquisition or disposal of land.

20. To investigate complaints in terms of the Council's whistleblowing procedures.
21. To have access at any time to any Council premises, offices or premises of contractors for the purposes of inspecting all documents and interviewing staff (either employed or contracted) in pursuit of the examination, verification or inspection of any system operated by the Council or any department thereof and to require the production of any information in whatever form including disclosure under the Data Protection Act and to implement changes arising therefrom.
22. Undertake any acquisition, disposal, lease etc. of property or land on the basis of terms recommended by the Head of Service (Physical Environment) subject to compliance with the terms of the Council's Scheme of Administration and Standing Orders relating to Contracts.
23. Acquire former Council houses or properties within Housing Action or Regeneration Areas upon terms agreed by the District Valuer, or at the Home Report Valuation..
24. Issue Offers of Notices of Refusal and pursue recovery of discount under the Right to Buy provisions of the Housing Acts.
25. Authorise the amount of Home Loss Payment and Disturbance Allowance in respect of eligible properties, on terms recommended by the District Valuer.
26. Pursue recovery of discount under the Right to Buy Provisions of the Housing Acts.
27. Set and revise periodically all fees for legal services.
28. Formation, acquisition and dissolution of companies, whether limited by guarantee or shares, Scottish Charitable Incorporated Organisation, Trusts, Partnerships or Limited Liability Partnerships or other legal body as required. Provided that this shall not include authority to form an offshore company for reasons of tax efficiency or avoidance.
29. To determine reviews lodged under the Freedom of Information (Scotland) Act 2002.

Licensing Services

30. 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.
31. 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

32. 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)).

33. 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)).

34. 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.

35. 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)).
36. 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.
37. 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.
38. 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.
39. 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.
40. 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”).
- 41. 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.
- 42. 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).
- 43. 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.
- 44. 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.
- 45. 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.
46. 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.
47. 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.
48. To exercise the delegations in Part 3 of the Housing (Scotland) Act 2006.
49. Section 129A Housing (Scotland) Act 2006: To refuse an Application without further consideration due to breach of planning control.
50. 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.
51. To revoke such an Order when the HMO is licensed, or the Council is satisfied that the accommodation does not need a Licence.
52. 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).
53. 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.
54. The following delegated authorities under the Civic Government (Scotland) Act 1982 are to be exercised after consultation with the Licensing Committee Convenor, whom failing the Vice-Convenor, whom failing any Member of the Licensing Committee:-
- (a) Schedule 1 Paragraph 8(5A) Civic Government (Scotland) Act 1982: Late Renewal- to make a determination that an Application for the Renewal of a Licence should, or should not, be deemed an application made before the expiry;
 - (b) Schedule 1 Paragraph 9(2) Civic Government (Scotland) Act 1982: material change in the licensed premises - authorised to grant or refuse consent;
 - (c) Schedule 1 Paragraph 12 Civic Government (Scotland) Act 1982: Emergency Suspension - authorised to suspend a Licence under Paragraph 12, of Schedule 1 for six weeks or (if earlier) until the commencement of the 'Ordinary' Suspension hearing.
55. To exercise functions of the Council relating to Public Charitable Collections in conformity with Council policies.
56. Public Charitable Collections under Civic Government (Scotland) Act 1982, Section 119 - authorised in respect of a particular Collection: -
- (a) To permit a temporary departure from Committee Policy as to the dates and hours of a Collection;
 - (b) to permit a Collection in an area notwithstanding that another Permission has been granted or an Exempt Promoter has notified the Council of its intention to collect in the same area; or
 - (c) to vary conditions attached to the Permission under Section 119(5).
- This authority is to be exercised after consultation with the Licensing Committee Convenor, whom failing the Vice-Convenor, whom failing any Member of the Licensing Committee.
57. Attach such conditions as are deemed appropriate to any licence.
58. Determination of applications for the display of signs and advertisements on private hire cars and taxis.
59. To consider and determine notifications of marches and processions in conformity with Council policies.
60. To determine for the purposes of the foregoing Licensing delegations, the definitions of 'Minor Penalty', 'Disposal', 'Excluded Disposal' and 'Excluded Offences'.

Democratic Services

61. Appoint suitable persons to the Panel of Safeguarders in terms of the Children (Scotland) Act 1995.
62. Revise periodically the fees payable to Safeguarders.
63. 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.
64. Act as Clerk to the Children's Panel Advisory Committee in terms of the Social Work (Scotland) Act 1968, as amended.
65. 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.
66. Adjust as necessary the calendar of meetings and holidays in consultation with the Provost and Leader of the Council, as appropriate.
67. To provide assistance to Councillors by provision of appropriate accommodation, secretarial assistance, training and library facilities etc.
68. 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.
69. In consultation with the appropriate Executive Director to submit comments to the Scottish Public Services Ombudsman and the Pensions Ombudsman into alleged maladministration.
70. 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.
71. To determine whether Petition or deputation requests comply with the requirements of Council Standing Orders.
72. To deal with all applications or requests relating to civic receptions, opening ceremonies and any other ceremony, subject to consultation with the Provost.
73. 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.
74. 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.

75. 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.
76. To provide such support and assistance as the Returning or Counting Officer may request in relation to elections, Business Improvement Districts or referenda.
77. 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.
78. To manage the Council's arrangements for town twinning, including visits to or by other towns or areas with which the Council is twinned.
79. To manage the booking of the Council Car.
80. Maintenance of the Register of Disclosure of Interests in terms of the Ethical Standards in Public Life etc. (Scotland) Act 2000.
81. To support civic functions and festivals such as the Provost's Awards, Marymass, and the Viking Festival.
82. To provide support and assistance to Community Councils.
83. To manage the Ayrshire Area Support Team shared service, and as part of this to support the appointment process and training of members of Childrens' Panels.

Community Planning, Policy and Performance

84. To manage and administer the Council's Community Planning arrangements.
85. To manage and administer the Council's Locality Planning arrangements.
86. Support for the development of corporate policy for the Council, including the Fair for All Strategy
87. Gathering and analysis of demographic, performance and other data relating to North Ayrshire, its neighbourhoods, and its partners.
88. To manage and administer the Council's performance planning and monitoring arrangements including preparation of the Locality Outcomes Improvement Plan, Strategic Priorities, Council Plan and to make arrangements for Directorate and operational plans.
89. 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.
90. To support and coordinate Council entries for awards.

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

Communications

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

Civil Contingencies

105. To review the performance and support the delivery by South Ayrshire as lead authority, of the Ayrshire Civil Contingencies Team shared service.
106. To exercise functions relating to civil contingencies, including identification of potential contingencies, civil contingency planning and communication, liaison with external bodies and putting in place arrangements to deal with contingencies.

6. Executive Director (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.

Employability and Business Development

1. To authorise and apply for grants that support the economic development, growth or regeneration of North Ayrshire.
2. 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.
3. 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.
4. To manage the Council's programme for recruitment of Modern Apprentices and Skillseekers, where by the Council or other employers.
5. 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.
6. To authorise and provide grants within budget parameters to support business start – up, Growth and sustainability
7. To manage the Councils business loan programme via West of Scotland Loan Fund and Business Loans Scotland
8. To manage and deliver the Councils approved International Strategy
9. To manage and deliver the Councils Social Enterprise Strategy
10. To support sectors identified through EDR Board as key to North Ayrshire Economic Development.
11. To develop the Team North Ayrshire Approach to business development and deliver agreed actions from this.
12. To work with partners to deliver increased support to business.
13. 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.

14. Notwithstanding the provisions of Section 50G (2) of the Local Government (Scotland) Act 1973, in terms of Regulation 3 of the Town and Country Planning (Scheme of Delegation and Local Review Procedure (Scotland) Regulations 2013 the following functions are hereby delegated, namely, the determination of planning applications for Local Developments as defined in Regulation 2(2) of the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, as provided for in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 (hereinafter referred to as the "1997 Act") excepting always therefrom the applications where the Planning Authority themselves decide to determine the application in terms of Section 43A(6) of the 1997 Act. Planning Committee Call-in Procedures are more specifically detailed in paragraph 26.3 of the Standing Orders for Meetings and Proceedings of the Council.
15. 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.
16. To administer the provision of Part VI (Enforcement) and Part VII (Trees) of the 1997 Act and to determine applications.
17. 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.
18. 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.

19. Agree the discharge of planning conditions where the terms of the condition have been fulfilled.
20. To determine any application for advertisement consent under Regulations in terms of Section 182 of the 1997 Act to the displays of advertisements.
21. 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.
22. 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.
23. 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.
24. Evaluate applications and determine whether an Environmental Impact Assessment is required and where so, scope.
25. 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.
26. 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.
27. Make observations on behalf of the Planning Authority on routine proposals by statutory undertakers or on routine consultations to the Council as Planning Authority.
28. Determine applications for certificate for proposed and existing lawful use and development.
29. Determine applications for hazardous substance consent.
30. 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.
31. Represent the Council at Inquiries or Hearings to the Scottish Ministers under the Planning Legislation.
32. Confirm provisional Tree Preservation Orders, where no objections have been received.
33. To construct and maintain paths, to produce a Core Paths Plan and other duties in terms of the Land Reform (Scotland) Act 2003.

34. 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.
35. Authorise grants, where contained within existing budgets for listed buildings, properties in the conservation areas and externally supported schemes.
36. Authorise grants within policy and budget for improvements to landscape and the environment.
37. Authorise and apply for grants within policy and budget to improve access to the countryside.
38. Respond to consultations on planning applications from neighbouring planning authorities and make observations on consultations to the Council as Planning Authority.
39. 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.
40. Maintain statutory registers and lists.
41. To respond on behalf of the Council to Historic Buildings and Monuments Directorate regarding a listing of buildings or architectural or historic interest.
42. To respond on behalf of the Council to the Forestry Commission regarding consultations on forestry applications.
43. To respond to consultations from adjoining Councils regarding plans or planning applications in their area.
44. To determine applications under the High Hedges (Scotland) Act 2014.
45. 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).
46. 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

47. 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
48. 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.
 49. 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.
 50. 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.
 51. Exercise the functions of the Council in relation to compliance and enforcement of unauthorised works and require buildings to comply with Building Standards Regulations.
 52. To assist in the determination of applications for Houses in Multiple Occupation lodged under the Civic Government Scotland Act 1982.
 53. 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.
 54. Exercise the functions as Building Standards Authority in terms of issuing certificates of suitability under section 50 of the Licensing (Scotland) Act 2005.
 55. 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.
 56. Grant extensions to the life of building warrants.
 57. Exercise the functions of the Council by maintaining and making available for public inspection at all reasonable times a Building Standards Register
 58. To respond on behalf of the Council, on matters relating to disability access in and around buildings, to the North Ayrshire Access Panel.
 59. To determine all applications for raised structures in terms of section 89 of the Civic Government (Scotland) Act 1982
 60. To manage the Safety Advisory Group and support the effective planning for significant events effecting North Ayrshire through effective liaison with partners.

Environmental Health and Trading Standards

61. To undertake the functions of the Council relating to Environmental Health and Trading Standards
62. 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
63. To immediately suspend licenses where necessary for the purposes of public safety.
64. 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).

65. 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

66. To undertake the functions of the Council for the calibration and certification services to industry and commerce.
67. To undertake the functions of the Council for securing compliance with trades description and consumer product safety issues.
68. 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.
69. To undertake the functions of the Council relating to communicable diseases.

70. To advise the Executive Director of Economy and Communities to appoint the Chief Officer and/or individual officers of Trading Standards Scotland as officers of the Council, whether in perpetuity, on a time limited basis or for the duration of a particular operation. This shall include power to appoint such officers retrospectively to the date of approval of this provision (27 June 2018).
71. Pursuant to section 56(1) of the Local Government (Scotland) Act 1973, to authorise the Executive Director of Economy and Communities to authorise the Chief Officer and/or individual officers of Trading Standards Scotland, whether in perpetuity, on a time limited basis or for the duration of a particular operation : (i) to discharge such of the functions relating to trading standards and consumer protection, including under the legislation set out in paragraph 65 and 72 hereof as may be listed by the Executive Director in such authorisation ; and (ii) to act as an authorised officer for the purposes of discharging those functions, including for the purposes of the said legislation, and in fulfilment of all functions granted to the Council in respect of trading standards and consumer protection, including under the said legislation.
72. Duty or Powers to Enforce:
-) Advanced Television Services Regulations 2003
 -) Aerosol Dispensers Regulations 2009
 -) Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013
 -) Biofuel (Labelling) Regulations 2004
 -) Business Protection from Misleading Marketing Regulations 2008
 -) Chemicals (Hazard Information and Packaging for Supply) Regulations 2009
 -) Children and Families Act 2014 (The Standardised Packaging of Tobacco Regulations 2015)
 -) Children and Young Persons (Protection from Tobacco) Act 1991
 -) Cigarette Lighter Refill (Safety) Regulations 1999
 -) Sections 5 and 27E to 27G of the Civic Government (Scotland) Act 1982
 -) Construction Products Regulations 2013
 -) Consumer Contracts (Information, Cancellations and Additional Charges) Regulations 2013
 -) Consumer Credit Act 1974
 -) Consumer Credit Act 2006
 -) Consumer Protection (Distance Selling) Regulations 2000
 -) Consumer Protection Act 1987
 -) Consumer Protection from Unfair Trading Regulations 2008
 -) Consumer Rights (Payment Surcharges) Regulations 2012
 -) Consumer Rights Act 2015
 -) Copyright, Designs and Patents Act 1988
 -) Cosmetic Products Enforcement Regulations 2013
 -) Crystal Glass (Descriptions) Regulations 1973
 -) The Dangerous Substances and Explosive Atmospheres Regulations 2002
 -) Detergents Regulations 2010
 -) Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures,
 -) Sections 214 and 215 of the Education Reform Act 1988

-) Electrical Equipment (Safety) Regulations 1994
-) Electromagnetic Compatibility Regulations 2006
-) Electromagnetic Compatibility Regulations 2016
-) Electronic Commerce (EC Directive) Regulations 2002
-) Energy Act 1976
-) Energy Information Regulations 2011
-) Part 8 of the Enterprise Act 2002
-) Estate Agents Act 1979
-) Explosives Acts 1875 and 1923
-) Explosives Regulations 2014
-) Financial Services (Distance Marketing) Regulations 2004
-) Financial Services Act 2012
-) Financial Services Act 2012 (Consumer Credit) Order 2013
-) Financial Services and Markets Act 2000
-) Fireworks Act 2003
-) Fireworks Regulations 2004
-) Food Imitations (Safety) Regulations 1989
-) Footwear (Indication of Composition) Labelling Regulations 1995
-) Furniture and Furnishings (Fire)(Safety) Regulations 1988
-) Gas Appliances (Safety) Regulations 1995
-) General Product Safety Regulations 2005
-) Hallmarking Act 1973
-) Intellectual Property Act 2014
-) Medical Devices Regulations 2002
-) Motor Fuel (Composition and Content) Regulations 1999
-) Motor Vehicle Tyres (Safety) Regulations 1994
-) Motor Cycle Noise Act 1987
-) Nightwear (Safety) Regulations 1985
-) N-nitrosamines and N-nitrosatable Substances in Elastomer or Rubber Teats and Dummies (Safety) Regulations 1995
-) Oil Heaters (Safety) Regulations 1977
-) Olympic Symbol etc. (Protection) Act 1995
-) Package Travel, Package Holidays and Package Tours Regulations 1992
-) Packaging (Essential Requirements) Regulations 2015
-) Passenger Car (Fuel Consumption and CO2 Emissions Information) Regulations 2001
-) Pedal Bicycles (Safety) Regulations 2010
-) Personal Protective Equipment Regulations 2002
-) Petroleum (Consolidation) Regulations 2014
-) Plugs & Sockets etc. (Safety) Regulations 1994
-) Poisons Act 1972
-) Pressure Equipment Regulations 1999
-) Price Indications (Bureau de Change) (No. 2) Regulations 1992
-) Price Marking Order 2004
-) Prices Act 1974
-) Pyrotechnic Articles (Safety) Regulations 2015
-) Radio Equipment and Telecommunications Terminal Equipment Regulations 2000
-) REACH Enforcement Regulations 2008

-) Recreational Craft Regulations 2004
-) Regulation 765/2008/EC on Accreditation and Market Surveillance
-) Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013
-) Sections 17 and 18 of the Road Traffic Act 1988
-) Road Vehicles (Brake Linings Safety) Regulations 1999
-) Sale of Tobacco (Registration of Moveable Structures and Fixed Penalty Notices) (Scotland) Regulations 2011
-) Simple Pressure Vessels (Safety) Regulations 1991
-) Simple Pressure Vessels (Safety) Regulations 2016
-) Supply of Machinery (Safety) Regulations 2008
-) Textile Products (Labelling and Fibre Composition) Regulations 2012
-) The Electrical Equipment (Safety) Regulations 2016
-) The Pressure Equipment (Safety) Regulations 2016
-) The Psychoactive Substances Act 2016
-) Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010
-) Toys (Safety) Regulations 2011
-) Trade Descriptions Act 1968
-) Trade Marks Act 1994
-) Video Recording Acts 1984 and 2010
-) Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012

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.
77. To support the Council in promoting the Licensing Objectives of the Licensing (Scotland) Act 2005 as amended and supplemented by subsequent primary and secondary licensing legislation, whether through inspection of premises or otherwise.

Regeneration

78. 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.

79. To promote the Ayrshire Growth Deal including development of businesses cases for investment.
80. To promote and manage the Irvine Enterprise Area
81. 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.
82. To develop and implement local regeneration projects including Conservation Area Regeneration Schemes, shopfront improvement scheme, public realm schemes and area based masterplans.
83. To authorise and apply for grants within policy and budget to improve the physical environment of North Ayrshire
84. To authorise grants, where contained within existing budgets for listed buildings, properties in conservation areas and externally supported schemes.
85. To authorise grants within policy and budget for improvements to landscape and the environment.
86. To coordinate and manage the expenditure of Vacant and Derelict Land Funding secured from the Scottish Government.
87. To promote outdoor access and active travel within North Ayrshire.
88. Implementation of active travel and transport projects as set out in relevant strategies
89. To construct and maintain paths, to produce a Core Paths Plan and other duties in terms of the Land Reform (Scotland) Act 2003.
90. 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.
91. Authorise and apply for grants within policy and budget to improve access to the countryside.
92. 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.

93. 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.
94. 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.
95. Authorised to respond to consultation for applications for planning development control where these relate to roads and flooding issues.
96. 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
97. 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.
98. To support the development of Business Improvement Districts.

Connected Communities

99. To ensure proper arrangements for community engagement, consultation, participation and community empowerment.
100. To develop and support the capacity of organisations, individuals and communities to become involved in, and contribute to North Ayrshire, its neighbourhoods and communities.
101. To support the development of locality planning, the development of defined neighbourhood priorities and community action plans.
102. To support organisations and communities seeking to acquire Council assets in terms of the Council's Asset Transfer Policy
103. To manage Participation Requests, Asset Transfer Requests, and Community Right to Buy Requests under the Community Empowerment (Scotland) Act
104. 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.

105. 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.
106. To ensure the provision of an adequate library and information service which meets the needs of residents.
107. To acquire whether by purchase, donation, bequest or exchange any items for the museum and art collections of the Council.
108. 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.
109. To authorise the acceptability of gifts to art galleries or museums on behalf of the Council and to acknowledge the acceptability of these gifts.
110. 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.
111. 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.
112. 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.
113. 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.
114. 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.
115. The management and delivery of Council sports and leisure facilities not operated by North Ayrshire Leisure Trust/KA Leisure.
116. Supporting arts and culture within and relating to North Ayrshire.
117. Support for community events and activities.
118. To provide support and assistance to Community Councils.
119. To provide support and assistance to Community Associations.

120. To provide discretionary grants to community organisations in pursuit of community interests.
121. 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.
122. To manage Eglinton Park and related open spaces.
123. Outdoor education including management of Arran Outdoor Education Resource Centre.

In accordance with the recommendations of the Locality Partnership made by consensus, or which failing, by the Elected Member or Members on the Locality Partnership in question, to agree and administer the disbursement of any grant or other financial payment to local organisations or individuals from within the area in terms of the relevant community development grant scheme, common good funds or other public trusts.

122. To name streets in consultation with the relevant Locality Partnership.

7. Executive Director (Education and Youth Employment)

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

- **Schools** including Curriculum; Learning and Development; Educational ICT; Performance and Improvement; Professional Development; and Service Redesign
- **Children and Young Peoples' Services** including Integrated Childrens' 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.
20. In accordance with the Council's approved policies for early release, in conjunction with the Head of Service (People), to approve any application by a teacher or associated professional for voluntary early retirement, redundancy or early release.

8. Executive Director (Finance and Corporate Support)

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

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

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: -

Audit

1. To undertake internal audit of Council systems, procedures and practices and to investigate complaints or issues raised with Internal Audit. To provide policies, procedures and guidance relating to audit, fraud, bribery and defalcation.
2. The taking of measures designed to deter fraud, investigation of cases of suspected fraud, the taking of action to recover assets and monies lost through fraud and any action required against those responsible.
3. The taking of measures designed to deter bribery, the investigation of cases of suspected bribery, and all actions to comply with the terms of the Bribery Act 2010.
4. In relation to Internal Audit work being carried out, the Senior Manager (Internal Audit, Risk and Fraud) and any member of the Internal Audit section has the authority to: -
 -) Enter at all reasonable times and without notice any premises or land of the Council, provided that where such premises or land are leased to a third party the terms of the lease are observed;
 -) Have access to, and remove, all records (both paper and electronic), documents and correspondence within the possession or control of any officer of the Council, relating to any transactions of the Council;
 -) Be provided with a separate log-in to any computer system within the Council and have full access to any system, network, personal computer or other device in the ownership of the Council;

-) Require and receive explanations concerning any matter under examination from any employee, including Chief Officers, and request such explanations from any elected member;
-) Require any employee of the Council to produce cash, stores or any other Council assets under their control.

Finance

5. 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.
6. Produce, and regularly review the Financial Regulations of the Council and any Codes of Financial Practice made thereunder.
7. 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.
8. 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.
9. To be the primary point of contact with external audit and provide support, information and recommendations to external auditors.
10. The provision of financial services to other bodies, organisations, etc. subject to a charge being made where appropriate.
11. Authorise disposal or write-off of surplus materials, stores, or equipment where the value does not exceed £10,000.
12. Determine Home Loan Applications and implement amendments to interest rates for the Home Purchase Loans.
13. 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

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

16. 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.
17. Act as Registrar of Stocks, Bonds and Mortgages.
18. 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.
19. Make payments by cheque or other instrument.
20. Authorise the signature of cheques and other appropriate financial documentation on behalf of the Council
21. Write off debts if satisfied that they cannot reasonably be recovered.

Procurement

21. 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.

People Services

22. 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.
23. To supervise and, so far as necessary, administer the Council's Corporate Human Resources Policies and Procedures.
24. Develop and maintain human resources and organisational development policies and procedures.
25. 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);
26. Contribute to the effective operation of the Council's Appeals Committee, Joint Consultative Forum and the Local Negotiating Committee for Teachers.
27. To undertake on behalf of the Council negotiations and discussions with Trade Unions and other employee organisations concerned with the interests of Council employees.
28. Implement national pay awards and amendments to national and local rates of travel, subsistence and other allowances.

29. 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.
30. After consultation with the appropriate Executive Director to approve the acceleration of increments within existing salary scales.
31. 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.
- 32 To pay salary and wages and make associated arrangements for payment of Council paid employees in accordance with statutory requirements.
33. 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.
34. To co-ordinate the Council's arrangements for obtaining reports relating to potential criminal convictions.
35. 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.
36. Enter into agreements and deliver human resources and organisational development services to other bodies.
37. To design and deliver or arrange for the delivery of training to Council employees, Councillors or others.
38. To make arrangements for employee recognition and reward.
39. To undertake employee consultation surveys.
40. To support and facilitate public consultation exercises, including the budget consultation.
41. To provide support and assistance to the Strategic Leadership Group and Senior Management Network.
42. 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.
43. 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.

Risk and Insurance

44. Ensure adequate risk management arrangements are in place throughout the Council.
45. To exercise functions relating to the identification, planning and mitigation of risks affecting the Council.
46. 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.
47. Ensuring that adequate insurance arrangements are in place.

Customer and Digital Services

48. The provision of efficient and effective technology solutions including advice, appropriate to the needs of the Council and its departments.
49. To keep under review the provision of technology Systems to Council departments and the local community.
50. Monitoring the integrity, effectiveness and economic utilisation of all technology bases processing facilities.
51. 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.
52. Authorise appropriate software licensing and other ICT Contracts.
53. In conjunction with relevant Chief Officers, develop, maintain and support policies and procedures relating to ICT Security and cyber-crime.
54. To ensure that all computer information processing conforms to the Data Protection Act 1998 and the General Data Protection Regulation.
55. 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.
56. In consultation with the appropriate Executive Director to submit comments to the Scottish Public Services Ombudsman and the Pensions Ombudsman into alleged maladministration.
57. To implement the Council's Digital Strategy, to develop and manage all customer contact channels and to manage emergency telephone helplines.
58. To manage the Council's Customer Complaints procedures

59. To determine and issue school clothing grants
60. To gather all monies due to the Council and enforce payment thereof.
61. 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
62. To administer the Scottish Welfare Fund on behalf of the Scottish Government
63. To administer council tax reduction scheme on behalf of the Scottish Government.
64. To bill and collect sundry income for the Council
65. To support the delivery of Universal Credit in North Ayrshire in accordance with the Department of Work and Pensions Delivery Partnership Agreement.
66. Rent collection and accounting, arrears recovery and collection of other miscellaneous charges.
67. To undertake the Council's duties relating to records management, the Records Management Plan and to maintain and manage a records management store.

68. To provide support and assistance to services in responding to requests under the Freedom of Information (Scotland) Act 2002.
69. To provide support and assistance to Council services to enable them to comply with duties under the Data Protection Act 1998, and the General Data Protection Regulation and to assist them to deal with requests for the release of personal data.
70. To develop protocols for the filing and retention of Council information.

Transformational Change

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

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.)

- J 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.
- J 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.)
- J Section 12AZA (The taking of steps to identify persons who are able to assist a supported person with assessments under section 12A and to involve such persons in such assessments.)
- J Section 13 (The assistance of persons in need with the disposal of their work.)
- J Section 13ZA (The taking of steps to help an incapable adult to benefit from community care services.)
- J Section 13A (The provision, or making arrangements for the provision, of residential accommodation with nursing.)
- J Section 13B (The making of arrangements for the care or aftercare of persons suffering from illness.)
- J Section 14 (The provision or arranging the provision of domiciliary services and laundry services.)
- J Section 27 (Supervision and care of persons put on probation or released from prisons etc.)
- J Section 27ZA (Grants in respect of community service facilities.)
- J 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.
- J 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.)
- J Section 59 (The provision of residential and other establishments.)
- J Section 78A (Recovery of contributions.)
- J Section 80 (Enforcement of duty to make contributions.)
- J Section 81 (Provisions as to decrees for ailment.)
- J Section 83 (Variation of trusts.)

- J 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

- J Section 34 (Access and maintenance.)
- J Section 39 (Reports by local authorities and probation officers.)
- J Section 40 (Notice of application to be given to Local Authority.)
- J Section 50 (Payments towards maintenance of children.)

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

- J 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

- J 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.)
- J 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.)
- J 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

- J Section 3 (Duty of Local Authority to ensure well-being of and to visit foster children.)
- J Section 5 (Notification to Local Authority by persons maintaining or proposing to maintain foster children.)
- J Section 6 (Notification to Local Authority by persons ceasing to maintain foster children.)
- J Section 8 (Power of local authorities to inspect foster premises.)
- J Section 9 (Power of local authorities to impose requirements as to the keeping of foster children.)
- J Section 10 (Power of local authorities to prohibit the keeping of foster children.)

9. Disabled Persons (Services, Consultation and Representation) Act 1986

- J 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.)
- J 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.)
- J Section 7 (The making of arrangements for the assessments of the needs of a person who is discharged from hospital.)

- J 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

- J Section 17 (Duty of Local Authority to children looked after by them.)
- J Sections 19-27 (Provision of relevant services by Local Authority for or in respect of children in their area.)
- J 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.)
- J Section 36 (Welfare of certain children in hospitals and nursing homes etc.)
- J Section 38 (Short term refuges for children at risk of harm.)
- J Section 76 (Exclusion orders.)

11. Criminal Procedure (Scotland) Act 1995

- J Section 51 (Remand and committal of children and young persons.)
- J 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.)
- J Section 234B (Drug treatment and testing order.)
- J Section 245A (Restriction of liberty Orders.)
- J The Adults with Incapacity (Scotland) Act 2000
- J Section 10 (The general functions of a Local Authority under the Adults with Incapacity (Scotland) Act 2000.)
- J Section 12 (The taking of steps in consequence of an investigation carried out under section 10(1)(c) or (d).)
- J Sections 37, 39-45 (The management of the affairs, including the finances, of a resident of an establishment managed by a Local Authority.)

12. The Adults with Incapacity (Scotland) Act 2000

- J Section 10 (The general functions of a local authority under the Adults with Incapacity (Scotland) Act 2000.)
- J Section 12 (The taking of steps in consequence of an investigation carried out under section 10(1)(c) or (d).)
- J 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

- J 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

- J 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.)
- J Section 5 (The making of arrangements for the provision of residential accommodation outside Scotland.)
- J Section 6 (Entering into deferred payment agreements for the costs of residential accommodation.)
- J 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

- J Section 17 (The provision of facilities to enable the carrying out of the functions of the Mental Welfare Commission.)
- J 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.
- J 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.
- J 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.
- J Section 33 (The duty to inquire into a person's case in the circumstances specified in 33(2).)
- J Section 34 (The making of requests for co-operation with inquiries being made under section 33(1) of that Act.)
- J 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.)
- J Section 259 (The securing of independent advocacy services for persons who have a mental disorder.)

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

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

17. . The Housing (Scotland) Act 2006

- J 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

- J Section 1 (Duty of Local Authority to provide adoption service.)
- J 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.)

- J Sections 9-12 (Adoption support services.)
- J Section 19 (Local Authority's duties following notice under section 18.)
- J Section 26 (Procedure where an adoption is not proceeding.)
- J Section 45 (Adoption support plans.)
- J 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.)
- J Section 51 (Local Authority to have a regard to guidance issued by Scottish ministers when preparing or reviewing adoption support plans.)
- J Section 71 (Adoption allowances schemes.)
- J Section 80 (Application to court by Local Authority for the making of a Permanence Order.)
- J Section 90 (Precedence of court orders and supervisions requirement over permanence order.)
- J Section 99 (Duty of Local Authority to apply for variation or revocation of a permanence order.)
- J Section 10 (Notification requirements upon Local Authority.)
- J 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

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

20. Children's Hearings (Scotland) Act 2011

- J Section 35 (Child assessment orders.)
- J Section 37 (Child protection orders.)

- J Section 42 (Application for parental responsibilities and rights directions.)
- J 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.)
- J Section 48 (Application for variation or termination of a child protection order.)
- J Section 49 (Notice of an application for variation or termination of a child protection order.)
- J Section 60 (Duty of Local Authority to provide information to Principal Reporter.)
- J Section 131 (Duty of implementation authority to require review of a compulsory supervision order.)
- J Section 144 (Implementation of a compulsory supervision order: general duties of implementation authority.)
- J Section 145 (Duty of implementation authority where child required to reside in a certain place.)
- J Section 153 (Secure accommodation.)
- J Sections 166-167 (Requirement imposed on a Local Authority: review and appeal.)
- J Section 180 (Sharing of information with panel members by Local Authority.)
- J Section 183-184 (Mutual assistance.)

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

- J Section 5 (The giving of the opportunity to choose a self-directed support option.)
- J Section 6 (The taking of steps to enable a person to make a choice of self-directed support option.)
- J Section 7 (The giving of the opportunity to choose a self-directed support option.)
- J Section 8 (Choice of options: children and family members.)
- J Section 9 (The provision of information.)
- J Section 10 (Provision of information: children under 16.)
- J Section 11 (Giving effect to the choice of self-directed support option.)
- J Section 12 (Review of the question of whether a person is ineligible to receive direct payments.)
- J Section 13 (Offering another opportunity to choose a self-directed support option.)
- J Section 16 (The recovery of sums where a direct payment has been made to a person and the circumstances set out in section 16(1)(b) apply.)
- J Section 19 (Promotion of the options for self-directed support.)

22. Carers (Scotland) Act 2016

- J Section 6 (Duty to prepare adult carer support plan)
- J Section 21 (Duty to set local eligibility criteria for carer support)
- J Section 24 (Duty to provide support)
- J Section 25 (Provision of support to carers: breaks from caring)Section 31 (Duty to prepare local carer strategy)

-) Section 34 (Information and advice service for carers)
-) Section 35 (Short breaks services statements)

23. . Miscellaneous

Exercise the foregoing functions of the Council in terms of the following legislation which relate to the services detailed in the first paragraph hereof: -

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

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

25. On a recommendation of North Ayrshire Integration Joint Board and subject to consultation with the Chief Finance Officer of the Integration Joint Board to enter into contracts for the supply of goods and materials, the execution of works and the provision of services where there is adequate provision in the estimates and in accordance with the Standing Orders for Contracts (which currently provides for letting of contracts by officers where the expenditure is less than £1m.) or the contract is let in terms of a framework agreement to which the Council or Integration Joint Board is a party.

Chief Social Work Officer

The duties of Chief Social Work Officer as set out in section 12D hereof will be undertaken by the Senior Manager, Justice Services.

- 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 and through the appointed Roads Manager, the functions of Harbour Manager under the Harbours Act 1964, the Millport Piers Order, and the Saltcoats Harbour Act in relation to piers, harbours and navigable rivers.
28. Authorised to exercise functions of the Council under section 12 of the Roads (Scotland) Act 1984 in relation to the stopping up or diversion of highways, crossing or entering routes of proposed new highways.
29. Authorised after consultation with the Chief Executive to agree terms for bridge agreements with the relevant Railway body and terms of discharge of the Councils liability for annual maintenance and renewal charges in that connection.

30. Authorised after consultation with the Chief Constable to consider and, where acceptable in road safety terms, approve locations for advertisements on road safety barriers and similar structures subject to the necessary consents being obtained in respect of Planning Approval.
31. Authorised to make arrangements for the management of car parks etc including granting their use or part thereof to other persons and bodies, and the imposition or waiving of charges for such use.
32. To carry out the functions of the Council in terms of Section 4, 5, 8, 12 and 25 of the Coast Protection Act 1949.
33. Authorised in terms of the Health and Safety at Work Act 1974 and the Electricity at Work Regulations 1989 to carry out all duties set out in the statements of responsibilities for (health, safety and welfare in places of work) and the general statement of policy and health and safety at work issued in 1985 as amended.
34. Authorised to respond to consultation for applications for planning development control where these relate to roads and flooding issues.
35. Authorised to make application for extensions to the operator's licence to the vehicle licensing authority or any other decisions necessary to ensure the legal operation of the 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, including properties held or to be acquired under the Common Good or Housing Revenue Account, and consisting of land, buildings and all heritable assets including way leaves, servitudes, licences and agricultural and grazing leases, , to authorise all purchases and sales up to a value of 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, are delegated to the North Ayrshire Integration Joint Board, are delivered by North Ayrshire Health and Social Care Partnership or another Health and Social Care Partnership on a Lead basis, in partnership with other agencies, or procured by the Council and provided by others on its behalf. Those functions are referred to in this document as “social work services”.

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

The Chief Social Work Officer is required by section 5(1) of the 1968 Act to carry out the duties of the post under the general guidance of the Scottish Ministers. The Scottish Ministers issued revised and finalised guidance in May 2016.
<http://www.gov.scot/Publications/2016/07/3269/0>

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

accordingly is included in the list of such posts required to be maintained by the Council.

Delegated to the Post

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

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

balance of need, risk and civil liberties, in accordance with professional standards;

- b) Appropriate systems required to 1) promote continuous improvement and 2) identify and address weak and poor practice;
- 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.

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Guidelines for Member/Officer Relations

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

June 2018

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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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 (Senior Manager Justice Services)

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 DATA PROTECTION

- 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 2018 which incorporates the provisions of the General Data Protection Regulation. Anyone who holds personal information may require to be registered with the Information Commissioner's Office (ICO). Personal information obtained through the Council, such as committee reports or information provided by Officers is covered by the Council's registration and requires to be handled in accordance with the Council's procedures for processing such information. Information obtained through a political party of which you are a member is likely to be covered by that Party's registration. Similarly, it requires to be handled in accordance with the Party's procedures for processing such information. However if Members hold personal information (such as details of constituent enquiries), and most will do so, they will require to be individually registered under the Data Protection Act. When holding personal information Members must abide by the following rules:-
- o Members must have some legitimate basis for holding and using the information, usually because your constituent has provided their personal information to enable you to investigate their concern. As long as the information is used for this purpose, the constituent's consent is the basis on which you can share this information with others to investigate their concern. In other words, 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.
 - o Only use the information for the purposes for which it was given.
 - o You should ensure that any personal information which you hold is stored securely, whether in electronic or paper format.
 - o You should not keep the information any longer than you need to.

- Personal information held by the local authority should not be used for political purposes unless both the local authority and the individuals' concerned agree.
- Where sharing information with another ward councillor, the constituent must be made aware that this is going to take place and why it is necessary. Where they object to this information sharing cannot happen.
- 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.
- If you receive a Subject Access Request seeking information held by you, you will need to respond within the legislative timescales of 30 days. This is likely to relate to constituent enquiries, rather than information you obtained from the Council.

The ICO'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>

While this advice is still valid, it has been supplemented by the Information Commissioner's 'Guide to the General Data Protection Regulation' which can be viewed at:-

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

The Council's Data Protection Officer can also provide further support, and will ensure that your registration with the ICO is in accordance with the Data Protection (Charges and Information) Regulations 2018

- 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 or delivery of Council services; this is an officer role. Members are responsible for policy and strategy and officers are responsible for operational management of services. As a general rule, if a power is delegated to officers under the Council's Scheme of Delegation it is operational.

The Standards Commission for Scotland have published an 'Advice Note for Councillors on Distinguishing between their Strategic Role and any Operational Work' which provides further information and can be viewed at:- <http://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings>

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, as detailed in 8.6.

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 As detailed in paragraph 5.1 and 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. While Councillors' enjoy a right of free speech in terms of Article 10 of the European Convention of Human Rights (ECHR) it should be noted:-

-) The right to freedom of expression is not absolute. Restrictions may be imposed to ensure that the conduct of public life at the local government level, including public debate, does not fall below a minimum level so as to endanger public confidence in democracy.
-) This includes protecting officers from offensive and abusive verbal attacks. It is in the public interest that officers are not subjected to unwarranted comments that prevent them from performing their duties in conditions free from disturbance.
-) Public servants are subject to wider levels of acceptable criticism than other members of the public when matters of public concern are being discussed. However, the limits are not as wide as they are for elected politicians.

The recent Advice Note issued by the Standards Commission for Scotland on 'The Application of Article 10 of the ECHR and the Councillors' Code of Conduct' provides useful information on this.

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.



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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

Final Draft – 18 June 2018

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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 Council's Procurement Strategy
 - i) North Ayrshire Council's 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 Relating to 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 Senior Manager Corporate Procurement.

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 it is 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 Senior Manager Corporate Procurement, 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 individual mini- competition exercises undertaken by the Council against an approved framework, where the contract award value is above £500K will be approved by the Chief Executive.
- 5.1.7 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.
- 5.1.8 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.
- 5.1.9 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.
- 5.1.10 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
- 5.1.11 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
- 5.1.12 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 5.1.9 and 5.1.10 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
<p>*Where transparency, non-discrimination and equal treatment are not compromised the Senior Manager Corporate Procurement retains sole discretion to increase the threshold for Works up to £2,000,000.</p>		

5.3 Trading Operations in accordance with clause 8 below.

5.4 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. The Single Action Request Form will be amended from time to time, the latest version is available on Connects.

5.5 Where a contract is exempt under clause 5.1.4 then a retrospective Single on Request for 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 Senior Manager Corporate Procurement and the procurement process shall be undertaken in conjunction with the Corporate Procurement Team.
- 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 Senior Manager Corporate Procurement.
- 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 Senior Manager Corporate Procurement.
- 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 Senior Manager Corporate Procurement 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 Senior Manager Corporate Procurement.
- 11.3 Examples of Conflicts of Interest include members of the evaluation panel or procurement team processing the procurement exercise having a financial interest or having a relationship (spouse, partner, family member etc.) with someone in the bidders organisation.

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. 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.

The RPA document will be amended from time to time, the latest document is available on Connects.

- 12.2.3 A 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:

Type of Contract	Threshold (exc VAT)	Procedure
Supplies & Services	£50k – OJEU) Single Stage tendering) Two Stage tendering
Works	£100k – OJEU) 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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142 The relevant Chief Officer in consultation with Corporate Procurement will determine through market research which procedure will be used to maximise competition.

143 For Open and Restricted Tenders, the relevant Chief Officer shall seek tenders from any Organisations registered on Pubic 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.

145 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, Corporate Procurement shall publish a notice on Public Contracts Scotland.

The notice shall:

-) Specify the nature and purpose of the contract;

-) Include a European Single Procurement Document (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 Senior Manager Corporate Procurement 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 Senior Manager Corporate Procurement 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 Senior Manager Corporate Procurement or Designated Officer).

146 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 Senior Manager Corporate Procurement, prior to negotiation commencing.

147 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 Senior Manager Corporate Procurement before proceeding. The Senior Manager Corporate Procurement 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 have been 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:
 - o The aim of the procurement is the creation or acquisition of a unique work of art or artistic performance;
 - o 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);
 - o 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;

- J 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.;
- J For supplies quoted and purchased on a commodity market;
- J 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**:

- J 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;
- J In instances when all of the following apply:
 - o 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;
 - o 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
 - o 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, supplies or services;
-) The technical specifications of the works, supplies or services cannot be established by sufficient precision by the publicbody;
-) 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, supplies 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, supplies 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.

14.13 Public Social Partnerships (PSP)

A PSP is a strategic partnering arrangement which involves the third sector earlier and more deeply in the design and commissioning of public services.

The third sector is often best placed to interact closely with communities and its involvement can mean that people have more choice and control over what services are delivered locally. A PSP differs from other commissioning approaches in that it starts with the need to be addressed, not the services available.

A PSP typically comprises of 3 stages:

-) Third sector organisations work with the public sector purchasers to design a service;
-) A short-term pilot may be run to help refine the service delivery parameters;
-) The Service is further developed to maximise community benefit before being competitively tendered, typically within three-four years.

The Senior Manager Corporate Procurement or Designated Officer must be consulted and agree that a PSP is the correct approach.

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 Senior Manager Corporate Procurement 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 Senior Manager Corporate Procurement 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 During the evaluation process, Officers will be given access to information about the tender responses or the identity of tenderers. Some of this information may be commercially sensitive, confidential or subject to a non-disclosure agreement. This information must not be shared outwith those involved in the evaluation or decision approval process.
- 20.3 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).
- 20.4 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.
- 20.5 Chief Officers shall ensure that submitted tender prices are compared with any pre-tender estimates and that any discrepancies are examined and resolved satisfactorily.
- 20.6 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.
- 20.7 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.

- 20.8 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

- 20.9 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 Senior Manager Corporate Procurement 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 Senior Manager Corporate Procurement 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 Senior Manager Corporate Procurement.
- 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 Senior Manager Corporate Procurement. 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 contract 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

- 25.3 It is the responsibility of Chief Officers or their Designated Officer to regularly review the contract register to ensure that the register accurately reflects all known contracts including Direct Award contracts eg SW Hub. Chief Officers or their Designated Officer should notify the Corporate Procurement Unit of any new contracts or required amendments in order that the Council can meet the legal requirement of publishing an accurate complete Corporate Contract Register.

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, greater than 10% of the original contract value, should not be agreed without the prior approval of the Senior Manager Corporate Procurement or Designated Officer and without having necessary budget provision. If the variation to contract is approved, the Corporate Procurement Unit will issue contract variation letters.
- 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 Senior Manager Corporate Procurement.
- 27.3 Any termination shall be subject to the Head of Democratic Services and the Senior Manager Corporate Procurement 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 six 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?

2.9 Please state the exemption reason from the Procurement (Scotland) Regulations 2016 for requesting a Single Tender Action (please see exemptions in Part 3, section 6 below)
The Procurement (Scotland) Regulations 2016

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.		Yes/No
Question		
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:

46.1 6.2 Financial Management

Please sign below to confirm all information detailed in Section 3

Name of Officer (Block Capitals):

*****Signature:***

Date:

46.2 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:

46.3 Chief Executive

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

****Signature:**

Date:

46.4 Senior Manager Corporate Procurement 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 Senior Manager Corporate Procurement 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 Senior Manager Corporate Procurement, 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 Senior Manager Corporate Procurement 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 Senior Manager Corporate Procurement 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 2018 / 2019	£
FY 2019 / 2020	£
FY 2020 / 2021	£
FY 2021 / 2022	£
FY 2022 / 2023	£

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

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Please provide a yes/no reply to every question:

	Question	Yes/No
1	Will the service or product include the sharing and/or processing of personal information? <i>i.e. data that relates to a living individual or can identify an individual (see the Data Protection Policy for full definition)</i>	
2	Will the service or product include the sharing and/or processing of business sensitive information? <i>i.e. where unauthorised disclosure would cause harm to the interests or security of the Council</i>	

3	Will the successful supplier create and/or manage Council Records as part of delivering a Council function? <i>i.e. recorded information, digital or paper, create or received in the transaction of business and kept as evidence of such activity</i>	
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If you answer no to all questions, there are no information governance implications.

If you answer yes to any of the questions above, please contact the Information Governance Manager, ionacarcary@north-ayrshire.gov.uk, 01294 324128, for advice.

Please provide details of any requirements:

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:

7.3 3 Category Manager

Please sign below to confirm all information detailed in the RPA

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

Draft v3 5-06-18

27 June 2018**North Ayrshire Council**

Title: **Unaudited Annual Accounts 2017/18**

Purpose: To (i) provide the Council with an overview of the Council's unaudited Annual Accounts for the year to 31 March 2018; (ii) provide an overview of the Council's financial performance for the year; and (iii) outline how the 2017/18 outturn impacts on the Council's overall financial position.

Recommendation: That Council agrees to:

- (a) approve, subject to audit, the Council's Annual Accounts for 2017/18;
- (b) authorise the Audit and Scrutiny Committee to consider and approve for signature the audited annual accounts within the required timeframe;
- (c) note that Deloitte LLP plan to complete their audit of the Accounts by mid September 2018 and will present their annual audit report to the Council's Audit and Scrutiny Committee by 30 September 2018;
- (d) approve the carry forward of a further £9.904m to fund service expenditure in 2018/19, as detailed in Appendix 9;
- (e) note the unaudited General Fund break even position after allowing for the approved and planned carry forwards, including the earmarking of £2.500m from 2017/18 and the use of £1.000m of previously ringfenced reserves as part of the 2018/19 revenue budget strategy;
- (f) note the balance of uncommitted funds of £6.624m on the General Fund (equivalent to 2.0% of annual budgeted expenditure) being held in reserve;
- (g) note the unaudited Housing Revenue Account (HRA) surplus for the year of £0.009m;
- (h) note the earmarking and carry forward of the HRA balance as outlined in 2.20; and
- (i) note the financial performance of the Health and Social Care Partnership and the £5.8m deficit due to be repaid to the Council in future years.

1. Executive Summary

- 1.1 The Council prepares its Accounts on an annual basis to 31 March and is required, by the Local Authority Accounts (Scotland) Regulations 2014, to submit these Accounts to the appointed auditor by 30 June of each year. Deloitte LLP plan to complete their audit of the Accounts by mid September 2018 and will present their annual audit report to the Council's Audit and Scrutiny Committee by 30 September 2018. An abbreviated version of the Council's unaudited Accounts, containing the key financial statements, for the year to 31 March 2018 has been issued directly for Members' approval prior to their submission to the appointed auditor. A copy of the full set of accounts can be found in the Members' Lounge or by following the attached link:

<http://www.north-ayrshire.gov.uk/council/performance-and-spending/budgets-and-finance.aspx>

- 1.2 The 2017/18 Accounts have been prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (ACOP) and requirements of International Financial Reporting Standards (IFRS).
- 1.3 The Annual Accounts provide an overview of the financial performance of the various funds managed by the Council. The Management Commentary summarises the key messages in relation to the Council's financial planning and performance for 2017/18 and how this has supported delivery of the Council's priorities. It also outlines the Council's future financial plans and the challenges and risks which the Council faces. At 31st March 2018 the General Fund closed with a breakeven position after earmarking £2.500m to support the non recurring investment identified as part of the 2018-19 revenue budget. The balance on the General Fund unearmarked funds is £6.624m (equivalent to 2.0% of annual budgeted expenditure). The balance of earmarked funds is £26.611m and is detailed in section 2.21.
- 1.4 The unaudited Housing Revenue Account (HRA) surplus for the year is £0.009m. Earmarked funds are outlined at 2.20 leaving an uncommitted balance of £1.009m.
- 1.5 In 2017/18 General Fund capital expenditure of £32.006m and Housing capital expenditure of £25.510m was incurred with further details outlined in sections 2.30 to 2.37.
- 1.6 Common Good Funds closed with a balance of £2.025m and Trust Funds with a balance of £0.492m as outlined in sections 2.38 to 2.39.
- 1.7 The Health and Social Care Partnership closed 2017/18 with a deficit of £2.6m, which when added to the deficit brought forward from 2016/17 requires £5.8m to be repaid to the Council in future years.

2. Background

2.1 The Annual Accounts provide an overview of the financial performance of the various funds managed by the Council:

-) North Ayrshire Council General Fund (capital and revenue)
-) Housing Revenue Account (capital and revenue)
-) Six Common Good Funds
-) Trust Funds

2.2 The statements also include 'group accounts', which recognise the material interest the Council has in other organisations, mainly:

-) North Ayrshire Ventures Trust Limited
-) North Ayrshire Leisure Limited
-) Strathclyde Passenger Transport
-) Ayrshire Valuation Joint Board
-) North Ayrshire Integration Joint Board
-) Ardrossan North Shore LLP

2.3 The financial position of the Council and its Group is presented in the following statements:

-) Expenditure and Funding Analysis (page 28);
-) Comprehensive Income and Expenditure Statements for the Council and the Group (page 29);
-) Movement in Reserves Statement (page 30);
-) Balance Sheets for the Council and the Group (page 31).

2.4 The Local Authority Accounts (Scotland) Regulations 2014 require various disclosures about the remuneration and pension benefits of senior councillors and senior employees. The remuneration report can be found on page 14 of the financial statements.

2.5 The Council is legally required to make its draft accounts available for public inspection for a 3-week period during the audit. A notice has been published on the Council website and an advert was placed in the local papers week commencing 4 June 2018, advising that the accounts will be available for inspection at Cunninghame House, Irvine between 2 and 20 July 2018.

2.6 Under the Local Authority Accounts (Scotland) Regulations 2014, a local authority, or committee of that authority whose remit includes audit or governance functions, must meet to approve the audited Annual Accounts for signature no later than 30th September each year. The Audit and Scrutiny Committee will meet to consider the

audited annual accounts and approve them for signature within the required timescale.

Financial Performance 2017/18

2.7 This section of the report provides an overview of the financial performance of each of the main budgets managed by the Council.

General Fund Revenue Budget

2.8 As shown on page 5 of the Annual Accounts, the General Fund Revenue Account achieved an underspend of £13.022m in the year, before earmarking of £10.522m, resulting in a revised underspend of £2.500m. The final position is break even after the earmarking of funds including £2.500m to support the 2018-19 revenue budget. This compares to the reported in year surplus of £2.413m, net of £3.118m of carry forwards, as at 31 January 2018. The following table details the final position on a service by service basis:

	Appendix No	Annual Budget	Actual Outturn to 31 March 2018	Variance for year (Fav)/Adv	Request for Carry Forward Approved @ P10	New Requests for Carry Forward	Variance for Year After Carry Forward (Fav)/Adv
		£000's	£000's	£000's	£000's	£000's	£000's
Service Expenditure							
Chief Executive and Democratic Services	1	3,687	3,482	(205)	-	15	(190)
Finance & Corporate Support	2	17,360	16,277	(1,083)	-	304	(779)
Education and Youth Employment Place	3	103,467	103,260	(207)	15	-	(192)
	4	58,103	58,040	(63)	360	(260)	37
Economy and Communities	5	21,410	21,176	(234)	37	189	(8)
Other Corporate Services	6	16,103	7,259	(8,844)	-	7,209	(1,635)
Sub Total		220,130	209,494	(10,636)	412	7,457	(2,767)
Health and Social Care Partnership Balance for Services	7&8	89,347	89,347	-	-	-	-
		309,477	298,841	(10,636)	412	7,457	(2,767)
Financing Charges	9	26,185	23,315	(2,870)	2,706	(53)	(217)
Total Planned Expenditure		335,662	322,156	(13,506)	3,118	7,404	(2,984)
Planned Income							
Aggregate External Finance	9	(271,113)	(271,091)	22	-	-	22
Council Tax	9	(52,108)	(51,646)	462	-	-	462
Contribution to Capital Fund	9	(641)	(641)	-	-	-	-
Contribution to/from Earmarked Funds	9	(11,800)	(11,800)	-	-	2,500	2,500
Total Planned Income		(335,662)	(335,178)	484	-	2,500	2,984
Net Expenditure/ (Income)		-	(13,022)	(13,022)	3,118	9,904	-

2.9 **Analysis of Final Outturn** - detailed explanations for the significant variances in service expenditure compared to the approved budgets, together with information on funding to be carried forward to finance expenditure in 2018/19, are provided in Appendices 1 to 10 of this report. A summary of the proposed carry forward of earmarked funds to 2018/19 can be found in Appendix 9. There are various over and underspends across all divisions of the service. However, in summary, the year-end variance is mainly attributable to:

-) Resources set aside for Community Investment and Poverty Challenge Funds not fully drawdown during the year (£5.7m);
-) Scottish Government funding for 2018/19 received in 2017/18 (£0.9m);
-) Lower loan charges aligned to the Council's Capital Investment Programme 2018/19 to 2027/28 (£2.9m);
-) Vacancy management and the early delivery of future year savings (£1.2m); and
-) Higher than budgeted income across a range of services (£1.2m).

Chief Executive and Democratic Services

2.10 Chief Executive and Democratic Services was underspent by £0.205m (5.6% of the annual budget) for the year. This compares to a projected underspend for the year at 31 January 2018 of £0.076m. The main reasons for the final underspend are reduced employee costs across the service due to vacant posts (£0.159m) and lower than budgeted administration costs (£0.052m).

Council is asked to approve a carry forward of £0.015m of the underspend to support Community Planning activities during 2018/19. After the earmarking of £0.015m, the service was underspent by £0.190m (5.2%).

Finance and Corporate Support

2.11 Finance and Corporate Support was underspent by £1.083m (6.2% of the annual budget) for the year. This compares to a projected underspend for the year at 31 January 2017 of £0.468m. The additional underspend is primarily related to additional income recovered from the DWP and statutory additions combined with reduced expenditure from vacancy management across the service.

The main reasons for the final underspend are:

-) Reduced employee costs across the service due to vacancy management and early realisation of savings (£0.594m);
-) Additional income recovered from the DWP and statutory additions on Council Tax and Non Domestic Rates (£0.395m).

Council is asked to approve a carry forward of £0.143m of DWP funding, £0.099m in relation to software commitments, £0.032m to support specialist procurement training and £0.030m in relation to Scottish Welfare Fund Crisis Grants. After the earmarking of £0.304m for carry forward, the service was underspent by £0.779m (4.5%).

Education and Youth Employment

2.12 Education and Youth Employment was underspent by £0.207m (0.2% of the annual budget) for the year. This compares to a projected underspend for the year at 31 January 2018 of £0.454m. The reduced underspend is primarily related to additional non teacher staffing in ASN Schools and ASN response classroom assistants, partially offset by reductions in PPP unitary charges in relation to utilities and insurance charges.

The significant final variances are as follows:

-) An underspend relating to PPP schools due to contract deductions and reductions in the unitary charge (£0.374m);
-) An underspend within Early Years teaching staff (£0.101m) and Early Years' Supplies and Services (£0.151m); and
-) An underspend on ASN primary provision due to teacher vacancies (£0.244m); partly offset by
-) An overspend in relation to ASN Classroom Assistants and Early Years Workers, including ASN response staffing, £0.494m; and
-) An overspend in external specialist placements due to increased demand, £0.474m;

Cabinet has previously approved carry forwards of £0.015m. After the earmarking of £0.015m for carry forwards, the service was underspent by £0.192m (0.2%).

Place

2.13 Place was underspent by £0.063m (0.1% of the annual budget) for the year. This compares to a projected underspend for the year of £0.397m at 31 January 2018. The reduced underspend is primarily related to additional energy costs at Red Cross House and the Garnock Campus, additional winter maintenance expenditure and reduced Building Services' income resulting from access issues, partly offset by reduced provisions for landfill site costs and taxation.

There are various over and underspends across all divisions of the service which are summarised below:

-) An overspend within Building Services (£0.267m) mainly due to additional subcontractor costs and asbestos works, partly offset by additional income and reduced expenditure on employee costs and materials;
-) An overspend within Property Running Costs (£0.133m) linked to slippage in the property rationalisation programme;
-) An overspend with Energy and Sustainability (£0.205m) arising from additional costs in relation to the Garnock Campus and Red Cross House;
-) An overspend within Roads (£0.364m) related to additional winter maintenance costs;
-) An overspend within Streetscene (£0.142m) related to additional costs for skip hires and community clean ups and unrealised staff turnover; offset by
-) An underspend within Property Maintenance (£0.214m) due to delays in completing condition survey and roofing works;
-) An underspend within Other Housing (£0.183m) primarily related to vacancy management; and
-) An underspend within Waste Services (£0.576m) arising from an improved market for recyclates, increased income from Waste Gas Extraction and reduced tonnages at Landfill partly offset by seasonal and operational employee costs demands.

Cabinet previously approved carry forwards of £0.360m in relation to welfare services and property maintenance. Council is requested to note that £0.260m of this carry forward is no longer required.

After the earmarking of £0.100m for carry forward, the service was overspent by £0.037m (0.1%).

Economy and Communities

2.14 Economy and Communities was underspent by £0.234m (1.1% of the annual budget) for the year. This compares to a projected underspend for the year of £0.048m at 31 January 2018. The additional underspend is primarily related to unused income in relation to the Ayrshire Growth Deal.

The main reasons for the final variances are related to:

-) An underspend on Economic Growth Marketing and Research (£0.068m); and
-) Additional income from the Ayrshire local authorities in relation to the Ayrshire Growth Deal (£0.114m).

Cabinet have previously approved carry forwards of £0.037m. In addition, Council is asked to approve a carry forward of £0.189m in relation to the income from the Ayrshire local authorities for the Ayrshire Growth Deal (£0.114m) and £0.075m related to funding for the Quarry Road project which will not now be required until 2018/19.

After the earmarking of £0.226m for carry forward, the service was underspent by £0.008m (0.0%).

Other Corporate Items

2.15 Other Corporate Items was underspent by £8.844m compared to a projected underspend of £1.566m at 31 January 2018. The additional underspend relates to delays in the drawdown of Community Investment and Poverty Challenge Funds and advance receipt of 2018/19 Scottish Government funding.

The significant variances are:

-) Resources set aside for Community Investment and Poverty Challenge Funds which have not been fully drawn down within the year (£5.747m);
-) Additional Scottish Government funding in relation to the 2018/19 Settlement (£0.925m);
-) Additional Scottish Government funding in relation to temporary accommodation and teacher induction (£0.676m);
-) Centrally held funds identified as not fully required during the year related to pensions, the revised Benefits Cap and energy inflation (£1.443m); and
-) Employee related provisions no longer required (£0.730m); partly offset by
-) Increased Bad Debt Provision of £0.800m.

Council is asked to approve a carry forward of £7.209m to meet the following expenditure in 2018/19:

	£000s
Community Investment and Poverty Challenge Funds	5,747
18/19 Scottish Government Settlement	925
Festivals Fund	150
Poverty Challenge Fund	130
North Ayrshire Leisure income shortfall	100
Ardrossan Hostel	55
Community Justice transitional funding	38
Council Tax Reduction admin funding	23
Change Fund procurement savings	17
North Ayrshire Achieves	16
Sensory Impairment Scottish Government Grant	8
Total Other Corporate Items	<u>7,209</u>

After the earmarking of £7.209m for carry forward, the underspend was £1.635m.

Health and Social Care Partnership

2.16 The Council's contribution to the Health and Social Care Partnership reported a break even position for the year reflecting the level of funding the Council provided to the Health and Social Care Partnership. However, the Health and Social Care partnership has reported an overspend of £2.562m (1.1%) against the full-year budget of £227.581m. The overspend has reduced by £1.071m since period 10 mainly due to securing additional funding of £0.971m from the NHS to bring the NHS element of the budget online. The significant final variances are:

) **Community Care & Health** - against the full-year budget of £65.543m there was an underspend of £0.829m (1.3%). The main reasons for the final underspend are:

- a) **Locality Services** – year end underspend of £0.381m which consists of additional income of £0.378m which has been mainly secured from charging order income, the planned underspend of £0.200m in equipment agreed as part of the mitigation plan and Independent Living Services Care Packages underspent by £0.093m.

This is partly offset by Care Home placements, including respite, which has overspent by £0.300m (an adverse movement of £0.200m).

- b) **Community Care Service Delivery** – year end underspend of £0.504m which consists of care at home which underspent by £0.927m partly due to the agreed mitigation to delay the recruitment of posts and £0.177m of funds to cover the projected increased costs of homecare if more services are brought in house. Employee costs overspent by £0.228m across Montrose House, day care and the business unit.

-) **Mental Health Services** - against the full-year budget of £71.761m there was an overspend of £1.011m (1.4%). The overspend has reduced by £0.512m since period 10. The main reasons for the final overspend are Learning Disability care packages which overspent by £0.847m which included a backdated charge of £0.392m. The packages continue to be reviewed and progress is monitored by the head of service. There was also an overspend of £0.092m on respite provision and an under recovery of £0.092m in income from other local authorities using Taigh Mor respite unit.
-) **Children's Services and Criminal Justice** - against the full-year budget of £33.504m there was an overspend of £2.462m (7.3%). The overspend has increased by £0.488m since period 10. The main reasons for the final overspend are:
- a) **Residential Schools and Community Placements** – overspend of £1.669m (adverse movement of £0.446m from P10). This is the net result of rate changes for two providers, 2016/17 invoices that were not accrued and additional supports for children that were not included in the projection. Controls and processes have been put in place to ensure future early identification.
 - b) **Looked After Children Placements** – overspend of £0.596m due to the current mix of fostering, adoption and kinship payments.
 - a) **Employee costs** – overspent by £0.420m (adverse movement of £0.153m) due to the impact of the closure of the Nethermain facility for refugees sooner than anticipated and placement of the supernumerary staff in the children's units for a short period.
-) **Management and Support Costs** - The overspend has increased by £0.204m since period 10. This mainly relates to the previous inaccurate projection of the Apprenticeship Levy.

Current year financial performance results in the Health and Social Care Partnership having a cumulative deficit of £5.8m which it requires to repay to the Council.

Significant work has been undertaken to support financial sustainability for the Partnership. This includes the establishment of a dedicated Chief Finance and Transformation Officer and development of more robust governance and accountability arrangements.

2.17 The Code of Practice requires the Council to account for the budget delegated to the Health and Social Care Partnership within expenditure, matched by income which was delegated back from the Partnership. The entries within the Comprehensive Income and Expenditure Account have been adjusted to reflect the required accounting entries for the cost of the Council delivering services on behalf of the Health and Social Care Partnership. This results in an increase in expenditure and income of £89.347m.

Council Tax Income

2.18 Income from Council tax is £0.462m lower than budgeted at the start of the financial year. This is mainly related to additional provision being made for net discounts and reliefs for prior years in line with previous trends.

Housing Revenue Account

2.19 As shown on Appendix 10 the Housing Revenue Account delivered an in-year underspend of £0.009m compared to the underspend of £0.196m anticipated at 31 January 2018. The main factors contributing to the final underspend at 31 March 2018 are as follows:

-) A net saving in loan charges as a result of external borrowing funds falling below anticipated levels due to the availability and continued use of internal balances (£0.237m);
-) Underspends on Planned Maintenance and Aids and Adaptations, partly offset by overspends on Response and Void repairs, (£0.132m);
-) The above underspends were offset by an under recovery of income in relation to rents and recharges linked to increased council house sales, property slippage and protracted voids, £0.438m.

The balance brought forward at 1 April 2017 was £14.704m. £1.086m was utilised during 2017/18 for refurbishment works and the Council House Build Programme. When the 2017/18 surplus of £0.009m is applied, this results in a cumulative balance of £13.627m at 31 March 2018.

2.20 In total, the following sums have been approved by Cabinet for earmarking within the HRA:

	£000s
Council House Building	7,650
Welfare Reform	3,000
Infrastructure Improvements	613
Major Refurbishment Works	264
Tarryholme	1,091
Contingency	1,009
Total Other Corporate Items	<u>13,627</u>

Fund Balances and Reserves

2.21 The table below summarises the movement on each of the Council's Funds during the year, the closing balance at 31 March 2018 and the estimated future commitments:

	Balance as at 31/3/2017	Transfer included in Budget Paper Feb 2018	(Expenditure) / Income	Balance as at 31/3/2018	Anticipated Expenditure	Estimated Available Balance
	£000's	£000's	£000's	£000's		£000's
General Fund - Unearmarked	6,380	(2,256)	2,500	6,624	-	6,624
General Fund Earmarked:						
Education DMR	713	-	(36)	677	(677)	-
Affordable Housing	4,329	-	62	4,391	(4,391)	-
Earmarked funds	14,742	2,267	(2,953)	14,056	(14,056)	-
Equal Pay	1,011	(1,011)	-	-	-	-
Change & Service Redesign	3,949	1,000	(1,034)	3,915	(3,915)	-
Legacy Fund	51	-	(6)	45	(45)	-
Loans Fund Reserve	874	-	2,653	3,527	(3,527)	-
General Fund Sub Total	32,049	-	1,186	33,235	(26,611)	6,624
Other Reserves:						
Repairs & Renewals Fund	286	-	2	288	(288)	-
Insurance Fund	2,599	-	10	2,609	(2,609)	-
Capital Fund	7,662	-	1,569	9,231	(9,231)	-
Total General Fund	42,596	-	2,767	45,363	(38,739)	6,624
Housing Revenue Account	14,704	-	(1,077)	13,627	(12,618)	1,009
Total Reserves	57,300	-	1,690	58,990	(51,357)	7,633

2.22 **General Fund (unearmarked)** – The General Fund surplus for the year was £13.022m. After recognising the earmarking of funds to be carried forward (£13.022m) this leaves a break even position on the General Fund.

The uncommitted balance at 31 March 2018 was £6.624m, equivalent to 2.0% of the Council's annual budgeted expenditure. Best practice recommends that local authorities should retain uncommitted reserves of between 2% and 4%, equivalent to between £6.6m and £13.3m for North Ayrshire Council. The Council's reserves policy will continue to be reviewed, particularly as the level of total reserves reduces due to the delivery of commitments over the next few years.

- 2.23 **Affordable Housing** – 40% of Council Tax income on properties which are not a sole or main residence is earmarked for the provision of new build affordable housing.
- 2.24 **Earmarked Sums and School Funds** – These funds relate to specific projects for which monies have been identified prior to 31 March 2018, but for which spending plans exist in 2018/19 and beyond.
- 2.25 **Equal Pay** – As reported to Council on 28 February 2018, significant progress has been made in settling equal pay claims and the full reserve has been released.
- 2.26 **Change & Service Redesign Fund** – £1.034m was incurred during the year in delivering the council's change programme. Given the scale of the transformation required to address the financial challenge that the Council faces, the full balance of the Fund is required.
- 2.27 **Repairs and Renewals Fund**—These funds are earmarked for Schools PPP works.
- 2.28 **Insurance Fund** - this fund represents the amount required to deal with potential uninsured claims and Municipal Mutual Insurance (MMI) underwriting costs. The insurance fund was independently assessed during 2015/16 and the sum earmarked continues to reflect the value recommended by this assessment.
- 2.29 **Capital Fund**—These funds support the capital programme as set out in the 2018-19 to 2026-27 capital programme.

General Services Capital

- 2.30 The Council approved its General Services capital budget for 2017/18 on 1 March 2017. The Cabinet received regular reports on the capital programme throughout the year and approved various adjustments to reflect identified slippage and under/overspends on projects. The last report to the Cabinet in March 2018 outlined a revised capital budget of £39.767m as at 31 January 2018.
- 2.31 Gross capital expenditure in 2017/18 was £32.006m compared to the final revised budget of £35.667m, i.e. slippage of £3.661m. This is related to underspends across a range of projects within the programme of which £2.946m is required to be carried forward to 2018/19, resulting in a true underspend of £0.715m within the programme.
- 2.32 The Corporate Property and Asset Group continues to monitor performance in relation to capital programme delivery. Details of the final General Services capital outturn against budgets for individual projects is provided in Appendix 11 to the report.
- 2.33 Several major projects were completed successfully during the year with excellent progress being made on a number of others. The key projects undertaken during 2017/18 included Irvine Enterprise Area, Quarry Road, Access Paths, Largs Campus, the Secondary School Estate, Lifecycle Investment, Roads Infrastructure, Technology and Energy projects.

HRA Capital

- 2.34 The Council approved its HRA capital budget for 2017/18 on 1 March 2017. The Cabinet received regular reports on the capital programme throughout the year and approved various adjustments to reflect identified slippage and under/overspends on projects. The last report to the Cabinet in March 2018 outlined a revised capital budget of £26.146m at 31 January 2018.
- 2.35 Gross capital expenditure in 2017/18 was £25.510m compared to the final revised budget of £26.315m, i.e. slippage of £0.805m. This is related to underspends across a range of projects within the programme of which £0.201m is required to be carried forward to 2018/19, resulting in a true underspend of £0.604m which will be applied to support future projects within the HRA Capital Investment Programme..
- 2.36 Details of the final HRA capital outturn against budgets for individual projects is provided in Appendix 12 to the report.
- 2.37 During 2017/18 the Council continued with its plans to build 1,000 new houses by 2022, with 232 houses completed at 31 March 2018, and made significant progress in key projects including Improvements to Housing Stock, House Refurbishments and Energy Efficiency.

Common Good Funds

- 2.38 A summary of the revenue and capital balances on the Common Good Funds is provided below, with further details provided on page 35 of the financial statements. All funds have accumulated surpluses at 31 March 2018.

Common Good Fund	Balance at	Movement	Balance at
	1 April 2017	in Year Increase / (Decrease)	31 March 2018
	£m	£m	£m
Ardrossan	0.158	0.029	0.187
Irvine	1.023	0.072	1.095
Largs	0.430	0.068	0.498
Millport	0.060	0.013	0.073
Saltcoats	0.017	-	0.017
Stevenston	0.144	0.011	0.155
Total	1.832	0.193	2.025

Trusts

2.39 A summary of the revenue and capital balances on the Trust Funds administered by the Council is provided below, with further details provided within page 36 of the financial statements. North Ayrshire Council's Trust Funds, where the Council is the sole trustee, are required to prepare their own Accounts and Trustees' Annual Report. These are subject to separate external audit and their own report to Council.

Trusts	Balance at	Movement	Balance at
	1 April 2017	in Year Increase / (Decrease)	31 March 2018
	£m	£m	£m
North Ayrshire Charitable Trust	0.079	0.003	0.082
Town Trusts	0.196	(0.013)	0.183
Douglas Sellers Trust	0.002	-	0.002
Anderson Trust	0.001	-	0.001
Margaret Archibald Trust	0.180	0.001	0.181
Other Bequests	0.044	(0.001)	0.043
Total	0.502	(0.010)	0.492

3. Proposals

General Fund

3.1 The General Fund ended the year with a break even position after the earmarking of funds including £2.500m to support the non recurring investment identified as part of the 2018-19 revenue budget. At 31 March 2018 the Council has an accumulated unearmarked General Fund balance of £6.624m (equivalent to 2.0% of annual budgeted expenditure). Due to the risks in the planning assumption in North Ayrshire's medium term financial plan and the uncertainty around future funding it is proposed that this balance remains unearmarked.

Housing Revenue Account:

3.2 When applied to the balance brought forward from 2016/17 of £14.704m, the accumulated HRA balance at 31 March 2018 is £13.627m, before recognising earmarking of funds. As outlined at paragraph 2.20 above, £12.618m has already been set aside for various initiatives, leaving an uncommitted balance of £1.009m.

3.3 It is proposed that this balance is held in reserve to meet any funding requirements arising from the review of the 30 year HRA business plan.

4. Implications

Financial:	The financial implications are as outlined within the report.
Human Resources:	None
Legal:	None
Equality:	None
Children and Young People:	None
Environmental & Sustainability:	None
Key Priorities:	This report aligns to the Council's strategic priorities by "making the best use of all resources" and ensuring a "sound financial position".
Community Benefits:	None

5. Consultation

- 5.1 Discussions have taken place between Executive Directors and Finance on Services' financial performance throughout the year to 31 March 2017.



LAURA FRIEL
Executive Director (Finance and Corporate Support)

For further information please contact David Forbes, Senior Manager (Strategic Business Partner) on (01294) 324551.

Background Papers

Revenue Budget 2017/18 : Financial Performance to 31 January 2018 - Cabinet - 20 March 2018

CHIEF EXECUTIVE SERVICE
FINANCIAL PERFORMANCE 2017/18

Agenda Item 10

REPORT FOR THE YEAR TO 31 MARCH 2018

Objective Summary	Annual Budget	Projected Outturn	Annual Variance Adverse or (Favourable)	% Variance	Note No
	£000	£000	£000		
Legal	459	415	(43)	(9%)	1
Policy, Performance & Community Planning	784	773	(10)	(1%)	2
Communications	483	403	(80)	(17%)	3
Civil Contingencies	69	71	2	3%	
Committee Services	840	774	(67)	(8%)	4
Members Services	1,051	1,045	(7)	(1%)	
Totals	3,687	3,482	(205)	(6%)	
Less Carry Forward to be approved		15	15		
	3,687	3,497	(190)		

Subjective Summary	Annual Budget	Projected Outturn	Annual Variance Adverse or (Favourable)	% Variance
	£000	£000	£000	
Employee Costs	3,029	2,869	(159)	(5%)
Property Costs	3	3	(0)	(0%)
Supplies and Services	260	279	19	7%
Transport and Plant Costs	18	13	(5)	(27%)
Administration Costs	1,033	981	(52)	(5%)
Other Agencies & Bodies	314	295	(20)	(6%)
Transfer Payments	-	-	-	-
Other Expenditure	46	46	(0)	(0%)
Capital Financing	-	-	-	-
Gross Expenditure	4,704	4,487	(216)	(5%)
Income	(1,017)	(1,005)	12	(1%)
Net Expenditure	3,687	3,482	(205)	(6%)

CHIEF EXECUTIVE SERVICE
FINANCIAL PERFORMANCE 2017/18

REPORT FOR THE YEAR TO 31 MARCH 2018

Budget £000	Outturn Variance £000	Variance as % of budget	Section
	Note 1		Legal
			Movement - There is a favourable movement of (£0.037m) from Period 10 arising from reduced Supplies & Services and Administration expenditure
1,056	(32)	-3%	Employee costs - There is an underspend of (£0.032m) due to vacancies
32	7	22%	Supplies and Services - There is an overspend of £0.007m for purchase of new IT equipment
60	(13)	-22%	Administration Costs - There is an underspend across various lines
(690)	(5)	1%	Other minor variances
	(43)		
	Note 2		Policy, Performance & Community Planning
			Movement - There is a favourable movement of (£0.041m) from Period 10 arising from reduced Administration and Third Party Payments expenditure
710	16	2%	Employee costs - There is an overspend of £0.016m mainly due to turnover target not being achieved
27	7	26%	Supplies and Services - There is an overspend of £0.007m mainly for purchase of new IT equipment
36	(14)	-39%	Administration Costs - There is an underspend across various lines
98	(20)	-20%	Third Party Payments - Approval is requested to carry forward £0.015m into 2018/19 for Community Planning
47	1	2%	Other minor variances
	(10)		
	Note 3		Communications
			Movement - There is a favourable movement of (£0.021m) from Period 10 arising from reduced Administration expenditure
456	(75)	-16%	Employee costs - There is an underspend of (£0.074m) due to two vacant posts which will be partly used to purchase IT Equipment for the whole of Democratic Services
21	(6)	-28%	Administration Costs - There is an underspend across various lines
6	1	17%	Other minor variances
	(80)		
	Note 4		Committee Services
			Movement - There is a favourable movement of (£0.022m) from Period 10 arising from ongoing vacancies
676	(73)	-11%	Employee costs - There is an underspend of (£0.073m) due to vacant posts
165	6	4%	Other minor variances
	(67)		

FINANCE & CORPORATE SUPPORT
FINANCIAL PERFORMANCE 2017/18

REPORT FOR THE YEAR TO 31 MARCH 2018

Objective Summary	Annual Budget	Projected Year End Outturn	Annual Variance Adverse or (Favourable)	% Variance	Note No
	£000	£000	£000		
Directorate	167	167	0	-	
Audit & Risk	597	629	32	5%	
Finance					
Head of Service	176	203	27	15%	
FMS Project	77	83	6	8%	
Financial Services	1,597	1,648	51	3%	1
Corporate Procurement	723	708	(15)	(2%)	
People & Transformation					
Head of Service	109	108	(1)	(1%)	
Human Resources	1,954	1,864	(90)	(5%)	2
Customer & Digital Services					
Head of Service	107	107	0	-	
ICT	3,291	3,176	(115)	(3%)	3
Customer Services & Registration	2,340	2,247	(93)	(4%)	4
Business Support	1,272	1,104	(168)	(13%)	5
Revenues & Benefits	4,044	3,320	(724)	(18%)	6
Change Programme	544	557	13	2%	
Information Governance	362	356	(6)	(2%)	
Totals	17,360	16,277	(1,083)	(6%)	
Less Carry Forwards to be approved		304	304		
Net Total	17,360	16,581	(779)	(4%)	

Subjective Summary	Annual Budget	Projected Year End Outturn	Annual Variance Adverse or (Favourable)	% Variance
	£000	£000	£000	
Employee Costs	14,671	14,077	(594)	(4%)
Property Costs	74	78	4	5%
Supplies and Services	1,767	1,733	(34)	(2%)
Transport and Plant Costs	45	33	(12)	(27%)
Administration Costs	610	606	(4)	(1%)
Other Agencies & Bodies	1,965	1,951	(14)	(1%)
Transfer Payments	55,423	55,394	(29)	(0%)
Other Expenditure	217	236	19	9%
Capital Financing				
Gross Expenditure	74,772	74,108	(664)	(1%)
Income	(57,412)	(57,831)	(419)	1%
Net Expenditure	17,360	16,277	(1,083)	(6%)

FINANCE & CORPORATE SUPPORT
FINANCIAL PERFORMANCE 2017/18

REPORT FOR THE YEAR TO 31 MARCH 2018

Budget £000	Projected Variance £000	Variance as % of budget	Section
	Note 1		Financial Services
			There is no material change from Period 10.
1,667	(46)	-3%	Employee Costs - There is an underspend of £0.046m due to vacancy management.
89	67	75%	Supplies & Services - There is a projected overspend of £0.067m due to software commitments.
(301)	23	-8%	Income - There is an income shortfall of £0.023m following the cessation of the CJA Admin Grant (£0.005m), recharges to EAC/SAC for Accountancy services in respect of CJA Accounts that are no longer produced (£0.016m) and reduced Management Fee income (£0.002m).
143	7	5%	Other minor movements.
	51		
	Note 2		Human Resources
			There is a favourable movement of (£0.033m) from Period 10 within Employee Costs as a result of the transfer of the Directorate Support team from Business Support to Employee Services.
1,760	(41)	-2%	Employee Costs - There is a projected underspend of £0.041m due to the transfer of the Directorate Support team from Business Support, together with reduced hours and maternity-related savings.
135	(26)	-19%	Administration Costs - Underspend of £0.026m within staff training courses (£0.022m) and external printing (£0.004m).
(414)	(10)	2%	Income - There is an over recovery in Occupational Health recharges (£0.012m) offset by a small income shortfall due to the cessation of both Irvine Bay and CJA Admin Grant income.
474	(13)	-3%	Other minor movements.
	(90)		
	Note 3		ICT
			There is a favourable movement of (£0.026m) from Period 10 within Employee Costs and Supplies & Services.
2,316	(40)	-2%	Employee Costs - There is an underspend of £0.040m due to vacancy management and other savings.
1,183	(78)	-7%	Supplies & Services - There is an underspend of £0.078m across Software Licences, Systems Support, PC Maintenance and Equipment.
(206)	3	-1%	Other minor movements.
	(115)		
	Note 4		Customer Services
			There is a favourable movement of (£0.012m) from Period 10 due additional underspend on Footwear and Clothing Grants.
2,204	(73)	-3%	Employee Costs - There is a projected underspend of £0.073m due to vacancy management and additional budget received for the Transformation Team.
245	(29)	-12%	Transfer Payments - There is an underspend of £0.029m against Footwear & Clothing Grants.
(108)	9	-8%	Other minor movements.
	(93)		
	Note 5		Business Support
			There is an adverse movement of £0.016m from Period 10 within Employee Costs as a result of the transfer of the Directorate Support team from Business Support to Employee Services offset by increased vacancies.
1,408	(148)	-11%	Employee Costs - There is an underspend of £0.148m due to vacancy management.
(136)	(20)	15%	Other minor movements.
	(168)		
	Note 6		Revenues & Benefits
			There is a favourable movement of (£0.504m) from Period 10 due to additional Income and Employee Cost savings.
2,162	(308)	-14%	Employee Costs - There is an underspend of £0.308m due to vacancy management (£0.255m) together with Scottish Government funding received late in 2017/18 (£0.053m). Authority is being sought to earmark £0.053m in relation to DHP Admin staffing.
(54,974)	(395)	1%	Income - There is an overrecovery of £0.395m due to higher Statutory Additions receipts (£0.153m), reduced Housing Benefit Subsidy exceeding expenditure (£0.121m) and additional DWP income (£0.148m). Authority is being sought to earmark £0.090m of this income in relation to staffing costs.
56,857	(21)	0%	Other minor movements.
	(724)		

EDUCATION AND YOUTH EMPLOYMENT
FINANCIAL PERFORMANCE 2017/18

REPORT FOR THE YEAR TO 31 MARCH 2018

Objective Summary	Annual Budget	Final Year End Outturn	Annual Variance Adverse or (Favourable)	% variance	Note No
	£000	£000	£000		
Early Years Education	11,260	10,978	(282)	-3%	1
Primary Education	36,930	36,895	(35)	0%	2
Secondary Education	42,868	42,468	(400)	-1%	3
Additional Support Needs	7,325	7,936	611	8%	4
Education - Other	2,780	2,679	(101)	-4%	5
Pupil Equity Fund	2,304	2,304	-	0%	
Totals	103,467	103,260	(207)	0	
Transfer to Earmarked Reserves		15	15		
Net Total	103,467	103,275	(192)		

Subjective Summary	Annual Budget	Final Year End Outturn	Annual Variance Adverse or (Favourable)	% variance
	£000	£000	£000	
Employee Costs	91,442	91,578	136	0%
Property Costs	222	269	47	21%
Supplies and Services	10,073	9,893	(180)	(2%)
Transport and Plant Costs	201	232	31	15%
Administration Costs	1,121	1,023	(98)	(9%)
Other Agencies & Bodies	6,756	7,082	326	5%
Transfer Payments	580	566	(14)	(2%)
Other Expenditure	-	1	1	-
Capital Financing	61	61	-	-
Gross Expenditure	110,456	110,705	249	0%
Income	(6,989)	(7,445)	(456)	7%
Net Expenditure	103,467	103,260	(207)	(0%)

EDUCATION AND YOUTH EMPLOYMENT
FINANCIAL PERFORMANCE 2017/18

REPORT FOR THE YEAR TO 31 MARCH 2018

Budget £000	Projected Variance £000	Variance as % of budget	Section
Note 1			Early Years Education
			There has been a favourable movement of (£0.098m) from Period 10 due an underspend in supplies and services, partially offset by an overspend in speech therapy.
1,776	(101)	-6%	Employee Costs - Underspends in Early Years Teachers of £0.030m. A further £0.071m had been identified from underspends in the budget set aside for the new early years centre in the new Largs campus.
1,209	(42)	-3%	Payments made to Private Partner Providers due to lower than anticipated uptake of services.
551	(151)	-27%	Supplies and services - goods ordered by individual centres not received by 31 March due to supply issues. These costs will be met from the 18/19 budget.
21	50	238%	Third party payments - speech therapy payments due to increased demand.
(11)	(38)	345%	Income from Wrap Around Care charges
	(282)		
Note 2			Primary
			There has been an adverse movement of £0.146m from Period 10 due to employee costs. This is mainly related to ASN response classroom assistants.
34,373	(97)	0%	Employee Costs - there is a £0.244m underspend in ASN provision costs due to teacher vacancies. This is offset against ASN response Classroom Assistants which is overspent by £0.098. This movement is due to the overspend incurred prior to the new model being introduced. Also included are payments in lieu of notice of £0.049m.
	62		Other minor items
	(35)		
Note 3			Secondary Education
			There has been a favourable movement of (£0.288m) from Period 10 mainly due to reductions in PPP related costs and increased income.
12,666	(178)	-1%	PPP unitary charge - underspend on the variable element of the contract (cleaning, utilities, pensions). The underspend on utilities was £0.124m due to good management, user engagement, warmer winters and more reliable recording of utilities consumption.
(60)	(111)	185%	PPP contract deductions due to penalties.
(260)	(85)	33%	PPP insurance rebate.
	(26)		Other minor items
	(400)		
Note 4			ASN
			There has been an adverse movement of £0.466m from Period 10 mainly due to movements in employee costs £0.396m and residential placements of £0.074m.
4,834	324	7%	Employee Costs - there has been an overspend in ASN schools of £0.396m due to additional non teacher staffing such as Classroom Assistants and Early Years Practitioners. There has also been large amount of temporary cover required due to sick leave, maternity cover and special leave. There is no budget available for non teachers cover. This is partially offset by an underspend in psychological services of £0.072m due to staff vacancies.
1,102	474	43%	External specialist residential placements has overspent due to more demand than expected.
1,004	(62)	-6%	The underspend on external day placements is a result of the rigorous screening process in place that enables the Council to support children in mainstream establishments.
355	(46)	-13%	Payments to other local authorities - underspend is due to the number of children placed in schools outwith NAC being less than expected.
(264)	(64)	24%	Income - over recovery of income due to increased number of pupils placed in North Ayrshire schools and units by other local authorities.
	(15)		Other minor variances
			It is requested that £0.015m is earmarked for the delayed implementation of GIRFEC requirements.
	611		
Note 5			Education Other
			There has been an adverse movement of £0.022m from Period 10 mainly due to removal expenses of £0.017m
2,996	(40)	-1%	Employee Costs - there is a underspend of £0.088m largely due to Senior Managers vacancies and changes to work patterns. This is offset against payroll turnover of £0.031m and removal expenses of £0.017m.
810	(61)		Other minor items
	(101)		

PLACE
FINANCIAL PERFORMANCE 2017/18

REPORT FOR THE YEAR TO 31 MARCH 2018

Objective Summary	Annual Budget	Projected Year End Outturn	Annual Variance Adverse or (Favourable)	% variance	Note No
	£000	£000	£000		
Directorate and Support	(3)	-	3	(100%)	
Physical Environment					
Head Of Physical Environment	(31)	-	31	(100%)	
Building Services	(3,333)	(3,066)	267	(8%)	1
Works Scoping and Quality Assurance	366	354	(12)	(3%)	
Property Governance	889	871	(18)	(2%)	
Property Management & Investment	1,311	1,291	(20)	(2%)	2
Housing Assets & Investment	(44)	-	44	(100%)	
Property Maintenance	3,693	3,479	(214)	(6%)	3
Property Running Costs	4,945	5,078	133	3%	4
Energy and Sustainability	3,684	3,889	205	6%	5
Facilities Management	11,581	11,491	(90)	(1%)	6
Other Housing	5,050	4,867	(183)	(4%)	7
Commercial Services					
Head Of Commercial Services	22	-	(22)	(100%)	
Roads	6,671	7,035	364	5%	8
Streetscene	5,177	5,319	142	3%	9
Internal Transport	9,918	9,801	(117)	(1%)	10
Waste Services	8,207	7,631	(576)	(7%)	11
Total	58,103	58,040	(63)	(0%)	
Less Carry Forward		100	100		
Net Total	58,103	58,140	37	0%	

Subjective Summary	Annual Budget	Projected Year End Outturn	Annual Variance Adverse or (Favourable)	% variance
	£000	£000	£000	
Employee Costs	42,129	42,905	776	2%
Property Costs	16,611	16,957	346	2%
Supplies and Services	10,244	10,381	137	1%
Transport and Plant Costs	10,053	10,293	240	2%
Administration Costs	2,065	2,025	(40)	(2%)
Other Agencies & Bodies	15,473	15,686	213	1%
Transfer Payments	1,738	1,738	-	-
Other Expenditure	341	446	105	31%
Capital Financing	680	723	43	6%
Gross Expenditure	99,334	101,154	1,820	2%
Income	(41,231)	(43,114)	(1,883)	5%
Net Expenditure	58,103	58,040	(63)	(0%)

PLACE
FINANCIAL PERFORMANCE 2017/18

REPORT FOR THE YEAR TO 31 MARCH 2018

Budget £000	Projected Variance £000	Variance as % of budget	Section
Note 1			Building Services
			Movement - There has been an adverse movement of £0.098m since P10. This is due primarily to the inability to gain access to properties within Planned Repairs which has resulted in a net reduction in income of £0.175m
7,935	(84)	(1%)	Employee Costs - There is an underspend of £0.084m due to staff turnover
4,100	(64)	(2%)	Supplies and Services - There is an underspend of £0.064m in materials due to increased subcontractor works
2,225	577	26%	Third Party Payments - There is an overspend of £0.577m in Subcontractor Costs. Of this £0.458m relates to un-budgeted Asbestos works.
(18,017)	(124)	1%	Income - There is an over-recovery of income of £0.124m. This is comprised of Responsive Repairs of (£0.112m), Projects (£0.369m) and other works of (£524m) which includes Asbestos works, offset by under-recoveries in Non-Housing projects of £0.458m, Planned Maintenance £0.351m and Void Works £0.093m.
	(38)		Other minor movements
	267		
Note 2			Property Management & Investment
			Movement - There has been an adverse movement of £0.023m since P10 largely due to under recovery of Income
2,281	(144)	(6%)	Employee Costs - There is an underspend of £0.144m due to staff vacancies. This is partially offset against the income noted below.
(1,050)	103	(10%)	Income - There is an under recovery in fees recovered from Revenue and Capital projects of £0.070m. There is an under-recovery of £0.033m in relation to charges to HRA.
	21		Other Minor Movements
	(20)		
Note 3			Property Maintenance
			Movement- There has been an adverse movement since P10 of £0.046m due to greater than anticipated fire safety management works being carried out
200	(97)	(49%)	Condition Survey works - There is an underspend of £0.097m due to demolition of Smith Street Depot not being carried out until 2018/19.
1,695	(175)	(10%)	Property Repairs/Reactive Maintenance - There is an underspend of £0.175m. This is primarily due to a delay in Window and Rendering works at Saltcoats Library (£0.040m) and Roofing works at Bridgegate House (£0.100m). These works will not be carried out until 2018/19
40	45	113%	Fire Safety Management Works - There is an overspend of £0.045m.
	13		Other Minor Movements
	(214)		
Note 4			Property Running Costs
			Movement - There has been no significant movement since P10.
5,682	(25)	(0%)	Rates - There is an underspend in Rates of £0.025m due to prior year refunds
(162)	164	(101%)	Other Property Costs - building running costs incurred due to slippage in the property rationalisation programme.
190	(75)	(39%)	Property Repairs - There is an underspend of £0.075m due to lower than anticipated repairs being carried out
(127)	54	(43%)	Income - There is an under recovery in recharges to HRA of £0.054m that are offset against reduced property running costs of HRA related buildings.
	15		Other Minor Movements
	133		
Note 5			Energy and Sustainability
			Movement - There has been an adverse movement of £0.280m since P10 mainly due to two sites, Red Cross House (£0.147m) and Garnock Campus (£0.124m).
2,900	291	10%	Property Costs - overspends on electricity, gas and water in respect of Red Cross House £0.147m and Garnock Campus (£0.079m 16/17) and (£0.045m 17/18). The Garnock Campus is a new site and the supplier has been unable to provide invoices until later than expected.
443	(80)	(18%)	Payment to contractors underspent £0.080m due to a reduction in the purchase of carbon allowances.
	(6)		Other Minor Movements
	205		

Budget £000	Projected Variance £000	Variance as % of budget	Section
Note 6			Facilities Management
			Movement - There has been a favourable movement of (£0.090m) since P10 due to additional income of £0.047m and other minor movements.
113	50	44%	Kitchen Equipment - £0.050m was required for alterations to kitchens required to implement future years savings.
(3,093)	(117)	2%	Income - £0.046m due to the over recovery of income as a result of the growth in the commercial arm of the service.
	(23)		Other Minor Movements
	(90)		
Note 7			Other Housing
			Movement - There has been a favourable movement of (£0.030m) since P10 primarily due to a reduction in third party payments of £0.191m and increased staff turnover of £0.037m. This is offset by an increase in bad debt provision of £0.104m and increases to property costs and general fund work from HRA £0.103m
3,359	(91)	(2%)	Employee costs - There is an underspend of £0.091m due to staff turnover.
1,378	92	7%	Property Costs - There is an overspend on furniture of £0.094m. £0.043m of this overspend is directly attributable to the setting up of new units of accommodation, which is partly offset by an increase in income from the additional units of £0.029m. The remaining overspend is due to additional expenditure from assisting the resettlement into permanent tenancies.
60	98		Other Expenditure - There is an overspend of £0.104m due to a bad debt provision for temporary accommodation rents.
	(68)		Other minor movements including £0.033m underspend for Resettlement Programmes
	(183)		
Note 8			Roads
			Movement - There has been an adverse movement since P10 of £0.164m due to increased winter maintenance and associated essential road repairs due to severe weather.
6,559	364	6%	The overspend relates to work undertaken in relation to winter maintenance and associated carriageway repairs caused by the severe Winter
	364		
Note 9			Streetscene
			Movement - There has been no significant movement since P10
6,077	86	1%	Employee Costs - there is an overspend of £0.086m mainly due to unachieved turnover of £0.066m.
127	107	84%	Transport Costs are overspent by £0.107m due to an overspend of £0.062m for hire of skips with increased community clean ups, £0.021m for rechargeable external hires and £0.014m in ferry charges.
(445)	(37)	8%	Income - There is an over-recovery of cemetery interment income of £0.038m.
	(14)		Other minor movements
	142		
Note 10			Internal Transport
			Movement - there has been an adverse movement since P10 of £0.096m, mainly due to a change in year end internal recharge arrangements.
1,398	17	1%	Employee Costs - there is an overspend of £0.017m largely due to unachieved turnover of £0.015. This is offset by additional driver transport income.
2,235	(97)	(4%)	Transport Costs - External hires are £0.042m overspent which is related to increased demands. However this is offset by a year end underspend of £0.114m on fuel as a result of the current lower cost of fuel and an underspend in other transport costs of £0.026m.
4,192	(71)	(2%)	Transport Provision Costs - there is an underspend of £0.071m based on the Quarter 4 outturn from SPT.
(45)	(136)	302%	Income - There is an over-recovery of additional income of £0.048m in relation to external taxi recharges, £0.054m driver transport income and £0.025m internal hire of pool vehicles.
0	155		A change in year end recharge arrangements between roads, building services and transport is no longer required.
	15		Other minor movements
			£0.100m has been approved by cabinet to be earmarked for internal property improvements at the Transport garage to provide adequate welfare facilities.
	(117)		

Budget £000	Projected Variance £000	Variance as % of budget	Section
	Note 11		Waste Services
			Movement - there has been a favourable movement of (£0.329m) since P10 mainly due to £0.207m in Trade Effluent and Leachate costs being transferred to capital. The underspend in Landfill Tax has increased by £0.072m. Also a net increase of £0.032m in Refuse Containers stock at year end and additional Special Uplifts income of £0.023m.
4,340	311	7%	Employee Costs - there is an overspend of £0.311m mainly due to a requirement to supplement current resources to reflect seasonal and operational demands. Also there were delays in the efficiency savings (£0.055m) and unachieved turnover of £0.050m. These are now fully implemented. This overspend in total is being offset currently against a reduction in Blue Bin contract expenditure.
741	(294)	(40%)	Payments to Contractors - there is an underspend on the Blue Bin contract of £0.294m as a result of an increase in the market values for recyclates.
2,744	(163)	(6%)	Landfill tax - there is an underspend of £0.163m due to the tonnages sent to landfill reducing due to the diversion of additional waste for processing and a reduction in waste arisings.
258	(156)	(60%)	There are underspends in Trade effluent (£0.052m) and Leachate (£0.104m) as a result of a transfer of expenditure to capital regarding landfill aftercare costs as a result of the closure of the Shewalton site.
178	(98)	(55%)	Refuse Containers - an underspend of £0.098m due to reduced demand for bio-degradable food waste bags. Included within this figure is £0.032m net increase in stock at year end partly as a result of this change in policy.
405	51	13%	Civic amenity sites - Diverted Waste - there is an overspend of £0.051m due to increased tonnages being diverted from landfill site to external contractors. This is offset against the reduced Landfill Tax costs.
(2,659)	(234)	9%	Income - there is additional income of £0.098m in Waste Gas Extraction as a result of the capping of landfill cells and additional gas wells being installed, £0.048m in Commercial Refuse Collections, mainly due to a net increase in uptake of the service by external businesses, £0.044m additional income from Arran Transfer Station due to increased tonnages from external contractors and £0.034m additional Income from Other NAC Depts e.g. skip service and site clearances
	7		Other Minor Movements
	(576)		

ECONOMY AND COMMUNITIES
FINANCIAL PERFORMANCE 2017/18

REPORT FOR THE YEAR TO 31 MARCH 2018

Objective Summary	Annual Budget	Final Year End Outturn	Annual Variance Adverse or (Favourable)	% variance	Note No
	£000	£000	£000		
Management	732	568	(164)	(22%)	1
Economic Growth					
Planning & Protective Services	1,572	1,550	(22)	(1%)	2
Economic Development	6,241	6,221	(20)	(0%)	3
Connected Communities	12,865	12,837	(28)	(0%)	4
Net Total	21,410	21,176	(234)	(1%)	
Transfer to Earmarked Reserves		226	226		
Net Total	21,410	21,402	(8)	(0%)	

Subjective Summary	Annual Budget	Final Year End Outturn	Annual Variance Adverse or (Favourable)	% variance
	£000	£000	£000	
Employee Costs	12,808	13,038	230	2%
Property Costs	380	404	24	6%
Supplies and Services	1,084	1,134	50	5%
Transport and Plant Costs	158	135	(23)	(15%)
Administration Costs	293	239	(54)	(18%)
Other Agencies & Bodies	10,860	11,080	220	2%
Transfer Payments	-	-	-	-
Other Expenditure	-	12	12	-
Capital Financing	-	-	-	-
Gross Expenditure	25,583	26,042	459	2%
Income	(4,173)	(4,866)	(693)	17%
Net Expenditure	21,410	21,176	(234)	(1%)

ECONOMY AND COMMUNITIES
FINANCIAL PERFORMANCE 2017/18

REPORT FOR THE YEAR TO 31 MARCH 2018

Budget £000	Projected Variance £000	Variance as % of budget	Section
	Note 1		Management
			Movement - There has been a favourable movement P10 of (£0.164m) predominantly as a result of unspent monies in relation to Ayrshire Growth Deal.
110	(68)	-62%	Payments to contractors/consultants is underspent by £0.068m at year end within Economic Growth Marketing and Research.
0	(115)		Income - Ayrshire Growth Deal additional income from the three Ayrshire Councils of £0.115m.
	19		Other minor variances
			It is requested that £0.115m of this underspend be earmarked for the Ayrshire Growth Deal, which relates to funding from the three Ayrshire Councils.
	(164)		
	Note 2		Planning & Protective Services
			Movement - There has been a favourable movement of (£0.067m) since P10. Employee cost underspend has increased by £0.020m due to vacancies and other minor items by £0.047m.
966	(79)	-8%	Employee Costs - There are underspends in Planning Services (£0.039m) due to vacancies and (£0.040m) in Trading Standards
67	(49)	-73%	Other Supplies & Services - There is an underspend within Planning of (£0.049m) which is in relation to the costs of the Local Development Plan due to a postponement in publication of the proposed plan until April 2018.
19	(8)	-42%	Administration Costs - There is an underspend of £0.009m due to a downturn in Planning Applications
573	144	25%	Income - There is an under recovery in Planning Income £0.144m largely due the lack of major planning applications.
	(30)		Other minor variances
			£0.037m has been approved to be earmarked for The Local Development Plan to accommodate additional costs anticipated in 2018/19 for consultation, professional support and public examination costs.
	(22)		
	Note 3		Economic Development
			Movement - there has been an adverse movement since P10 of £0.088m mainly due to the unrecovered income from the Better off North Ayrshire project.
1,631	65	4%	Employee Costs - there is an overspend of £0.065m mainly due to Better Off North Ayrshire Salaries of £0.048m which is offset by Grant income
2,111	106	5%	Payments to Other Bodies/Income - There is an overspend of £0.106m due to a shortfall of income for Better Off North Ayrshire projects of £0.169m. This is off-set by an underspend against Employability Contracts of £0.063m due to the recovery of income to cover NAC costs from ESF projects.
1,053	(111)	-11%	Regeneration - Payments to Contractors - this is partly due to staff vacancies during the year which resulted in projects being delayed. There was also a delay in the purchase of land at Quarry Road therefore it is requested that £0.075m of this underspend is earmarked for this purpose.
799	(26)	-3%	Business Growth - Payments to Contractors is underspent by £0.026m at year end due to reduced demand.
120	(18)	-15%	Business Growth - Income - there is an over recovery of income primarily due to the completion of the West Coast Hatchery project in early 2018 with unspent monies of £0.013m being returned from East Ayrshire Council.
	(36)		Other minor variances
	(20)		
	Note 4		Connected Communities
			Movement - there has been an adverse movement since P10 of £0.043m due to movement in employee costs.
6,375	33	1%	Employee Costs - there is an overspend in Community Facilities of £0.106m due to increased activity in relation to Food poverty. This is being reduced through agreed reduction of core hours allocations for community centres. There is also an underspend in Community Development of £0.050m and £0.018m in Tourism due to staff vacancies.
	(52)		There is a general underspend in Administration Costs of £0.052m largely in relation to telephone calls/line rental of £0.020m and staff training £0.015m
	(9)		Other minor variances
	(28)		

OTHER CORPORATE ITEMS
FINANCIAL PERFORMANCE 2017/18

REPORT FOR THE YEAR TO 31 MARCH 2018

Objective Summary	Annual Budget	Final Outturn	Annual Variance Adverse or (Favourable)	% Variance	Note No
	£000	£000	£000		
Strathclyde Passenger Transport	2,408	2,365	(43)	(2%)	1
SPT Concessionary Fares	283	277	(6)	(2%)	
Ayrshire Joint Valuation Board	780	760	(20)	(3%)	2
Other Corporate Costs			-	-	
Pension Costs	1,882	1,783	(99)	(5%)	3
Non-Distributed Costs	-	-	-	-	
Central Telephones	86	65	(21)	(24%)	4
Other Corporate Items (incl Additional Resources from Council decisions on 1 March 2017)	10,672	2,009	(8,663)	(81%)	5
Insurance Account	(8)	-	8	(100%)	
	16,103	7,259	(8,844)	(55%)	
Transfer to Earmarked Reserves		7,209	7,209		
Net Total	16,103	14,468	(1,635)	(4%)	

OTHER CORPORATE ITEMS
BUDGETARY CONTROL 2016/17

REPORT FOR THE YEAR TO 31 MARCH 2017

Budget £000	Outturn Variance £000	Variance as % of budget	Section
	Note 1		Strathclyde Passenger Transport
			No significant movement
2,408	(43)	-2%	The projected underspend of £0.044m is due to a reduction in the requisition charge
	(43)		
	Note 2		Ayrshire Valuation Joint Board
			No significant movement
780	(20)	-3%	The projected underspend of £0.020m is due to a reduction in the requisition charge
	(20)		
	Note 3		Pension Costs
			No significant movement
1,882	(99)	-5%	The projected underspend of £0.099m is due to reduced pension costs relating to the period before local government reorganisation
	(99)		
	Note 4		Central Telephones
			Movement - There is a movement of (£0.011m) from Period 10 due to lower than anticipated costs
86	(21)	-24%	The projected underspend of (£0.021m) is due to reduced charges as a result of Perceton House now closed and lower than anticipated costs for Cunninghame House
	(21)		
	Note 5		Other Corporate Items
			Movement - There is a favourable movement of (£7.188m) from Period 10 due to lower than anticipated drawdown of Community Investment and Poverty Challenge Funds (£5.745m), the release of employee related provisions no longer required (£0.730m) and the receipt of 2018-19 Scottish Government Funding in advance (£0.925m), partly offset by additional Bad Debt Provision of £0.800m.
10,672	(8,663)	-81%	Other Corporate Items includes a range of centrally held funds and additional funding received during the year. Specific underspends have been identified in relation to Community Investment and Poverty Challenge Funds (£5.745m), additional Scottish Government funding in relation to temporary accommodation, teacher induction and the 2018/19 Settlement (£1.601m) and centrally held funds identified as not fully required during the year related to pensions, the revised Benefits Cap and energy inflation (£1.443m). In addition a review of previous employee related provisions has released (£0.730m) which is no longer required. This is partly offset by additional Bad Debt Provision of £0.800m. Agreement is sought to ringfence £7.209m of the identified underspend in relation to Community Investment and Poverty Challenge Funds, 2018/19 funding received in advance and other commitments which are anticipated to arise during 2018/19.
	(8,663)		

2017/18 Budget Monitoring Report – Period 12 Objective Summary

Partnership Budget - Objective Summary	2017/18 Budget								
	Council			Health			TOTAL		
	Budget	Projected Outturn	Projected Over/ (Under) Spend Variance	Budget	Projected Outturn	Projected Over/ (Under) Spend Variance	Budget	Projected Outturn	Projected Over/ (Under) Spend Variance
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
COMMUNITY CARE AND HEALTH	54,633	53,603	(1,030)	10,910	11,111	201	65,543	64,714	(829)
: Locality Services	26,145	25,764	(381)	3,494	3,477	(17)	29,639	29,241	(398)
: Community Care Service Delivery	26,065	25,561	(504)	0	0	0	26,065	25,561	(504)
: Rehabilitation and Reablement	756	798	42	1,969	2,258	289	2,725	3,056	331
: Long Term Conditions	1,216	1,103	(113)	3,160	3,091	(69)	4,376	4,194	(182)
: Integrated Island Services	451	377	(74)	2,287	2,285	(2)	2,738	2,662	(76)
MENTAL HEALTH SERVICES	22,399	23,311	912	49,362	49,461	99	71,761	72,772	1,011
: Learning Disabilities	17,209	18,231	1,022	478	459	(19)	17,687	18,690	1,003
: Community Mental Health	3,854	3,809	(45)	1,844	1,786	(58)	5,698	5,595	(103)
: Addictions	1,336	1,271	(65)	1,191	1,176	(15)	2,527	2,447	(80)
: Lead Partnership Mental Health NHS Area Wide	0	0	0	45,849	46,040	191	45,849	46,040	191
CHILDREN'S SERVICES AND CRIMINAL JUSTICE	30,108	32,714	2,606	3,396	3,252	(144)	33,504	35,966	2,462
: Intervention Services	3,835	3,616	(219)	295	324	29	4,130	3,940	(190)
: Looked After & Accomodated Children	15,426	18,376	2,950	0	0	0	15,426	18,376	2,950
: Fieldwork	6,527	6,549	22	0	0	0	6,527	6,549	22
: CCSF	395	385	(10)	0	0	0	395	385	(10)
: Criminal Justice	2,812	2,815	3	0	0	0	2,812	2,815	3
: Early Years	311	233	(78)	2,658	2,543	(115)	2,969	2,776	(193)
: Policy & Practice	802	740	(62)	0	0	0	802	740	(62)
: Lead Partnership NHS Children's Services Area Wide	0	0	0	443	385	(58)	443	385	(58)
PRIMARY CARE	0	0	0	49,637	49,518	(119)	49,637	49,518	(119)
MANAGEMENT AND SUPPORT COSTS	4,090	4,519	429	176	1,278	1,102	4,266	5,797	1,531
CHANGE PROGRAMME	708	353	(355)	2,162	1,862	(300)	2,870	2,215	(655)
LEAD PARTNERSHIP AND SET ASIDE	0	0	0	0	132	132	0	132	132
TOTAL	111,938	114,500	2,562	115,643	116,614	971	227,581	231,114	3,533

2017/18 Budget Monitoring Report

Period 12 Subjective Summary

Partnership Budget Subjective Summary	2017/18 Budget								
	Council			Health			TOTAL		
	Budget	Projected Outturn	Projected Over/ (Under) Spend Variance	Budget	Projected Outturn	Projected Over/ (Under) Spend Variance	Budget	Projected Outturn	Projected Over/ (Under) Spend Variance
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Employee Costs	45,116	46,823	1,707	56,608	57,022	414	101,724	103,845	2,121
Property Costs	411	332	(79)	16	59	43	427	391	(36)
Supplies and Services	2,674	2,842	168	3,312	3,507	195	5,986	6,349	363
Prescribing Costs	0	0	0	31,954	31,954	0	31,954	31,954	0
Primary Medical Services	0	0	0	17,683	17,564	(119)	17,683	17,564	(119)
Transport and Plant	530	693	163	0	0	0	530	693	163
Admin Costs	692	781	89	1,847	1,688	(159)	2,539	2,469	(70)
Other Agencies & Bodies	83,800	87,155	3,355	6,142	6,028	(114)	89,942	93,183	3,241
Transfer Payments	2,667	2,775	108	0	0	0	2,667	2,775	108
Other Expenditure	0	31	31	0	0	0	0	31	31
Capital Expenditure	0	0	0	0	0	0	0	0	0
Income	(23,952)	(26,932)	(2,980)	(1,919)	(1,208)	711	(25,871)	(28,140)	(2,269)
TOTAL	111,938	114,500	2,562	115,643	116,614	971	227,581	231,114	3,533

MISCELLANEOUS ITEMS**BUDGETARY CONTROL 2017/18****REPORT FOR THE TWELVE MONTHS ENDED 31 MARCH 2018**

Objective Summary	Annual Budget	Final Year End Outturn	Annual Variance Adverse or (Favourable)	% variance	Note No
	£000	£000	£000		
Financing Charges	26,185	23,315	(2,870)	-11%	1
Aggregate External Finance	(271,113)	(271,091)	22	0%	
Council Tax	(52,108)	(51,646)	462	-1%	2
Use of Capital Fund	(641)	(641)	-	0%	
Use of Earmarked Funds	(11,800)	(11,800)	-	0%	
Totals	(309,477)	(311,863)	(2,386)	1%	

Note 1 Financing Charges

Capital Financing Charges have reported an underspend of £2.870. The underspend reflects a revised strategy of taking temporary borrowing rather than permanent borrowing to maximise the financial savings as a result of current market conditions. £2.653m of the underspend has been earmarked and transferred to the Loans Fund Reserve to enable future costs linked to capital expenditure and borrowing to be managed through the reserve.

Note 2 Council Tax

Income from Council Tax has under recovered by £0.462m. This is mainly related to additional provision being made for net discounts and reliefs for prior years in line with previous trends.

Carried Forward Funds to 2018-19**Previously Approved**

	£000
Loans Fund Reserve	2,653
Transport Welfare Facilities	100
Education unspent grants	15
Planning Costs for Local Development Plan	37
Grants / External Funding	
2018/19 Finance Settlement	925
Community Justice Transitional Funding	38
Ayrshire Growth Deal - Joint Funding	114
Sensory Impairment	8
DWP Staffing Funding	90
CTR Admin - Software Modification	23
DHP Admin Funding	53
Commitments	
Community Planning	15
Regeneration - Quarry Road	75
Procurement Training	32
Finance Software	60
GovTech Software	30
UC Comms	9
SWF Crisis Grants	30
Festivals Fund	150
North Ayrshire Achieves	16
Ardrossan Hostel	55
NALL Income	100
Poverty Challenge Fund	130
2017/18 Community Investment and Poverty Challenge Funds	5,747
Change Fund Savings	17
Totals	10,522

HOUSING REVENUE ACCOUNT
BUDGETARY CONTROL 2017/18

REPORT FOR THE TWELVE MONTHS ENDED 31 MARCH 2018

Objective Summary	Annual Budget	Final Year End Outturn	Annual Variance Adverse or (Favourable)	% variance	Note No
	£000	£000	£000		
Employee Costs	4,522	4,585	63	1%	1
Property Costs					
Responsive Repairs	1,655	1,822	167	10%	
Void Repairs	2,580	2,673	93	4%	
Planned and Cyclical Maintenance	7,604	7,234	(370)	(5%)	
Estate Based Projects	210	240	30	14%	
Roads and Lighting Maintenance	186	161	(25)	(13%)	
Aids and Adaptions	1,855	1,743	(112)	(6%)	
Other property costs	3,277	3,362	85	3%	
Total for Property Costs	17,367	17,235	(132)	(1%)	2
Supplies & Services	227	202	(25)	(11%)	
Transport Costs	38	35	(3)	(7%)	
Administration Costs	1,609	1,772	163	10%	3
Third Party Payments	1,703	1,697	(6)	(0%)	
Transfer Payments	121	59	(62)	(51%)	
Other Expenditure	403	380	(23)	(6%)	
Capital Financing Costs	22,464	22,042	(422)	(2%)	4
Gross Expenditure	48,454	48,007	(447)	(1%)	
Income					
Council House Rents	(46,265)	(46,002)	263	(1%)	
Other Rents	(380)	(344)	36	(9%)	
Recharges	(1,083)	(980)	103	(10%)	
Other Income	(103)	(102)	1	(1%)	
Transfer from HRA Reserves	(623)	(588)	35	(6%)	
Total Income	(48,454)	(48,016)	438	(1%)	5
Net Expenditure	(0)	(9)	(9)		

HOUSING REVENUE ACCOUNT
BUDGETARY CONTROL 2017/18

REPORT FOR THE TWELVE MONTHS ENDED 31 MARCH 2018

Budget £000	Variance £000	Variance as % of budget	Section
	Note 1		Employee Costs
			There has been an adverse movement since P10 of £0.070m due to the Apprenticeship Levy (£0.021m) and reduced turnover (£0.049m).
4,522	63	1%	There is an overspend of £0.063m due to reduced turnover and the Apprenticeship Levy.
	63		
	Note 2		Property Costs
			There has been an adverse movement since P10 of £0.255m mainly due to increased Response, Void and Estate Based Projects (EBP) costs. At P10 an underspend was projected for EBPs due to a supplier delay however this was resolved and the budget was fully expended. Response and Void repairs were also higher than projected due to variances claimed for work completed and higher than projected work values.
17,367	(132)	-1%	Property costs are overspent against Response and Voids by £0.260m this is offset by underspends in Planned Maintenance and Aids and Adaptions of £0.482m. There has also been an increase in other property costs of £0.105m primarily due to expenditure transferred from Capital. This is offset by a reduction in CFCR.
	(132)		
	Note 3		Administration costs
			There has been an adverse movement of £0.216m since P10 mainly due to utilisation of Central Support charges exceeding current budgets.
1,609	163	10%	Administration costs are overspent by £0.163m due to a revised allocation for central support charges and corporate and democratic core charges partly offset by efficiency savings.
	Note 4		Capital Financing
			There has been a favourable movement since P10 of (£0.430m) due to the revised capital financing charges (£0.235m) and reduced CFCR (£0.185m).
22,464	(432)	-2%	Capital Financing charges are underspent by £0.237m based on the latest cash flow and interest rate projections. This reflects a strategy of taking temporary borrowing rather than permanent borrowing to maximise the financial savings as a result of current market conditions. Capital Financed from Current Revenue has underspent by £0.185m reflecting movement in the HRA Capital programme.
	(432)		
	Note 5		Income
			There has been an adverse movement of £0.165m since P10 primarily due to the under-recovery of Tenant Recharges and Other Rents.
(48,454)	438	-1%	There is an under-recovery of Council house rent income of £0.263m mainly due to increased council house sales. There was also slippage and amendments to properties available to rent and 23 protracted voids from sheltered housing decants. Recharges are also under recovered by £0.103m compared to previous projections.
	438		

HRA reserves and balances	B/fwd from 2016/17	Period 12 Revenue	Use of Earmarked sums	Earmarking of in year surplus	Funding of Capital Projects	Balance at 31/03/18
	£m	£m	£m		£m	£m
Council House Building Fund	8.082	0.156	(0.588)		-	7.650
Welfare Reform	3.000	-	-		-	3.000
Contingency Balance	1.000	0.009	-		-	1.009
Sheltered Housing Unit Works	0.156	(0.156)			-	0.000
Infrastructure Improvements	0.613		-		-	0.613
Major Refurbishment Works	0.762		(0.498)		-	0.264
Tarryholme	1.091	-	-		-	1.091
	14.704	0.009	(1.086)		-	13.627

North Ayrshire Council
Capital Statement 2017/18
Year Ended 31st March 2018

Agenda Item 10

Period 12

Project Description	TOTAL PROJECT				CURRENT YEAR 2017/18				
	Total Project Budget	Cumulative Expenditure to date	Total Project Forecast	Projected Over/ (Under) Spend	Total Revised Budget 2017/18	Actual Expenditure to 31 March 2018	Actual Over/ (Under) Spend for 2017/18	True Over/ (Under) Spend	Carry Forward to 2018/19
	£	£	£	£	£	£	£	£	£
EXPENDITURE									
Economy & Communities									
Regeneration	38,843,205	11,741,235	38,843,205	-	9,116,601	8,848,581	(268,021)	-	(268,021)
Strategic Planning & Infrastructure	8,842,517	5,445,929	8,842,517	-	2,082,991	699,782	(1,383,209)	-	(1,383,209)
Sport & Activity	22,235,168	22,190,977	22,235,934	766	644,399	645,165	766	766	-
Information & Culture	160,889	6,562	160,889	-	5,017	6,275	1,258	-	1,258
Completed Projects	2,495,927	2,268,755	2,495,927	-	764,232	701,425	(62,807)	-	(62,807)
SUB TOTAL	72,577,705	41,653,457	72,578,471	766	12,613,240	10,901,227	(1,712,014)	766	(1,712,780)
Education & Youth Employment									
Nursery Education	2,838,675	110,136	2,838,675	-	9,455	19,281	9,826	-	9,826
Primary Schools	32,281,398	11,075,422	32,281,398	-	3,449	3,882	433	-	433
Secondary Schools	87,280,982	47,871,129	86,576,947	(704,035)	7,227,007	5,995,059	(1,231,948)	(704,035)	(527,913)
Special Education	25,056,000	169,415	25,056,000	-	233,125	122,540	(110,585)	-	(110,585)
Completed Projects	2,397,929	2,363,912	2,387,616	(10,313)	1,080,052	1,046,035	(34,017)	(10,313)	(23,704)
SUB TOTAL	149,854,984	61,590,014	149,140,636	(714,348)	8,553,088	7,186,796	(1,366,292)	(714,348)	(651,944)
Finance & Corporate Support									
Financial Services	120,678	84,620	120,678	-	-	-	-	-	-
Information Technology	1,480,586	860,571	1,483,840	3,254	470,466	350,450	(120,016)	3,254	(123,270)
Council IT Strategy	2,633,971	1,653,798	2,633,971	-	705,099	550,927	(154,172)	-	(154,172)
Completed Projects	1,363,788	1,333,316	1,362,137	-	280,035	249,563	(30,471)	(1,651)	(28,820)
SUB TOTAL	5,599,023	3,932,305	5,600,626	3,254	1,455,600	1,150,940	(304,660)	1,603	(306,262)
Health & Social Care									
Management & Support	683,919	566,844	683,919	-	178,625	173,871	(4,754)	-	(4,754)
Housing Non HRA	15,000	-	15,000	-	-	-	-	-	-
Older People	4,479,000	274,988	4,479,000	-	177,931	210,188	32,257	-	32,257
Young People	5,720,000	-	5,720,000	-	-	-	-	-	-
SUB TOTAL	10,897,919	841,832	10,897,919	-	356,556	384,059	27,503	-	27,503
Place									
Roads	35,925,354	7,102,840	36,058,268	132,914	5,272,448	5,288,891	16,443	-	16,443
Office Accommodation	1,888,829	1,880,511	1,888,829	-	1,888,829	1,880,511	(8,318)	-	(8,318)
Other Property	157,630	129,871	157,630	-	157,630	129,871	(27,759)	-	(27,759)
Housing Non HRA	120,254	120,254	120,254	-	106,454	106,454	-	-	-
Streetscene	317,238	138,657	317,238	-	162,564	138,657	(23,907)	-	(23,907)
Transport	2,084,395	2,082,677	2,084,395	-	2,084,395	2,082,677	(1,718)	-	(1,718)
Waste Services	15,517,732	13,272,542	15,517,732	-	94,943	-	(94,943)	-	(94,943)
Renewable Energy	1,076,581	550,773	1,076,581	-	483,699	499,755	16,056	-	16,056
Completed Projects	29,937,784	29,332,540	29,934,560	(3,224)	2,437,726	2,255,840	(181,887)	(3,224)	(178,663)
SUB TOTAL	87,025,796	54,610,666	87,155,486	129,690	12,688,688	12,382,657	(306,032)	(3,224)	(302,809)
Other									
Other	353	-	-	(353)	353	-	(353)	(353)	-
SUB TOTAL	353	-	-	(353)	353	-	(353)	(353)	-
Total Project Expenditure	325,955,779	162,628,274	325,373,137	(580,991)	35,667,525	32,005,679	(3,661,847)	(715,556)	(2,946,292)
Total Project Income					(35,667,525)	(32,005,679)	3,661,847	715,556	2,946,292
Total Net Expenditure					-	-	-	-	-

Funding Description	Approved Budget	Carry Forward from 2016/17	Additional Funds Awarded 2017-18	Approved Revisions to Programme	Revisions for yr end	Total Revised Budget 2017/18	Actual Income to 31 March 2018	Variance
	£	£		£		£	£	£
CAPITAL BORROWING								
Prudential Borrowing	2,889,745	729,586	-	(7,093,183)	-	(3,473,852)	-	3,473,852
SUB TOTAL	2,889,745	729,586	-	(7,093,183)	-	(3,473,852)	-	3,473,852
SCOTTISH GOVERNMENT FUNDING								
Specific Capital Grants								
Cycling / Walking /Safer Streets	188,000	150,000	-	-	-	338,000	150,000	(188,000)
Vacant & Derelict Land Funding	1,750,000	839,065	(1,859,876)	-	-	729,189	542,077	(187,112)
Capital Grants								
General Capital Grant	30,448,000	-	741,000	(680,371)	-	30,508,629	27,320,414	(3,188,215)
SUB TOTAL	32,386,000	989,065	(1,118,876)	(680,371)	-	31,575,818	28,012,491	(3,563,327)
OTHER INCOME TO PROGRAMME								
Use of Funds :-								
Capital Fund	450,000	1,617,309	-	(920,000)	1,617,323	2,764,632	-	(2,764,632)
Change & Service Redesign Fund	142,320	31,904	-	229,112	(372,814)	30,522	-	(30,522)
CFCR	453,058	94,123	65,000	(883,346)	271,165	-	-	-
Grants & Contributions	1,290,000	1,642,793	4,905,752	(3,068,140)	-	4,770,405	3,993,188	(777,217)
Capital Receipts	840,000	1,043,077	-	17,350	(1,900,427)	-	-	-
SUB TOTAL	3,175,378	4,429,206	4,970,752	(4,625,024)	-	7,565,559	3,993,188	(3,572,371)
TOTAL CAPITAL PROGRAMME FUNDING	38,451,123	6,147,857	3,851,876	(12,398,578)	-	35,667,525	32,005,679	(3,661,846)

CAPITAL MONITORING 2017/18

ECONOMY & COMMUNITIES

Project Description	TOTAL PROJECT				CURRENT YEAR 2017/18					DELIVERY STATUS		Comments
	Total Project Budget	Cumulative Expenditure to date	Total Project Forecast	Projected Over/(Under) Spend	Total Revised Budget 2017/18	Actual Expenditure to 31 March 2018	Actual Over/(Under) Spend for 17/18	True Over/(Under) Spend	Carry Forward to 2018/19	Delivery Status Financial	Delivery Status Physical	
	£	£	£	£	£	£	£	£	£			
ECONOMIC GROWTH												
Regeneration												
IRVINE ENTERPRISE AREA *	6,106,156	6,056,056	6,106,156	-	6,106,156	6,056,056	(50,100)		(50,100)	✓	Complete	
TOWN CENTRE REGENERATION	793,030	695,216	793,030	-	-	-	-		-	✓	✓	
IRVINE HIGH STREET	2,543,927	125,491	2,543,927	-	113,927	125,491	11,564		11,564	✓	✓	
KILBIRNIE CARS (KNOX INST)	336,308	255,344	336,308	-	336,308	255,344	(80,964)		(80,964)	✓	✓	Project due to be completed May 2018
MILLPORT CARS	400,000	-	400,000	-	-	-	-		-	✓	✓	
MONTGOMERIE PARK MASTERPLAN	6,274,684	1,563,396	6,274,684	-	64,004	61,868	(2,136)		(2,136)	✓	✓	
AYRSHIRE GROWTH DEAL	9,000,000	-	9,000,000	-	-	-	-		-	✓	✓	
QUARRY ROAD PHASE 1	2,977,098	2,753,989	2,977,098	-	2,065,022	2,111,517	46,495		-	✓	⚠	Contractor delay. Delays due to inability to complete gas membrane and to procure precast units
LOCHSHORE, KILBIRNIE	298,000	62,852	298,000	-	57,852	57,852	-		-	✓	✓	
IRVINE KYLE ROAD SITE PREP	953,202	140,971	953,202	-	92,532	92,532	-		-	✓	⚠	Relates to VDLF grant monies - carryforward agreed by SG
COMMUNITY INVESTMENT FUNDS	2,162,000	-	2,162,000	-	-	-	-		-	✓	⚠	Annual Planning Conference to take place in June which will focus on developing proposals for CIF spend
VACANT & DERELICT LAND FUNDING 2018/19	1,709,000	-	1,709,000	-	-	-	-		-	✓	✓	
ARDROSSAN HARBOUR	610,000	10,000	610,000	-	10,000	10,000	-		-	✓	✓	
STONEHOLM MILL	70,800	47,346	70,800	-	70,800	47,346	(23,454)		(23,454)	✓	✓	
QUARRY ROAD PHASE 2	4,440,000	30,574	4,440,000	-	200,000	30,574	(169,427)		(169,427)	✓	✓	Revised specification for project approved by Cabinet May 2018
GAS WORKS (DALRY)	90,000	-	90,000	-	-	-	-		-	✓	⚠	Relates to VDLF grant monies - carryforward agreed by SG

CAPITAL MONITORING 2017/18

ECONOMY & COMMUNITIES

Project Description	TOTAL PROJECT				CURRENT YEAR 2017/18					DELIVERY STATUS		Comments
	Total Project Budget	Cumulative Expenditure to date	Total Project Forecast	Projected Over/(Under) Spend	Total Revised Budget 2017/18	Actual Expenditure to 31 March 2018	Actual Over/(Under) Spend for 17/18	True Over/(Under) Spend	Carry Forward to 2018/19	Delivery Status Financial	Delivery Status Physical	
MCDOWALL PLACE, ARDROSSAN	79,000	-	79,000	-	-	-	-	-	-	✓	⬮	Relates to VDLF grant monies - carryforward agreed by SG
Total Regeneration	38,843,205	11,741,235	38,843,205	-	9,116,601	8,848,581	(268,021)	-	(268,021)			
Strategic Planning & Infrastructure												
CYCLING/WALKING/SAFER STREETS *	2,135,796	83,796	2,135,796	-	338,000	-	(338,000)	-	(338,000)	✓	⬮	Relates to Transport Scotland grant monies - carry forward agreed
ACCESS PATH NETWORK PROGRAMME *	6,122,967	5,053,369	6,122,967	-	1,308,490	488,892	(819,598)	-	(819,598)	✓	⬮	Permission delay from Marine Scotland for works at Fairlie and contractor delays at various sites
CAR PARK STRATEGY	322,353	278,875	322,353	-	175,100	181,001	5,901	-	5,901	✓	✓	
IRVINE ACTIVE TRAVEL HUB	261,401	29,889	261,401	-	261,401	29,889	(231,512)	-	(231,512)	✓	⬮	Delays in obtaining necessary planning permissions and obtaining confirmation of acceptability of utilising Hub South West to tender the closed cycle loop from the funder. ERDF Funding across 2 years
Total Strategic Planning & Infrastructure	8,842,517	5,445,929	8,842,517	-	2,082,991	699,782	(1,383,209)	-	(1,383,209)			
CONNECTED COMMUNITIES												
Sports & Activity												
IRVINE LEISURE CENTRE	22,235,168	22,190,977	22,235,934	766	644,399	645,165	766	766	-	Complete	Complete	Budget required in 18/19 to cover costs.
Total Sports & Activity	22,235,168	22,190,977	22,235,934	766	644,399	645,165	766	766	-			
Information & Culture												
CASTLES & HISTORIC MONUMENTS	75,889	-	75,889	-	-	-	-	-	-	Holding Code	On Hold	
ABBAY TOWER	85,000	6,562	85,000	-	5,017	6,275	1,258	-	1,258	On Hold	On Hold	Scope of works greater than budget available. E & C applying for additional funding to HES.
Total Information & Cultural	160,889	6,562	160,889	-	5,017	6,275	1,258	-	1,258			

CAPITAL MONITORING 2017/18

ECONOMY & COMMUNITIES

Project Description	TOTAL PROJECT				CURRENT YEAR 2017/18					DELIVERY STATUS		Comments
	Total Project Budget	Cumulative Expenditure to date	Total Project Forecast	Projected Over/(Under) Spend	Total Revised Budget 2017/18	Actual Expenditure to 31 March 2018	Actual Over/(Under) Spend for 17/18	True Over/(Under) Spend	Carry Forward to 2018/19	Delivery Status Financial	Delivery Status Physical	
Completed Projects												
PURCHASE OF STRATEGIC ASSETS	1,112,137	1,069,927	1,112,137	-	-	-	-	-	-	- Complete	Complete	
BIOMASS SUPPLY CHAIN	30,440	30,440	30,440	-	30,400	30,400	-	-	-	- Complete	Complete	
GREENWOOD INTERCHANGE	139,295	105,349	139,295	-	85,434	85,434	-	-	-	✓ Complete	Complete	
MOORPARK ROAD WEST	430,946	396,395	430,946	-	303,350	303,350	-	-	-	✓ Complete	Complete	
ARDROSSAN NORTH SHORE	50,000	-	50,000	-	-	-	-	-	-	✓ Complete	Complete	Relates to VDLF grant - carryforward agreed by SG
BUS CORRIDOR IMPROVEMENTS	7,107	7,107	7,107	-	7,107	7,107	-	-	-	- Complete	Complete	
LARGS MASTERPLAN	341,626	278,819	341,626	-	335,000	272,193	(62,807)	-	(62,807)	✓ Complete	Complete	Budget required for retention monies
LARGS SPORTS DEVELOPMENT	299,276	299,276	299,276	-	2,941	2,941	(1)	-	(1)	Complete	Complete	
ST BRIDE'S CHAPEL, ARRAN	85,099	81,441	85,099	-	-	-	-	-	-	✓ Complete	Complete	
Total Completed Projects	2,495,927	2,268,755	2,495,927	-	764,232	701,425	(62,807)	-	(62,807)			
Total Economy & Communities	72,577,705	41,653,457	72,578,471	766	12,613,240	10,901,227	(1,712,014)	766	(1,712,780)			

* These projects are rolling programmes. Total budget only reflects current programmes

CAPITAL MONITORING 2017/18												
EDUCATION & YOUTH EMPLOYMENT												
Project Description	TOTAL PROJECT				CURRENT YEAR 2017/18					DELIVERY STATUS		Comments
	Total Project Budget	Cumulative Expenditure to date	Total Project Forecast	Projected Over/(Under) Spend	Total Revised Budget 2017/18	Actual Expenditure to 31 March 2018	Actual Over/(Under) Spend for 17/18	True Over/(Under) Spend	Carry Forward to 2018/19	Delivery Status Financial	Delivery Status Physical	
	£	£	£	£	£	£	£	£	£			
Nursery Education												
EARLY LEARNING & CHILDCARE	744,370	4,073	744,370	-	5,000	4,073	(927)	-	(927)	Holding Code	Holding Code	
DYKESMAINS PRIMARY SCHOOL NURSERY ADAPTS	94,305	94,305	94,305	-	3,450	3,450	-	-	-	Removed	Removed	Project removed from Capital Plan at Capital Refresh Feb 2018
ST JOHN OGILVIE EARLY YEARS	-	936	-	-	-	936	936	-	936	✓	✓	Budget part of early years expansion programme
GLENCAIRN EARLY YEARS	-	5,526	-	-	-	5,526	5,526	-	5,526	✓	✓	Budget part of early years expansion programme
LOUDON MONTGOMERY EARLY YEARS	-	4,291	-	-	-	4,291	4,291	-	4,291	✓	✓	Budget part of early years expansion programme
ANNICK PRIMARY EXT - EARLY YRS PROVISION	2,000,000	1,005	2,000,000	-	1,005	1,005	-	-	-	✓	✓	
Total Nursery Education	2,838,675	110,136	2,838,675	-	9,455	19,281	9,826	-	9,826			
Primary Schools												
ELDERBANK PS	11,174,100	11,048,610	11,174,100	-	1,305	1,306	1	-	1	✓	✓	
ST PALLADIUS PRIMARY SCHOOL	65,865	-	65,865	-	-	-	-	-	-	✓	✓	
ANNICK PRIMARY SCHOOL	548,000	432	548,000	-	-	432	432	-	432	✓	✓	
ST BRIDGETS PRIMARY SCHOOL	130,000	-	130,000	-	-	-	-	-	-	✓	✓	
MOORPARK PRIMARY	9,621,465	26,380	9,621,465	-	2,144	2,144	-	-	-	✓	✓	
WOODLANDS PRIMARY PLAYINGFIELD DRAINAGE	132,000	-	132,000	-	-	-	-	-	-	✓	✓	
ANNICK PRIMARY PE FACILITIES	950,000	-	950,000	-	-	-	-	-	-	✓	✓	
MONTGOMERIE PARK SCHOOL	9,659,968	-	9,659,968	-	-	-	-	-	-	✓	✓	
Total Primary Education	32,281,398	11,075,422	32,281,398	-	3,449	3,882	433	-	433			
Secondary Schools												
AUCHENHARVIE SECONDARY ESTATE LEARNING ENVIRONMENT	2,632,068	1,925,743	2,632,068	-	1,911,449	1,879,368	(32,081)	-	(32,081)	✓	✓	
AUCHENHARVIE PE WORKS	2,173,932	253,555	2,173,932	-	267,592	253,555	(14,037)	-	(14,037)	✓	✓	
KILWINNING LEARNING ENVIRONMENT	2,655,817	34,500	2,655,817	-	34,500	34,500	-	-	-	✓	✓	
IRVINE ROYAL/COLLEGE ADAPTS	2,269,412	1,998,941	2,269,412	-	682,865	678,397	(4,468)	-	(4,468)	✓	✓	
AYRSHIRE COLLEGE PARTNERSHIP DEVELOPMENT	200,000	-	200,000	-	-	-	-	-	-	✓	✓	
GARNOCK CAMPUS	41,047,483	40,232,580	40,343,448	(704,035)	2,084,912	1,270,009	(814,903)	(704,035)	(110,868)	✓	Complete	

EDUCATION & YOUTH EMPLOYMENT												
CAPITAL MONITORING 2017/18												
Project Description	TOTAL PROJECT				CURRENT YEAR 2017/18					DELIVERY STATUS		Comments
	Total Project Budget	Cumulative Expenditure to date	Total Project Forecast	Projected Over/(Under) Spend	Total Revised Budget 2017/18	Actual Expenditure to 31 March 2018	Actual Over/(Under) Spend for 17/18	True Over/(Under) Spend	Carry Forward to 2018/19	Delivery Status Financial	Delivery Status Physical	
LARGS ACADEMY	4,712,270	3,425,810	4,712,270	-	2,245,689	1,879,230	(366,459)		(366,459)	✓	Complete	
ARDROSSAN NEW BUILD	31,590,000	-	31,590,000	-	-	-	-			✓	✓	
<u>Total Secondary Education</u>	87,280,982	47,871,129	86,576,947	(704,035)	7,227,007	5,995,059	(1,231,948)	(704,035)	(527,913)			

CAPITAL MONITORING 2017/18												
EDUCATION & YOUTH EMPLOYMENT												
Project Description	TOTAL PROJECT				CURRENT YEAR 2017/18					DELIVERY STATUS		Comments
	Total Project Budget	Cumulative Expenditure to date	Total Project Forecast	Projected Over/(Under) Spend	Total Revised Budget 2017/18	Actual Expenditure to 31 March 2018	Actual Over/(Under) Spend for 17/18	True Over/(Under) Spend	Carry Forward to 2018/19	Delivery Status Financial	Delivery Status Physical	
Special Education												
NEW BUILD ASN SCHOOL	25,056,000	169,415	25,056,000	-	233,125	122,540	(110,585)		(110,585)	✓	✓	
Total Special Education	25,056,000	169,415	25,056,000	-	233,125	122,540	(110,585)	-	(110,585)			
Completed Projects												
HAYOCKS PRIMARY SCHOOL NURSERY ADAPTS	206,800	206,800	206,800	-	-	-	-	-	-	Complete	Complete	
GLENCAIRN PRIMARY SCHOOL NURSERY ADAPTS	101,248	100,573	100,573	(675)	675	-	(675)	(675)	-	Complete	Complete	
LOUDON MONT PRIMARY SCHOOL NURSERY ADAPTS	694,460	670,755	694,460	-	409,546	385,841	(23,705)	-	(23,705)	✓	Complete	
WEST KILBRIDE PRIMARY SCHOOL NURSERY ADAPTS	29,011	28,295	28,295	(716)	716	-	(716)	(716)	-	Complete	Complete	
WHITLEES COMM CTR NURSERY ADAPTS	151,820	147,736	147,736	(4,084)	4,194	110	(4,084)	(4,084)	0	Complete	Complete	
CASTLEPARK PRIMARY - REMODELLING	114,363	114,709	114,709	346	15,491	15,837	346	346	0	Complete	Complete	
KILWINNING ESTATE SECONDARY PITCH	694,183	694,880	694,880	697	649,430	650,127	697	697	0	Complete	Complete	
LEARNING ACADEMY AUCHENHARVIE	406,045	400,164	400,164	(5,881)	-	(5,881)	(5,881)	(5,881)	0	Complete	Complete	
Total Completed Projects	2,397,929	2,363,912	2,387,616	(10,313)	1,080,052	1,046,035	(34,017)	(10,313)	(23,704)			
Total Education & Skills	149,854,984	61,590,014	149,140,636	(714,348)	8,553,088	7,186,796	(1,366,292)	(714,348)	(651,944)			

* These projects are rolling programmes. Total budget only reflects current programmes

CAPITAL MONITORING 2017/18

FINANCE & CORPORATE SUPPORT

Project Description	TOTAL PROJECT				CURRENT YEAR 2017/18					DELIVERY STATUS		Comments	
	Total Project Budget	Cumulative Expenditure to date	Total Project Forecast	Projected Over/ (Under) Spend	Total Revised Budget 2017/18	Actual Expenditure to 31 March 2018	Actual Over/ (Under) Spend for 17/18	True Over/(Under) Spend	Carry Forward to 2018/19	Delivery Status Financial	Delivery Status Physical		
	£	£	£	£	£	£	£	£	£				
Financial Services													
CAREFIRST IT SYSTEM	120,678	84,620	120,678	-	-	-	-	-	-	✓	●		
Total Financial Services	120,678	84,620	120,678	-	-	-	-	-	-				
Information Technology													
PC REPLACEMENT/VIRTUAL DESKTOP *	182,235	153,605	182,235	-	182,235	153,605	(28,630)		(28,630)	✓	✓		
DATA RATIONALISATION & STORAGE	809,617	309,617	809,617	-	147,905	147,905	-		-	Complete for current year	✓	✓	
PSN COMPLIANCE *	384,000	364,319	384,000	-	35,591	15,910	(19,681)		(19,681)	✓	⚠	Carryforward to meet new and ongoing security accreditation and mandatory requirements	
AGILE WORKING *	107,989	33,030	107,989	-	107,989	33,030	(74,959)		(74,959)	✓	✓	Carryforward for purchase of handsets and motions sensors for mobile working and for future agile working investments	
Total Information Technology	1,480,586	860,571	1,483,840	3,254	470,466	350,450	(120,016)	3,254	(123,270)				
Council IT Strategy													
WIRELESS ACCESS IN SCHOOLS	480,984	473,615	480,984	-	15,849	8,480	(7,369)		(7,369)	✓	✓		
MANAGED WAN SERVICES	773,583	692,440	773,583	-	135,846	54,703	(81,143)		(81,143)	✓	✓		
SCHOOLS ICT INVESTMENT *	468,971	418,563	468,971	-	468,971	418,563	(50,408)		(50,408)	✓	✓		
BUSINESS CONTINUITY	400,000	-	400,000	-	-	-	-		-	✓	✓		
INFRASTRUCTURE ENHANCEMENTS *	84,433	69,181	84,433	-	84,433	69,181	(15,252)		(15,252)	✓	✓	Carryforward will be utilised for ongoing infrastructure upgrades and improvements to support shift to O365 and Applications Platform	
DIGITAL STRATEGY	426,000	-	426,000	-	-	-	-		-				
Total IT Strategy	2,633,971	1,653,798	2,633,971	-	705,099	550,927	(154,172)	-	(154,172)				
Completed Projects													
FMS SYSTEM	369,690	340,870	369,690	-	224,490	195,670	(28,820)		(28,820)	✓	Complete		
DEFIBRILLATORS	154,039	154,038	154,039	-	16,299	16,299	-		-	Complete	Complete		
WINDOWS SERVER MIGRATION	840,059	838,408	838,408	(1,651)	39,246	37,595	(1,651)	(1,651)	-	Complete	Complete		
Total Completed Projects	1,363,788	1,333,316	1,362,137	(1,651)	280,035	249,563	(30,471)	(1,651)	(28,820)				
Total Finance & Corporate Support	5,599,023	3,932,305	5,600,626	1,603	1,455,600	1,150,940	(304,660)	1,603	(306,262)				

* These projects are rolling programmes. Total budget only reflects current programmes

CAPITAL MONITORING 2017/18

HEALTH & SOCIAL CARE

Project Description	TOTAL PROJECT				CURRENT YEAR 2017/18					DELIVERY STATUS		Comments
	Total Project Budget	Cumulative Expenditure to date	Total Project Forecast	Projected Over/ (Under) Spend	Total Revised Budget 2017/18	Actual Expenditure to 31 March 2018	Actual Over/ (Under) Spend for 17/18	True Over/(Under) Spend	Carry Forward to 2018/19	Delivery Status Financial	Delivery Status Physical	
	£	£	£	£	£	£	£	£	£			
Management & Support												
HOME CARE SYSTEM	433,918	389,896	433,918	0	60,000	58,298	(1,702)		(1,702)	✓	✗	
HSCP ICT INVESTMENT TO SUPPORT INTEGRATION	250,000	176,948	250,000	0	118,625	115,573	(3,052)		(3,052)	✓	✓	
Total Management & Support	683,919	566,844	683,919	0	178,625	173,871	(4,754)	0	(4,754)			
Older People												
TARRYHOLME	3,608,000	274,988	3,608,000	0	177,931	210,188	32,257		32,257	✓	✓	
TARRYHOLME DRIVE - WARRIX AVENUE	871,000	0	871,000	0	0	0	0		0	✓	✓	
Total Older People	4,479,000	274,988	4,479,000	0	177,931	210,188	32,257	0	32,257			
Young People												
RESIDENTIAL & RESPITE UNIT	5,720,000	0	5,720,000	0	0	0	0		0	✓	✓	
Total Young People	5,720,000	0	5,720,000	0	0	0	0	0	0			
Total Health & Social Care	10,897,919	841,832	10,897,919	0	356,556	384,059	27,503	0	27,503			

* These projects are rolling programmes. Total budget only reflects current programmes

CAPITAL MONITORING 2017/18

PLACE

Project Description	TOTAL PROJECT				CURRENT YEAR 2017/18					DELIVERY STATUS		Comments
	Total Project Budget	Cumulative Expenditure to date	Total Project Forecast	Projected Over/ (Under) Spend	Total Revised Budget 2017/18	Actual Expenditure to 31 March 2018	Actual Over/ (Under) Spend for 17/18	True Over/ (Under) Spend	Carry Forward to 2018/19	Delivery Status Financial	Delivery Status Physical	
	£	£	£	£	£	£	£	£	£			
PHYSICAL ENVIRONMENT												
Roads												
ROADS IMPROVE/RECONSTRUCTION *	3,138,000	3,270,914	3,270,914	132,914	3,138,000	3,270,914	132,914		132,914		✓	Additional spend due to further work on Arran being carried out due to adverse weather conditions
B714 UPGRADE	463,609	463,609	463,609	-	35,949	35,949	-		-	Removed	Removed	Project removed from Capital Plan at Capital Refresh
LIGHTING *	958,160	916,013	958,160	-	958,160	916,013	(42,147)		(42,147)	✓	✓	
UPPER GARNOCK FPS	17,400,001	1,496,209	17,400,001	-	368,177	410,468	42,291		42,291	✓	✓	
MILLPORT COASTAL FPS	8,840,000	410,397	8,840,000	-	179,453	109,850	(69,603)		(69,603)	✓	✓	
GARDEN WEIR FISH PATH	35,583	32,709	35,583	-	32,709	32,709	-		-	✓	✓	Installation delayed due to SEPA requirements
BRIDGES INFRASTRUCTURE PROG *	4,090,000	512,988	4,090,000	-	560,000	512,988	(47,012)		(47,012)	✓	✓	Yearly Programme of works
LARGS PROMENADE SEAWALL	700,000	-	700,000	-	-	-	-		-	✓	✓	
PARKING CHARGES & DPE	300,000	-	300,000	-	-	-	-		-	✓	✓	
Total Roads	35,925,354	7,102,840	36,058,268	132,914	5,272,448	5,288,891	16,443		-			16,443
Office Accommodation												
PROPERTY LIFECYCLE INVESTMENT *	1,888,829	1,880,511	1,888,829	-	1,888,829	1,880,511	(8,318)		(8,318)	✓	✓	
Total Office Accommodation	1,888,829	1,880,511	1,888,829	-	1,888,829	1,880,511	(8,318)		-			(8,318)
Other Property												
INDUSTRIAL PORTFOLIO *	157,630	129,871	157,630	-	157,630	129,871	(27,759)		(27,759)	✓	✓	
Total Property	157,630	129,871	157,630	-	157,630	129,871	(27,759)		-			(27,759)

CAPITAL MONITORING 2017/18

PLACE

Project Description	TOTAL PROJECT				CURRENT YEAR 2017/18					DELIVERY STATUS		Comments
	Total Project Budget	Cumulative Expenditure to date	Total Project Forecast	Projected Over/ (Under) Spend	Total Revised Budget 2017/18	Actual Expenditure to 31 March 2018	Actual Over/ (Under) Spend for 17/18	True Over/ (Under) Spend	Carry Forward to 2018/19	Delivery Status Financial	Delivery Status Physical	
Housing Non HRA												
CCTV GENERAL	120,254	120,254	120,254	-	106,454	106,454	-	-	-	✓	✓	
Total Housing Non HRA	120,254	120,254	120,254	-	106,454	106,454	-	-	-			
Streetscene												
CEMETERY EXTNS, WALLS & INFRA *	23,906	-	23,906	-	23,906	-	(23,906)		(23,906)	Holding Code	Holding Code	
DALRY CEMETERY	116,942	116,942	116,942	-	116,942	116,942	(1)		(1)	✓	✓	
KILBIRNIE CEMETERY	176,390	21,716	176,390	-	21,716	21,716	-		-	✓	✓	
Total Streetscene	317,238	138,657	317,238	-	162,564	138,657	(23,907)	-	(23,907)			
Transport												
VEHICLES *	2,084,395	2,082,677	2,084,395	-	2,084,395	2,082,677	(1,718)		(1,718)	✓	✓	
Total Transport	2,084,395	2,082,677	2,084,395	-	2,084,395	2,082,677	(1,718)	-	(1,718)			
Waste Services												
SHEWALTON LANDFILL	14,017,732	13,272,542	14,017,732	-	94,943	-	(94,943)		(94,943)	✓	✓	Cell 5C capping works have been tendered and work is planned to commence in April 2018
WASTE COLLECTION REVIEW	1,500,000	-	1,500,000	-	-	-	-		-	✓	✓	
Total Waste Services	15,517,732	13,272,542	15,517,732	-	94,943	-	(94,943)	-	(94,943)			
Renewable Energy												
RENEWABLE ENERGY PROGRAMME	76,581	51,018	76,581	-	25,563	-	(25,563)		(25,563)	Holding code	Holding code	
NON DOMESTIC ENERGY EFFICIENCY PROGRAMME	1,000,000	499,755	1,000,000	-	458,136	499,755	41,619		41,619	✓	✓	Overspend relates to retention for work already done. Budget available in 18-19
Total Renewable Energy	1,076,581	550,773	1,076,581	-	483,699	499,755	16,056	-	16,056			

CAPITAL MONITORING 2017/18

PLACE

Project Description	TOTAL PROJECT				CURRENT YEAR 2017/18					DELIVERY STATUS		Comments
	Total Project Budget	Cumulative Expenditure to date	Total Project Forecast	Projected Over/ (Under) Spend	Total Revised Budget 2017/18	Actual Expenditure to 31 March 2018	Actual Over/ (Under) Spend for 17/18	True Over/ (Under) Spend	Carry Forward to 2018/19	Delivery Status Financial	Delivery Status Physical	
Completed Projects												
LAMLASH GREEN COASTAL PROTECTION	98,493	98,493	98,493	-	98,422	98,422	-	-	-	Complete	Complete	
BANNOCH BURN KILW'G FLOOD WORK	227,252	227,252	227,252	-	90,621	90,621	-	-	-	Complete	Complete	
STREET LIGHTING MAINLAND	3,810,999	3,821,326	3,821,326	10,327	642,210	652,537	10,327	10,327	-	Complete	Complete	
BRIDGEGATE HOUSE REFURB	9,605,344	9,604,920	9,604,919	(425)	1,695	1,270	(425)	(425)	-	Complete	Complete	
CUNNINGHAME HOUSE PHASE 2	1,177,471	1,176,278	1,176,278	(1,193)	1,193	-	(1,193)	(1,193)	-	Complete	Complete	
CUNNINGHAME HOUSE PHASE 3-4	2,124,014	2,083,995	2,124,014	-	40,019	-	(40,019)	-	(40,019)	Complete	Complete	
RECORDS UNIT REPLACEMENT	255,629	255,628	255,629	-	6,768	6,768	-	-	-	Complete	Complete	
CUNNINGHAME HOUSE PHASE 5	665,463	658,463	665,463	-	7,000	-	(7,000)	-	(7,000)	Complete	Complete	
CORP ASSET MANAGEMENT SYSTEM	86,973	86,973	86,972	(1)	10,838	10,838	(1)	(1)	1	Complete	Complete	
SALTCOATS TOWN HALL	3,795,173	3,585,255	3,795,173	-	31,023	(6,418)	(37,441)	-	(37,441)	Complete	Complete	Budget required in 2018/19 for outstanding EOT claim and additional stonework required at from elevation
SALTCOATS PUBLIC REALM	1,000,000	824,934	1,000,000	-	514,488	467,727	(46,761)	-	(46,761)	Complete	Complete	Budget required in 18/19 due to unknown costs relating to Land Engineering going into administration
MACKINTOSH PLACE	464,550	464,550	464,550	-	464,550	464,550	-	-	-	Complete	Complete	
SKELMORLIE CEMETERY WALL	132,648	131,940	131,939	(709)	3,158	2,449	(709)	(709)	-	Complete	Complete	
LAMLASH CEMETERY EXTENSION	58,618	58,618	58,618	-	42,787	42,787	-	-	-	Complete	Complete	
KILWINNING CEMETERY	50,645	50,065	50,065	(580)	46,795	46,215	(580)	(580)	-	Complete	Complete	
ARDROSSAN CEMETERY WORKS	146,461	145,466	145,466	(995)	995	-	(995)	(995)	-	Complete	Complete	
DREGHORN CEMETERY	-	-	-	-	-	-	-	-	-	Complete	Complete	
OLD BARONY CEMETERY WORKS	66,541	60,836	66,541	-	5,705	-	(5,705)	-	(5,705)	Complete	Complete	
LYCH GATE, LOCHRANZA, ARRAN	28,060	27,600	27,600	(460)	3,446	2,986	(460)	(460)	-	Complete	Complete	
KNADGERHILL CEMETERY	118,496	111,693	118,496	-	115,921	111,693	(4,228)	-	(4,228)	Complete	Complete	
BEITH AULD KIRK	286,924	254,793	286,924	-	286,924	254,793	(32,131)	-	(32,131)	Complete	Complete	
SOLAR PV RETROFIT PROGRAMME	1,862,328	1,853,140	1,853,140	(9,188)	9,188	-	(9,188)	(9,188)	-	Complete	Complete	
BIOMASS RETROFIT PROGRAMME	3,383,542	3,378,164	3,383,542	-	13,980	8,601	(5,379)	-	(5,379)	Complete	Complete	Work still o/s at Irvine Royal Academy. PMI unable to release retention for the remainder of the contract until this issue has been resolved
Total Completed Projects	29,937,784	29,332,540	29,934,560	(3,224)	2,437,726	2,255,840	(181,887)	(3,224)	(178,663)			
Total Place	87,025,796	54,610,666	87,155,486	129,690	12,688,688	12,382,657	(306,032)	(3,224)	(302,809)			

* These projects are rolling programmes. Total budget only reflects current programmes

Other Budgets										
Project Description	TOTAL PROJECT				CURRENT YEAR 2017/18					
	Total Project Budget	Cumulative Expenditure to date	Total Project Forecast	Projected Over/ (Under) Spend	Total Revised Budget 2017/18	Year to Date Budget 2016/17	Actual Expenditure to 31 March 2018	Year to Date Variance 2016/17	Projected Expenditure to 31 March 2018	Over/ (Under) Spend for 17/18
	£	£	£	£	£	£	£	£	£	£
FLEXIBILITY / IMPROVEMENT FUND	353	-	-	(353)	353	-	-	-	-	(353)
Total Other Budgets	353	-	-	(353)	353	-	-	-	-	(353)

Description	Budget Approved 01 March 2017	Budget B/Fwd/ (C/Fwd)	Approved Revisions to programme	Revised Budget 2017/18	Expenditure to 31/03/2018	Year End Variance	Carry forward to 18/19	True underspend	Delivery Status Financial	Delivery Status Physical	Comments
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000			
Council House Build Programme											
Council House Building General	8,832	(1,773)	(7,045)	14	8	(6)	(6)				Site investigation fees for future house build projects that currently have no allocated budget line.
Acquisition Of Houses On Open Market	400	484	31	915	969	54		54	✓	✓	The budget was allocated for the purchase of 12 units: 10 second hand buy backs and 2 empty homes, however 14 units have been purchased resulting in a slight overspend.
New Build Fencedyke	-	1,704	49	1,753	1,536	(217)		(217)	✓	✓	Account finalised and retention accrual included.
New Build Montgomery Court	-	-	-	-	-	-		-	✓	✓	
New Build Glencairn House SHU	3,540	849	135	4,524	4,177	(347)	(347)		✓	⚠	Project completion slipped to April 2018/19
New Build Canal Court SHU	6,330	(166)	(3,535)	2,629	2,211	(418)	(418)		✓	✓	Carry forward request is due to a revision of the cash flow projection from the contractor. The completion date has slipped from October to November 2018.
New Build Dickson Drive Phase 2	-	501	(399)	102	78	(24)	(24)		✓	✓	Only land purchase and initial fees for 17/18. due to enabling works required for the Youth Centre.
New Build Watt Court	4,879	(2)	(4,793)	84	116	32	32		✓	✓	Slipped from 2017/18 completion to March 2019 due to change in development plan from refurbishment to new build.
New Build Sheltered Housing Corsehillhead Kilwinning	5,021	-	(5,021)	-	-	-	-		✓	✓	Site investigation and ground survey at Corsehillhead site.
New Build Braithwic Terrace	-	-	-	-	19	19	19		✓	✓	Future SHIP project. Site investigation fees only during 2017/18.
New Build Towerlands	-	-	583	583	620	37	37		✓	✓	Future SHIP project. Land purchase and initial fees during 2017/18.
Total For Council House Build Programme	29,002	1,597	(19,995)	10,604	9,735	(869)	(706)	(163)			
Improvement to Existing Homes - Building Services											
Window Replacement	159	364	(331)	192	133	(59)	(59)				No access at Broomlands Gate, Irvine. TLOs are working with the tenants to progress. The underspend will be carried forward to 18/19.
Bathroom Programme	1,944	-	1,546	3,490	3,736	246		246	⚠	✓	Updated asset information identified additional wet rooms that were due for a lifecycle replacement. It was agreed that these could be progressed during 17/18.
Kitchen Programme	2,200	-	(1,395)	805	967	162		162	⚠	✓	The budget assumes a 55% acceptance rate for new installations however the outturn was circa 85%.
Total For Improvements to Existing Homes - Building Services	4,303	364	(180)	4,487	4,836	349	(59)	408			
Improvement to Existing Homes - External Contractors											
Central Heating	1,081	407	29	1,517	898	(619)		(619)	✓	✓	No access issues causing an underspend in the programme. TLOs are exploring initiatives to increase access levels.
Insulated Re-Rendering	1,064	(40)	48	1,072	1,123	51	51		✓	✓	The budget was over committed by 5% to ensure it was spent. Due to the mild weather conditions over the winter months the contractor delivered all of the works committed. This is a framework contract and the overspend will be deducted from the budget for 2018/19.
Electrical Rewiring	518	67	16	601	505	(96)		(96)	✓	✓	No access issues causing an underspend in the programme. TLOs are exploring initiatives to increase access levels.
Total For Improvements to Existing Homes - External Contractors	2,663	434	93	3,190	2,526	(664)	51	(715)			
Refurbishment Schemes											
Refurbishment Schemes	3,526	(2,673)	(812)	41	39	(2)	(2)		✓	✓	Spend attributed to an extension identified via the adaptations process which came in slightly under budget.
Refurb Montgomery Court	-	-	-	-	-	-		-	✓	✓	
Roofing & Rendering	3,682	(3)	129	3,808	4,022	214	214		✓	✓	Budget is over committed by 5% to ensure that the budget is spent by the end of the year. Due to the mild weather conditions over the winter months the contractor has delivered all of the works committed. This is a framework contract and the overspend will be deducted from the budget for 2018/19.
Infrastructure Improvements	265	(265)	-	-	-	-		-	✓	✓	The full 17/18 budget was moved to revenue in P6
Refurb - Robert W Service Ct Sh	-	1,644	50	1,694	1,560	(134)		(134)	✓	✓	This is now complete. Underspend has been noted.
Refurb - Dickson Court	340	1,395	(948)	787	1,142	355	355		✓	✓	Planned start date of March 2017 slipped to October 2017 as window replacement took precedence. Targeted completion has slipped from January 2018 to October 2018 due to a delay in procuring and fitting windows.
Kilwinning Housing Office	212	-	(212)	-	4	4	4		✓	⚠	Project has slipped and will be completed in 18/19.
Refurb - Connell Court	-	1,366	(1,346)	20	-	(20)	(20)		✓	✓	Only initial fees anticipated in 17/18. Slippage on start date from May 2018 to July 2018 due to delays in the tender issue.
Total For Refurbishment Schemes	8,025	1,464	(3,139)	6,350	6,767	417	551	(134)			
Other Capital Works											
Energy Efficiency Standard	1,061	-	39	1,100	1,198	98	98		✓	✓	Budget over committed by 5% to ensure that it is spent by the end of the year. Due to the mild weather conditions over the winter months the contractor has delivered all of the works committed. This is a framework contract and the overspend will be deducted from the budget for 2018/19.
Other Capital Works	273	534	(223)	584	448	(136)	(136)		✓	✓	Carry forward required for the completion of asbestos work.
Professional Management Charges	1,139	-	(1,139)	-	-	-	-		✓	✓	Budget transferred to revenue by Corporate Finance at the year end.
Total For Other Capital Works	2,473	534	(1,323)	1,684	1,646	(38)	(38)				
TOTAL EXPENDITURE	46,466	4,393	(24,544)	26,315	25,510	(805)	(201)	(604)			
Sale Of Council Houses	-	-	-	-	(898)	(898)		(898)			Capital receipts were received during 17/18 from the final council house sales in 16/17. This reduced required borrowing in 17/18.
Sale Of Assets	-	-	-	-	(14)	(14)		(14)			Sale of land
CFCR	(15,346)	265	316	(14,765)	(14,262)	503		503			Reduced CFCR required due to transfer of non-capital expenditure to revenue
Capital Grants - House Building	(10,146)	(684)	6,680	(4,150)	(5,169)	(1,019)		(1,019)			Additional grant drawn in 17/18 for Towerlands, Dickson Court and Buy Backs which will reduce the allocation in future years for
Capital Grants - Energy Funding	-	-	-	-	(210)	(210)		(210)			Owner contribution to re-rendering and HEEPS funding.
Affordable Housing Contribution	(838)	-	-	(838)	(976)	(138)		(138)			The additional income reflects the realignment of funding used from the affordable housing account.
Funding from Reserves	(212)	-	212	-	(4)	(4)		(4)			Kilwinning Housing Office - Funding will be required in 18/19.
Council House Build Fund	-	(494)	-	(494)	-	-		-			
Prudential Borrowing	(19,924)	(3,480)	17,336	(6,068)	(3,483)	2,585	205	2,380			Decrease in borrowing requirement due to the net underspend identified above
TOTAL INCOME	(46,466)	(4,393)	24,544	(26,315)	(25,510)	805	201	604			

Description	Budget Approved 01 March 2017	Budget B/Fwd/ (C/Fwd)	Approved Revisions to programme	Revised Budget 2017/18	Expenditure to 31/03/2018	Year End Variance	Carry forward to 18/19	True underspend	Delivery Status Financial	Delivery Status Physical	Comments
NET EXPENDITURE	£'000	-	-	-	-	-	-	-	-	-	

NORTH AYRSHIRE COUNCIL**27 June 2018****North Ayrshire Council**

Title: **North Ayrshire Charitable Trusts: Unaudited Trustees' Annual Reports 2017/18**

Purpose: To present the unaudited Trustees' Annual Reports for the year to 31 March 2018 to the Council, as trustees, for approval.

Recommendation: That the Council, as trustees of the North Ayrshire Council charitable trusts, approves the annual reports for 2017/18, subject to audit.

1. Executive Summary

- 1.1 The Council administers a number of Trusts, largely composed of bequests made by individuals many years ago. These have been amalgamated into six Town Trusts; Beith & Gateside, Dalry, Irvine, Kilbirnie & Glengarnock, Kilwinning, and Largs.
- 1.2 In addition to the Town Trusts, there are four other trusts registered with the Office of the Scottish Charity Regulator (OSCR), the Anderson Park Trust, Douglas Sellers Trust, Margaret Archibald Trust and North Ayrshire Council Charitable Trust, the latter of which collates several bequests that are not specific to any particular location within North Ayrshire.
- 1.3 The Council, as trustees of the North Ayrshire Council charitable trusts, is asked to approve the annual reports for 2017/18, subject to audit.

2. Background

- 2.1 Each trust registered with OSCR at 31 March 2018 is required to prepare a Trustee Report for 2017/18, which must be independently audited. For 2017/18, Deloitte LLP are the appointed auditors. The reports are attached at Appendix 1.

2.2 At 31 March 2018 four trusts and three bequests registered to North Ayrshire Charitable Trust have been identified as being dormant, having made no disbursements for at least one year. The period of dormancy for each trust is detailed in the attached trustees' annual reports. The dormant trusts are:

- Anderson Park Trust;
- Douglas Sellers Trust;
- North Ayrshire Council (Beith & Gateside) Charitable Trust;
- North Ayrshire Council (Irvine) Charitable Trust;
- McGavin Park bequest (included within the North Ayrshire Charitable Trust);
- Largs War Memorial bequest (included within the North Ayrshire Charitable Trust);
and
- North Ayrshire Museum bequest (included within the North Ayrshire Charitable Trust).

2.3 The Council, as trustees of the North Ayrshire Council charitable trusts, has delegated authority for the approval of individual disbursements from all Trusts to the Locality Partnerships. During 2017/18 officers have continued to seek options for the appropriate use of these funds. This could involve the depletion of capital and / or winding up of certain trusts, subject to approval by OSCR.

2.4 From 2018/19 administration costs and external audit fees will be allocated to the Trusts. If other options are not identified for the use of these funds, the application of these fees will exhaust a number of the Trusts in the medium term.

3. Proposals

3.1 The Council, as trustees of the ten registered charitable trusts, has responsibility for the preparation of Trustees' Annual Reports in accordance with the terms of the Charities and Trustee Investment (Scotland) Act 2005 and the Charities Accounts Regulations (Scotland) 2006.

3.2 It is proposed that the Council, as trustees of the aforementioned trusts, approves, subject to audit, the ten 2017/18 Trustees' Annual reports attached at Appendix 1

4. Implications

Financial:	The cost of the audit for 2017/18 is £360 per Annual Report; the total cost of £3,600 has been borne by North Ayrshire Council and not passed onto the Trusts. The Trusts will bear the costs of the audit from 2018/19.
Human Resources:	None
Legal:	Trustees have an obligation to act in the interests of the individual Trusts and comply with the requirements of the Charities and Trustee Investment (Scotland) Act 2005 to keep and report proper financial records.
Equality:	Some of the trusts are specifically intended to benefit those in old age, or with ill-health or disabilities.
Environmental & Sustainability:	None
Key Priorities:	Administration of the trusts supports North Ayrshire Council's priorities of "Working together to develop stronger communities"; "Helping all of our people to stay healthy and active"; and "Protecting and enhancing the environment for future generations".
Community Benefits:	N/A

5. Consultation

5.1 Legal Services were consulted during the preparation of the Trustees' Annual Reports 2017/18.



LAURA FRIEL
Executive Director (Finance and Corporate Support)

For further information please contact David Forbes, Senior Manager (Strategic Business Partner) on (01294) 324551.

Background Papers

Annual Report on the 2016/17 Audit – Audit and Scrutiny Committee 19 September 2017



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

ANDERSON PARK TRUST
TRUSTEES' ANNUAL REPORT AND FINANCIAL STATEMENTS
FOR THE YEAR ENDED
31 March 2018

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Trustees' Annual Report for the Year Ended 31 March 2018

1. INTRODUCTION

The Trustees present the annual report together with the financial statements and the Auditor's Report for the year ended 31 March 2018.

ADMINISTRATION INFORMATION

Charity Name	Anderson Park Trust	
Charity Number	SC042136	
Contact Address	North Ayrshire Council Finance Cunninghame House Irvine Ayrshire KA12 8EE	
Current Trustees	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 Tom Marshall Jean McClung Ellen McMaster Ronnie McNicol Louise McPhater Davina McTiernan Jimmy Miller Jim Montgomerie Ian Murdoch Donald L Reid Donald Reid Angela Stephen John Sweeney
Auditor	Deloitte LLP 110 Queen Street Glasgow G1 3BX	

Trustees' Annual Report for the Year Ended 31 March 2018

2. STRUCTURE AND GOVERNANCE

Anderson Park Trust is registered with the Office of the Scottish Charity Regulator (OSCR). Anderson Park Trust has been dormant for over five years.

The governing document is a Trust Disposition and Settlement established and signed on 8 July 1960.

The trustees of the charity are the elected members of North Ayrshire Council and are appointed through their election to the Council.

The Executive Director (Finance & Corporate Support) is the designated officer within North Ayrshire Council with responsibility for the proper administration of the charitable trust's financial affairs. The Executive Director (Finance & Corporate Support) is responsible for keeping proper accounting records that are up to date and which ensure that financial statements comply with the Charities Accounts (Scotland) Regulations 2006.

The Executive Director (Finance & Corporate Support) has considered and taken steps to address any risks to which the charity may be exposed, in particular those related to its operation and finances. Trustees are satisfied that adequate systems are in place to mitigate exposure to such risks.

3. MANAGEMENT OF FUNDS AND INVESTMENT POLICY

Decisions regarding the management of the Anderson Park Trust have been delegated by the Council to the North Coast Locality Partnership.

The trustees rely on the expertise of North Ayrshire Council to manage the investments to ensure the maximum return and the least risk to the charity. In this way, the income stream for the future benefit of the charity is protected.

The funds of the charity are deposited with North Ayrshire Council (see notes 5 and 6).

4. OBJECTIVES AND ACTIVITIES

The objective of the Anderson Park Trust is the provision of recreational facilities or the organisation of recreational activities in the Burgh of Largs, with the object of improving the conditions of life for the persons for whom the facilities or activities are primarily intended.

Income received is expended on awards and, where necessary, supplemented by revenue reserves.

5. PERFORMANCE

Income to the Anderson Park Trust comes from interest on balances held with the Council.

In the year to 31 March 2018 no applications were received and no disbursement of funds was made.

Trustees' Annual Report for the Year Ended 31 March 2018

6. FINANCIAL REVIEW

Overview

In the year to 31 March 2018, Anderson Park Trust made a surplus of £5 (2016/17 £5).

The trust held cash and bank balances at 31 March 2018 of £808 (2016/17 £803).

Future Plans

The Anderson Park Trust has not incurred any expenditure for over five years. North Ayrshire Council will continue to identify options for utilising trust balances and these will be presented to trustees when available.

From 2018/19 an additional charge for administration costs and external audit fees will be levied against all Trusts. This will result in the exhaustion of the Trust balances by 2020/21.

Reserves Policy

Reserves are held by North Ayrshire Council on behalf of the Trust and revenue income, generated from capital that has not been disbursed at 31 March each year, is invested in North Ayrshire Council's Loans Fund.

7. DECLARATION

This report was signed on behalf of the Trustees on 27 June 2018 by:

Laura Friel
Executive Director (Finance & Corporate Support)
North Ayrshire Council

Councillor Joe Cullinane
Leader
North Ayrshire Council

Independent Auditor's Report

Independent auditor's report to the trustees of Anderson Park Trust and the Accounts Commission

The audit of the Trust's Accounts for 2017/18 is not yet complete. The certified accounts will be presented to Council for approval post audit.

Statement of Receipts and Payments for year ended 31 March 2018

The Statement of Receipts and Payments, as required by the Charities Accounts (Scotland) Regulations 2006, provides an analysis of the incoming and outgoing cash and bank transactions for the year.

The funds are classed as 'Restricted' because they have specific objectives, as set out in Section 4 of the Trustees' Annual Report.

	Note	Restricted Funds - Recreation	Total 2017/18	Total 2016/17
		£	£	£
RECEIPTS				
Income from investments	3	5	5	5
Total Receipts		5	5	5
PAYMENTS				
Charitable Activities – Grants	4	-	-	-
Total Payments		-	-	-
Surplus for the Year		5	5	5

Statement of Balances as at 31 March 2018

The Statement of Balances, as required by the Charities Accounts (Scotland) Regulations 2006, reconciles the cash and bank balances at the start and end of the financial year, with any surpluses shown in the Statement of Receipts and Payments.

	Note	Restricted Funds - Recreation	Total 2017/18	Total 2016/17
Bank and Cash in Hand		£	£	£
Opening Balance		803	803	798
Surplus for the year		5	5	5
Closing Balance		808	808	803

The unaudited accounts were issued on the 27 June 2018.

Signed on behalf of the Trustees on 27 June 2018 by:

Laura Friel
Executive Director (Finance & Corporate Support)
North Ayrshire Council

Councillor Joe Cullinane
Leader
North Ayrshire Council

Notes to the Financial Statements

1. Basis of Accounting

The financial statements have been prepared in accordance with the Charities & Trustee Investment (Scotland) Act 2005 and the Charities Accounts (Scotland) Regulations 2006.

2. Taxation

The Anderson Park Trust is not liable to income or capital gains tax on its activities. Irrecoverable VAT is included in the expense to which it relates.

3. Trustee Remuneration, Expenses and Related Party Transactions

- a) No remuneration or expenses were paid to the trustees or any connected persons during the year 2017/18;
- b) The Trust received interest of £5 (2016/17 £5) from North Ayrshire Council at 31 March 2018 and all transactions incoming and outgoing are made via the Council's bank accounts;
- c) The Council has not charged the charity any fees for legal, financial or administrative services provided during the year.

4. Grants

There were no grants awarded during 2017/18 (2016/17 no grants awarded).

5. Cash and Bank Balances

During the year the trust's balances were held by North Ayrshire Council, which manages the administration of the funds on behalf of the Trustees. No costs were incurred by the trust for this administration. The Council also acts as the banker for the charity and, as detailed above, all transactions incoming and outgoing are made via the Council's accounts. The balances are repayable on demand. Interest is paid on balances.

6. Investments

There are no investments held by the charity other than the cash and bank balances held by North Ayrshire Council.

7. Audit Fee

The audit fee for the year of £360 was borne by North Ayrshire Council.

8. Fixed Assets

The Anderson Park Trust has no fixed assets. In 1960, Mr Anderson bequeathed the land now known as Anderson Park to the Burgh of Largs. In 1976, there was a disposition of the park by the trustees of the late Mr Anderson to the former Cunninghame District Council with the restriction that the land is always used as a park.



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

DOUGLAS SELLERS TRUST
TRUSTEES' ANNUAL REPORT AND FINANCIAL STATEMENTS
FOR THE YEAR ENDED
31 March 2018

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Trustees' Annual Report for the Year Ended 31 March 2018

1. INTRODUCTION

The Trustees present the annual report together with the financial statements and the Auditor's Report for the year ended 31 March 2018.

ADMINISTRATION INFORMATION

Charity Name	Douglas Sellers Trust	
Charity Number	SC042101	
Contact Address	North Ayrshire Council Finance Cunninghame House Irvine Ayrshire KA12 8EE	
Current Trustees	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 Tom Marshall Jean McClung Ellen McMaster Ronnie McNicol Louise McPhater Davina McTiernan Jimmy Miller Jim Montgomerie Ian Murdoch Donald L Reid Donald Reid Angela Stephen John Sweeney
Auditor	Deloitte LLP 110 Queen Street Glasgow G1 3BX	

Trustees' Annual Report for the Year Ended 31 March 2018

2. STRUCTURE AND GOVERNANCE

Douglas Sellers Trust is registered with the Office of the Scottish Charity Regulator (OSCR).

The governing document is a Trust Disposition and Settlement established and signed on 21 January 1955.

The trustees of the charity are the elected members of North Ayrshire Council and are appointed through their election to the Council.

The Executive Director (Finance & Corporate Support) is the designated officer within North Ayrshire Council with responsibility for the proper administration of the charitable trust's financial affairs. The Executive Director (Finance & Corporate Support) is responsible for keeping proper accounting records that are up to date and which ensure that financial statements comply with the Charities Accounts (Scotland) Regulations 2006.

The Executive Director (Finance & Corporate Support) has considered and taken steps to address any risks to which the charity may be exposed, in particular those related to its operation and finances. Trustees are satisfied that adequate systems are in place to mitigate exposure to such risks.

3. MANAGEMENT OF FUNDS AND INVESTMENT POLICY

Decisions regarding the management of Douglas Sellers Trust have been delegated by the Council to the Irvine Locality Partnership.

The trustees rely on the expertise of North Ayrshire Council to manage the investments to ensure the maximum return and the least risk to the charity. In this way, the income stream for the future benefit of the charity is protected.

The funds of the charity are deposited with North Ayrshire Council (see notes 5 and 6).

4. OBJECTIVES AND ACTIVITIES

The objectives of the Douglas Sellers Trust fund are:

- the maintenance, improvement and advancement of recreational facilities within the Burgh of Irvine; and
- the maintenance, improvement and floral decoration of open spaces, within the Burgh of Irvine.

Income received is expended on awards and, where necessary, supplemented by revenue reserves.

5. PERFORMANCE

Income to Douglas Sellers Trust comes from interest on balances held with the Council.

In the year to 31 March 2018 no applications were received and no disbursement of funds was made.

Trustees' Annual Report for the Year Ended 31 March 2018

6. FINANCIAL REVIEW

Overview

In the year to 31 March 2018, the Douglas Sellers Trust made a surplus of £11 (2016/17 £12).

The trust held cash and bank balances at 31 March 2018 of £1,819 (2016/17 £1,808).

Future Plans

The Douglas Sellers Park Trust has not incurred any expenditure for over five years. North Ayrshire Council will continue to identify options for utilising trust balances and these will be presented to trustees when available.

From 2018/19 an additional charge for administration costs and external audit fees will be levied against all Trusts. This will result in the exhaustion of the Trust balances by 2023/24.

Reserves Policy

Reserves are held by North Ayrshire Council on behalf of the Trust and revenue income generated from the capital which has not been disbursed at 31 March each year is invested in North Ayrshire Council's Loans Fund.

7. DECLARATION

This report was signed on behalf of the Trustees on 27 June 2018 by:

Laura Friel
Executive Director (Finance & Corporate Support)
North Ayrshire Council

Councillor Joe Cullinane
Leader
North Ayrshire Council

Independent auditor's report to the trustees of Douglas Sellers Trust and the Accounts Commission

The audit of the Trust's Accounts for 2017/18 is not yet complete. The certified accounts will be presented to Council for approval post audit.

Statement of Receipts and Payments for the Year Ended 31 March 2018

The Statement of Receipts and Payments, as required by the Charities Accounts (Scotland) Regulations 2006, provides an analysis of the incoming and outgoing cash and bank transactions for the year.

The funds are classed as 'Restricted' because they have specific objectives, as set out in Section 4 of the Trustees' Annual Report.

	Note	Restricted Funds - Recreation	Total 2017/18	Total 2016/17
		£	£	£
RECEIPTS				
Income from investments	3	11	11	12
Total Receipts		11	11	12
PAYMENTS				
Charitable Activities – Grants	4	-	-	-
Total Payments		-	-	-
Surplus for the Year		11	11	12

Statement of Balances as at 31 March 2018

The Statement of Balances, as required by the Charities Accounts (Scotland) Regulations 2006, reconciles the cash and bank balances at the start and end of the financial year, with any surpluses shown in the Statement of Receipts and Payments.

	Restricted Funds - Recreation	Total 2017/18	Total 2016/17
	£	£	£
Bank and Cash in Hand			
Opening Balance	1,808	1,808	1,796
Surplus for the year	11	11	12
Closing Balance	1,819	1,819	1,808

The unaudited accounts were issued on the 27 June 2018.

Signed on behalf of the Trustees on 27 June 2018 by:

Laura Friel
Executive Director (Finance & Corporate Support)
North Ayrshire Council

Councillor Joe Cullinane
Leader
North Ayrshire Council

Notes to the Financial Statements

1. Basis of Accounting

The financial statements have been prepared in accordance with the Charities & Trustee Investment (Scotland) Act 2005 and the Charities Accounts (Scotland) Regulations 2006.

2. Taxation

The Douglas Sellers Trust is not liable to income or capital gains tax on its activities. Irrecoverable VAT is included in the expense to which it relates.

3. Trustee Remuneration, Expenses and Related Party Transactions

- a. No remuneration or expenses were paid to the trustees or any connected persons during the year 2017/18;
- b. The Trust received interest of £11 (2016/17 £12) from North Ayrshire Council at 31 March 2018 and all transactions incoming and outgoing are made via the Council's bank accounts;
- c. The Council has not charged the charity any fees for legal, financial or administrative services provided during the year.

4. Grants

There were no grants awarded during 2017/18 (2016/17 no grants awarded).

5. Cash and Bank Balances

During the year the trust's balances were held by North Ayrshire Council, which manages the administration of the funds on behalf of the Trustees. No costs were incurred by the trust for this administration. The Council also acts as the banker for the charity and, as detailed above, all transactions incoming and outgoing are made via the Council's accounts. The balances are repayable on demand. Interest is paid on balances.

6. Investments

There are no investments held by the charity other than the cash and bank balances held by North Ayrshire Council.

7. Audit Fee

The audit fee for the year of £360 was borne by North Ayrshire Council.

8. Fixed Assets

The Douglas Sellers Trust has no fixed assets.



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

**MARGARET ARCHIBALD BEQUEST
TRUSTEES' ANNUAL REPORT AND FINANCIAL STATEMENTS
FOR THE YEAR ENDED
31 March 2018**

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Trustees' Annual Report for the Year Ended 31 March 2018

1. INTRODUCTION

The Trustees present the annual report together with the financial statements and the Auditor's Report for the year ended 31 March 2018.

ADMINISTRATION INFORMATION

Charity Name Margaret Archibald Bequest

Charity Number SC042117

Contact Address North Ayrshire Council
Finance
Cunninghame House
Irvine
Ayrshire
KA12 8EE

Current Trustees

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

Auditor Deloitte LLP
110 Queen Street
Glasgow
G1 3BX

Trustees' Annual Report for the Year Ended 31 March 2018

2. STRUCTURE AND GOVERNANCE

The Margaret Archibald Bequest is registered with the Office of the Scottish Charity Regulator (OSCR).

The governing document is a Trust Deed, established and signed on 22 July 1992.

The trustees of the charity are the elected members of North Ayrshire Council and are appointed through their election to the Council.

The Executive Director (Finance & Corporate Support) is the designated officer within North Ayrshire Council with responsibility for the proper administration of the charitable trust's financial affairs. The Executive Director (Finance & Corporate Support) is responsible for keeping proper accounting records that are up to date and which ensure that financial statements comply with the Charities Accounts (Scotland) Regulations 2006.

The Executive Director (Finance & Corporate Support) has considered and taken steps to address any risks to which the charity may be exposed, in particular those related to its operation and finances. Trustees are satisfied that adequate systems are in place to mitigate exposure to such risks.

3. MANAGEMENT OF FUNDS AND INVESTMENT POLICY

Decisions regarding the management of the Margaret Archibald Bequest have been delegated by the Council to the Garnock Valley Locality Partnership.

The trustees rely on the expertise of North Ayrshire Council to manage the investments to ensure the maximum return and the least risk to the charity. In this way, the income stream for the future benefit of the charity is protected.

The funds of the charity are deposited with North Ayrshire Council (see note 5) and invested in stocks and shares in a variety of companies (see note 6).

4. OBJECTIVES AND ACTIVITIES

The objective of the Margaret Archibald Bequest is the relief of those in need who are aged 65 years and over and who reside in the Parish of Dalry.

Income received is expended on awards and, where necessary, supplemented by revenue reserves.

5. PERFORMANCE

Income to the Margaret Archibald Bequest comes from share dividends and investment returns.

In the year to 31 March 2018 5 awards of grant totalling £8,500 were disbursed.

Trustees' Annual Report for the Year Ended 31 March 2018

6. FINANCIAL REVIEW

Overview

In the year to 31 March 2018, the Margaret Archibald Bequest made a surplus of £715 (2016/17 £3,954).

The trust held cash and bank balances at 31 March 2018 of £41,317 (2016/17 £40,602).

In addition, the Trust held investments in the form of stocks and shares in a variety of companies with a market value of £220,464 at 31 March 2018 (2015/16 £243,789), (see note 6).

Future Plans

The Margaret Archibald Bequest will continue to promote its activities and to consider applications submitted by individuals who meet the criteria.

From 2018/19 an additional charge for administration costs and external audit fees will be levied against all Trusts. This will reduce the level of funds available for disbursement as grants each year.

Reserves Policy

Reserves are held by North Ayrshire Council on behalf of the Trust and revenue income generated from the capital which has not been disbursed at 31 March each year is invested in North Ayrshire Council's Loans Fund.

7. DECLARATION

This report was signed on behalf of the Trustees on 27 June 2018 by:

Laura Friel
Executive Director (Finance & Corporate Support)
North Ayrshire Council

Councillor Joe Cullinane
Leader
North Ayrshire Council

Margaret Archibald Bequest

Independent Auditor's Report

Independent auditor's report to the trustees of The Margaret Archibald Bequest and the Accounts Commission

The audit of the Trust's Accounts for 2017/18 is not yet complete. The certified accounts will be presented to Council for approval post audit.

Statement of Receipts and Payments for the Year Ended 31 March 2018

The Statement of Receipts and Payments, as required by the Charities Accounts (Scotland) Regulations 2006, provides an analysis of the incoming and outgoing cash and bank transactions for the year.

The funds are classed as 'Restricted' because they have specific objectives, as set out in Section 4 of the Trustees' Annual Report.

	Note	Restricted Funds - Age/Health /Disability	Total 2017/18	Total 2016/17
		£	£	£
RECEIPTS				
Income from investments	3	9,215	9,215	10,349
Total Receipts		9,215	9,215	10,349
PAYMENTS				
Charitable Activities – Grants	4	8,500	8,500	6,395
Total Payments		8,500	8,500	6,395
Surplus for the Year		715	715	3,954

Statement of Balances as at 31 March 2018

The Statement of Balances, as required by the Charities Accounts (Scotland) Regulations 2006, reconciles the cash and bank balances at the start and end of the financial year, with any surpluses shown in the Statement of Receipts and Payments.

	Note	Restricted Funds - Age/Health /Disability	Total 2017/18	Total 2016/17
Bank and Cash in Hand		£	£	£
Opening Balance		40,602	40,602	36,648
Surplus for the year		715	715	3,954
Closing Balance		41,317	41,317	40,602
Investments				
Market Value at 31 March	6	220,464	220,464	243,789
Total Investments		220,464	220,464	243,789

The unaudited accounts were issued on the 27 June 2018.

Signed on behalf of the Trustees on 27 June 2018 by:

Laura Friel
Executive Director (Finance & Corporate Support)
North Ayrshire Council

Councillor Joe Cullinane
Leader
North Ayrshire Council

1. Basis of Accounting

The financial statements have been prepared in accordance with the Charities & Trustee Investment (Scotland) Act 2005 and the Charities Accounts (Scotland) Regulations 2006.

2. Taxation

The Margaret Archibald Bequest is not liable to income or capital gains tax on its activities. Irrecoverable VAT is included in the expense to which it relates.

3. Trustee Remuneration, Expenses and Related Party Transactions

- a. No remuneration or expenses were paid to the trustees or any connected persons during the year 2017/18;
- b. The Trust received interest of £250 (2016/17 £251) from North Ayrshire Council at 31 March 2018 and all transactions incoming and outgoing are made via the Council's bank accounts;
- c. The Council has not charged the charity any fees for legal, financial or administrative services provided during the year.

4. Grants

5 awards of grant, totalling £8,500, were awarded to community groups during 2017/18 (2016/17 five grants totalling £6,395 were awarded).

5. Cash and Bank Balances

During the year the trust's balances were held by North Ayrshire Council, which manages the administration of the funds on behalf of the Trustees. No costs were incurred by the trust for this administration. The Council also acts as the banker for the charity and, as detailed above, all transactions incoming and outgoing are made via the Council's accounts. The balances are repayable on demand. Interest is paid on balances.

6. Investments

The charity holds the following investments:

Stock Held	Nominal Value	Market Value	Market Value
		at 31 March	at 31 March
	£	2018	2017
		£	£
GlaxoSmithKline plc	1,183	65,964	78,528
Marks & Spencer plc	400	3,983	4,971
Diageo plc	400	34,492	32,654
Barclays plc	336	2,769	3,025
Royal Dutch Shell plc	563	16,027	13,540
Unilever plc	37	47,658	47,471
British American Tobacco plc	300	49,572	63,600
		220,464	243,789

7. Audit Fee

The audit fee for the year of £360 was borne by North Ayrshire Council.

8. Fixed Assets

The Margaret Archibald Bequest has no fixed assets.



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

THE NORTH AYRSHIRE COUNCIL (BEITH & GATESIDE) CHARITABLE TRUST
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31 March 2018

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The North Ayrshire Council (Beith & Gateside) Charitable Trust

Trustees Annual Report for the Year Ended 31 March 2018

1. INTRODUCTION

The Trustees present the annual report together with the financial statements and the Auditor's Report for the year ended 31 March 2018.

ADMINISTRATION INFORMATION

Charity Name The North Ayrshire Council (Beith & Gateside) Charitable Trust

Charity Number SC043498

Contact Address North Ayrshire Council
Finance
Cunninghame House
Irvine
Ayrshire
KA12 8EE

Current Trustees

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

Auditor Deloitte LLP
110 Queen Street
Glasgow
G1 3BX

The North Ayrshire Council (Beith & Gateside) Charitable Trust

Trustees Annual Report for the Year Ended 31 March 2018

2. STRUCTURE AND GOVERNANCE

The North Ayrshire Council (Beith & Gateside) Charitable Trust was registered with the Office of the Scottish Charity Regulator (OSCR) on 1 October 2013 as part of the reorganisation of the North Ayrshire Council Trusts.

The governing document is a Trust Deed, established and signed on 7 September 2012.

The trustees of the charity are the elected members of North Ayrshire Council and are appointed through their election to the Council.

The Executive Director (Finance & Corporate Support) is the designated officer within North Ayrshire Council with responsibility for the proper administration of the charitable trust's financial affairs. The Executive Director (Finance & Corporate Support) is responsible for keeping proper accounting records that are up to date and which ensure that financial statements comply with the Charities Accounts (Scotland) Regulations 2006.

The Executive Director (Finance & Corporate Support) has considered and taken steps to address any risks to which the charity may be exposed, in particular those related to its operation and finances. Trustees are satisfied that adequate systems are in place to mitigate exposure to such risks.

3. MANAGEMENT OF FUNDS AND INVESTMENT POLICY

Decisions regarding the management of the North Ayrshire Council (Beith & Gateside) Charitable Trust have been delegated by the Council to the Garnock Valley Locality Partnership.

The trustees rely on the expertise of North Ayrshire Council to manage the investments to ensure the maximum return and the least risk to the charity. In this way, the income stream for the future benefit of the charity is protected.

All funds of the charity are deposited with North Ayrshire Council (see notes 6 and 7).

4. OBJECTIVES AND ACTIVITIES

The objectives of the North Ayrshire Council (Beith & Gateside) Charitable Trust fund are as follows:

- the prevention or relief of poverty;
- the provision of recreational facilities, or the organisation of recreational activities, with the object of improving the conditions of life for the persons for whom the facilities or activities are primarily intended;
- the relief of those in need by reason of age, ill health, disability, financial hardship or other disadvantage; and
- the advancement of education.

Income received is expended on awards and, where necessary, supplemented by revenue reserves.

The North Ayrshire Council (Beith & Gateside) Charitable Trust

Trustees Annual Report for the Year Ended 31 March 2018

5. PERFORMANCE

Income to the North Ayrshire Council (Beith & Gateside) Charitable Trust comes from interest on balances held with the council.

In the year to 31 March 2018 no applications were received and no disbursement of funds was made.

6. FINANCIAL REVIEW

Overview

In the year to 31 March 2018, the North Ayrshire Council (Beith & Gateside) Charitable Trust made a surplus of £62 (2016/17 £61).

The trust held cash and bank balances at 31 March 2018 of £9,849 (2016/17 £9,787).

Future Plans

The North Ayrshire Council (Beith & Gateside) Charitable Trust has been dormant since 2015/16. North Ayrshire Council will continue to identify options for utilising trust balances and these will be presented to trustees when available.

From 2018/19 an additional charge for administration costs and external audit fees will be levied against all Trusts. This, alongside any grant, will result in the erosion of capital and the exhaustion of trust balances.

Reserves Policy

Reserves are held by North Ayrshire Council on behalf of the Trust and revenue income generated from the capital which has not been disbursed at 31 March each year is invested in North Ayrshire Council's Loans Fund.

7. DECLARATION

This report was signed on behalf of the Trustees on 27 June 2018 by:

Laura Friel
Executive Director (Finance & Corporate Support)
North Ayrshire Council

Councillor Joe Cullinane
Leader
North Ayrshire Council

The North Ayrshire Council (Beith & Gateside) Charitable Trust

Independent Auditor's Report

Independent auditor's report to the trustees of The North Ayrshire Council (Beith and Gateside) Charitable Trust and the Accounts Commission

The audit of the Trust's Accounts for 2017/18 is not yet complete. The certified accounts will be presented to Council for approval post audit.

The North Ayrshire Council (Beith & Gateside) Charitable Trust

Statement of Receipts and Payments for the Year Ended 31 March 2018

The Statement of Receipts and Payments, as required by the Charities Accounts (Scotland) Regulations 2006, provides an analysis of the incoming and outgoing cash and bank transactions for the year.

The funds are classed as 'Restricted' because they have specific objectives, as set out in Section 4 of the Trustees' Annual Report.

	Note	Restricted Funds - Poverty	Restricted Funds - Education	Total 2017/18	Total 2016/17
		£	£	£	£
RECEIPTS					
Income from investments	4	45	17	62	61
Total Receipts		45	17	62	61
PAYMENTS					
Charitable Activities – Grants	5	-	-	-	-
Total Payments		-	-	-	-
Surplus for the Year		45	17	62	61

The North Ayrshire Council (Beith & Gateside) Charitable Trust

Statement of Balances as at 31 March 2018

The Statement of Balances, as required by the Charities Accounts (Scotland) Regulations 2006, reconciles the cash and bank balances at the start and end of the financial year, with any surpluses shown in the Statement of Receipts and Payments.

Note	Restricted Funds - Poverty	Restricted Funds - Education	Total 2017/18	Total 2016/17
Bank and Cash in Hand	£	£	£	£
Opening Balance	7,039	2,748	9,787	9,726
Surplus for the year	45	17	62	61
Closing Balance	7,084	2,765	9,849	9,787

The unaudited accounts were issued on the 27 June 2018.

Signed on behalf of the Trustees on 27 June 2018 by:

Laura Friel
Executive Director (Finance & Corporate Support)
North Ayrshire Council

Councillor Joe Cullinane
Leader
North Ayrshire Council

The North Ayrshire Council (Beith & Gateside) Charitable Trust

Notes to the Financial Statements

1. Basis of Accounting

The financial statements have been prepared in accordance with the Charities & Trustee Investment (Scotland) Act 2005 and the Charities Accounts (Scotland) Regulations 2006.

2. Reorganisation

North Ayrshire Council undertook a review of Sundry Trusts that resulted in the creation of the North Ayrshire Council (Beith & Gateside) Charitable Trust on 1 October 2013. This was an amalgamation of the following former Trusts and their purpose:

Former Fund	Charity Number	Purpose
Border Trust	SC042115	relief for poverty / education
Orr Charity	SC025083	relief for poverty
Mrs Ralston Patrick Treame	SC025083	relief for poverty

3. Taxation

The North Ayrshire Council (Beith & Gateside) Charitable Trust is not liable to income or capital gains tax on its activities. Irrecoverable VAT is included in the expense to which it relates.

4. Trustee Remuneration, Expenses and Related Party Transactions

- a) No remuneration or expenses were paid to the trustees or any connected persons during the year 2017/18;
- b) The Trust received interest of £62 (2016/17 £61) from North Ayrshire Council at 31 March 2018 and all transactions incoming and outgoing are made via the Council's bank accounts;
- c) The Council has not charged the charity any fees for legal, financial or administrative services provided during the year.

5. Grants

There were no grants awarded during 2017/18 (2016/17 no grants awarded).

6. Cash and Bank Balances

During the year the trust's balances were held by North Ayrshire Council, which manages the administration of the funds on behalf of the Trustees. No costs were incurred by the trust for this administration. The Council also acts as the banker for the charity and, as detailed above, all transactions incoming and outgoing are made via the Council's accounts. The balances are repayable on demand. Interest is paid on balances.

7. Investments

There are no investments held by the charity other than the cash and bank balances held by North Ayrshire Council.

8. Audit Fee

The audit fee for the year of £360 was borne by North Ayrshire Council.

9. Fixed Assets

The North Ayrshire Council (Beith & Gateside) Charitable Trust has no fixed assets.



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

**THE NORTH AYRSHIRE COUNCIL CHARITABLE TRUST
TRUSTEES' ANNUAL REPORT AND FINANCIAL STATEMENTS
FOR THE YEAR ENDED
31 March 2018**

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Trustees' Annual Report for the Year Ended 31 March 2018

1. INTRODUCTION

The Trustees present the annual report together with the financial statements and the Auditor's Report for the year ended 31 March 2018.

ADMINISTRATION INFORMATION

Charity Name	The North Ayrshire Council Charitable Trust	
Charity Number	SC025083	
Contact Address	North Ayrshire Council Finance Cunninghame House Irvine Ayrshire KA12 8EE	
Current Trustees	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 Tom Marshall Jean McClung Ellen McMaster Ronnie McNicol Louise McPhater Davina McTiernan Jimmy Miller Jim Montgomerie Ian Murdoch Donald L Reid Donald Reid Angela Stephen John Sweeney
Auditor	Deloitte LLP 110 Queen Street Glasgow G1 3BX	

Trustees' Annual Report for the Year Ended 31 March 2018

2. STRUCTURE AND GOVERNANCE

The North Ayrshire Council Charitable Trust was registered as a charity on 1 January 1992; now regulated by the Office of the Scottish Charity Regulator (OSCR). Details of the trust funds that are incorporated into the North Ayrshire Council Charitable Trust, along with their purposes, can be found on page 9.

There is no overall governing document for the North Ayrshire Council Charitable Trust; however available documents for the incorporated trusts are as follows:

- Spier's Trust: Trust Scheme established in 1978;
- North Ayrshire Museum: Scheme for Administration of North Ayrshire Museum (1958) and Minute of Agreement (1974) between the Provost, etc. of the Burghs of Ardrossan, Saltcoats and Stevenston and Others;
- Hugh Watt Bursary Fund: Deed of Trust by John Hugh Watt established in 1873;
- John Hugh Watt Scholarship Prize: Deed of Gift by the family of John Hugh Watt registered in 1920; and
- McGavin Park: Trust Disposition and Settlement by John McGavin established in 1881.

There are no available governing documents for the three remaining trusts, being Largs War Memorial Fund, the Robert Fleck Award for Irvine schools and the Sir James Dyer Prize for Largs Academy. However, the establishment of restricted funds ensures that any funds are spent in accordance with the purpose of these trusts.

The trustees of the charity are the elected members of North Ayrshire Council and are appointed through their election to the Council.

The Executive Director (Finance & Corporate Support) is the designated officer within North Ayrshire Council with responsibility for the proper administration of the charitable trust's financial affairs. The Executive Director (Finance & Corporate Support) is responsible for keeping proper accounting records that are up to date and which ensure that financial statements comply with the Charities Accounts (Scotland) Regulations 2006.

The Executive Director (Finance & Corporate Support) has considered and taken steps to address any risks to which the charity may be exposed, in particular those related to its operation and finances. Trustees are satisfied that adequate systems are in place to mitigate exposure to such risks.

3. MANAGEMENT OF FUNDS AND INVESTMENT POLICY

Decisions regarding the management of the North Ayrshire Council Charitable Trust have been delegated by the Council to relevant Locality Partnerships.

The trustees rely on the expertise of North Ayrshire Council to manage the investments to ensure the maximum return and the least risk to the charity. In this way, the income stream for the future benefit of the charity is protected.

The funds of the charity are deposited with North Ayrshire Council (see note 6) or are invested in stocks and shares (see note 8).

Trustees' Annual Report for the Year Ended 31 March 2018

4. OBJECTIVES AND ACTIVITIES

The objectives of the North Ayrshire Council Charitable Trust fund are as follows:

- the encouragement and promotion of education among students, including bursaries and prizes awarded;
- the provision of recreational facilities, or the organisation of recreational activities, with the object of improving the conditions of life for the persons for whom the facilities or activities are primarily intended; and
- the upkeep of war memorials.

Income received is expended on awards and, where necessary, supplemented by revenue reserves.

5. PERFORMANCE

Income to the North Ayrshire Council Charitable Trust comes from property rents, £2,660 (2016/17 £2,660), and investment returns, £3,400 (2016/17 £3,268). In the year to 31 March 2018 12 awards of grant totalling £2,830 were disbursed.

6. FINANCIAL REVIEW

Overview

In the year to 31 March 2018, the North Ayrshire Council Charitable Trust made a surplus of £3,092 (2016/17 £1,709). The trust held cash and bank balances at 31 March 2018 of £68,561 (2015/16 £65,469). In addition, the Trust held investments in the form of stocks and shares in a variety of companies with a market value of £69,532 at 31 March 2018 (2016/17 £67,485), (see note 8).

Future Plans

The North Ayrshire Council Charitable Trust will continue to promote its activities and to consider applications submitted by individuals who meet the criteria.

Three of the component trusts, being McGavin Park, Largs War Memorial Fund and North Ayrshire Museum, have incurred no expenditure for over five years. North Ayrshire Council will continue to identify options for utilising trust balances and these will be presented to trustees when available.

From 2018/19 an additional charge for administration costs and external audit fees will be levied against all Trusts. This will reduce the level of funds available for disbursement as grants each year.

Reserves Policy

Reserves are held by North Ayrshire Council on behalf of the Trust and revenue income generated from the capital that has not been disbursed at 31 March each year is invested in North Ayrshire Council's Loans Fund.

7. DECLARATION

This report was signed on behalf of the Trustees on 27 June 2018 by:

Laura Friel
Executive Director (Finance & Corporate Support)
North Ayrshire Council

Councillor Joe Cullinane
Leader
North Ayrshire Council

The North Ayrshire Council Charitable Trust

Independent Auditor's Report

Independent auditor's report to the trustees of The North Ayrshire Council Charitable Trust and the Accounts Commission

The audit of the Trust's Accounts for 2017/18 is not yet complete. The certified accounts will be presented to Council for approval post audit.

Statement of Receipts and Payments for the Year Ended 31 March 2018

The Statement of Receipts and Payments, as required by the Charities Accounts (Scotland) Regulations 2006, provides an analysis of the incoming and outgoing cash and bank transactions for the year.

The funds are classed as 'Restricted' because they have specific objectives, as set out in Section 4 of the Trustees' Annual Report.

	Note	Restricted Funds - Education	Restricted Funds - Recreation	Restricted Funds - Other	Total 2017/18	Total 2016/17
RECEIPTS						
Income from Investments	4	1,686	1,711	3	3,400	3,268
Income from Property Rents	7	2,660	-	-	2,660	2,660
Total Receipts		4,346	1,711	3	6,060	5,928
PAYMENTS						
Charitable Activities – Grants	5	2,830	-	-	2,830	4,219
Legal Fees	4	138	-	-	138	-
Total Payments		2,968	-	-	2,968	4,219
Surplus for the Year		1,378	1,711	3	3,092	1,709

The North Ayrshire Council Charitable Trust

Statement of Balances as at 31 March 2018

The Statement of Balances, as required by the Charities Accounts (Scotland) Regulations 2006, reconciles the cash and bank balances at the start and end of the financial year, with any surpluses shown in the Statement of Receipts and Payments.

	Note	Restricted Funds - Education	Restricted Funds - Recreation	Restricted Funds - Other	Total 2017/18	Total 2016/17
		£	£	£	£	£
Bank and Cash in Hand						
Opening Balance		40,346	24,640	483	65,469	63,760
Surplus for the year		1,378	1,711	3	3,092	1,709
Closing Balance		41,724	26,351	486	68,561	65,469
Land & Buildings						
Book Value at 31 March	7	150,000	-	-	150,000	135,000
Investments						
Market Value at 31 March	8	42,995	26,537	-	69,532	67,485
Total Investments		192,995	26,537	-	219,532	202,485

The unaudited accounts were issued on the 27 June 2018.

Signed on behalf of the Trustees on 27 June 2018 by:

Laura Friel
Executive Director (Finance & Corporate Support)
North Ayrshire Council

Councillor Joe Cullinane
Leader
North Ayrshire Council

1. Basis of Accounting

The financial statements have been prepared in accordance with the Charities & Trustee Investment (Scotland) Act 2005 and the Charities Accounts (Scotland) Regulations 2006.

2. Reorganisation

During the period 2012 to 2014, North Ayrshire Council undertook a review of Sundry Trusts that resulted in the creation of eight new Town Trusts. The North Ayrshire Council Charitable Trust now comprises those registered charitable funds (outlined on page 9) that were not amalgamated on a geographical basis.

3. Taxation

The North Ayrshire Council Charitable Trust is not liable to income or capital gains tax on its activities. Irrecoverable VAT is included in the expense to which it relates.

4. Trustee Remuneration, Expenses and Related Party Transactions

- a. No remuneration or expenses were paid to the trustees or any connected persons during the year 2017/18;
- b. The Trust received interest of £421 (2016/17 £413) from North Ayrshire Council at 31 March 2018 and all transactions incoming and outgoing are made via the Council's bank accounts;
- c. The Council has not charged the charity any fees for legal, financial or administrative services provided during the year.
- d. A fee of £138 was paid to the London Stock Exchange to comply with a new regulation, Markets in Financial Instruments Directive II, which Barclays require to continue investing on the Trust's behalf.

5. Grants

12 grants, totalling £2,830, were disbursed to individuals and community groups during 2017/18 (2016/17 sixteen grants totalling £4,219 awarded).

6. Cash and Bank Balances

During the year the trust's balances were held by North Ayrshire Council, which manages the administration of the funds on behalf of the Trustees. No costs were incurred by the trust for this administration.

The Council also acts as the banker for the charity and, as detailed above, all transactions incoming and outgoing are made via the Council's accounts. The balances are repayable on demand. Interest is paid on balances.

7. Land and Buildings

Income from property relates to grazing rents at Marshallands Grazings, Barrmill Road, Beith. The land was purchased for £25,000 in 2004 by the Spier's Trust was last revalued in 2017/18, to a current book value of £150,000. No depreciation is charged.

8. Investments

The charity holds the following investments:

Stock Held	Purchase Price / Nominal Value £	Market Value	Market Value
		at 31 March 2018 £	at 31 March 2017 £
JPM UK Higher Income Fur	1,790	7,844	7,282
Merchants Trust	406	8,174	8,304
Alliance Trust	73	21,605	20,938
Zeneca Group plc	68	13,217	13,264
Diageo	217	18,693	17,697
		69,532	67,485

9. Audit Fee

The audit fee for the year of £360 was borne by North Ayrshire Council.

10. Reorganisation

The charity was registered on 1 January 1992. Following re-organisation, as detailed in Note 2, this was an amalgamation of the following trusts and their purpose:

Name of Trust Fund	Purpose
McGavin Park	Upkeep of McGavin Park, Kilwinning
North Ayrshire Museum	For Benefit of North Ayrshire Museum
War Memorial Fund	Largs War Memorial Fund
Sir James Dyer Simpson	Educational prize for Largs Academy
Spier's Trust	Educational bursaries for the Garnock Valley
Robert Fleck Award	Educational prize for Saltcoats schools
Hugh Watt Bursary Fund	Educational prize for Irvine schools
John Hugh Watt Scholarship Prize	Educational prize for Irvine Royal Academy



North Ayrshire Council
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**THE NORTH AYRSHIRE COUNCIL (DALRY) CHARITABLE TRUST
TRUSTEES' ANNUAL REPORT AND FINANCIAL STATEMENTS
FOR THE YEAR ENDED
31 March 2018**

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The North Ayrshire Council (Dalry) Charitable Trust

Trustees' Annual Report for the Year Ended 31 March 2018

1. INTRODUCTION

The Trustees present the annual report together with the financial statements and the Auditor's Report for the year ended 31 March 2018.

ADMINISTRATION INFORMATION

Charity Name The North Ayrshire Council (Dalry) Charitable Trust

Charity Number SC043644

Contact Address North Ayrshire Council
Finance
Cunninghame House
Irvine
Ayrshire
KA12 8EE

Current Trustees

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

Auditor Deloitte LLP
110 Queen Street
Glasgow
G1 3BX

The North Ayrshire Council (Dalry) Charitable Trust

Trustees' Annual Report for the Year Ended 31 March 2018

2. STRUCTURE AND GOVERNANCE

The North Ayrshire Council (Dalry) Charitable Trust was registered with the Office of the Scottish Charity Regulator (OSCR) on 1 October 2013 as part of the reorganisation of the North Ayrshire Council Trusts.

The governing document is a Trust Deed, established and signed on 26 November 2012.

The trustees of the charity are the elected members of North Ayrshire Council and are appointed through their election to the Council.

The Executive Director (Finance & Corporate Support) is the designated officer within North Ayrshire Council with responsibility for the proper administration of the charitable trust's financial affairs. The Executive Director (Finance & Corporate Support) is responsible for keeping proper accounting records that are up to date and which ensure that financial statements comply with the Charities Accounts (Scotland) Regulations 2006.

The Executive Director (Finance & Corporate Support) has considered and taken steps to address any risks to which the charity may be exposed, in particular those related to its operation and finances. Trustees are satisfied that adequate systems are in place to mitigate exposure to such risks.

3. MANAGEMENT OF FUNDS AND INVESTMENT POLICY

Decisions regarding the management of the North Ayrshire Council (Dalry) Charitable Trust have been delegated by the Council to the Garnock Valley Locality Partnership.

The trustees rely on the expertise of North Ayrshire Council to manage the investments to ensure the maximum return and the least risk to the charity. In this way, the income stream for the future benefit of the charity is protected.

All funds of the charity are deposited with North Ayrshire Council (see notes 6 and 7).

4. OBJECTIVES AND ACTIVITIES

The objectives of the North Ayrshire Council (Dalry) Charitable Trust fund are as follows:

- the prevention or relief of poverty;
- the provision of recreational facilities, or the organisation of recreational activities, with the object of improving the conditions of life for the persons for whom the facilities or activities are primarily intended; and
- the relief of those in need by reason of age, ill health, disability, financial hardship or other disadvantage.

Income received is expended on awards and, where necessary, supplemented by revenue reserves.

The North Ayrshire Council (Dalry) Charitable Trust
Trustees' Annual Report for the Year Ended 31 March 2018

5. PERFORMANCE

Income to the North Ayrshire Council (Dalry) Charitable Trust comes from interest on balances held with the council.

During the year to 31 March 2018 3 grants of £3,479 were disbursed.

6. FINANCIAL REVIEW

Overview

In the year to 31 March 2018, the North Ayrshire Council (Dalry) Charitable Trust incurred a deficit of £3,428 (2016/17 deficit of £639).

The trust held cash and bank balances at 31 March 2018 of £5,764 (2016/17 £9,192).

Future Plans

The North Ayrshire Council (Dalry) Charitable Trust will continue to promote its activities and to consider applications submitted by individuals who meet the criteria.

From 2018/19 an additional charge for administration costs and external audit fees will be levied against all Trusts. This will reduce the level of funds available for disbursement as grants and result in the exhaustion of trust balances. If the trustees continue to approve grants at current levels, the Trust balances will be exhausted by 2019/20.

Reserves Policy

Reserves are held by North Ayrshire Council on behalf of the Trust and revenue income generated from the capital which has not been disbursed at 31 March each year is invested in North Ayrshire Council's Loans Fund.

7. DECLARATION

This report was signed on behalf of the Trustees on 27 June 2018 by:

Laura Friel
Executive Director (Finance & Corporate Support)
North Ayrshire Council

Councillor Joe Cullinane
Leader
North Ayrshire Council

The North Ayrshire Council (Dalry) Charitable Trust

Independent Auditor's Report

Independent auditor's report to the trustees of The North Ayrshire Council (Dalry) Charitable Trust and the Accounts Commission

The audit of the Trust's Accounts for 2017/18 is not yet complete. The certified accounts will be presented to Council for approval post audit.

The North Ayrshire Council (Dalry) Charitable Trust

Statement of Receipts and Payments for the Year Ended 31 March 2018

Statement of Receipts and Payments, as required by the Charities Accounts (Scotland) Regulations 2006, provides an analysis of the incoming and outgoing cash and bank transactions for the year.

The funds are classed as 'Restricted' because they have specific objectives, as set out in Section 4 of the Trustees' Annual Report.

	Note	Restricted Funds - Poverty	Total 2017/18	Total 2016/17
		£	£	£
RECEIPTS				
Income from investments	4	51	51	61
Total Receipts		51	51	61
PAYMENTS				
Charitable Activities – Grants	5	3,479	3,479	700
Total Payments		3,479	3,479	700
Deficit for the Year		(3,428)	(3,428)	(639)

The North Ayrshire Council (Dalry) Charitable Trust

Statement of Balances as at 31 March 2018

The Statement of Balances, as required by the Charities Accounts (Scotland) Regulations 2006, reconciles the cash and bank balances at the start and end of the financial year, with any surpluses shown in the Statement of Receipts and Payments.

	Note	Restricted Funds - Poverty	Total 2017/18	Total 2016/17
Bank and Cash in Hand		£	£	£
Opening Balance		9,192	9,192	9,831
Deficit for the year		(3,428)	(3,428)	(639)
Closing Balance		5,764	5,764	9,192

The unaudited accounts were issued on the 27 June 2018.

Signed on behalf of the Trustees on 27 June 2018 by:

Laura Friel
Executive Director (Finance & Corporate Support)
North Ayrshire Council

Councillor Joe Cullinane
Leader
North Ayrshire Council

1. Basis of Accounting

The financial statements have been prepared in accordance with the Charities & Trustee Investment (Scotland) Act 2005 and the Charities Accounts (Scotland) Regulations 2006.

2. Reorganisation

North Ayrshire Council undertook a review of Sundry Trusts that resulted in the creation of the North Ayrshire Council (Dalry) Charitable Trust on 1 October 2013. This was an amalgamation of the following former Trusts and their purposes:

Former Fund	Charity Number	Purpose
John Logan Bequest	SC025083	relief for poverty
Jessie K Holburn	n/a	relief for poverty

3. Taxation

The North Ayrshire Council (Dalry) Charitable Trust is not liable to income or capital gains tax on its activities. Irrecoverable VAT is included in the expense to which it relates.

4. Trustee Remuneration, Expenses and Related Party Transactions

- No remuneration or expenses were paid to the trustees or any connected persons during the year 2017/18;
- The Trust received interest of £51 (2016/17 £61) from North Ayrshire Council at 31 March 2018 and all transactions incoming and outgoing are made via the Council's bank accounts;
- The Council has not charged the charity any fees for legal, financial or administrative services provided during the year.

5. Grants

3 grants for £3,479 were awarded to a community groups during 2017/18 (2016/17 one grant for £700 was awarded).

6. Cash and Bank Balances

During the year the trust's balances were held by North Ayrshire Council, which manages the administration of the funds on behalf of the Trustees. No costs were incurred by the trust for this administration. The Council also acts as the banker for the charity and, as detailed above, all transactions incoming and outgoing are made via the Council's accounts. The balances are repayable on demand. Interest is paid on balances.

7. Investments

There are no investments held by the charity other than the cash and bank balances held by North Ayrshire Council.

8. Audit Fee

The audit fee for the year of £360 was borne by North Ayrshire Council.

9. Fixed Assets

The North Ayrshire Council (Dalry) Charitable Trust has no fixed assets



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

**THE NORTH AYRSHIRE COUNCIL (IRVINE) CHARITABLE TRUST
TRUSTEES' ANNUAL REPORT AND FINANCIAL STATEMENTS
FOR THE YEAR ENDED
31 March 2018**

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The North Ayrshire Council (Irvine) Charitable Trust

Trustees' Annual Report for the Year Ended 31 March 2018

1. INTRODUCTION

The Trustees present the annual report together with the financial statements and the Auditor's Report for the year ended 31 March 2018.

ADMINISTRATION INFORMATION

Charity Name The North Ayrshire Council (Irvine) Charitable Trust

Charity Number SC043372

Contact Address North Ayrshire Council
Finance
Cunninghame House
Irvine
Ayrshire
KA12 8EE

Current Trustees

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

Auditor Deloitte LLP
110 Queen Street
Glasgow
G1 3BX

The North Ayrshire Council (Irvine) Charitable Trust

Trustees' Annual Report for the Year Ended 31 March 2018

2. STRUCTURE AND GOVERNANCE

The North Ayrshire Council (Irvine) Charitable Trust was registered with the Office of the Scottish Charity Regulator (OSCR) on 1 October 2013 as part of the reorganisation of the North Ayrshire Council Trusts.

The governing document is a Trust Deed, established and signed on 20 July 2012.

The trustees of the charity are the elected members of North Ayrshire Council and are appointed through their election to the Council.

The Executive Director (Finance & Corporate Support) is the designated officer within North Ayrshire Council with responsibility for the proper administration of the charitable trust's financial affairs. The Executive Director (Finance & Corporate Support) is responsible for keeping proper accounting records that are up to date and which ensure that financial statements comply with the Charities Accounts (Scotland) Regulations 2006.

The Executive Director (Finance & Corporate Support) has considered and taken steps to address any risks to which the charity may be exposed, in particular those related to its operation and finances. Trustees are satisfied that adequate systems are in place to mitigate exposure to such risks.

3. MANAGEMENT OF FUNDS AND INVESTMENT POLICY

Decisions regarding the management of the North Ayrshire Council (Irvine) Charitable Trust have been delegated by the Council to the Irvine Locality Partnership.

The trustees rely on the expertise of North Ayrshire Council to manage the investments to ensure the maximum return and the least risk to the charity. In this way, the income stream for the future benefit of the charity is protected.

The funds of the charity are deposited with North Ayrshire Council (see notes 6 and 7).

4. OBJECTIVES AND ACTIVITIES

The objectives of the North Ayrshire Council (Irvine) Charitable Trust fund are as follows:

- the prevention or relief of poverty;
- the provision of recreational facilities, or the organisation of recreational activities, with the object of improving the conditions of life for the persons for whom the facilities or activities are primarily intended; and
- the relief of those in need by reason of age, ill health, disability, financial hardship or other disadvantage.

Income received is expended on awards and, where necessary, supplemented by revenue reserves.

The North Ayrshire Council (Irvine) Charitable Trust

Trustees' Annual Report for the Year Ended 31 March 2018

5. PERFORMANCE

Income to the North Ayrshire Council (Irvine) Charitable Trust comes from interest on balances held with the council.

In the year to 31 March 2018 no applications were received and no disbursement of funds was made.

6. FINANCIAL REVIEW

Overview

In the year to 31 March 2018, the North Ayrshire Council (Irvine) Charitable Trust made a surplus of £144 (2016/17 £144).

The trust held cash and bank balances at 31 March 2018 of £23,068 (2016/17 £22,924).

Future Plans

The North Ayrshire Council (Irvine) Charitable Trust has been dormant since 2015/16. North Ayrshire Council will continue to identify options for utilising trust balances and these will be presented to trustees when available.

From 2018/19 an additional charge for administration costs and external audit fees will be levied against all Trusts. This, alongside any grant, will result in the erosion of capital and the exhaustion of trust balances.

Reserves Policy

Reserves are held by North Ayrshire Council on behalf of the Trust and revenue income generated from the capital which has not been disbursed at 31 March each year is invested in North Ayrshire Council's Loans Fund.

7. DECLARATION

This report was signed on behalf of the Trustees on 27 June 2018 by:

Laura Friel
Executive Director (Finance & Corporate Support)
North Ayrshire Council

Councillor Joe Cullinane
Leader
North Ayrshire Council

The North Ayrshire Council (Irvine) Charitable Trust

Independent Auditor's Report

Independent auditor's report to the trustees of The North Ayrshire Council (Irvine) Charitable Trust and the Accounts Commission

The audit of the Trust's Accounts for 2017/18 is not yet complete. The certified accounts will be presented to Council for approval post audit.

The North Ayrshire Council (Irvine) Charitable Trust

Statement of Receipts and Payments for the Year Ended 31 March 2018

The Statement of Receipts and Payments, as required by the Charities Accounts (Scotland) Regulations 2006, provides an analysis of the incoming and outgoing cash and bank transactions for the year.

The funds are classed as 'Restricted' because they have specific objectives, as set out in Section 4 of the Trustees' Annual Report.

	Note	Restricted Funds - Poverty	Restricted Funds - Age/Health /Disability	Total 2017/18	Total 2016/17
		£	£	£	£
RECEIPTS					
Income from investments	4	67	77	144	144
Total Receipts		67	77	144	144
PAYMENTS					
Charitable Activities – Grants	5	-	-	-	-
Total Payments		-	-	-	-
Surplus for the Year		67	77	144	144

The North Ayrshire Council (Irvine) Charitable Trust

Statement of Balances as at 31 March 2018

The Statement of Balances, as required by the Charities Accounts (Scotland) Regulations 2006, reconciles the cash and bank balances at the start and end of the financial year, with any surpluses shown in the Statement of Receipts and Payments.

Note	Restricted Funds - Poverty	Restricted Funds - Age/Health /Disability	Total 2017/18	Total 2016/17
	£	£	£	£
Bank and Cash in Hand				
Opening Balance	10,756	12,168	22,924	22,780
Surplus for the year	67	77	144	144
Closing Balance	10,823	12,245	23,068	22,924

The unaudited accounts were issued on the 27 June 2018.

Signed on behalf of the Trustees on 27 June 2018 by:

Laura Friel
Executive Director (Finance & Corporate Support)
North Ayrshire Council

Councillor Joe Cullinane
Leader
North Ayrshire Council

1. Basis of Accounting

The financial statements have been prepared in accordance with the Charities & Trustee Investment (Scotland) Act 2005 and the Charities Accounts (Scotland) Regulations 2006.

2. Reorganisation

North Ayrshire Council undertook a review of Sundry Trusts that resulted in the creation of the North Ayrshire Council (Irvine) Charitable Trust on 1 October 2013. This was an amalgamation of the following former Trusts and their purposes:

Former Fund	Charity Number	Purpose
James Blair	SC025083	relief for poverty
Connel Bequest	SC025083	relief for poverty
Miss Jane Falls	SC025083	relief for poverty/age/ ill health/disability
R R Holmes	SC025083	relief for age/ill health/disability/hardship
J Speir	SC025083	relief for age/ill health/disability/hardship
Miss J Walker	SC025083	relief for age/ill health/disability/hardship
Ann C Holmes	SC025083	relief for poverty
Fuel Relief Fund	SC025083	relief for poverty/age/ ill health/disability

3. Taxation

The North Ayrshire Council (Irvine) Charitable Trust is not liable to income or capital gains tax on its activities. Irrecoverable VAT is included in the expense to which it relates.

4. Trustee Remuneration, Expenses and Related Party Transactions

- a. No remuneration or expenses were paid to the trustees or any connected persons during the year 2017/18;
- b. The Trust received interest of £144 (2016/17 £144) from North Ayrshire Council at 31 March 2018 and all transactions incoming and outgoing are made via the Council's bank accounts;
- c. The Council has not charged the charity any fees for legal, financial or administrative services provided during the year.

5. Grants

There were no grants awarded during 2017/18 (2016/17 no grants awarded).

6. Cash and Bank Balances

During the year the trust's balances were held by North Ayrshire Council, which manages the administration of the funds on behalf of the Trustees. No costs were incurred by the trust for this administration. The Council also acts as the banker for the charity and, as detailed above, all transactions incoming and outgoing are made via the Council's accounts. The balances are repayable on demand. Interest is paid on balances.

7. Investments

There are no investments held by the charity other than the cash and bank balances held by North Ayrshire Council.

8. Audit Fee

The audit fee for the year of £360 was borne by North Ayrshire Council.

9. Fixed Assets

The North Ayrshire Council (Irvine) Charitable Trust has no fixed assets.



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

THE NORTH AYRSHIRE COUNCIL (KILBIRNIE & GLENGARNOCK) CHARITABLE TRUST
TRUSTEES' ANNUAL REPORT AND FINANCIAL STATEMENTS
FOR THE YEAR ENDED
31 March 2018

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The North Ayrshire Council (Kilbirnie & Glengarnock) Charitable Trust

Trustees' Annual Report for the Year Ended 31 March 2018

1. INTRODUCTION

The Trustees present the annual report together with the financial statements and the Auditor's Report for the year ended 31 March 2018.

ADMINISTRATION INFORMATION

Charity Name The North Ayrshire Council (Kilbirnie & Glengarnock) Charitable Trust

Charity Number SC043600

Contact Address North Ayrshire Council
Finance
Cunninghame House
Irvine
Ayrshire
KA12 8EE

Current Trustees

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

Auditor Deloitte LLP
110 Queen Street
Glasgow
G1 3BX

The North Ayrshire Council (Kilbirnie & Glengarnock) Charitable Trust

Trustees' Annual Report for the Year Ended 31 March 2018

2. STRUCTURE AND GOVERNANCE

The North Ayrshire Council (Kilbirnie & Glengarnock) Charitable Trust was registered with the Office of the Scottish Charity Regulator (OSCR) on 1 October 2013 as part of the reorganisation of the North Ayrshire Council Trusts.

The governing document is a Trust Deed, established and signed on 23 October 2012.

The trustees of the charity are the elected members of North Ayrshire Council and are appointed through their election to the Council.

The Executive Director (Finance & Corporate Support) is the designated officer within North Ayrshire Council with responsibility for the proper administration of the charitable trust's financial affairs. The Executive Director (Finance & Corporate Support) is responsible for keeping proper accounting records that are up to date and which ensure that financial statements comply with the Charities Accounts (Scotland) Regulations 2006.

The Executive Director (Finance & Corporate Support) has considered and taken steps to address any risks to which the charity may be exposed, in particular those related to its operation and finances. Trustees are satisfied that adequate systems are in place to mitigate exposure to such risks.

3. MANAGEMENT OF FUNDS AND INVESTMENT POLICY

Decisions regarding the management of the North Ayrshire Council (Kilbirnie & Glengarnock) Charitable Trust have been delegated by the Council to the Garnock Valley Locality Partnership.

The trustees rely on the expertise of North Ayrshire Council to manage the investments to ensure the maximum return and the least risk to the charity. In this way, the income stream for the future benefit of the charity is protected.

The funds of the charity are deposited with North Ayrshire Council (see notes 6 and 7).

4. OBJECTIVES AND ACTIVITIES

The objectives of the North Ayrshire Council (Kilbirnie & Glengarnock) Charitable Trust fund are as follows:

- the prevention or relief of poverty;
- the provision of recreational facilities, or the organisation of recreational activities, with the object of improving the conditions of life for the persons for whom the facilities or activities are primarily intended; and
- the relief of those in need by reason of age, ill health, disability, financial hardship or other disadvantage.

Income received is expended on awards and, where necessary, supplemented by revenue reserves.

The North Ayrshire Council (Kilbirnie & Glengarnock) Charitable Trust

Trustees' Annual Report for the Year Ended 31 March 2018

5. PERFORMANCE

Income to the North Ayrshire Council (Kilbirnie & Glengarnock) Charitable Trust comes from interest on balances held with the Council.

During the year to 31 March 2018 1 grant of £500 was disbursed.

6. FINANCIAL REVIEW

Overview

In the year to 31 March 2018, the North Ayrshire Council (Kilbirnie & Glengarnock) Charitable Trust incurred a deficit of £466 (2016/17 £34 surplus).

The trust held cash and bank balances at 31 March 2018 of £5,016 (2016/17 £5,482).

Future Plans

The North Ayrshire Council (Kilbirnie & Glengarnock) Charitable Trust will continue to promote its activities and to consider applications submitted by individuals who meet the criteria.

From 2018/19 an additional charge for administration costs and external audit fees will be levied against all Trusts. This, alongside any grant, will result in the erosion of capital and the exhaustion of trust balances. The Trust had previously not incurred any expenditure for over five years. However, if the trustees continue to approve grants at current levels, the Trust balances will be exhausted by 2023/24.

Reserves Policy

Reserves are held by North Ayrshire Council on behalf of the Trust and revenue income generated from the capital which has not been disbursed at 31 March each year is invested in North Ayrshire Council's Loans Fund.

7. DECLARATION

This report was signed on behalf of the Trustees on 27 June 2018 by:

Laura Friel
Executive Director (Finance & Corporate Support)
North Ayrshire Council

Councillor Joe Cullinane
Leader
North Ayrshire Council

The North Ayrshire Council (Kilbirnie & Glengarnock) Charitable Trust

Independent Auditor's Report

Independent auditor's report to the trustees of The North Ayrshire Council (Kilbirnie & Glengarnock) Charitable Trust and the Accounts Commission

The audit of the Trust's Accounts for 2017/18 is not yet complete. The certified accounts will be presented to Council for approval post audit.

The North Ayrshire Council (Kilbirnie & Glengarnock) Charitable Trust

Statement of Receipts and Payments for year ended 31 March 2018

The Statement of Receipts and Payments, as required by the Charities Accounts (Scotland) Regulations 2006, provides an analysis of the incoming and outgoing cash and bank transactions for the year.

The funds are classed as 'Restricted' because they have specific objectives, as set out in Section 4 of the Trustees' Annual Report.

	Note	Restricted Funds - Recreation	Restricted Funds - Age/Health /Disability	Total 2017/18	Total 2016/17
		£	£	£	£
RECEIPTS					
Income from investments	4	26	8	34	34
Total Receipts		26	8	34	34
PAYMENTS					
Charitable Activities – Grants	5	500	-	500	-
Total Payments		500	-	500	-
Surplus for the Year		(474)	8	(466)	34

The North Ayrshire Council (Kilbirnie & Glengarnock) Charitable Trust

Statement of Balances as at 31 March 2018

The Statement of Balances, as required by the Charities Accounts (Scotland) Regulations 2006, reconciles the cash and bank balances at the start and end of the financial year, with any surpluses shown in the Statement of Receipts and Payments.

Note	Restricted Funds - Recreation	Restricted Funds - Age/Health /Disability	Total 2017/18	Total 2016/17
Bank and Cash in Hand	£	£	£	£
Opening Balance	4,180	1,302	5,482	5,448
Surplus for the year	(474)	8	(466)	34
Closing Balance	3,706	1,310	5,016	5,482

The unaudited accounts were issued on the 27 June 2018.

Signed on behalf of the Trustees on 27 June 2018 by:

Laura Friel
Executive Director (Finance & Corporate Support)
North Ayrshire Council

Councillor Joe Cullinane
Leader
North Ayrshire Council

The North Ayrshire Council (Kilbirnie & Glengarnock) Charitable Trust

Notes to the Financial Statements

1. Basis of Accounting

The financial statements have been prepared in accordance with the Charities & Trustee Investment (Scotland) Act 2005 and the Charities Accounts (Scotland) Regulations 2006.

2. Reorganisation

North Ayrshire Council undertook a review of Sundry Trusts that resulted in the creation of the North Ayrshire Council (Kilbirnie & Glengarnock) Charitable Trust in 1 October 2013. This was an amalgamation of the following former Trusts and their purposes:

Former Fund	Charity Number	Purpose
Mary P Herriot Trust	SC025083	relief for age/ill health/disability/hardship
Kilbirnie & Glengarnock Common	SC042110	relief for recreation

3. Taxation

The North Ayrshire Council (Kilbirnie & Glengarnock) Charitable Trust is not liable to income or capital gains tax on its activities. Irrecoverable VAT is included in the expense to which it relates.

4. Trustee Remuneration, Expenses and Related Party Transactions

- No remuneration or expenses were paid to the trustees or any connected persons during the year 2017/18;
- The Trust received interest of £34 (2016/17 £34) from North Ayrshire Council at 31 March 2018 and all transactions incoming and outgoing are made via the Council's bank accounts;
- The Council has not charged the charity any fees for legal, financial or administrative services provided during the year.

5. Grants

1 grant for £500 was awarded to a community group during 2017/18 (2016/17 no grants awarded).

6. Cash and Bank Balances

During the year the trust's balances were held by North Ayrshire Council, which manages the administration of the funds on behalf of the Trustees. No costs were incurred by the trust for this administration. The Council also acts as the banker for the charity and, as detailed above, all transactions incoming and outgoing are made via the Council's accounts. The balances are repayable on demand. Interest is paid on balances.

7. Investments

There are no investments held by the charity other than the cash and bank balances held by North Ayrshire Council.

8. Audit Fee

The audit fee for the year of £360 was borne by North Ayrshire Council.

9. Fixed Assets

The North Ayrshire Council (Kilbirnie & Glengarnock) Charitable Trust has no fixed assets.



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

THE NORTH AYRSHIRE COUNCIL (KILWINNING) CHARITABLE TRUST
TRUSTEES' ANNUAL REPORT AND FINANCIAL STATEMENTS
FOR THE YEAR ENDED
31 March 2018

The North Ayrshire Council (Kilwinning) Charitable Trust

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The North Ayrshire Council (Kilwinning) Charitable Trust
Trustees' Annual Report for the Year Ended 31 March 2018

1. INTRODUCTION

The Trustees present the annual report together with the financial statements and the Auditor's Report for the year ended 31 March 2018.

ADMINISTRATION INFORMATION

Charity Name The North Ayrshire Council (Kilwinning) Charitable Trust

Charity Number SC043374

Contact Address North Ayrshire Council
Finance
Cunninghame House
Irvine
Ayrshire
KA12 8EE

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

Auditor Deloitte LLP
110 Queen Street
Glasgow
G1 3BX

The North Ayrshire Council (Kilwinning) Charitable Trust
Trustees' Annual Report for the Year Ended 31 March 2018

2. STRUCTURE AND GOVERNANCE

The North Ayrshire Council (Kilwinning) Charitable Trust was registered with the Office of the Scottish Charity Regulator (OSCR) on 1 April 2013 as part of the reorganisation of the North Ayrshire Council Trusts.

The governing document is a Trust Deed, established and signed on 20 July 2012.

The trustees of the charity are the elected members of North Ayrshire Council and are appointed through their election to the Council.

The Executive Director (Finance & Corporate Support) is the designated officer within North Ayrshire Council with responsibility for the proper administration of the charitable trust's financial affairs. The Executive Director (Finance & Corporate Support) is responsible for keeping proper accounting records that are up to date and which ensure that financial statements comply with the Charities Accounts (Scotland) Regulations 2006.

The Executive Director (Finance & Corporate Support) has considered and taken steps to address any risks to which the charity may be exposed, in particular those related to its operation and finances. Trustees are satisfied that adequate systems are in place to mitigate exposure to such risks.

3. MANAGEMENT OF FUNDS AND INVESTMENT POLICY

Decisions regarding the management of the North Ayrshire Council (Kilwinning) Charitable Trust have been delegated by the Council to the Kilwinning Locality Partnership.

The trustees rely on the expertise of North Ayrshire Council to manage the investments to ensure the maximum return and the least risk to the charity. In this way, the income stream for the future benefit of the charity is protected.

The funds of the charity are deposited with North Ayrshire Council (see notes 7 and 8).

4. OBJECTIVES AND ACTIVITIES

The objectives of the North Ayrshire Council (Kilwinning) Charitable Trust fund are as follows:

- the prevention or relief of poverty;
- the provision of recreational facilities, or the organisation of recreational activities, with the object of improving the conditions of life for the persons for whom the facilities or activities are primarily intended; and
- the relief of those in need by reason of age, ill health, disability, financial hardship or other disadvantage.

Income received is expended on awards and, where necessary, supplemented by revenue reserves.

The North Ayrshire Council (Kilwinning) Charitable Trust
Trustees' Annual Report for the Year Ended 31 March 2018

5. PERFORMANCE

Income to the North Ayrshire Council (Kilwinning) Charitable Trust comes from investment returns.

During the year to 31 March 2018 1 grant of £704 was disbursed.

6. FINANCIAL REVIEW

Overview

In the year to 31 March 2018, the North Ayrshire Council (Kilwinning) Charitable Trust made a surplus of £1,217 (2016/17 £817).

The trust held cash and bank balances at 31 March 2018 of £131,687 (£130,470).

Future Plans

The North Ayrshire Council (Kilwinning) Charitable Trust will continue to promote its activities and to consider applications submitted by individuals who meet the criteria.

From 2018/19 an additional charge for administration costs and external audit fees will be levied against all Trusts. This will reduce the level of funds available for disbursement as grants.

Reserves Policy

Reserves are held by North Ayrshire Council on behalf of the Trust and revenue income generated from the capital which has not been disbursed at 31 March each year is invested in North Ayrshire Council's Loans Fund.

7. DECLARATION

This report was signed on behalf of the Trustees on 27 June 2018 by:

Laura Friel
Executive Director (Finance & Corporate Support)
North Ayrshire Council

Councillor Joe Cullinane
Leader
North Ayrshire Council

The North Ayrshire Council (Kilwinning) Charitable Trust

Independent Auditor's Report

Independent auditor's report to the trustees of The North Ayrshire Council (Kilwinning) Charitable Trust and the Accounts Commission

The audit of the Trust's Accounts for 2017/18 is not yet complete. The certified accounts will be presented to Council for approval post audit.

The North Ayrshire Council (Kilwinning) Charitable Trust

Statement of Receipts and Payments for the Year Ended 31 March 2018

The Statement of Receipts and Payments, as required by the Charities Accounts (Scotland) Regulations 2006, provides an analysis of the incoming and outgoing cash and bank transactions for the year.

The funds are classed as 'Restricted' because they have specific objectives, as set out in Section 4 of the Trustees' Annual Report.

	Note	Restricted Funds - Poverty	Restricted Funds - Age/Health /Disability	Total 2017/18	Total 2016/17
		£	£	£	£
RECEIPTS					
Income from investments	4	821	5	826	817
Grant Repayment	5	1,095	-	1,095	-
Total Receipts		1,916	5	1,921	817
PAYMENTS					
Charitable Activities – Grants	5	704	-	704	-
Total Payments		704	-	704	-
Surplus for the Year		1,212	5	1,217	817

The North Ayrshire Council (Kilwinning) Charitable Trust

Statement of Balances as at 31 March 2018

The Statement of Balances, as required by the Charities Accounts (Scotland) Regulations 2006, reconciles the cash and bank balances at the start and end of the financial year, with any surpluses shown in the Statement of Receipts and Payments.

Note	Restricted Funds - Poverty	Restricted Funds - Age/Health /Disability	Total 2017/18	Total 2016/17
	£	£	£	£
Bank and Cash in Hand				
Opening Balance	129,749	721	130,470	129,653
Surplus for the year	1,212	5	1,217	817
Closing Balance	130,961	726	131,687	130,470

The unaudited accounts were issued on the 27 June 2018.

Signed on behalf of the Trustees on 27 June 2018 by:

Laura Friel
Executive Director (Finance & Corporate Support)
North Ayrshire Council

Councillor Joe Cullinane
Leader
North Ayrshire Council

The North Ayrshire Council (Kilwinning) Charitable Trust

Notes to the Financial Statements

1. Basis of Accounting

The financial statements have been prepared in accordance with the Charities & Trustee Investment (Scotland) Act 2005 and the Charities Accounts (Scotland) Regulations 2006.

2. Reorganisation

North Ayrshire Council undertook a review of Sundry Trusts that resulted in the creation of the North Ayrshire Council (Kilwinning) Charitable Trust on 1 April 2013. This was an amalgamation of the following former Trusts and their purposes:

Former Fund	Charity Number	Purpose
Sir Malcolm Campbell Fund	SC025083	relief for poverty
John Dickie	SC025083	relief for poverty
John Logan (Kilwinning) Bequest	SC042121	relief for age/ill health/disability/hardship
Woodgreen Mortification	SC025083	relief for poverty
Crawford Mortification	n/a	relief for poverty
John Lyon Bequest	n/a	relief for poverty

3. Taxation

The North Ayrshire Council (Kilwinning) Charitable Trust is not liable to income or capital gains tax on its activities. Irrecoverable VAT is included in the expense to which it relates.

4. Trustee Remuneration, Expenses and Related Party Transactions

- No remuneration or expenses were paid to the trustees or any connected persons during the year 2017/18;
- The Trust received interest of £826 (2016/17 £817) from North Ayrshire Council at 31 March 2018 and all transactions incoming and outgoing are made via the Council's bank accounts;
- The Council has not charged the charity any fees for legal, financial or administrative services provided during the year.

5. Other Income

During 2017/18 the trust received a reimbursement of £1,095 following the repayment of a grant awarded by the previous Woodgreen Trust.

6. Grants

1 grant for £704 was awarded to a community group during 2018/18 (2016/17 no grants awarded).

7. Cash and Bank Balances

During the year the trust's balances were held by North Ayrshire Council, which manages the administration of the funds on behalf of the Trustees. No costs were incurred by the trust for this administration. The Council also acts as the banker for the charity and, as detailed above, all transactions incoming and outgoing are made via the Council's accounts. The balances are repayable on demand. Interest is paid on balances.

8. Investments

There are no investments held by the charity other than the cash and bank balances held by North Ayrshire Council.

9. Audit Fee

The audit fee for the year of £360 was borne by North Ayrshire Council.

10. Fixed Assets

The North Ayrshire Council (Kilwinning) Charitable Trust has no fixed assets.



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

**THE NORTH AYRSHIRE COUNCIL (LARGS) CHARITABLE TRUST
TRUSTEES' ANNUAL REPORT AND FINANCIAL STATEMENTS
FOR THE YEAR ENDED
31 March 2018**

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The North Ayrshire Council (Largs) Charitable Trust

Trustees' Annual Report for the Year Ended 31 March 2018

1. INTRODUCTION

The Trustees present the annual report together with the financial statements and the Auditor's Report for the year ended 31 March 2018.

ADMINISTRATION INFORMATION

Charity Name	The North Ayrshire Council (Largs) Charitable Trust	
Charity Number	SC043494	
Contact Address	North Ayrshire Council Finance Cunninghame House Irvine Ayrshire KA12 8EE	
Current Trustees	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 Tom Marshall Jean McClung Ellen McMaster Ronnie McNicol Louise McPhater Davina McTiernan Jimmy Miller Jim Montgomerie Ian Murdoch Donald L Reid Donald Reid Angela Stephen John Sweeney
Auditor	Deloitte LLP 110 Queen Street Glasgow G1 3BX	

The North Ayrshire Council (Largs) Charitable Trust

Trustees' Annual Report for the Year Ended 31 March 2018

2. STRUCTURE AND GOVERNANCE

The North Ayrshire Council (Largs) Charitable Trust was registered with the Office of the Scottish Charity Regulator (OSCR) on 1 October 2013 as part of the reorganisation of the North Ayrshire Council Trusts.

The governing document is a Trust Deed, established and signed on 7 September 2012.

The trustees of the charity are the elected members of North Ayrshire Council and are appointed through their election to the Council.

The Executive Director (Finance & Corporate Support) is the designated officer within North Ayrshire Council with responsibility for the proper administration of the charitable trust's financial affairs. The Executive Director (Finance & Corporate Support) is responsible for keeping proper accounting records that are up to date and which ensure that financial statements comply with the Charities Accounts (Scotland) Regulations 2006.

The Executive Director (Finance & Corporate Support) has considered and taken steps to address any risks to which the charity may be exposed, in particular those related to its operation and finances. Trustees are satisfied that adequate systems are in place to mitigate exposure to such risks.

3. MANAGEMENT OF FUNDS AND INVESTMENT POLICY

Decisions regarding the management of the North Ayrshire Council (Largs) Charitable Trust have been delegated by the Council to the North Coast Locality Partnership.

The trustees rely on the expertise of North Ayrshire Council to manage the investments to ensure the maximum return and the least risk to the charity. In this way, the income stream for the future benefit of the charity is protected.

All funds of the charity are deposited with North Ayrshire Council (see notes 6 and 7).

4. OBJECTIVES AND ACTIVITIES

The objectives of the North Ayrshire Council (Largs) Charitable Trust fund are as follows:

- the prevention or relief of poverty;
- the provision of recreational facilities, or the organisation of recreational activities, with the object of improving the conditions of life for the persons for whom the facilities or activities are primarily intended; and
- the relief of those in need by reason of age, ill health, disability, financial hardship or other disadvantage.

Income received is expended on awards and, where necessary, supplemented by revenue reserves.

The North Ayrshire Council (Largs) Charitable Trust

Trustees' Annual Report for the Year Ended 31 March 2018

5. PERFORMANCE

Income to the North Ayrshire Council (Largs) Charitable Trust comes from interest on balances held with the council.

During the year to 31 March 2018 1 grant of £10,000 was disbursed.

6. FINANCIAL REVIEW

Overview

In the year to 31 March 2018, the North Ayrshire Council (Largs) Charitable Trust incurred a deficit of £9,886 (2016/17 £113 surplus).

The trust held cash and bank balances at 31 March 2018 of £8,174 (2016/17 £18,060).

Future Plans

The North Ayrshire Council (Largs) Charitable Trust will continue to promote its activities and to consider applications submitted by individuals who meet the criteria.

From 2018/19 an additional charge for administration costs and external audit fees will be levied against all Trusts. This will result in the erosion of capital and the exhaustion of trust balances. The Trust had previously not incurred any expenditure since 2013/14. However, if the trustees continue to approve grants at current levels, the Trust balances will be exhausted in 2018/19.

Reserves Policy

Reserves are held by North Ayrshire Council on behalf of the Trust and revenue income generated from the capital which has not been disbursed at 31 March each year is invested in North Ayrshire Council's Loans Fund.

7. DECLARATION

This report was signed on behalf of the Trustees on 27 June 2018 by:

Laura Friel
Executive Director (Finance & Corporate Support)
North Ayrshire Council

Councillor Joe Cullinane
Leader
North Ayrshire Council

The North Ayrshire Council (Largs) Charitable Trust

Independent Auditor's Report

Independent auditor's report to the trustees of The North Ayrshire (Largs) Charitable Trust and the Accounts Commission

The audit of the Trust's Accounts for 2017-18 is not yet complete. The certified accounts will be presented to Council for approval post audit.

The North Ayrshire Council (Largs) Charitable Trust

Statement of Receipts and Payments for the Year Ended 31 March 2018

The Statement of Receipts and Payments, as required by the Charities Accounts (Scotland) Regulations 2006, provides an analysis of the incoming and outgoing cash and bank transactions for the year.

The funds are classed as 'Restricted' because they have specific objectives, as set out in Section 4 of the Trustees' Annual Report.

	Note	Restricted Funds - Poverty	Total 2017/18	Total 2016/17
		£	£	£
RECEIPTS				
Income from investments	4	114	114	113
Total Receipts		114	114	113
PAYMENTS				
Charitable Activities – Grants	5	10,000	10,000	-
Total Payments		10,000	10,000	-
Surplus for the Year		(9,886)	(9,886)	113

The North Ayrshire Council (Largs) Charitable Trust

Statement of Balances as at 31 March 2018

The Statement of Balances, as required by the Charities Accounts (Scotland) Regulations 2006, reconciles the cash and bank balances at the start and end of the financial year, with any surpluses shown in the Statement of Receipts and Payments.

	Note	Restricted Funds - Poverty	Total 2017/18	Total 2016/17
Bank and Cash in Hand		£	£	£
Opening Balance		18,060	18,060	17,947
Surplus for the year		(9,886)	(9,886)	113
Closing Balance		8,174	8,174	18,060

The unaudited accounts were issued on the 27 June 2018.

Signed on behalf of the Trustees on 27 June 2018 by:

Laura Friel
Executive Director (Finance & Corporate Support)
North Ayrshire Council

Councillor Joe Cullinane
Leader
North Ayrshire Council

1. Basis of Accounting

The financial statements have been prepared in accordance with the Charities & Trustee Investment (Scotland) Act 2005 and the Charities Accounts (Scotland) Regulations 2006.

2. Reorganisation

North Ayrshire Council undertook a review of Sundry Trusts that resulted in the creation of the North Ayrshire Council (Largs) Charitable Trust on 1 October 2013. This was an amalgamation of the following former Trusts and their purposes:

Former Fund	Charity Number	Purpose
John Clark Bequest	SC025083	relief for poverty
M Craig's Bequest	SC025083	relief for poverty
George Elder Bequest	SC025083	relief for poverty
M E Ewen's Fund	SC025083	relief for poverty
John Gloag Bequest	SC025083	relief for poverty
Hamilton Trust	SC025083	relief for poverty
Hamilton Bequest	n/a	relief for poverty
Largs Trawler Fund	n/a	relief for poverty

3. Taxation

The North Ayrshire Council (Largs) Charitable Trust is not liable to income or capital gains tax on its activities. Irrecoverable VAT is included in the expense to which it relates.

4. Trustee Remuneration, Expenses and Related Party Transactions

- a. No remuneration or expenses were paid to the trustees or any connected persons during the year 2017/18;
- b. The Trust received interest of £114 (2016/17 £113) from North Ayrshire Council at 31 March 2018 and all transactions incoming and outgoing are made via the Council's bank accounts;
- c. The Council has not charged the charity any fees for legal, financial or administrative services provided during the year.

5. Grants

1 grant for £10,000 was awarded to a community group during 2017/18 (2016/17 no grants awarded).

6. Cash and Bank Balances

During the year the trust's balances were held by North Ayrshire Council, which manages the administration of the funds on behalf of the Trustees. No costs were incurred by the trust for this administration. The Council also acts as the banker for the charity and, as detailed above, all transactions incoming and outgoing are made via the Council's accounts. The balances are repayable on demand. Interest is paid on balances.

7. Investments

There are no investments held by the charity other than the cash and bank balances held by North Ayrshire Council.

8. Audit Fee

The audit fee for the year of £360 was borne by North Ayrshire Council.

9. Fixed Assets

The North Ayrshire Council (Largs) Charitable Trust has no fixed assets.

NORTH AYRSHIRE COUNCIL

27 June 2018

North Ayrshire Council

Title: **Treasury Management and Investment Annual Report 2017/18**

Purpose: To report to Council on the Treasury Management and Investment Annual Report and Prudential Indicators for 2017/18.

Recommendation: That the Council notes (a) the Treasury Management and Investment Annual Report for 2017/18 (Appendix 1); and (b) the Prudential and Treasury Indicators contained therein.

1. Executive Summary

- 1.1 The Council is required by regulations issued under the Local Government in Scotland Act 2003 to produce an annual review of treasury management activities. The purpose of the annual review is to report the performance of the Council's treasury operations and how this measures up against the Council's Annual Treasury Management and Investment Strategy, updated in the Mid-Year Report. This is done through the publication of the annual report which contains the actual prudential and treasury indicators for 2017/18.
- 1.2 This Treasury Management and Investment Annual Report meets the requirements of the Scottish Government's investment regulations, the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).
- 1.3 The Treasury Management and Investment Annual Report 2017/18 for North Ayrshire Council is attached at Appendix 1. Key points to note from the report are as follows:
- During 2017/18, the Council complied with its legislative and regulatory requirements in relation to treasury activities;
 - Capital expenditure was below the level anticipated at the start of the year and through the continued use of internal funds, has contributed to lower levels of borrowing in 2017-18. This has impacted on a number of treasury indicators including a decrease in the Capital Financing Requirement (CFR), affordability indicators, with current borrowing levels well within the limits set across both the Operational Boundary and Authorised Limit;
 - The average loans fund pool rate stayed relatively consistent at 4.09%; and
 - Lower investment returns relative to budget reflect the reduction in interest rates being offered by the market.

2. Background

2.1 The Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice for Treasury Management requires elected members to be provided with regular reports on treasury management activities. The 2017/18 Annual Treasury Management and Investment Strategy was approved by Council on 1 March 2017 and the mid-year report was submitted to the Cabinet on 14 November 2017. This final outturn report ensures full compliance with the CIPFA Code of Practice.

2.2 Current Position

The 2017/18 annual report is attached at Appendix 1 and covers:

- Prudential and treasury indicators;
- Investment rate and outturn;
- Performance measures.

2.3 Statutory Requirements

During 2017/18 the Council complied with its legislative and regulatory requirements. It is a statutory duty for the Council to determine and keep under review its approved borrowing limits and prudential indicators. Details within the report demonstrate that the Council has operated within the treasury limits and prudential indicators as set out in the Council's 2017/18 Annual Treasury Management and Investment Strategy Statement (TMSS).

2.4 General Services and Housing Revenue Account (HRA)

2.4.1 **Capital Financing Costs** - the General Fund budget of £19.271m for financing costs and expenses on debt for 2017/18 was underspent by £2.870m, comparative information for the HRA was a budget of £7.205m and an underspend of £0.240m. The underspends are a result of;

- the continuing strategy to delay new external borrowing by utilising cash balances, resulting in savings on external interest costs and
- the use of temporary borrowing from local authorities at an average rate of 0.45%, comparing favourably with the average PWLB 1 year borrowing rate for 2017/18 of 1.11%.

The General Fund outturn aligns with the funding strategy for the ten year capital investment programme.

2.4.2 **Interest on Revenue Balances** - the General Fund budget of £0.387m for interest on its revenue balances with actual interest being £0.155m in 2017/18, comparative information for the HRA was a budget of £0.120m and £0.032m respectively. This reflects lower interest rates being offered by counterparties than previously anticipated due to the short

term nature of investments required to align cash flow commitments alongside the actual profile of expenditure during 2017/18.

3. Proposals

- 3.1 It is proposed that the Council notes (a) the contents of the Treasury Management and Investment Annual Report for 2017/18 (Appendix 1); and (b) the Prudential and Treasury Indicators contained therein.

4. Implications

Financial:	None
Human Resources:	None
Legal:	The Local Government in Scotland Act 2003 and supporting regulations require the Council to produce an annual review of treasury management activities.
Equality:	None
Environmental & Sustainability:	None
Key Priorities:	The Treasury Management Strategy aligns with the Council Plan by contributing to “a sound financial position” and “making the best use of all resources” as referred to under the banner of Underpinning our Priorities.
Community Benefits:	None

5. Consultation

- 5.1 The Council's treasury advisors were consulted during the preparation of this report.



LAURA FRIEL
Executive Director (Finance and Corporate Support)

For further information please contact David Forbes, Senior Manager (Strategic Business Partner) on (01294) 324551.

Background Papers

Treasury Management and Investment Strategy 2017/18, North Ayrshire Council, 1 March 2017;
Treasury Management Mid Year Report 2017/18, Cabinet, 14 November 2017.



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Annual Treasury Management and Investment Report

2017/18



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Annual Treasury Management and Investment Report 2017/18

1. Purpose

The Council is required by regulations issued under the Local Government in Scotland Act 2003 to produce an annual review of treasury management activities. The purpose of this annual review is to report the performance of the Council's treasury operation and how this measures up against the Council's Annual Treasury Management and Investment Strategy, updated in the Mid-Year Report. This is done through the publication of the annual report and actual prudential and treasury indicators for 2017/18.

This report meets the requirements of the Scottish Government's investment regulations, the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

During 2017/18 the minimum requirement was that the following reports should be submitted to Elected Members:

- an annual treasury management and investment strategy (submitted to the Council on 1 March 2017)
- a mid-year treasury update report (submitted to the Cabinet on 14 November 2017)
- an annual review following the end of the year describing the activity compared to the strategy (this report)

Regulations place responsibility on members for the review and scrutiny of treasury management policy and activities. This report is therefore important in that respect as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by members.

2. Executive Summary

During 2017/18, the Council complied with its legislative and regulatory requirements.

The **key prudential and treasury indicators** detailing the impact of capital expenditure activities during the year, with comparators, are summarised below. In order to provide consistency within all the tables in this report, all figures exclude the Council's liabilities in respect of PPP/NPD, unless otherwise stated.

TABLE 1

Prudential and treasury indicators	2016/17 Actual £m	2017/18 * Estimate £m	2017/18 Actual £m
Capital expenditure (Indicator 1)			
General services	48.712	45.586	32.006
HRA	22.935	27.246	25.510
Total	71.647	72.832	57.516
Capital Financing Requirement (CFR):			
General services	183.800	174.869	174.869
HRA	117.117	120.244	118.402
Total	300.917	295.113	293.271
Gross borrowing (Indicator 4)	257.863	285.112	246.321
Operational Boundary (Indicator 5)	329.526	319.407	314.388
Authorised Limit (Indicator 6)	362.479	351.348	345.827
Investments (Indicator 7)			
· Longer than 1 year	-	-	-
· Under 1 year	15.450	10.000	26.000
· Total	15.450	10.000	26.000

** All figures in this report reflect the latest estimate contained within the 2018/19 Annual Treasury Management and Investment Strategy*

A summary of performance is provided below with more detailed information provided in the body of the report.

Overall **Capital Expenditure** was below the level anticipated due to changes in the profile of projects.

The **Capital Financing Requirement (CFR)** is the underlying borrowing requirements of the Council. The reduction to the requirement during 2017/18 reflects the change in profile of the capital programme.

Gross Borrowing reflects the actual borrowing which has been undertaken, this was lower than anticipated due the revised profile of capital projects and the use of internal funds, the latter being a key element of the Treasury Management Strategy to minimise costs.

The **Operational Boundary** is the maximum we would anticipate borrowing to fund the current year capital programme building in flexibility for the timing of the different funding streams and principal repayments. Due to the use of internal funds and the re-profiling of the capital programme, the Council's actual borrowing position is well within the Operational Boundary.

The **Authorised Limit** is a statutory limit; it is the maximum amount of borrowing determined by the Council and should not be exceeded. The Council has set the Authorised Limit at 10% above the Operational Boundary to give some flexibility to raise funds for future year capital investment.

As noted above the Council continues to use its internal funds to delay borrowing, therefore minimising costs. No **new long term borrowing** took place in 2017/18. The Council continues to refinance maturing

temporary loans by borrowing from other local authorities at rates below 1% which has helped to keep borrowing costs low.

The **average loans fund pool rate** is the total interest paid during the year as a percentage of the total loans fund advances. In 2017/18 this marginally increased from 4.09% to 4.10%.

The **maturity profile** and balance between **fixed and variable rate borrowing** mitigates the Council's exposure to interest rate variations either now or when loans require to be refinanced. A total of 21.6% of the Council's loans are at a variable rate, which is in line with the strategy.

Affordability of borrowing is measured by a number of indicators;

- Impact of additional borrowing on Council Tax; shows a notional annual reduction of £10.11 per annum for Council Tax based on a Band D property.
- Impact of additional borrowing on Housing Rents; shows a notional annual increase of £6.10 per week based on the average housing rent.
- The percentage of financing costs relative to the net revenue stream of the General Fund and Housing Revenue Account; the percentage values were in line with the estimate for the General Fund and lower than estimated for the Housing Revenue Account. Actuals for 2017/18 were 5% for the General Fund and 14.8% for the Housing Revenue Account.

The Affordability Indicators noted above for Council Tax and Housing Rents are notional and 2017/18 represents the final year of publication.

The **average internal investment** rate was 0.37% compared to a target of 0.4%; 0.31% was secured in 2016/17 and the 2017/18 performance of other Scottish local authorities of 0.46%. This reflects the short term nature of our investments and the market rates on offer for this term.

Other prudential and treasury indicators and supporting information can be found in the main body of this report.

Conclusion

The Executive Director (Finance and Corporate Support) confirms that long-term borrowing is only undertaken for a capital purpose and that the statutory borrowing limit (the authorised limit) has not been breached.

3. Prudential and Treasury Indicators for 2017/18

The Prudential Code establishes a framework to ensure that councils demonstrate effective control over levels of, and decisions relating to capital investment activity, including borrowing. Treasury indicators are used to ensure that risk is managed and controlled effectively. Together the Prudential and Treasury Indicators consider the affordability and impact of capital expenditure decisions.

These indicators help the Council to demonstrate public accountability in relation to borrowing and investments. As part of this accountability the report will summarise the following: -

- The Council’s Capital Expenditure and Financing (section a);
- The Council’s Overall Borrowing Need (section b);
- Limits to Borrowing Activity (section c);
- Treasury Position at 31 March 2018 (section d); and
- Affordability Prudential Indicators (section e);

(a) The Council’s Capital Expenditure and Financing 2017/18 (Prudential Indicator 1)

The Council incurs capital expenditure when it invests in its long-term assets. Capital Expenditure can be funded in two main ways:

- Financed immediately through the application of capital or revenue resources (capital receipts, capital grants, revenue contributions etc.), which has no impact on the Council’s borrowing need; or
- If insufficient financing is available, or a decision is taken not to apply other resources, then capital expenditure will give rise to borrowing which needs to be approved as part of the Council’s capital investment plans.

The tables below show the actual capital expenditure incurred in 2017/18 compared with the planned investment alongside the amount financed immediately and the amount which gave rise to borrowing.

TABLE 2

General Fund	2016/17 Actual £m	2017/18 Estimate £m	2017/18 Actual £m
Capital expenditure (Indicator 1)	48.712	45.586	32.006
Financed in year	25.459	45.586	32.006
Unfinanced capital expenditure	23.253	-	-

HRA	2016/17 Actual £m	2017/18 Estimate £m	2017/18 Actual £m
Capital expenditure (Indicator 1)	22.935	27.246	25.510
Financed in year	22.935	21.922	22.027
Unfinanced capital expenditure	-	5.324	3.483

(b) The Council's Overall Borrowing Need (the Capital Financing Requirement) (Prudential Indicators 2 and 3)

This indicator outlines the Council's Capital Financing Requirement (CFR). The CFR is the total historic outstanding capital expenditure which has not been paid from either a capital or revenue resource and therefore needs to be funded from borrowing. It is essentially a measure of the Council's underlying borrowing need.

Part of the Council's treasury activity is to meet the funding requirements for this borrowing need. The treasury management section organises the Council's cash position to ensure that sufficient cash is available to meet the capital plans and cash flow requirements. This may be sourced through borrowing from external bodies (such as the Government, through the Public Works Loan Board [PWLB] or the money markets), or utilising temporary cash resources within the Council.

The Council's underlying borrowing need (CFR) is not allowed to rise indefinitely. The Council is required to make an annual revenue charge, called the Loans Fund Principal Repayment. This is effectively a repayment of the borrowing need and it is charged to revenue over the life of the asset. This charge reduces the CFR each year. This differs from the treasury management arrangements which ensure that cash is available to meet capital commitments. External debt can also be borrowed or repaid at any time, but this does not change the CFR.

The total CFR can also be reduced by:

- the application of additional capital financing resources (such as capital receipts); or
- increasing the annual revenue charge

The Council's CFR for the year is a key prudential indicator and is shown below. The opening balance includes PPP/ NPD schemes on the balance sheet, which increases the Council's borrowing need. This is shown in order to give a complete picture of the Council's debt, however no borrowing is actually required against these schemes, as a borrowing facility is included in the contract and as such, this is subsequently removed.

Table 3 shows that based on historic capital expenditure and this year's capital expenditure the Council has a cumulative underlying need to borrow of £292.961m at 31 March 2018.

TABLE 3

CFR	2016/17 Actual £m	2017/18 Estimate £m	2017/18 Actual £m
Opening balance	288.565	300.916	300.916
Add new PPP/NPD liability	66.462	110.151	111.053
Revised Opening Balance	355.027	411.067	411.969
Add unfinanced capital expenditure (General Fund)	23.253	-	-
Add unfinanced capital expenditure (HRA)	-	5.324	3.483
Less Loans Fund Principal Repayments	(10.902)	(11.128)	(11.128)
Sub-total	367.378	405.263	404.324
Less PPP/NPD lease repayments	(66.462)	(110.151)	(111.053)
Closing balance (Indicator 2)	300.916	295.112	293.271
Annual Change (Indicator 3)	12.351	(5.804)	(7.645)

(c) Limits to Borrowing Activity (Prudential Indicators 4 - 6)

Borrowing activity is constrained by the prudential indicators for CFR and gross borrowing and by the authorised limit, to ensure that the Council operates its activities within well-defined limits.

Gross borrowing and the CFR

There is a need to ensure that gross debt does not, except in the medium term, exceed the total CFR (i.e. the Council does not borrow more than it needs to fund its capital programme). In exceptional circumstances Councils are allowed to borrow to cover the current financial year plus the next two financial years (i.e. to 2019/20). This provides some flexibility to borrow in advance where this is appropriate.

Table 4 highlights the Council's gross borrowing position against the CFR and confirms that the Council has complied with this prudential indicator as gross borrowing is currently within the CFR. The Council is currently under borrowed by £46.641m due to the continuing strategy to delay new external borrowing by utilising internal cash balances.

TABLE 4

	2016/17 Actual £m	2017/18 Estimate £m	2017/18 Actual £m
Gross borrowing position (Indicator 4)*	257.863	285.112	246.321
CFR	300.917	295.113	293.271
(Under)/Over Borrowed Position	(43.054)	(10.001)	(46.951)

As part of its Annual Treasury Management Strategy the Council sets limits for external borrowing which it is not normally expected to exceed. These limits are explained below.

The Operational Boundary (Indicator 5)

The operational boundary is the expected maximum borrowing position of the Council during the year, taking account of the timing of various funding streams and the recharge of principal repayments from the revenue account. Periods where the actual position varies from the boundary is acceptable subject to the authorised limit not being breached.

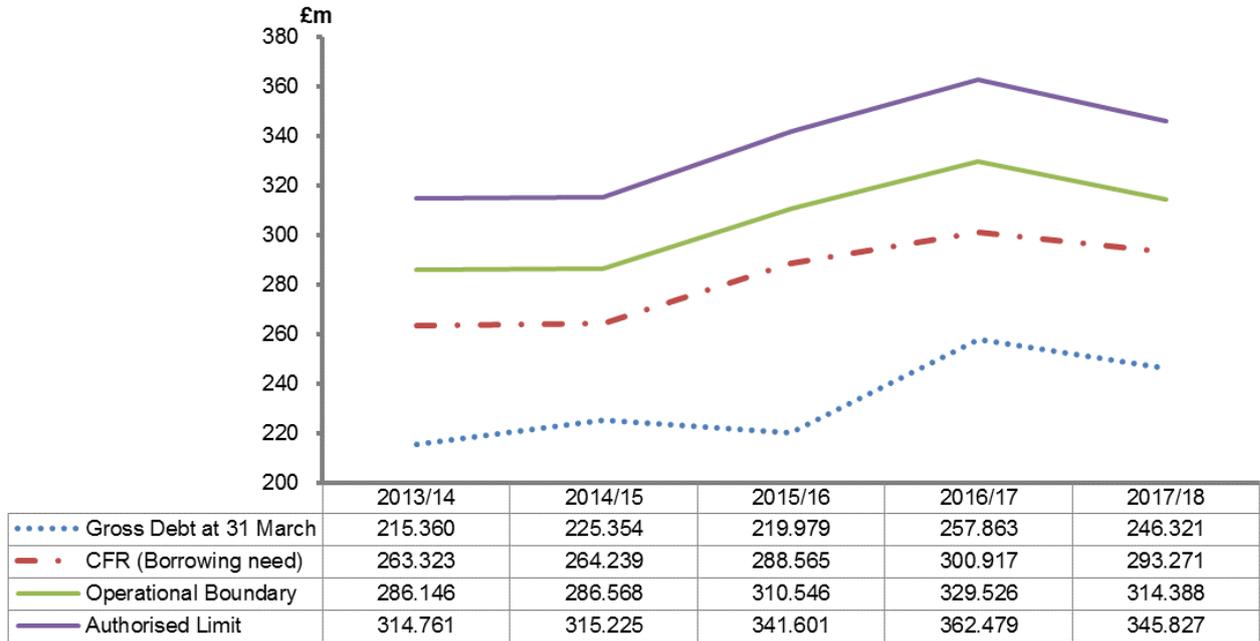
The Authorised Limit (Indicator 6)

The authorised limit represents a limit beyond which external debt is prohibited. This limit is set by Council and can only be revised by Cabinet approval. It reflects the level of external borrowing which, while not desirable, could be afforded in the short term, but is not sustainable in the longer term. The current limit is set at 10% above the Operational Boundary.

The graph opposite demonstrates that during 2017/18 the Council's gross borrowing was within both the operational boundary and its authorised limit by a very significant margin, due to the continuing strategy to delay new external borrowing by utilising internal cash balances and due also to some slippage in the overall capital programme, which has reduced the requirement for borrowing.

Further information on capital slippage can be found in the 'Unaudited Annual Accounts 2017/18' report, being presented to North Ayrshire Council on 27 June 2018.

Borrowing Projection v Approved Limits



(d) Treasury Position at 31 March 2018 (Prudential Indicators 7 -9)

The Council's debt and investment position is organised by the treasury management service to ensure adequate liquidity for revenue and capital activities, security for investments and to manage risks within agreed parameters. Procedures and controls to achieve these objectives are well established both through Member reporting and through the Council's Treasury Management Practices.

Borrowing Strategy for 2017/18

The Borrowing Strategy for 2017/18 anticipated bank interest rates remaining at 0.25% during 2017/18 and gradual rises in medium and longer-term fixed borrowing rates during 2017/18. Variable, or short-term rates, were expected to be the more cost effective form of borrowing over the period. Continued uncertainty in the economy promotes a cautious approach, meaning that investments continue to be dominated by low counterparty risk considerations, resulting in relatively low returns compared to borrowing rates.

Given this scenario, the treasury strategy is to postpone some long-term borrowing to avoid the cost of holding higher levels of investments and to reduce counterparty risk.

Borrowing Outturn for 2017/18

At the beginning and the end of 2017/18 the Council's treasury position was as follows:

TABLE 5

	31 March 2017 Principal £m	Rate/ Return %	31 March 2018 Principal £m	Rate/ Return %
Fixed rate funding:				
- PWLB	154.379	5.59%	154.379	5.59%
-Local Authorities	50.000	0.42%	38.244	0.45%
-Market	0.384	0.00%	0.598	0.00%
Variable rate funding:				
- Market	53.100	5.35%	53.100	5.35%
Total debt	257.863	4.53%	246.321	4.73%
CFR	300.917		293.271	
Over / (under) borrowing	(43.054)		(46.950)	
Investments:				
- Internally managed	15.450	0.30%	26.000	0.37%
Total investments	15.450		26.000	

The Council's gross debt position decreased by £11.542m during 2017/18. A summary of the movement is outlined below.

Category of Debt	Activity	£m
Fixed - Local Authorities	Repayment	(11.756)
Fixed - Market	New Borrowing	0.214
Net Reduction in Debt		(11.542)

Due to investment concerns, both in terms of counterparty risk and low returns on investment, the Council used internal short-term cash reserves to temporarily fund its remaining borrowing requirement.

Rescheduling

No rescheduling was done during the year as the average differential between PWLB new borrowing rates and premature repayment rates made rescheduling not viable.

All investments at 31 March 2018 mature within one year in line with the Annual Treasury Management and Investment Strategy. **(Indicator 7)**

The maturity structure of the debt portfolio **(Indicator 8)** at 31 March 2018 is included in Table 6 and shows the period when the Council is required to repay and/or refinance debt. It is important to ensure a reasonable spread of debt to mitigate against high exposure levels in respect of refinancing. The current profile ensures this:

TABLE 6

	31 March 2017 Actual £m	Upper Limit on Borrowing %	31 March 2018 Actual £m	31 March 2018 Actual %
Under 12 months	85.986	25%	38.679	16%
12 months and within 24 months	0.036	25%	11.953	5%
24 months and within 5 years	27.168	50%	15.226	6%
5 years and within 10 years	1.161	75%	1.350	1%
10 years and within 20 years	20.000	90%	20.000	73%
20 years and within 30 years	-		0.000	
30 years and within 40 years	72.012		113.11	
40 years and within 50 years	51.500		36.000	
50 years and above	-		10.000	
Total Borrowing	257.863		246.321	100%

Another indicator is used to manage risk and reduce the impact of adverse movement in interest rates. This sets a limit on the Council's exposure to fixed and variable interest rates (**Indicator 9**) and was as follows:

TABLE 7

	2016/17 Actual £m	2017/18 Limit £m	2017/18 Actual £m
Limit on fixed rate (principal)	204.763	302.088	193.221
Limit on variable rate (principal)	53.100	60.000	53.100

Estimates of prudent Loans Fund repayment

The purpose of the Loans Fund is to record advances for expenditure incurred, or loans made to third parties, which a local authority has determined are to be financed from borrowing as set out in Regulation 2 of The Local Authority (Capital Finance and Accounting) (Scotland) Regulations 2016 ["the Regulations"]. The Loans Fund Advance is effectively the repayment of the 'principal' linked to the expenditure classified above which is unfinanced and is required to be funded from borrowing. Repayment of Loans Fund advances are required to be made in line with Scottish Government statutory guidance on Loans Fund Accounting.

The Authority's latest estimates of its Loans Fund account information are as follows:

Year	Opening Balance £m	Advances to GF £m	Advances to HRA £m	Repayment by GF £m	Repayment by HRA £m	Closing Balance £m
2016/17 actual	288.566	23.253	0.000	-8.929	-1.973	300.918
2017/18	300.918	0.000	3.487	-8.931	-2.197	293.277
2018/19 - 22/23	293.277	47.362	52.618	-35.704	-17.946	339.607
2023/24 - 27/28	339.607	8.375	12.365	-29.369	-31.570	299.408
2028/29 - 32/33	299.408	0.000	6.666	-23.335	-33.375	249.365
2033/34 - 37/38	249.365	0.000	0.359	-28.248	-31.188	190.288
2038/39 - 42/43	190.288	0.000	0.000	-30.570	-24.187	135.530
2043/44 - 47/48	135.530	0.000	0.000	-30.233	-18.891	86.406
2048/49 - 52/53	86.406	0.000	0.000	-27.963	-15.948	42.495
2053/54 - 57/58	42.495	0.000	0.000	-21.347	-13.592	7.555
2058/59 - 62/63	7.555	0.000	0.000	-3.519	-3.717	0.320
2063/64 & later	0.320	0.000	0.000	-0.320	0.000	0.000

(e) Affordability Prudential Indicators (Prudential Indicators 10 - 12)

These Prudential Indicators assess the affordability of capital investment plans and provide an indication of the impact of capital investment plans on the Council's overall finances.

Actual financing costs as a proportion of net revenue stream

This indicator identifies the trend in the cost of capital (borrowing and other long-term obligation costs net of investment income) against the net revenue stream and is a measure of affordability for debt repayment. For 2017/18 this shows no change in General Services and a marginal increase in HRA from 2016/17.

TABLE 8

Estimate of ratio of financing costs to net revenue stream	2016/17 Actual	2017/18 Estimate	2017/18 Actual
General Services	5.0%	5.0%	5.0%
HRA	15.0%	15.5%	15.2%

Incremental impact of capital investment decisions on council tax

This indicator identifies the impact on Council Tax charges of changes to capital investment and borrowing plans since budgets were approved. The indicator appears as a reduction where the amount of capital investment and borrowing is less than the approved budget. In 2017/18 there was no change to Council Tax, this indicator is purely illustrative and demonstrates what the impact could have been.

Incremental impact of capital investment decisions on housing rents

This indicator identifies the impact, on weekly housing rents, of changes to capital investment and borrowing plans since budgets were approved. The indicator appears as a reduction where the amount of capital investment and borrowing has fallen compared to the approved budgets. The values are purely indicative and do not reflect actual changes in the housing rents which are set in accordance with the 30-year Business Plan.

TABLE 9

	2016/17 Actual	2017/18 Actual
Impact on Council Tax (Band D) per annum (Indicator 11)	-£30.24	-£10.11
Impact on average housing rent per week (Indicator 12)	-£3.18	£6.41

The Affordability Indicators included in Table 9 are notional and 2017/18 represents the final year of publication.

4. Investment Rates and Outturn 2017/18

Interest Rates

In November 2017 the Bank of England base rate changed from 0.25% to 0.5%. Initial market expectation was that rates would remain at 0.25% during 2017/18. Current indicators anticipate low but rising interest rates during 2018-19. Deposit rates have remained depressed during 2017/18 as a result.

Investment Policy

The Council's investment policy is governed by Scottish Government investment regulations, which have been implemented in the annual investment strategy approved by the Council on 1 March 2017. This policy sets out the approach for choosing investment counterparties, and is based on credit ratings provided by the three main credit rating agencies, supplemented by additional market data (such as rating outlooks, credit default swaps, bank share prices etc.).

Resources

The Council's cash balances comprise revenue and capital resources and cash flow monies. The Council's cash resources were as follows:

TABLE 10

Cash Balances	2016/17 Actual	2017/18 Actual
	£m	£m
1 April	9.850	15.450
31 March	15.450	26.000
Change in year	5.600	10.550

Investments held by the Council

The Council maintained an average balance of £17.479m of internally managed funds and utilised cash balances during the year in support of the under-borrowed position. The internally managed funds, primarily invested in call accounts with banks and Money Market Funds, earned a weighted average rate of return of 0.37%. This compares to a rate of 0.31% in 2016/17. Performance was below the target rate of 0.4% and reflects a reduction in interest rates now being offered by the market for short term investments.

5. Performance Measurement

One of the key requirements in the Code is the formal introduction of performance measurement relating to investments, debt and capital financing activities. Whilst investment performance criteria have been well developed and universally accepted, debt performance indicators continue to be a more problematic area with the traditional average portfolio rate of interest acting as the main guide.

The Council's treasury management advisors are Arlingclose Limited. Arlingclose has six Scottish unitary authorities in their client group and provide regular investment benchmarking information to the Council. In terms of performance in 2017/18, North Ayrshire Council's average weighted rate of return on investments of 0.37% compared to the group average rate of 0.46%. This reflects the short term nature of our investments and the market rates on offer for this term.

Emphasis will continue to be placed on investing with approved counterparties in accordance with the approved strategy.

NORTH AYRSHIRE COUNCIL

27 June 2018

North Ayrshire Council

Title: **Car Park, New Street, Stevenston – Compulsory Purchase**
Purpose: To approve the compulsory purchase of land required to provide parking places in Stevenston town centre; relieving and preventing congestion.

Recommendation: That the Council resolves to make a Compulsory Purchase Order to be called "The North Ayrshire Council (Car Park, New Street, Stevenston) Compulsory Purchase Order 2018" as detailed in the proposals section of this Report

1. Executive Summary

- 1.1 The closure of the car park at New Street, Stevenston has had an adverse impact on Stevenston town centre. Attempts to reach agreement with the owner to purchase the land have been unsuccessful.
- 1.2 To secure the use of the car park in the long term, the acquisition of the land is considered the preferred option and a compulsory purchase order is necessary to achieve this.

2. Background

- 2.1 The car park at New Street, Stevenston is owned by Europe & Jersey Estates Limited (the "Owners") and is situated to the south of Main Street between New Street and Afton Street, adjacent to a shopping development. This area has been used for car parking since, in or around, 2000 when the development was completed.
- 2.2 At that time the Council entered into a Section 75 Agreement with the Owners in connection with this development which provided that the Owners would construct a car park and car park access road with adjacent footpaths. In terms of the Agreement, the Council had the option for a period of one year following completion of the development to enter into a licence agreement with the Owners in relation to the car park but this option was not exercised and has now expired.
- 2.3 The car park has, since 2000, been available for use in connection with the development and for members of the public visiting Stevenston town centre, but access has been prevented by the Owners since February 2018. As a result, there has been a significant adverse impact on tenants and customers of the development as well as the public.

- 2.4 A Motion was passed by the full Council at its meeting on 9 May 2018 which condemned the decision to close the car park in New Street Stevenston, noted the significant impact the closure had on Stevenston and instructed officers to
- i) examine parking provision within Stevenston to identify the extent of any shortfall;
 - ii) explore whether reasonable terms can be agreed with Europe and Jersey to acquire the car park
 - iii) identify whether there is alternative car parking provision elsewhere in the areas; and,
 - iv) investigate the potential to improve disabled car parking to support the most vulnerable.

The Motion also called on the Owners, in the interim, to show good faith by re-opening the car park pending such investigation. The Owners did not do this.

Progress since the Council Meeting on 9th May 2018

- 2.5 A review has been carried out of other car parking options within Stevenston town centre but no other area of ground has been identified which would provide satisfactory parking sufficient to relieve congestion in the town centre. The New Street car park provides the main off-road car parking provision within the town centre area, particularly for less able and disabled users. The Town Centre Parking Strategy identifies it as the most frequently used car park within the town centre on weekdays and the second most frequently used car park on weekdays.
- 2.6 The remaining car parks within or near to the town centre are predominantly within private ownership with the exception of the Council owned car park in Afton Road. These car parks are less accessible to less able and disabled users due to the topography of the town. It is accordingly considered essential that the use of this area of land for car parking is secured.
- 2.7 Since the Council meeting in May Council officers have continued to be in regular contact with the Owners with a view to securing the reopening of the car park and the potential purchase or lease of the site.
- 2.8 As part of this process, the Council instructed the District Valuer to prepare an independent value for the site. The Owners seek a price which is four times this valuation, well outwith the range of valuations which could be certified as representing fair market value. Due to these differences in valuations of the site, the Council proposed a lease and issued draft Heads of Terms to the Owners. The Owners have responded to the effect that a number of the items in the Heads of Terms are unacceptable to them. Currently it appears unlikely that suitable lease or licence terms can be agreed which would safeguard the value of the capital investment in the car park which would be required to bring it up to standard
- 2.9 It has, accordingly, not been possible to reach an agreement with the Owners on the acquisition or lease of the car park on satisfactory terms and, while negotiations are ongoing, it is considered that these are unlikely to result in a positive outcome. In all of these circumstances, compulsory purchase is the appropriate means to proceed. If the dispute is solely over value, this also provides a means whereby the Lands Tribunal can determine the value.

- 2.10 It is also recognised that there are significant benefits to purchasing the car park rather than leasing it from the Owners as this would secure its long term future use as a car park for the community of Stevenston.
- 2.11 In addition, the purchase would secure value for money and an appropriate level of return for the public purse for (i) any expenditure required to bring the car park up to an adoptable standard and (ii) any on-going expenditure in relation to the car park including maintenance costs.

Compulsory Purchase Order

- 2.12 The Compulsory Purchase Order will require to be advertised and notified to the Owners and any other person with an interest in the affected land. Thereafter there is a period for objection and any objections which cannot be resolved will in due course be determined at a public inquiry before a Reporter appointed by the Scottish Ministers. If the Order is confirmed there requires to be a further advert period prior to title being completed.
- 2.13 Disputes in relation to compensation can also be referred to the Lands Tribunal for Scotland. The estimated timescale for an opposed Compulsory Purchase Order is in the region of 18 months or more and officers therefore propose that the Council commence the compulsory purchase procedures as soon as possible. In the meantime, negotiations will continue with the Owners in the hope of reaching an earlier resolution of the matter.
- 2.14 The rights of the owners of land or property under the Human Rights Act 1998 must be considered before deciding to make a Compulsory Purchase Order. In this connection, it is considered there is a compelling case in the public interest for acquisition of the ground to secure car parking in Stevenston town centre and a compulsory purchase order would strike an appropriate balance between public and private interest.
- 2.15 If the Order is promoted in terms of the legislation the Owners and any other person having an interest in the land have a right to object to the proposed Order at a fair, independent and public hearing and are also entitled to statutory compensation in respect of their interest in the land. In the absence of agreement, compulsory purchase is accordingly considered to be both necessary and proportionate in the circumstances.

3. Proposals

- 3.1 The Proposal is that the Council make the following resolution:

"That The North Ayrshire Council resolves in exercise of the powers conferred by Sections 32 and 40 of the Road Traffic Regulation Act 1984 and in accordance with the provisions of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 to make a Compulsory Purchase Order to be called "The North Ayrshire Council (Car Park, New Street, Stevenston) Compulsory Purchase Order 2018" to purchase compulsorily ALL and WHOLE the area of ground extending to 1,609.94 square metres or thereby at New Street, Stevenston being property which is required to provide suitable parking places for vehicles in Stevenston town centre to relieve or prevent congestion of traffic, authorise and instruct the Senior Manager, Legal Services to sign the Order and Plan on behalf of the Council; affix thereto the Common Seal of the Council, submit the Order and Plan to the Scottish Ministers for confirmation; give the appropriate notice to the owners and occupiers of the

subjects; insert the appropriate notice in the local press and certify to the Scottish Ministers that the subjects (a) do not belong to the local authority; (b) have not been acquired by statutory undertakers for the purposes of the undertaking; (c) do not form part of a common or open space (d) are not held inalienably by the National Trust for Scotland; and (e) are not listed as being of special historical or architectural interest under Section 1 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, and take all steps necessary to complete the compulsory purchase procedures".

4. Implications

Financial:	The cost of compensating the land owner will be met from existing budgets including the Town Centre Parking Strategy budget. The cost of the on-going maintenance of the car park will be met from the existing Place budget for car park maintenance.
Human Resources:	There are no human resource implications arising from this report.
Legal:	A compulsory purchase order is the only way to complete title to land where the owner is unwilling to agree a voluntary transfer, or where the Owner seeks a payment significantly in excess of the value determined by the District Valuer. The process can take some time to complete, but commencing the procedure does not preclude continuing negotiations with the owner.
Equality: Children and Young People:	Securing the car park for public use will ensure that less able and disabled users are able to access town centre facilities, services and shops.
Environmental & Sustainability:	There are no environmental or sustainability implications
Key Priorities:	The purchase of the car park to secure it for town centre parking will contribute to the delivery the Town Centre Parking Strategy. It will also contributes to the delivery of the Council Plan's mission to improve the lives of North Ayrshire people and develop stronger communities by: <ul style="list-style-type: none"> • Growing our economy, increasing employment and regenerating towns through sustaining town centre parking.
Community Benefits:	There is no potential to include a community benefit clause within this process however its purchase will directly benefit the residents of and visitors to Stevenston.

5. Consultation

- 5.1 Consultation has been undertaken with the Elected Members for the Stevenston Ward. All Elected Members are in support of securing the long term future of the car park.
- 5.2 Consultation has been undertaken with Place Services on the long term maintenance of the car park. Place has agreed to adopt the car park for maintenance purposes and meet the cost of the works associated with this from existing resources.



Elma Murray OBE
Chief Executive

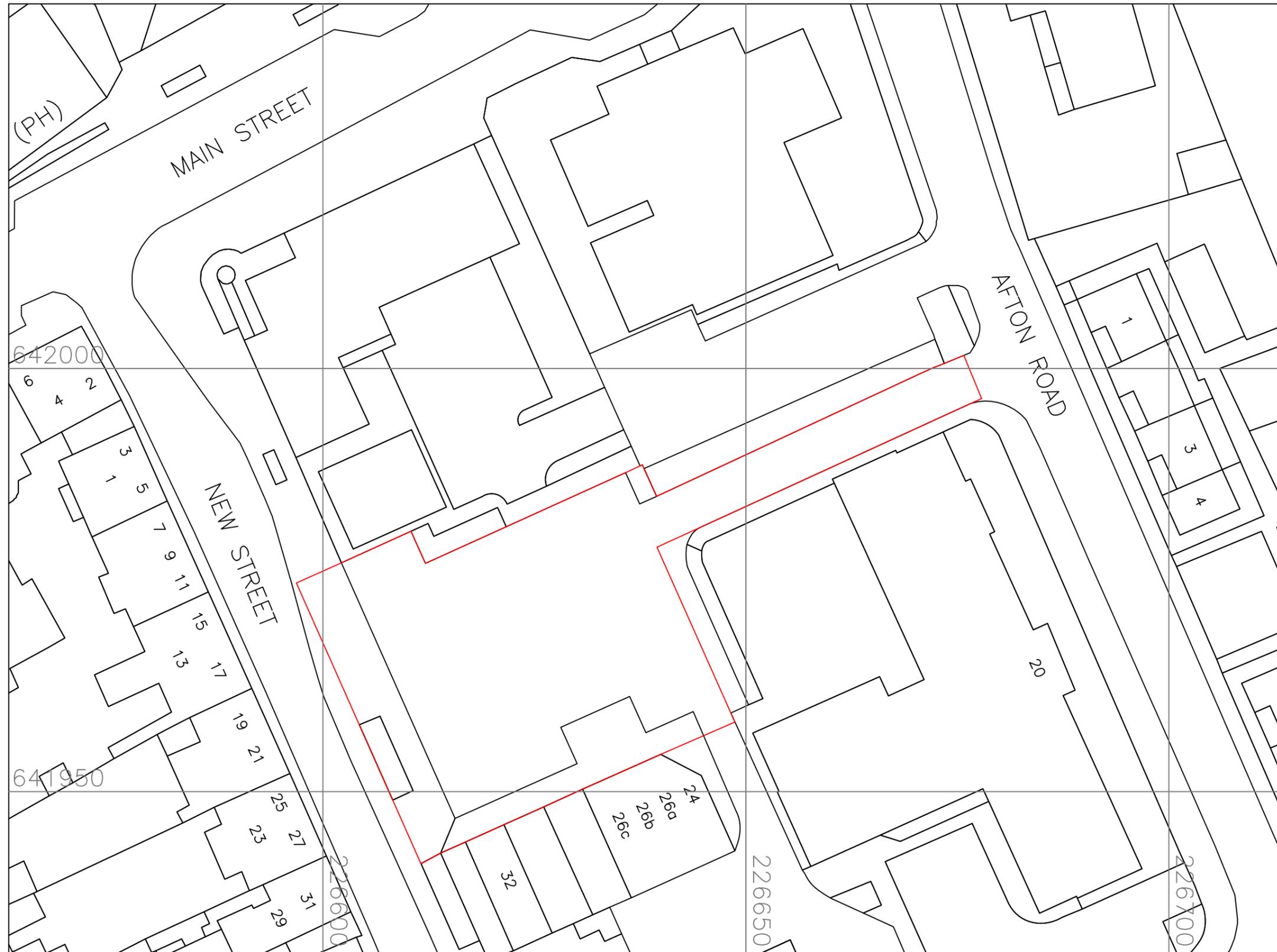
For further information please contact **Andrew Fraser** on **01294 324125**.

Background Papers

North Ayrshire Town Centre Parking Strategy 2014 - 2020

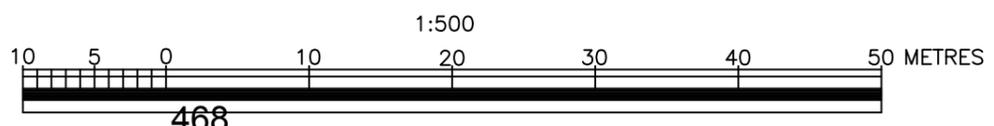
Car Park, Afton Road, Stevenston

Area within red boundary = 1609.94m² or thereby



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

DRAWN BY	Diane Wildridge
DATE	13/06/2018
DRAWING No	2634
SCALE	1:500
OS SHEET	NS2641NE



NORTH AYRSHIRE COUNCIL

27 June 2018

North Ayrshire Council

Title: **Strategic Planning, Commissioning and Delivery of Health and Social Care Services within Ayrshire & Arran**

Purpose:

- i) To provide a conclusion to the 2017 review of arrangements for planning, commissioning and delivery of health and social care services in Ayrshire and Arran;
- (ii) to present proposals to address the findings from the Review of the Integration Scheme between North Ayrshire Council and NHS Ayrshire & Arran in respect of lead partnership arrangements;
- (iii) to seek agreement for the next steps in respect of Fair Share commissioning within the Ayrshire and Arran Health and Care system; and,
- (iv) to outline future development in respect of “Directions” as the Model provided by the Public Bodies (Joint Working)(Scotland) Act for Integration Joint Boards to commission services from the Council and NHS Board.

Recommendation:

- i. To note the findings from the first stage of the review of the North Ayrshire Integration Scheme;
- ii. To agree the proposals for the transfer of management arrangements for community AHP services;
- iii. To agree the proposals for the implementation of the model to align financial and usage in Pan Ayrshire Mental Health Services;
- iv. To agree the proposal to align the management of the Pan Ayrshire Family Nurse Practitioner Services with lead professional partnership with South Ayrshire HSCP, all as detailed in the attached report to North Ayrshire Integration Joint Board;
- v. To note the report was considered and agreed by NHS Ayrshire & Arran Board meeting on 25th June 2018;
- vi. To note a similar report will be presented to East and South Ayrshire Councils on 28th June 2018;
- vii. To note reports were considered and approved by North Ayrshire Integration Joint Board on 19 June 2018 and East Ayrshire Integration Joint Board on 13 June 2018.

1. Executive Summary

- 1.1 The attached report to North Ayrshire Integration Joint Board summarises the findings from the first stage of the review of the North Ayrshire Integration Scheme. While confirming that the Integration Scheme does not currently need to be changed, various other recommendations are made to both the Integration Joint Board and Council

2. Background

- 2.1 On 28 June 2017 North Ayrshire Council considered and approved a report with proposals to review the arrangements for Planning, Commissioning and Delivery of Health and Social Care Services through a review of the Integration Scheme between North Ayrshire Council and NHS Ayrshire & Arran. A further report was presented to North Ayrshire Council on 4 October 2017 to consider the findings from the review of the Integration Scheme between North Ayrshire Council and NHS Ayrshire & Arran and to consider the next steps.
- 2.2 The overall conclusion in relation to the North Ayrshire Integration Scheme is although stakeholders identified issues that require to be addressed and changes that would be desirable, it is not evidenced that it is necessary to change the Scheme at this time. It was proposed that any further consideration of change to the Integration Scheme be held in abeyance until further work is undertaken
- 2.3 The attached report to North Ayrshire Integration Joint Board reports on the outcome of that work. Its conclusion remains that the Integration Scheme does not currently need to be changed. However various other recommendations are made, as more specifically detailed in the report.

3. Proposals

- 3.1 The recommendations consider by North Ayrshire Integration Joint Board on 19th June 2018 and made to Council are the same. It is recommended that Council:-
 - i. note the findings from the first stage of the review of the North Ayrshire Integration Scheme;
 - ii. agree the proposals for the transfer of management arrangements for community AHP services;
 - iii. agree the proposals for the implementation of the model to align financial and usage in Pan Ayrshire Mental Health Services;
 - iv. agree the proposal to align the management of the Pan Ayrshire Family Nurse Practitioner Services with lead professional partnership with South Ayrshire HSCP, all as detailed in the attached report to North Ayrshire Integration Joint Board;
 - v. note the report was considered and agreed by NHS Ayrshire & Arran Board meeting on 25th June 2018;
 - vi. note a similar report will be presented to East and South Ayrshire Councils on 28th June 2018;

- vii. note reports were considered and approved by North Ayrshire Integration Joint Board on 19 June 2018 and East Ayrshire Integration Joint Board on 13 June 2018.

4. Implications

Financial:	Any implications are set out in the attached report to North Ayrshire Integration Joint Board.
Human Resources:	Any implications are set out in the attached report to North Ayrshire Integration Joint Board.
Legal:	Any implications are set out in the attached report to North Ayrshire Integration Joint Board.
Equality: Children and Young People:	Any implications are set out in the attached report to North Ayrshire Integration Joint Board.
Environmental & Sustainability:	Any implications are set out in the attached report to North Ayrshire Integration Joint Board.
Key Priorities:	This supports the priority of supporting all of our people to stay safe, healthy and active
Community Benefits:	There are no implications

5. Consultation

5.1 There was extensive consultation as part of the review process.



Elma Murray OBE
Chief Executive

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

Background Papers

[Click here to enter text.](#)

Subject: **Strategic Planning, Commissioning and Delivery of Health and Social Care Services within Ayrshire & Arran**

Purpose:

- (i) To provide a conclusion on the 2017 review of arrangements for planning, commissioning and delivery of health and social care services in Ayrshire and Arran;
- (ii) to present proposals to address the findings from the Review of the Integration Scheme between North Ayrshire Council and NHS Ayrshire & Arran in respect of lead partnership arrangements;
- (iii) to seek agreement for the next steps in respect of Fair Share commissioning within the Ayrshire and Arran Health and Care system, and ;
- (iv) to outline future development in respect of “Directions” as the Model provided by the Public Bodies (Joint Working)(Scotland) Act for Integration Joint Boards to commission services from the Council and NHS Board.

Recommendation:

- (i) To note summary of findings from the first stage of the review of the North Ayrshire Integration Scheme;
- (ii) To agree the proposals for the transfer of management arrangements for community AHP services as detailed in paragraph 25;
- (iii) To agree the proposals for the implementation of the model to align financial and usage in Pan Ayrshire Mental Health Services as detailed in paragraphs 27 to 30;
- (iv) To agree the proposal to align the management of the Pan Ayrshire Family Nurse Practitioner Services with lead professional partnership with South Ayrshire HSCP in paragraph 31;
- (v) To note the report was considered and agreed by NHS Ayrshire & Arran Board meeting on 25th June 2018;
- (vi) To note a similar report will be presented to East and South Ayrshire Councils on 28th June 2018;
- (vii) To note reports were considered and approved by East Ayrshire Integration Joint Board on 13 June 2018.

Glossary of Terms	
NHS AA	NHS Ayrshire and Arran
HSCP	Health and Social Care Partnership

1.	EXECUTIVE SUMMARY
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1.1	On 28 June 2017 North Ayrshire Council considered and approved a report with proposals to review the arrangements for Planning, Commissioning and Delivery of Health and Social Care Services through a review of the Integration Scheme between North Ayrshire Council and NHS Ayrshire & Arran.
1.2	NHS Ayrshire & Arran and East Ayrshire Council respectively, considered similar reports approving a simultaneous review to be carried out of the East Ayrshire Integration Scheme. South Ayrshire Council confirmed at the NHS Ayrshire & Arran Board meeting on 26 June 2017 that they did not wish to participate in the review at that time.
1.3	A further report was presented to North Ayrshire Council on 4 October 2017 to consider the findings from the review of the Integration Scheme between North Ayrshire Council and NHS Ayrshire & Arran and to consider the next steps.
1.4	The overall conclusion in relation to the North Ayrshire Integration Scheme is although stakeholders identified issues that require to be addressed and changes that would be desirable, it is not evidenced that it is necessary to change the Scheme at this time. It was proposed that any further consideration of change to the Integration Scheme be held in abeyance until further work is undertaken.
1.5	Council at the time agreed to receive a future report on the outcome of this work and this report fulfils that commitment.
2.	INTEGRATION SCHEME
2.1	The Public Bodies (Joint Working) (Scotland) Act 2014 is the legislation that provides the framework for the integration of local authority social care services with community health services. An Integration Scheme is the Partnership agreement between the Council and NHS Board to establish an Integration Joint Board (IJB) for their local area.
2.2	During 2014/15 NHS Ayrshire & Arran and the three Ayrshire Councils took a partnership and pragmatic approach in developing the management arrangements to support delivery of the Integration Schemes. The default position in line with the intention of the legislation was when services could be delivered locally they were delegated to individual IJBs. It was recognised that for some services, predominantly but not exclusively in the NHS, there was good professional and clinical / financial governance reasons for services to remain on a pan Ayrshire basis. "Lead Partnership" arrangements were established for this function where one HSCP provides management and leadership on a pan Ayrshire basis.

2.3	The IJBs are required to develop and publish a Strategic Plan. This requires to express the ambitions for Health and Social Care Services over the period of the plan and the commissioning arrangements to deliver within the available resources. All three Partnerships developed initial Strategic Plans to cover the first three years of operation, 2015/18. As all three partnerships were developing the second three year Strategic Plans for 2018/21, an opportunity was also taken to review the Integration Scheme and associated management arrangements. It was also agreed that opportunities to consolidate to a single pan Ayrshire IJB should be explored.
3.	INTEGRATION SCHEME REVIEW – CONCLUSIONS FROM STAGE ONE AND FINDINGS
3.1	<p>Through the legislation a three stage process was required before a single pan-Ayrshire IJB could be created:</p> <ul style="list-style-type: none"> • Firstly, separate but simultaneous reviews of each Integration Scheme; • Following consideration of the consultation findings, a new Integration Scheme would be prepared for further consultation. This would be subject to the same extensive consultation process; • If the intention was still to move to a single IJB, Scottish Ministers would hold a final consultation.
3.2	A stage one process considered whether any changes to the scheme are “necessary or desirable”. Agreement was reached by the two parties to the Integration Scheme; North Ayrshire Council and NHS Ayrshire & Arran in June 2017 with confirmation with Scottish Government that a programme of consultation would commence between July and August 2017.
3.3	<p>The consultation questionnaire focused on considering whether there was a case for change to the Integration Scheme and in particular addressed all sections of the Scheme detailed below. In addition, a specific question was included to assess whether respondents felt that the review was ‘necessary or desirable’ as detailed in section 44 of the Public Bodies (Joint Working) (Scotland) Act 24.</p> <ul style="list-style-type: none"> • Governance • Scope of Services- Lead Partnership • Strategic Commissioning Plans and Locality planning • Performance reporting and National Health and Wellbeing Outcomes • Health and Care Governance • Workforce • Finance • Participation and Engagement • Data Sharing
3.4	Following the consultation period and consideration of the findings in discussion with the Scottish Government Integration Team, it was concluded by the parties the review had not evidenced the necessity to change the Scheme at this time. It was agreed that any further consideration of change to the Integration Scheme is held in abeyance until further work on the issues below are addressed.

3.5	<p>The first stage review process confirmed a number of areas that required to be addressed in order to improve planning, governance and delivery of Health and Social Care Services in Ayrshire. These include;</p> <ul style="list-style-type: none"> • Collaboration across Ayrshire has demonstrated strong alignment across all three Ayrshire Partnerships in developing the Integration Schemes and Lead partnership arrangements. The arrangements are however complex, human resource intensive and can be slow in decision making; • Decision making being made by one IJB which impact on the other two IJB's without due regard or consultation with the other areas. This is particularly exacerbated in relation to lead partnerships;
	<ul style="list-style-type: none"> • Financial Governance - The arrangements for financial accountability between IJB's in relation to Lead Partnership arrangements requires review, there is potential for conflict over budget setting, detrimental impact of decision by IJBs and overspends; • Performance Governance - Legislation requires that decisions made by an IJB that have an impact on neighbouring IJBs require to be consulted upon. In the Ayrshire Lead Partnership model this is even more evident as decisions made by a Lead Partnership IJB have direct impact on services in other Ayrshire IJB areas and on Acute. These issues are not limited to lead partnership arrangements and can include strategic service and finance decisions of an IJB that impact adversely on residents of another area; • Financial Context - On an annual basis the IJB's are required to agree that the finance available from NHS/Councils is sufficient to deliver on the Strategic Plan. With increasing demand and restrictions on public sector funding, this is increasingly difficult. This presents a risk to early intervention and preventative services.
3.6	<p>In terms of addressing these issues the review has identified that the full powers of the current Integration Scheme have not been utilised and there is further scope to take action within the current arrangements. In terms of evidencing the necessity for change, Scottish Government would anticipate the full powers being exhausted in respect of the requirements of the Act in relation to Directions.</p>
3.7	<p>The overall conclusion in relation to the North Ayrshire Integration Scheme is although issues were identified by stakeholders that require to be addressed and changes that would be desirable, further work was required to address the issues raised from the Review utilising the full powers within the Integration Scheme.</p>
4.	<p>PROGRESS IN THE PLANNING, GOVERNANCE AND DELIVERY OF HEALTH AND SOCIAL CARE SERVICES IN AYRSHIRE</p>
4.1	<p>Financial Governance In December 2016 Finance Officers met to consider and develop proposals for future funding of Ayrshire Health and Social Care Partnerships and to do so within the context of the provisions in the Integration Scheme. The focus included :-</p> <ul style="list-style-type: none"> • process for reaching agreement on the funding,

	<ul style="list-style-type: none"> the process of dealing with an in-year variation with Lead Partnership funding arrangements, and the transition to the HSCP budgets reflecting “fair shares” for the resourcing of lead partnerships.
4.2	In considering the proposals from the Finance Officers report and the findings from the consultation on the Integration Scheme review it was agreed this would be an advantageous time to consider this aligned with the Partnerships developing second three year Strategic Plans for 2018/21.
4.3	The findings from the consultation identified that arrangements have been working well between Integration Scheme parties with strong alignment established across Ayrshire. The review also identified issues in relation to differentials across lead partnerships in level of activity and financial contributions across IJBs, i.e. one partnership may be contributing more or less financially than the activity it consumed in a particular area. It is proposed to address this anomaly.
4.4	It is proposed commissioning arrangements in respect of Lead Partnership arrangements over a three year period will be determined on an NRAC basis. Funding delegated to each IJB will be the NRAC allocation for that service. Remuneration to the Lead Partner will be based on level of activity stepped over the three year period. This same methodology can be applied to the commissioning of the “Set Aside” budget in Acute Services.
4.5	The NRAC formula determines funding due to NHS Boards and IJBs reflecting age, sex, morbidity and life circumstance demographics for services including Mental Health and other Lead Partnership Services.
4.6	Actual costed activity across each Partnership for the current year and previous three financial years would be established where possible. The format of any proxy activity data for Lead Partnership or Set Aside Budget Service will be agreed between all parties.
4.7	An illustrative example is set out below. From this both the East and North are currently using more of the service than the per the “Fair Share” calculations, South is using less than it would be entitled to.

	2015/16	2016/17	2017/18	Average		Fair Share		Average vs Fair Share
East	£11.0m	£12.0m	£11.0m	£11.3m	33.2%	£11.2m	33%	£0.1m
North	£11.0m	£13.0m	£15.0m	£13.0m	38.2%	£12.6m	37%	£0.4m
South	£12.0m	£9.0m	£8.0m	£9.7m	28.6%	£10.2m	30%	-£0.5M
TOTAL	£34.0m	£34.0m	£34.0m	£34.0m	100%	£34.0m	100%	£0.0m

4.8	Based on the example above it would be proposed to agree a mechanism and timescale to bring East and North activity and costs back down to “Fair Share” levels. This plan would be detailed in Strategic Plans. Individual partnership contributions
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	would continue to be based on a 3 year rolling average of service use with a budget managed by the Lead Partnership.
5.	LEAD PARTNERSHIP ARRANGEMENTS
5.1	In considering the review finding of Lead Partnership an opportunity has been taken to reflect on experience of the past three years and proposals developed for changes in management arrangements that, whilst maintaining collaboration and professional governance, seek to clarify decision making and performance/financial governance.
5.2	Mental Health Services It is recognised over the past three years there are differentials across Partnerships in respect of the level of use within pan Ayrshire mental health services and at present there is no mechanism in place to bring alignment between financial commitments with usage.
5.3	Work has already started to identify historic and current activity for Mental Health services. A model to align financial investment and usage over a three year rolling review, looking at marginal and variable costs recognising all three Partnerships will still be required to contribute to fixed cost elements, is proposed.
5.4	It is proposed mental health is utilised as the initial example of this commissioning model, Unscheduled Care/Set Aside also requires similar consideration but is more complex, and will benefit from the learning in mental health. Other areas will be looked at in future including community equipment services and urgent care services.
5.5	Allied Health Professionals (AHP) In considering the review finding of Lead Partnership an opportunity has been taken to reflect on experience of the past three years and proposals developed for changes in management arrangements that, whilst maintaining collaboration and professional governance, seek to clarify decision making and performance / financial governance.
5.6	The initial arrangements for AHPs were developed at a time when the service had undergone a period of change. It was agreed that, although Community AHP services were delegated functions to IJBs, that they would remain not only with leadership in South Ayrshire but also management accountability. This was in contrast to other delegated services of this scale such as Community Nursing, Community Mental Health services, where core services are managed within each partnership.
5.7	Over the past three years, management arrangements have been developed that see AHP services for each partnership managed under a dedicated senior manager for the partnership.
5.8	As part of the implementation of the findings from the consultation it is proposed to devolve current Pan Ayrshire arrangements for both budget and management of Senior Managers AHP to Partnerships for services delivery within Partnerships. Professional accountability will remain to the Associate Director of Allied Health Professionals and ultimately the Executive Nurse Director.

5.9	As with all Lead Partnership arrangements there are a few smaller specialist services that will remain within Pan Ayrshire arrangements. In addition to align the new arrangements with patient activity, it is proposed that Acute AHP services in Crosshouse Hospital are managed through East Ayrshire, Ayr Hospital through South Ayrshire and Woodland View through North Ayrshire. Professional leadership will remain with Pan Ayrshire AHP Lead.
5.10	This is in line with the Public Bodies legislation which defined a number of services in categories of 'must', 'may' and 'must not' delegate, from Councils / NHS Boards to IJBs. Community AHP services are one of the services defined by legislation as a 'must' to delegate to IJB's. Acute AHPs are a "may" delegate. The proposals outlined above are therefore a change in management arrangements directed through IJBs and the NHS Board rather than a change to the Integration Schemes.
5.11	<p>Children's Services</p> <p>Each Partnership have an Associate Nurse Director aligned with a designated pan Ayrshire Professional Lead for Children's Services (South), Primary Care and Community Nursing (East) and Mental Health (North). It is proposed to align the management of the pan Ayrshire Family Nurse Practitioner Services currently managed in North Ayrshire to South Ayrshire professional lead arrangements.</p>
5.12	<p>Telehealth and United for Health and Smartcare European Programme</p>
	<p>South Ayrshire HSCP was designated as the Lead Partnership for Telehealth and United for Health and Smartcare European Programme (TEC) services as HSCPs were established. In the intervening period the service has been successful in developing a wide range of innovative solutions to support people's care. However, given the size of the team it has been difficult to develop large scale models of care which can be applied across the wider system. In April 2018 the Scottish Government published the Digital Health and Care Strategy which describes an ambitious agenda for the development of digital health and care services over the coming years. In order to achieve the full potential of digital approaches within the context of the strategy it is now proposed to combine the TEC team within the NHS eHealth Service. It is anticipated that this larger service will be more able to effectively harness TEC innovation and bring it to scale. The new service will be renamed Digital Services and will be managed as a Lead Partnership within the NHS Corporate Support Services Directorate.</p>
5.13	<p>Primary Care Services</p> <p>Lead Partnership arrangements for Primary Care services are coordinated and managed through East Ayrshire IJB. The national contract for GP services was approved in January 2018 and work is underway to develop the Primary care Improvement Plan by 1st July 2018. The level of joint working to develop the Primary Care Improvement Plan is evident and supports the balance between lead partnership and local aspirations.</p>
5.14	<p>Primary Care contracting arrangements within legislation are a 'must not' delegate and remains the duty of Health Boards to oversee the contractual arrangements. Revenue associated with funding General Medical Services are detailed by Scottish</p>

	Government to G.P. practice level and similarly Primary Care Prescribing and Family Health Services budgets are detailed to Partnership level for reporting and planning.
6.	FINANCIAL AND PERFORMANCE GOVERNANCE – DIRECTIONS
6.1	Financial and Performance Governance arrangements in Lead Partnerships were identified as requiring improvement. Within Ayrshire arrangements in respect of Chief Executive and Director level meetings are in place to assist with this process with a number of Pan Ayrshire Programme Boards established to coordinate implementation.
6.2	On consultation with the Scottish Government reference to the powers within the Public Bodies Act which sets out the mechanism for Integration Joint Boards to action their strategic commissioning plans, and this is laid out in sections 26 to 28 of the Act. This mechanism takes the form of binding directions from the Integration Authority to one or both of the Health Board and Local Authority and should be fully utilised.
6.3	The Scottish Government Good Practice Note on Directions, issued in April 2018, clearly sets out that in the case of an Integration Joint Board (IJB), a direction must be given in respect of every function that has been delegated to the IJB. Where the lead agency model is used, the Integration Authority <i>may</i> issue directions or may carry out functions itself. In either case, a direction must set out how each integrated health and social care function is to be exercised, and the budget associated with that.
6.4	All three Ayrshire Partnerships use directions however there is no consistency on how directions are implemented within pan Ayrshire arrangements and the current use does not reflect the detail in the Act or the recently issued Good Practice Note.
6.5	In order to comply with the requirements of the Act directions must be in writing and should set out a clear framework for operational delivery of the functions that have been delegated to the Integration Authority. A new form of directions will be required to be developed within Ayrshire in support of the Act.
7.	IMPLICATIONS

Financial:	<p>Strategic Planning for Health and Social Care requires to be delivered within the resources available and take cognisance of public sector funding limitations. The proposals seek to support arrangements that match local and national aspirations for positive health and wellbeing within the delegated resource.</p> <p>Transformation Plans and Medium Term Financial Plans have been developed to address the projected financial shortfall in public funds. Working together across Health Boards, Councils and Integration Joint Boards are the only real way of delivering positive wellbeing including health and social care for local communities.</p>
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Human Resources:	Human resource implications arising from this report will be consulted on as part of established staff partnership and trade union arrangements. The alterations to the management arrangements seek to ensure integration of local services and opportunities to further develop multi-disciplinary working at a partnership level.
Legal:	The review of the Integration Scheme is in compliance with the Public Bodies (Joint Working) (Scotland) Act 2014 and associated Regulations and Guidance.
Equality:	<p>A core purpose of the Integration of Health and Social Care is to mitigate the impact of inequalities for individuals and communities.</p> <p>The proposals within the report seeks to align financial resourcing of Lead Partnership services with the recognised national benchmark of NRAC that includes consideration of proportionality in relation to deprivation and need and provide opportunities to develop local services in line with Strategic Planning.</p>
Children and Young People	N/A
Environmental & Sustainability:	N/A
Key Priorities:	This report supports the Locality Outcomes Improvement Plan priorities of a Healthier North Ayrshire and a Safe and Secure North Ayrshire.
Risk Implications:	There is a risk that the arrangements within the current Integration Scheme to address the issues outlined in the review do not deliver improvements in outcomes for communities in North Ayrshire. Progress will be monitored and reported to IJB, Council and NHS Board.
Community Benefits:	N/A

Direction Required to Council, Health Board or Both	Direction to :-	
	1. No Direction Required	
	2. North Ayrshire Council	
	3. NHS Ayrshire & Arran	
	4. North Ayrshire Council and NHS Ayrshire & Arran	

For further information please contact **Stephen Brown, Director** on **01294 317723** or **sbrown@north-ayrshire.gcsx.gov.uk**

NORTH AYRSHIRE COUNCIL
27 June 2018**North Ayrshire Council**

Title:	Ayrshire Regional Partnership for Inclusive Economic Growth
Purpose:	The purpose of this report is to seek Council approval for the establishment of an Ayrshire Regional Partnership for Inclusive Economic Growth. The detailed business case underpinning this approach is attached for Members' consideration.
Recommendation:	<p>On the basis of the attached business case, Council is asked to approve;</p> <ol style="list-style-type: none"> 1. Establish a Regional Ayrshire Partnership for Inclusive Economic Growth as set out in Section 4 and Appendix 5 of the Detailed Business Case; 2. Establish an Ayrshire Delivery Vehicle between East, North and South Ayrshire Councils and other stakeholders from 1 April 2019 and this includes integrated delivery of the Ayrshire Growth Deal, Economic Growth Services and Tourism; 3. Continue negotiations with the Scottish Government, its agencies, and regional partners to secure commitments to the new partnership model; 4. Remit to the Chief Executive to finalise the new management structure in conjunction with the other two Chief Executives, taking account of the remit and scope of the services and the overall financial envelope, to be populated as quickly as possible and well in advance of April 2019 with final proposals being presented to Cabinet; 5. Establish a range of workstreams including service design, Human Resources, finance, legal, governance; 6. Agree that the host authority is North Ayrshire Council, tasked with the oversight of day to day operational issues in relation to the Partnership; 7. Transfer employees from East and South Ayrshire Councils (where agreed by their respective authorities) to the host authority on 1 April 2019 under TUPE Regulations; 8. Establish an Ayrshire Economic Development Sub-Committee of the Ayrshire Shared Services Committee for the purpose of developing an Ayrshire Regional Inclusive Economic Growth Strategy and associated implementation plan, with appropriate support and input from an Ayrshire Economic Delivery Vehicle team.

1. Executive Summary

- 1.1 In December 2016, the three Ayrshire local authorities were invited by the Scottish Government to act as a regional pathfinder recognising the important role of regional economies. On the 28 February 2017, Cabinet endorsed the participation of officers to work with partner organisations with a view to develop a regional pathfinder initiative with Scottish Government to explore how a regional partnership could stimulate the local economy. The phase 2 report of the Enterprise and Skills review published in June 2017 confirmed the vision to have Scotland covered by regional partnerships that stimulate local economy and build inclusive growth. The review recognised the importance of place and the growing body of evidence that national economies can benefit from an effective regional tier of governance that can tailor policy and services to achieved shared objectives for growth.
- 1.2 In September 2017, Cabinet approved that an option to further develop an Ayrshire economic vehicle comprising regional governance for economic development along with the inclusion of services supporting economic development which would combined into a single body working alongside national agency staff in a new approach to economic development. This approach was similarly approved by EAC and SAC in September 2017.
- 1.3 Since then, the three Councils along with other key stakeholders have worked in collaboration and EAC produced a Detailed Business Case which NAC has further refined. The NAC Business Case is attached to the report.
- 1.4 As part of the regional pathfinder approach, it is envisaged that the governance and delivery of the Ayrshire Growth Deal would be included. In September 2016, the three councils approved the submission of the Ayrshire Growth Deal which is a series of interventions which will grow the economy and create jobs across Ayrshire. We are now in detailed discussions with UK and Scottish Governments to secure the best deal for Ayrshire following the announcement by Theresa May in March 2018 to commit the UK Government to start formal negotiations on the Ayrshire Growth Deal.
- 1.5 The Detailed Business Case sets out an ambitious proposal to join and share resources across Ayrshire, draw down national resources and powers as appropriate and provide a stronger vehicle to promote and develop a stronger resilient Ayrshire economy.
- 1.6 The Detailed Business Case sets out the case to create an Ayrshire Regional Partnership for Inclusive Economic Growth. This comprises two elements. First a governance structure (a joint subcommittee of the Ayrshire Shared Services Committee) which would be charged to develop a regional inclusive economic growth strategy and associated route map to deliver substantial transformational change to the Ayrshire economy and appropriate oversight of the Ayrshire Growth Deal. Secondly, the Detailed Business Case makes the case for a single pan Ayrshire delivery vehicle which would comprise staff from Economic Development and related services with staff from other stakeholders who would be embedded or closely linked to create an Ayrshire integrated delivery team where possible.

1.7 To date East Ayrshire Council has secured Cabinet approval that is consistent with the proposals being considered in this report. A report with proposals is being developed by South Ayrshire Council which will confirm their commitment to the Regional Partnership and the range of services that would form part of the proposals. It is expected that this will not be consistent with East and North Ayrshire Councils proposals. That being the case, there is a requirement for the other partners to consider the implications of this for the overall DBC, the impact on the benefits realisation from a lesser or differentiated offer in each part of Ayrshire and the relationship with government and any Ayrshire Growth Deal discussions.

2. Background

2.1 The business case sets out the need for a fresh approach to securing inclusive economic growth. Despite more than 20 years of economic development support, Ayrshire still performs below the Scottish average on most key economic indicators. The Ayrshire economy has never economically recovered to the same level as other parts of the UK and Scotland from the effects of the 2008 recession and there are parts of Ayrshire that never benefitted from economic restructuring as a result of de-industrialisation in the 1980's and 90's. The economy continues to lag behind other parts of Scotland and the outlook with a declining and aging population, greater levels of automation expected, low level skills and the loss of investment to cities has the potential to result in terminal decline for parts of the region.

2.2 The underperformance of the Ayrshire economy provides a strong case for change, and a move to a regional approach. Ayrshire has remained persistently behind other regions in Scotland and pooling our resources has the potential for Ayrshire to have a stronger and more significant voice at national level to generate the impetus needed to tackle this. Doing more of the same is simply not an option.

2.3 For Ayrshire to be successful and to build on its current strengths, we must reduce the disparities across communities and make full use of the opportunities a growing Ayrshire economy presents. Successful economies are inclusive economies and tackling inequalities will help ensure that the region is competitive in an increasingly global market and that our businesses and communities are resilient to emerging trends and technological advances in the economy.

2.4 The Ayrshire pathfinder built on the early collaborative work that the three Councils had been doing to secure a Growth Deal. There was also a commitment by the three Councils that the Inclusive Growth diagnostic tool piloted in North Ayrshire would be rolled out and inform the Regional Partnership's development with a better shared understanding of the constraints and opportunities that could help unlock Ayrshire's inclusive growth potential.

2.5 Partners recognise the potential importance of a Growth Deal in establishing the ambition, scale, acceleration, resource and governance which can drive a step change in economic outcomes across Ayrshire. Partners also acknowledged that while a Growth Deal could be a key element of a regional partnership, other

complementary activity will be required to maximise the impact of improved joined-up working across the region. The inclusive growth diagnostic is valuable in shaping the broader scale of collaborative potential the pathfinder is exploring.

- 2.6 Whilst the Detailed Business Case assesses a number of options, there is a clear recommendation that there are considerable benefits to create a Regional Economic Partnership. The Detailed Business Case describes the preferred option to create a vehicle which will not only need to be a strong and effective broad based partnership capable of strategic relationships nationally, regionally and locally but also it should have an effective delivery function to provide consistent and high quality services which could be best achieved through the joining up and integration of relevant economic services.
- 2.7 The preferred Partnership model will need to have a clear vision for the area, providing strong regional leadership working with locally elected leaders and other key stakeholders. Strong and effective business representation will be central to the governance. Clarity of purpose will enable key organisations to align behind a clear direction. The partnership will be the single coherent voice for Ayrshire ensuring that it is heard in national debates, making the case for investment and influencing national, regional and local priorities and decision making. A compelling route map to change will need to be created with the partnership having the authority and capability to drive the change required through its own delivery capability as well as influencing and harnessing the resources of the many organisations that will continue to play an important role in investing in Ayrshire's future.
- 2.8 The partnership will lead in creating the conditions for more skilled and better paid jobs, take advantage of opportunities and adapt to change. It will be an effective delivery agent providing consistent and high quality service by joining up and integrating all relevant economic services across the region.
- 2.9 The DBC sets out that there is a strong case for embedding not only the Councils Economic Development Services (Business Development, Regeneration, Employability and Tourism) in its scope but also its related services including Planning Policy, Development Management, Building Standards, Regulatory Services (Environmental Health and Trading Standards) all of which include, within a broader remit, the provision of services to businesses, communities and individuals that facilitates economic development and growth.
- 2.10 These are all services which help shape the kind of places where people want to live, work, relax and invest and they all improve places by helping them to function better economically, socially and environmentally. The inclusion of this range of services also reflects the inter-dependencies that exist between them and the need to recognise that support structure to businesses, communities and individuals can be improved by joined up service provision.
- 2.11 In addition to the proposed Local Authority services being embedded to create a single team, there has been some progress with discussions with other stakeholders and through initial discussions, the following is being progressed. There remains further scope to enhance the commitment of Governments, national and regional agencies.

So far there are the following commitments from other partners:-

Scottish Enterprise

- the appointment of a Head of Partnerships who will focus on Ayrshire along with a regional operational team focused initially on the support to business but in due course should encompass other SE activity
- the development of an economic asset register to identify Ayrshire economic assets. This will also link into the Scottish Centre for Regional Inclusive growth
- Clearer regional measurement and reporting to inform appraisal and approval processes
- Support to the creation of a regional business forum
- Along with the Ayrshire Chamber of Commerce, there is the exploration of an Ayrshire Export Partnership
- Review of engagement with universities and colleges

Skills Development Scotland

- Agreement to fund the development of a Regional Skills investment Plan
- Agreement to explore whether a skills lead for Ayrshire is required

Scottish and UK Governments

- Detailed work underway with Scottish and UK Governments to secure the Ayrshire Growth Deal
- Agreement to look across government departments to map and understand how government activity and decisions impacts on inclusive growth and employability
- Agreement to support the development of tourism in Ayrshire. We are working on securing £300k for this year with further investment anticipated thereafter.
- Agreement to explore enhanced support to micro and rural businesses
- As part of the Ayrshire Growth Deal, work is progressing on investment into our digital and transport infrastructure.

2.12 The benefits of the proposal as set out in the business case include:

- Improved outcomes for businesses, individuals and communities;
- Delivery of the Ayrshire Growth Deal;
- Pooled expertise from the 3 Councils and other key stakeholders;
- Access to specialist support;
- A single, consistent offer to businesses, individuals and communities;
- Inclusive growth;
- Enhanced influence for Ayrshire;
- A clearer role for the private sector;
- A reduction in overall costs; and

- Raised customer satisfaction.

- 2.13 While there are also potential dis-benefits and risks associated with the proposal, these are set out within the business case and a detailed risk register is appended which identifies the mitigations required to address these.
- 2.14 The outputs and outcomes anticipated by this proposal include increased Gross Added Value (GVA), greater job density in Ayrshire, increased business numbers and number of scalable businesses, increased number of businesses trading outwith Scotland, a growth in population and more people securing places at Higher and Further Education, fewer people dependent on benefits or living in poverty.
- 2.15 There remains further work to validate the financial proposals and develop an agreed management structure that is commensurate with the proposed task. Approval is sought to populate the new management structure as quickly as possible and well in advance of April 2019.
- 2.16 It is also proposed that North Ayrshire Council assumes the role of host authority for this partnership and upon its establishment in April 2019 and staff from services agreed by EAC and SAC will transfer under TUPE regulations to North Ayrshire.
- 2.17 There are several key elements of work which need to be instigated as soon as possible if implementation is to be achieved by April 2019 and it will be important to establish working groups across a number of work areas and involving staff from each Council. Approval is sought to develop a detailed implementation plan and to initiate workstreams over summer 2018.
- 2.18 The proposed governance structure is shown in Appendix 5. The existing Ayrshire Shared Services Committee would be responsible for sign-off of major strategies and decisions relating to allocation of local authority funding to individual projects. Partner and business representation would form part of the Ayrshire Economic Development Joint Sub-committee, which would undertake the detailed strategic work to promote economic growth throughout Ayrshire. Delivery of services promoting economic growth would be through an Ayrshire Delivery Vehicle (ADV) comprising staff TUPE transferred from the three Ayrshire Councils. Ayrshire services being delivered by other partner agencies could link into the ADV, either through transfer or secondment of staff or through Service Agreements. Planning decisions currently made by individual Council Planning Committees would still be made by those committees, albeit their officer support would now come from the ADV. In broad terms the main components of this governance structure are the same as has been used in other City Deals, comprising a) a Joint local authority Committee making key funding decisions. b) a Sub Committee involving partner and business representation to develop strategy and c) a delivery vehicle hosted by one Council to implement the strategy. Accordingly this model would be used for the Ayrshire Growth Deal.
- 2.19 To date East Ayrshire Council has secured Cabinet approval that is consistent with the proposals being considered in the North Ayrshire report. A report with

proposals is being developed by South Ayrshire Council which will confirm their commitment to the Ayrshire Regional Partnership for Inclusive Economic Growth and the range of services that would form part of the proposals. It is expected that this will not be consistent with East and North Ayrshire Council's proposals. That being the case there is a requirement for the other partners to consider the implications of this for the overall DBC, the impact on the benefits realisation from a lesser or differentiated offer in each part of Ayrshire and the relationship with government and any Ayrshire Growth Deal discussions.

3. Proposals

- 3.1 On the basis of the attached business case, Council is asked to approve;
1. Establish a Regional Ayrshire Partnership for Inclusive Economic Growth as set out in Section 4 and Appendix 5 of the Detailed Business Case;
 2. Establish an Ayrshire Delivery Vehicle between East, North and South Ayrshire Councils and other stakeholders from 1 April 2019 and this includes integrated delivery of the Ayrshire Growth Deal, Economic Growth Services and Tourism;
 3. Continue negotiations with the Scottish Government, its agencies, and regional partners to secure commitments to the new partnership model;
 4. Remit to the Chief Executive to finalise the new management structure in conjunction with the other two Chief Executives, taking account of the remit and scope of the services and the overall financial envelope, to be populated as quickly as possible and well in advance of April 2019 with final proposals being presented to Cabinet;
 5. Establish a range of workstreams including service design, Human Resources, finance, legal, governance;
 6. Agree that the host authority is North Ayrshire Council, tasked with the oversight of day to day operational issues in relation to the Partnership;
 7. Transfer employees from East and South Ayrshire Councils (where agreed by their respective authorities) to the host authority on 1 April 2019 under TUPE Regulations;
 8. Establish an Ayrshire Economic Development Sub-Committee of the Ayrshire Shared Services Committee for the purpose of developing an Ayrshire Regional Inclusive Economic Growth Strategy and associated implementation plan, with appropriate support and input from an Ayrshire Economic Delivery Vehicle team.

4. Implications

Financial:	There are financial implications arising from this proposal which will require further more detailed work. With the benefits of economies of scale, the current estimate is that £2.2m will be saved from the current Economic Development budgets across the three Ayrshire Authorities. This includes the £800k approved savings from the NAC Economic Growth team. The financial implications of any TUPE liabilities has to be scoped.
Human Resources:	There are a number of Human Resource implications arising from this proposal which we will require for the scoping including structure, terms and conditions communications with staff. A new management structure is required and further work needs to be undertaken to develop an appropriate management structure. Staff who remain in post will be required to transfer to North Ayrshire Council under TUPE regulations. As part of the design and implementation phases of the proposals, communication with staff and trade unions will be essential and input from colleagues in the three human resource services will be key to delivering this new regional approach.
Legal:	There are legal implications arising from this report as set out in section 4 of the business case both in terms of the statutory nature of some services included in the regional partnership as well as the Acts and Regulations that all services are obliged to adhere to. Similarly to human resources and Finance, early input from colleagues in Legal Services will be an imperative.
Equality: Children and Young People:	The Regional Partnership will be designed and developed focusing on inclusive economic growth so that more opportunities will be available for those most economically excluded, regional economic constraints are tackled and the opportunities for growth are maximised providing increased levels of equality of opportunity for residents.
Environmental & Sustainability:	The report and the Detailed Business Case presents opportunities for supporting sustainable communities and economic growth.
Key Priorities:	The report supports corporate and economic strategies of the Council, specifically: Growing our economy, increasing employment, and regenerating our towns; Working together to develop stronger communities; and Ensuring people have the right skills for learning, life and work.
Community Benefits:	There are no community benefit implications in this report, however, its decisions may impact on future procurement for the Regional Partnership.

5. Consultation

- 5.1 The partnership has been consulting with stakeholders on the proposals to date and there is support particularly from the local business community who are keen to support a regional partnership working to secure a stronger future economy for Ayrshire. There have also been updates provided to staff and trade unions. As key decisions are made by the partners further consultation will be planned and will be essential to the success of the proposals.



Karen Yeomans
Executive Director, Economy & Communities

For further information please contact Karen Yeomans on 01294 324030.

Background Papers

N/A

Appendices

1. Ayrshire's economic profile
2. Relationships schematic
3. Full options appraisal
4. Full risk register
5. Governance structure

AYRSHIRE REGIONAL PARTNERSHIP FOR INCLUSIVE ECONOMIC GROWTH

Detailed Business Case (DBC)

18 June 2018

Version Control

Version 1 – East Ayrshire Council

Version 2 – North Ayrshire Council (amendments)

1. DETAILED BUSINESS CASE - INTRODUCTION

PURPOSE

This purpose of this paper and its appendices is to present the business case for the creation of a Ayrshire Regional Partnership for Inclusive Economic Growth between East, North and South Ayrshire Councils and national and regional Skills and Enterprise Agencies including but not limited to Scottish Enterprise, Highlands and Islands Enterprise, Skills Development Scotland and Scottish Development International. The first of its kind in Scotland, a Government recognised partnership pathfinder project that has the opportunity to engage with partners and stakeholders to shape regional policy and influence investment decisions.

This proposed approach is centred on 'facilitating economic growth' through regional integrated delivery arrangements that will drive economic growth in the region. This proposal is to create a strategic vehicle that leads the development and delivery of inclusive growth across Ayrshire by harnessing the multitude of partners, stakeholders, institutes, business and communities and enhances the contribution of Ayrshire to the Scottish and UK economies.

An established culture of partnership working in Ayrshire extends beyond the public sector. Groups like the Ayrshire Economic Partnership, North Ayrshire's Economic Development and Regeneration Board, Ayrshire Engineering Alliance and Prestwick Aerospace Partnership are providing a strong private sector voice in shaping the development and delivery of regional enterprise and skills support.

Our work to secure an ambitious Growth Deal for Ayrshire has informed and supported the development of our partnership and create the strong foundations for future shared working arrangements.

Our shared vision for Ayrshire is:

"A vibrant, outward looking, confident region, attractive to investors and visitors, making a major contribution to Scotland's growth and local well-being, and leading the implementation of digital technologies and the next generation of manufacturing."

Ayrshire is therefore an ideal location for a regional partnership pathfinder to further explore how locally led regional activity can drive inclusive growth across Scotland.

Our partnership work has also involved utilising an inclusive growth diagnostic approach to systematically investigate the constraints to growth and inclusion in the region. Early evidence from the diagnostic highlights potential priorities at all levels. These priorities will be explored with businesses and wider stakeholders in Ayrshire and will support development of proposals a Regional Partnership might deliver.

The inclusive growth work at the Ayrshire level is on-going, but emerging constraints and opportunities include: improving physical and mental health outcomes; stimulating local, quality job creation; creating an "Ayrshire offer" for inward

investment; achieving a sustainable working population; and improving population skills, including softer skills and digital literacy.

Partners recognise the potential importance of a Growth Deal in establishing the ambition, scale, acceleration, resource and governance which can drive a step change in economic outcomes across Ayrshire. Partners also acknowledged that while a Growth Deal could be a key element of a regional partnership, other complementary activity will be required to maximise the impact of improved joined-up working across the region. The inclusive growth diagnostic is valuable in shaping the broader scale of collaborative potential the pathfinder is exploring.

This proposal is also designed to take forward Scottish and UK Government aspirations relating to regional delivery and to ensure that more focused collaboration and support from national agencies is achievable in the region. It also goes beyond the Scottish Government's statement in its phase 2 Skills and Enterprise Review that 'agencies will ensure that their product and services are tailored to regional conditions'. In Ayrshire, we want to move this into practice. This may include the devolution of certain elements of agencies current remit or new ways of working that change how businesses, communities and individuals access support.

A strategic business case has already been developed for this proposal and there is a broad recognition that current delivery models across Ayrshire are not facilitating the economic growth that the area requires to stem population loss, to increase living standards and to reduce dependency on public sector services. What we envisage is each local authority contributing budget and staff capability into a single team and resource on the scale required to transform the Ayrshire economy, coupled with a regional offering and focus by other partners.

In the context of economic growth, this proposal embeds not only the Councils Economic Development Services in its scope but also its related services including Planning Policy, Development Management, Regeneration, Building Standards, Regulatory Services all of which include, within a broader remit, the provision of services to businesses, communities and individuals that facilitates economic development and growth.

These are all services which help shape the kind of places where people want to live, work, relax and invest and they all improve places by helping them to function better economically, socially and environmentally.

The inclusion of this range of services also reflects the inter-dependencies that exist between them and the need to recognise that support structure to businesses, communities and individuals can be improved by joined up service provision.

This current proposal has a much wider set of objectives linked to economic growth and is not focused solely on efficiencies. This paper, therefore demonstrate, that the benefits outweigh the challenges.

This business case has been prepared taking account of the agreed standards and format for business cases as set out by The Treasury in its Green Book Guidance and comprises the following key components:

- The strategic case – this sets out the case for change, together with the objective of the proposal;
- The economic case – this seeks to demonstrate that the proposal meets the needs of the 3 Ayrshire Councils and Scottish and UK Governments in terms of delivering economic development and supporting economic growth;
- Governance – a proposed governance structure is proposed

Further work is required to develop the financial and management cases, and the new structure to be adopted.

SUCCESS CRITERIA

The success criteria for the Business Case are:

- Document is robust and comprehensive;
- Options available have been considered in a rigorous, equitable and transparent manner;
- Recommendations are clear; and
- Adequate information has been provided to allow Elected Members to consider whether or not they wish to charge officers with the establishment of the Ayrshire Regional Partnership for Economic Growth.

RECOMMENDATIONS

On the basis of the attached business case, Council is asked to approve;

1. Establish a Regional Ayrshire Partnership for Inclusive Economic Growth as set out in Section 4 and Appendix 5 of the Detailed Business Case;
2. Establish an Ayrshire Delivery Vehicle between East, North and South Ayrshire Councils and other stakeholders from 1 April 2019 and this includes integrated delivery of the Ayrshire Growth Deal, Economic Growth Services and Tourism;
3. Continue negotiations with the Scottish Government, its agencies, and regional partners to secure commitments to the new partnership model;
4. Remit to the Chief Executive to finalise the new management structure in conjunction with the other two Chief Executives, taking account of the remit and scope of the services and the overall financial envelope, to be populated as quickly as possible and well in advance of April 2019 with final proposals being presented to Cabinet;

5. Establish a range of workstreams including service design, Human Resources, finance, legal, governance;
6. Agree that the host authority is North Ayrshire Council, tasked with the oversight of day to day operational issues in relation to the Partnership;
7. Transfer employees from East and South Ayrshire Councils (where agreed by their respective authorities) to the host authority on 1 April 2019 under TUPE Regulations;
8. Establish an Ayrshire Economic Development Sub-Committee of the Ayrshire Shared Services Committee for the purpose of developing an Ayrshire Regional Inclusive Economic Growth Strategy and associated implementation plan, with appropriate support and input from an Ayrshire Economic Delivery Vehicle team.

2. THE STRATEGIC CASE

INTRODUCTION

This Detailed Business Case is for the establishment of an Ayrshire Regional Partnership for inclusive economic growth.

There is a very strong strategic rationale for a coordinated regional approach to economic development. This is based on greater partnership working with Government and its agencies to shape national strategies and priorities, exert greater influence on investment decisions and access national programmes, pool expertise and share understanding across the 3 Council areas, ensure strategic and targeted interventions within Ayrshire where they are most needed, deploy specialist support which would otherwise be unavailable to the individual Councils, to pool labour market and infrastructure resources to attract investment and create economic opportunity.

A regional approach with a strong relationship with Government, the private sector and communities will be necessary to deliver the objectives of the Ayrshire Growth Deal and its vision for a successful Ayrshire economy.

Chapter 3 on the benefits of the approach expands on the points set out above. The rationale which underpins this proposal is that with the correct public sector support mechanisms in place, along with a more consistent and responsive offer, private sector investment and consequent economic growth can be more effectively supported. Our resident communities will be able to benefit from the enhanced range of labour market opportunities that are created through the new approach.

The strategic rationale is about delivering the economic ambition and vision of a more dynamic, outward looking and confident Ayrshire. An Ayrshire that is leveraging its major economic assets to their full potential and has an infrastructure that is fit for the 21st century.

Alongside this functionality, the partnership and its member councils must use their strategic capabilities to work with a broad range of partners at regional and national level to effect long term, positive outcomes.

As Ayrshire's economy becomes stronger, so the region becomes fairer – everyone in Ayrshire should benefit from our proposals and no one who wants to participate in the economy should be left behind. Our growth will be inclusive.

The benefits of the proposed approach are also clear (and were agreed by each Council's Cabinet in October 2017):

- A stronger voice in shaping national strategies and greater level of influence nationally to draw investment and resources from a wider range of partners;

- A pooling of expertise from across the region and the opportunity to provide specialist support to businesses irrespective of their location;
- More efficient use of resources and the opportunity to ensure that resource is targeted where it is needed;
- Greater capacity and resilience to respond to demands for public sector support;
- A new approach to inclusive growth; and
- Better engagement with the private sector.

The need for more effective economic development support is also clear, as the case for change below sets out. Despite more than 20 years of economic development support Ayrshire still performs below the Scottish average on most key economic indicators. Whilst there are reasons for this – Ayrshire has had to make a longer journey from a traditional to more modern economy than many of the regions - a new approach is required to ensure Ayrshire, its services, businesses and communities, are resilient for the future.

The underperformance of the Ayrshire economy provides a strong case for change, and a move to a regional approach. Ayrshire has remained persistently behind other regions in Scotland and pooling our resources has the potential for Ayrshire to have a stronger and more significant voice at national level to generate the impetus needed to tackle this. Doing more of the same is simply not an option.

For Ayrshire to be successful and to build on its current strengths, we must reduce the disparities across communities and make full use of the opportunities a growing Ayrshire economy presents. Successful economies are inclusive economies and tackling inequalities will help ensure that the region is competitive in an increasingly global market and that our businesses and communities are resilient to emerging trends and technological advances in the economy.

The current delivery model is not facilitating the economic growth that the region requires and we also need to ensure that we have the capability to create a vehicle for the future and not just to fix today's problems. There is also a need to capitalise on opportunity more effectively – Ayrshire has £6.4bn total economic output (5% of Scotland's total (2015)) and a range of sectoral strengths.

Bringing together all of the economic development functions, along with Planning and Regulatory Services coupled with a reset relationship with national agencies and other regional partners, all of whom provide vital support to businesses, will allow the optimum deployment of resources across Ayrshire. This not only is more efficient, but it is the approach that the private sector has consistently argued for and it will deliver the greatest impacts and outcomes for business, communities and individuals.

The policy context for this proposal is set out in subsequent sections but it must be recognised at the outset that we have an opportunity to reset our relationship with

partners and to ensure that we have influence with policy makers and can access national resource, so that Ayrshire is not left behind in relation to other regions.

THE POLICY CONTEXT

The context to this proposal is cast in a number of key national and regional documents. A summary of these are set out below (more details are available in the initial Strategic Business Case).

Scotland's Economic Strategy

Scotland's Economic Strategy (SES) published by the Scottish Government in March 2015, has the purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing economic growth, whilst ensuring that everyone in Scotland has the opportunity to fulfil their potential. The focus on outcomes and a whole economy approach has led to the development of an economic framework for Scotland.

This approach is centred on 2 objectives: increasing competitiveness and tackling inequality. The SES has 4 pillars to achieve this – the 4 I's – investment, innovation, inclusive growth and internationalisation.

A regional partnership would support Ayrshire's commitment to the Inclusive Growth agenda, would have a lead role in terms of improving innovation and internationalisation in Ayrshire and would be an appropriate mechanism for the delivery of the Ayrshire Growth Deal to secure investment, therefore contributing to every aspect of the SES.

The UK Government's Industrial Strategy

In 2017, the Prime Minister launched the Government's Industrial Strategy which acknowledges that despite an economy with significant strengths and opportunities in which many people, places and businesses are thriving, growth remains unevenly distributed across the country and there is a need to redress this imbalance.

Ayrshire's focus on inclusive growth aligned to key industrial sectors and business opportunities reflects the ambitions of this strategy and there are obvious opportunities for Ayrshire to contribute to the UK Government's agenda.

The Industrial Strategy is built on 10 interdependent pillars:

- Investing in science, research and innovation;
- Developing skills;
- Upgrading infrastructure;
- Supporting businesses to start and to grow;
- Improving procurement;
- Encouraging trade and inward investment;
- Delivering affordable energy and clean growth;
- Cultivating world-leading sectors;
- Driving growth across the whole country; and

- Creating the right local institutions.

A regional partnership would have the scale required to enable Ayrshire's 3 Councils to engage effectively with the UK Government on delivering this Strategy.

Scottish Government's Planning Bill

The Planning (Scotland) Bill was introduced to Parliament on 4 December 2017. The Bill is central to the Scottish Government's package of measures intended to strengthen the planning system's contribution to inclusive growth and empowering communities. The Bill sets out proposed high level changes to the overall framework under which planning operates including:

- The abolition of Strategic Development Plans;
- The removal of the requirement to prepare Local Development Plans every five years to allow a greater focus on plan implementation;
- The encouragement of regional collaborative working; and
- The creation of 'bespoke regional partnerships' to address specific issues.

There is no Ayrshire Strategic Plan at present and whilst there are consultation arrangements in place relating to each Council's Local Development Plan, there is no mechanism for setting regional targets for housing or for coordinating infrastructure delivery.

In the context of current proposals for a regional partnership, this Planning Bill provides a platform to coordinate development plans and infrastructure investment plans.

Inclusive Growth Agenda

Inclusive Growth has emerged in recent years as a key policy focus and is defined as 'growth that combines increased prosperity with greater equity that creates opportunities for all and distributes the dividends of increased prosperity fairly'.

The challenges in many parts of Scotland, including Ayrshire, brought about by industrial restructuring are well documented and the spatial distribution of poverty and deprivation reflect this. Across a number of decades a suite of policy and investment approaches, fashioned at national level, using various delivery vehicles have been set out in attempts to address deprivation and exclusion and tensions between job creation versus helping people into jobs and linking opportunity to need have underpinned these initiatives. These have delivered limited success.

The Government is therefore committed to supporting an approach which puts a different emphasis on growth – growth that means prosperity and opportunity for all – regardless of who you are, and what part of Scotland you live in. A regional partnership in Ayrshire, based on our economic geography, will allow us to tackle regional variation in economic performance and opportunity and to contribute to the Government's commitment to inclusive growth. Inclusive growth is about people and

places having the opportunity to participate in growth and there is a need to rebalance the Scottish economy – highlighted in the Scottish Economic Strategy by showing the disparity between Edinburgh and East and North Ayrshire in terms of GVA.

Our partnership work has also involved utilising the inclusive growth diagnostic approach to systematically investigate the constraints to growth and inclusion in the region. The work is on-going but emerging constraints and opportunities include: improving physical and mental health outcomes; stimulating local, quality job creation; creating an "Ayrshire offer" for inward investment; achieving a sustainable working population; and improving population skills, including softer skills and digital literacy. Tackling the constraints will require concerted efforts and may require at times the challenging of systemic issues which have held Ayrshire back from benefiting and experiencing growth.

City Deals/Regional Growth Deals

The productivity gap in the UK is well documented and regional disparities are wider in the UK than in other western European countries. City Region Deals were introduced as agreements between the UK Government and cities to give local areas across the UK specific powers in relation to their own areas to support economic growth, create jobs and invest in local projects.

City Region Deals aim to devolve the necessary decision making powers and resources to economic partnerships, enabling them to address the specific needs of their area and to unlock the full economic potential of their region. City Region Deals encourage local authorities to collaborate to develop a clear, long term programme of regional investment with any growth being additional to what has already been forecast as a result of existing capital investment plans.

City Region Deals are now in place to support all of Scotland's City regions and a number of other Scottish local authorities are exploring the opportunities to access support for their own regional aspirations.

On this basis, the Ayrshire Growth Deal bid recognised that what happens in one part of Ayrshire can have benefits for the region as a whole and that achieving those benefits needs a more coordinated approach.

While the Growth Deal bid focuses on a relatively small number of capital projects with associated revenue based interventions, how the Councils continue to deliver their existing services must take account of this regional approach.

Both the UK and the Scottish Government will require a regional governance structure to be established as a prerequisite for the significant investment which will flow from the Ayrshire Growth Deal. The establishment of a Regional Partnership will provide a structure which ensures that the Growth Deal is integrated with the overall economic growth strategy for Ayrshire.

Enterprise and Skills Review

As part of Phase 2 of the Enterprise and Skills Review, Ayrshire was designated a Regional Partnership Pathfinder, and as such, Ayrshire has been viewed as taking a leadership role in this agenda.

The report on Phase 2 of the Enterprise and Skills Review stated the following in relation to Regional Partnerships:

- Every area in Scotland is encouraged to develop a Regional Partnership;
- Agencies will ensure that their products and services are tailored to regional conditions;
- Future city deals and growth deals should include prioritisation of projects using the Inclusive Growth Diagnostic;
- The importance of private sector representation on Regional Partnerships where Government investment is sought;
- Learning from the on-going Ayrshire Pathfinder demonstrates that the move to build stronger regional economies has evolved beyond city deals and is considering what is best delivered at local, regional and national levels to unlock the area's full economic potential;
- Government will establish a data hub to enable robust analysis and impact measurement for Regional Partnerships.

The Phase 2 report also announced the decision for a new South of Scotland Enterprise Agency which will be supported by additional resources (£10 million) to boost economic development activities.

Ayrshire's Economic Development Strategies

At present, each of the 3 Ayrshire Councils have approved Community Plans and Economic Development Strategies in place which capture each authority's ambitions to support and grow their economy and to ensure that resident communities have the right skills for work and can access labour market opportunities. A principal objective in establishing a regional partnership would be to improve the outcomes for individuals, businesses and communities reflecting the strategies already in place.

THE CASE FOR CHANGE

There is evidence that what is currently being delivered by each individual Council in terms of economic development is having a limited impact in terms of supporting economic growth. We are not making best use of the resources and capabilities of national and regional organisations and national investment decisions continue to be taken to the detriment of the Ayrshire economy.

A fresh approach which removes competition across local authority areas and seeks to put business at the heart of delivery will improve our outputs and outcomes and stem the decline of Ayrshire's economy.

Ayrshire's Current Economic Profile

A full profile is attached in the appendices (Appendix 1) to this document, but in summary Ayrshire's economy has historically underperformed.

Benchmarking of the key statistics set out below against the national average and over the last 2 decades since local government reorganisation indicates that despite significant resources being deployed we have failed to narrow the gap between Ayrshire and the rest of Scotland and in some cases the gap has actually widened. We need to acknowledge this and we need to change our approach – we need to create an Ayrshire that is an attractive investment proposition and one where people are able to live and work.

Ayrshire has experienced low levels of economic growth in recent years, diverging significantly from Scotland, and has still to recover from the last recession.

The business base largely comprises SMEs and micro businesses with only 30 companies across Ayrshire employing more than 250 staff.

Ayrshire has particular strengths in a number of Scotland's key growth sectors – engineering and manufacturing, aerospace and space, life sciences and tourism and these are forecast to grow substantially. Both the UK and Scottish Governments are targeting resources at that growth.

Ayrshire's employment base is concentrated in less productive sectors (e.g. healthcare and retail) and the economy is only projected to grow by 1.57% by 2030. This is an issue common to the 3 Councils and the need to address the current industrial mix and lower value add sectors is an essential component of this regional approach.

The industrial structure of the Ayrshire economy shows a greater reliance on the public sector (33.6% against 31% nationally).

Business birth rates have historically been low compared to nationally although this has changed in recent years – the concern is that lack of employment is driving individuals to use business start-up as a labour market intervention.

Ayrshire lags behind the national average in terms of business expenditure on research and development (£32 in Ayrshire per head of population versus £162 in Scotland as a whole). A lack of innovation across the business base and low levels of exporting prevail too.

Ayrshire as a whole has 50% more people living in deprivation than the national average with 28% of children living in poverty compared to 20 % nationally.

Growth in GVA in Ayrshire has been more modest than for Scotland as a whole with growth of 23% against a national figure of 33% over the decade from 2005 to 2015.

Ayrshire has 0.63 jobs per working age resident against 0.79 for Scotland.

13% of Ayrshire's working age resident population have no skills compared to 9% for Scotland as a whole. There is also an under-representation of jobs with high level skills requirements and therefore of individuals with higher level skills working in the region.

Ayrshire's employment rate is 4% lower than the national level.

Population is in decline and forecast to continue this downward trajectory to 2036.

A cluttered landscape of support

Research commissioned by the 3 Councils in 2016 to look at business support provision across the region concluded the following;

- There are no major gaps in support but at a local level there is duplication between Council support and that of national agencies;
- There is a large degree of similarity in offer across the 3 Councils but there is no uniformity;
- Differing approaches has resulted in different levels of engagement and take up of support;
- Particular segments of the business base are 'slipping through the net' and not being supported;
- There is inconsistent access to national products;
- The business base itself expressed the view that more sector specific expert help is required; and
- It also expressed a desire to see a level playing field in terms of support and irrespective of location.

While there is no independent research available in terms of employability support, service managers in each Council confirm a similarly confused picture across the region and larger companies who participated in the business support research expressed frustrations that employing staff from across the 3 Council areas means different support offers in each local authority.

Public Sector Reform

The Christie Commission argued in 2011 that public service providers must be required to work more closely in partnership to integrate service provision and to therefore improve the outcomes they achieve. It also recommended that the public service reform should contribute to the simplification and streamlining of the public sector landscape.

More recently the Scottish Government carried out a review of its Enterprise and Skills agencies and highlighted the following emergent themes:

- The optimal fit between national and local priorities;
- The need for a 'no wrong door' approach to simplify service and funding streams for customers;
- How to improve outcomes in terms of innovation, internationalisation and skills.

A second phase of the review built on these themes and confirmed a commitment to working with partners and agencies to optimise regional economic impact while remaining responsive to meeting local needs. Examples of emergent regional partnerships in Scotland contained within the phase 2 report include a number that have emerged from the governance structures necessary to deliver City Deals.

The Ayrshire Regional Partnership for Inclusive Economic Growth presents an ideal opportunity to champion the aspirations of the Enterprise and Skills review in bringing a new, joined-up approach to economic development that sees local authorities working together alongside regional and national partners. The focus is on delivering the optimum support to businesses and individuals at the right time in their 'journey', a far more cohesive and responsive approach than has previously been the case.

In this context, a regional partnership in Ayrshire would contribute to the Government's focus on regional delivery as a means to stimulating growth and would also provide the governance structure to unlock the Ayrshire Growth Deal.

Fiscal challenges

Increasingly public sector bodies are faced with delivering services within an environment of increasing fiscal austerity and continued pressure to demonstrate value for money.

The Fraser of Allander Institute predicts a total reduction of £1bn to local government revenue funding between 2016 and 2021 and with a clear commitment from the Scottish Government to protect services such as healthcare and childcare, other services could face average reductions of between 10% and 17% with unprotected services most likely to face these enhanced pressures in the forthcoming years.

As public sector budgets come under strain, it is proving difficult to maintain current resourcing levels in economic development related services and this could lead to a reduction in the quality and scale of support available to businesses.

Working together at a regional level potentially limits that negative impact by ensuring that resources are targeted where most needed whilst efficiencies can be derived from management costs.

While the primary focus of this work is the facilitation of economic growth it is worth noting that Audit Scotland has previously identified a need for smaller Councils to consider joining their Regulatory Services to increase capacity and strengthen the

protection they offer to consumers and businesses. Succession planning and resilience are concerns which prevail for each of the Ayrshire councils.

3. THE ECONOMIC CASE

This section sets out the economic case for the regional partnership. It firstly summarises the current delivery situation, then articulates the scope, vision and objectives for the partnership, expected benefits and potential dis-benefits, critical success factors, options appraisal and the principal risks.

This section also seeks to articulate the economic outputs and outcomes that could be achieved by a regional partnership, specifically:

Outputs

- No of businesses engaged
- No of interventions delivered
- No of individuals supported into training and/or employment
- No of start-up businesses supported
- No of additional national products accessed
- Creation of business/industrial space

Outcomes

- GVA increases;
- Employment rate;
- Business numbers;
- Business of scale;
- Inward investment secured;
- Exporting companies and value of exports;
- Population retention and growth;
- Town centre vacancy rates;
- Visitor numbers;
- Visitor spend; and
- HE and FE places.

CURRENT DELIVERY

This section outlines the existing arrangements in place across the 3 Councils to deliver economic development and related services. There are differences in structure, interventions and budgets but largely the priorities and focus are similar across the authorities. The table below provides a summary of current delivery. It reinforces the fact that there are similarities across the region and underlines the value in streamlining this to a single support offer, enhancing provision to best suit opportunities and needs.

Service	Function	EAC	NAC	SAC
Economic Development	Business support including Business Gateway Programme	√	√	√
	Inward investment	√	√	√
	Sector support	√	√	√
	Tourism	√	√	√
	Town Centre management	√	√	√
	Employability Pipeline	√	√	√
	SDS Contracts for Employability Fund and MAs	√ Training provider contracts	√ Employer contracts	√ Employer contracts
	Supported Employment	√	√	
	Economic Policy and Strategy		√	
Planning	Policy Planning including LDP	√	√	√
	Regeneration	√	√	√
	Development Management	√	√	√
Building Standards	Building Standards	√	√	√
	Enforcement	√	√	√
	Dangerous buildings	√	√	√
Environmental Health	Public Health	√	√	√
	Public Safety	√	√	√
	Food and feed safety	√	√	√
	Food hygiene	√	√	√
	Animal health and welfare	√	√	√
	Dog fouling	√		√
	Littering	√		√
	Fly tipping	√		√
	Smoking	√	√	√
	Contaminated	√		

	land			
	Seagull control	√		
Trading Standards	Fair Trading	√	√	√

The structure and spend on these services differs across each local authority but, in the main, all Councils are committed to the same types of activities. In terms of Economic Development, we collectively engage with 15% of the business base and support approximately 3,800 people per annum to access training and employment (SLAED Indicators, 2016/2017).

The majority of these activities are delivered from Council premises in the three main towns – Ayr, Irvine and Kilmarnock. In some instances support is also provided in smaller communities, for example the Business Gateway programme is delivered in smaller towns and villages across Ayrshire including Cumnock, Girvan and Kilwinning. Similarly employability support is community based in areas such as Saltcoats, Dalmellington and Maybole and there are no plans to change this approach.

The value of service delivery in communities for communities is integral to our approach and the proposal to establish a Regional Partnership does not conflict with this but provides the opportunity to deliver on our objectives whilst dedicating more resource where it makes the greatest impact – frontline service delivery.

The establishment of a Regional Partnership affords the opportunity to design and implement service provision which is based on best practice across the authorities with a view to maximising the impact of our efforts.

EXISTING LINKS WITH NATIONAL AGENCIES

It is the view of Ayrshire’s Councils that it is important that national agencies are able to align their services to our regional, economic geography.

A regional approach also allows us to reset our relationship with national agencies and to address both the inherent weaknesses in these relationships at present and the issues of duplication and confusion that our businesses perceive exists between us.

Each Council has a well-established relationship with Scottish Enterprise (North Ayrshire also engages with Highlands and Islands Enterprise) and we welcome the contribution that they are able to make through the provision of national products and services to support the growth and development of our local businesses.

However, 148 account managed companies in Ayrshire are supported by 45 different account managers reflecting SE’s sectoral focus and this does not always facilitate any understanding of the local or regional agenda and the associated opportunities and needs.

We recognise that there are criticisms of all partners from our business and resident communities, anecdotal feedback from many businesses is that engagement with Scottish Enterprise can be sporadic and that there can be as much as an 18 month gap between communications. This may be an issue related to the availability of resources. Regardless of the root cause, a regional partnership approach provides an opportunity to address this issue in a more collaborative way.

Businesses also indicate that account managers do not have flexibility in how they provide support and it is simply a case of accessing standard products.

A business survey undertaken on behalf of the 3 Councils in 2017 indicates that whilst 81% of businesses surveyed were aware of SE's support only 35% had been able to access any. In terms of business growth and improvement, in 2016/17 only 93 Ayrshire businesses accessed an SE product. This places additional demand on the mechanisms that Councils have at their disposal and reinforces the argument for a single approach to business support.

Similarly, each local authority has a strong link to Skills Development Scotland and values the contribution made in terms of careers guidance across education provision and support to unemployed individuals. However, the role of SDS can be constrained by a national agenda which allows limited flexibility to take account of local and regional needs and opportunities.

The current support landscape at a national level has created individual agencies very focused on one element of economic growth with a broad range of support mechanisms and a wealth of expertise and experience. It is undoubtedly the case that there is an extensive range of products that businesses and individuals can access for support and this is welcomed.

From a customer perspective, there are a plethora of agencies with similar support products and no clarity for business around why that is the case, what the benefit might be or who is best placed to serve the customer.

Our proposed approach can deliver a significant improvement over existing arrangements because our proposals are embedded in the principles of taking a more systematic approach to support using resources in a more focused and effective way.

We can take the opportunity afforded by a joined up approach across Ayrshire's councils to influence how Scottish Enterprise and Skills Development Scotland deliver regionally. We can work with them to test new models for delivery – bringing a focus back to Ayrshire and its sectoral strengths by working together to strip out duplication and devise a range of supports and products which is more manageable, more accessible and which meets customer needs. We can become the 'go to' region for support – the region of choice for sound investment.

Beyond stronger relationships with Scottish Enterprise and Skills Development Scotland, it is important to acknowledge that a regional partnership will be able to engage more effectively with Ayrshire College – the region’s only FE College, HE institutions, VisitScotland’s regional team and Transport Scotland’s regional directorate to ensure that it can influence the priorities and decisions of partners and stakeholders. A schematic of how it is envisaged a regional partnership will relate to other agencies, council services and Ayrshire’s Community Plan Partnerships is set out at Appendix 2.

SCOPE, VISION AND OBJECTIVES

Scope

The proposal under consideration is to:

- 1) Establish a regional partnership vehicle with the purpose of realising a transformation of the economic prospects for all communities and individuals in Ayrshire.
- 2) Embed within the vehicle structure a full range of economic facing services from the three local authorities.
- 3) Secure commitment to resources and investment from the wide range of national, regional and local partners involved in inclusive economic growth.
- 4) Establish a governance on structure reflecting the need for a broad partnership approach, appropriate LA oversight particularly of its services, management of funding of the AGD, creating a single coherent and powerful voice for Ayrshire.
- 5) A management structure will be developed as the final service design is developed.

Vision

The vision is for Ayrshire to be a vibrant, outward looking, confident region, attractive to investors and visitors, making a major contribution to Scotland’s growth and local well-being.

The establishment of a single Inclusive Economic Growth Partnership across Ayrshire is aligned to the strategic drivers outlined in section 1.

- This proposal aims to have a vehicle able to have the strategic and operational capability to take forward activities to drive the economy, sustain and grow communities and capitalise on people and resources. The vehicle will have the leading role in creating the conditions for more skilled and better paid jobs, take advantage of opportunities and adapt to technological change. It should be able to put Ayrshire on the map and position Ayrshire as the ‘go to’ region to invest in and all parts of Government recognise and support targeted investment to meet the economic challenge of delivering inclusive growth. To achieve this, it will not only need to be a strong and effective partnership capable of strategic relationships nationally, regionally and locally but it should also have an effective delivery function to provide consistent and

high quality services which could be best achieved through the joining up and integration of relevant economic services.

- The Partnership will need to have a clear vision for the area, providing strong regional leadership working with locally elected leaders and other key stakeholders. Strong and effective business representation will be central to the governance. Clarity of purpose will enable key organisations to align behind a clear direction. The partnership will be the single coherent voice for Ayrshire ensuring that it is heard in national debates, making the case for investment and influencing national, regional and local priorities and decision making. A compelling route map to change will need to be created with the partnership having the authority and capability to drive the change required through its own delivery capability as well as influencing and harnessing the resources of the many organisations that will continue to play an important role in investing in Ayrshire's future.
- A range of public, private and third sector organisations already work actively in Ayrshire. These organisations include Scottish Enterprise, Highlands and Islands Enterprise, Skills Development Scotland, Scottish Funding Council, Transport Scotland, Visit Scotland as well as the Local Authorities, Ayrshire College, Ayrshire Chamber of Commerce and a number of universities. The work of these organisations is valued but there is now the opportunity to reshape the relationships to create a fresh approach to economic development in Ayrshire. The vehicle should have productive relationships between these organisations and ensure that their provision planning and resource allocation becomes better aligned, more coherent and subject to more consistent performance measurement so that actions and investment can be tracked against the agreed route map.
- The relationships with health, education and housing also needs to be in the wider partnership relations given the recognised impact that these functions and services have on the wealth, health and well being of Ayrshire and its residents. The partnership will also need to have effective links with local communities to ensure that the needs and aspirations of all are fully understood and reflected in strategic planning, investment decisions and delivery.

Delivery

- 1) There is a range of delivery activity to assist businesses across Ayrshire reach their potential which could include:

A joining up of existing business support services - Ideally, this would be a fully integrated Ayrshire team with access to a wide range of support with seamless access and allow that bespoke packages of support can be offered to meet individual business needs and maximise the economic potential. Responsibilities for Ayrshire businesses would lie with an Ayrshire team and only the most strategic global companies would be managed directly by the centralised SE/HIE teams. Ideally, access to national programmes and

resources would be facilitated by regional teams encouraging increased take up as part of an integrated package of support for business innovation and growth.

- Business networks and sector development could be strengthened
- Enhanced support to micro and small businesses particularly in rural and island communities
- Development of regional supply chains that can facilitate greater community wealth building, more local jobs and the development of more sustainable communities.
- Encourage greater focus on developing business leadership, innovation and research capability
- Work with Scottish Development International and others to create a world class offering aimed at attracting inward investment and working with SDI, the Chamber of Commerce to create an innovative Ayrshire Export Partnership.

2) The Vehicle should be the strategic lead for skills development in Ayrshire harnessing the work of Skills Development Scotland, Scottish Funding Council, education institutions including the universities and colleges to include:

- Development of a Regional Skills Investment Plan which would be the blueprint to establish priority actions to meet the variety of skills needed in Ayrshire.
- Support the development of skills in Ayrshire by contributing resources and the devolution of resources in the design of new services where appropriate
- Align skills need with skills provision
- Ensure that the existing workforce has the opportunity to develop their skills and to access the on-going training to enhance their skills
- Ensure a workforce that can make the most of future economic opportunities including building a stronger digital capability
- Develop the workforce of tomorrow by working with the educational institutions.

3) Developing Ayrshire infrastructure and connectivity

The vehicle would need to develop clear priorities to develop and promote Ayrshire's assets and resources to maximise investment into the area. This could include:

- Developing and articulating Ayrshire transport infrastructure priorities and making the case for investment from relevant authorities for their delivery
 - Developing a digital economy, improving the take up digital technologies and ensuring that businesses and communities make the most of those technologies
 - Developing business spaces fit for a growing businesses of the 21st century
 - Supporting the development and regeneration of towns and town centres
 - Developing the logistics potential of Ayrshire by harnessing the assets of the airport, ports, freight and road connections
 - Developing the opportunities from the numerous energy assets including the areas nuclear, renewables, Western Connector and former coalfields.
 - Delivering the projects identified in the Ayrshire Growth Deal.
- 4) Sustaining and growing the communities potential activities
- Support the growth and development of the social enterprise sector
 - Supporting community based businesses reflecting the traditions, skills, and aspirations of different places
 - Responding to the inclusive growth diagnostic

To realise the potential of the Ayrshire Regional Partnership requires a number of key features

- 1) Establishment of a governance structure that supports the one Ayrshire approach with key organisations round the table empowered to create a compelling vision and route plan
- 2) A reset relationship with national and regional organisations with integrated delivery wherever possible – a one team Ayrshire approach
- 3) A demonstration of commitment by Local Authorities by including its economic development facing teams to provide a core of capability and service delivery which if integrated into a single team will bring efficiency, resilience, consistency of offer and the potential to develop specialist resource that would not be possible in the individual Local authorities.

Objectives

The specific objectives contained in this Detailed Business Case for the Ayrshire Regional Partnership are:

- Objective 1: to achieve a step change in the performance of the Ayrshire economy and its contribution to the national economy.
- Objective 2: to develop a consistent and effective Ayrshire offer to investors, indigenous businesses, individuals and communities, which is high quality in nature and responsive to changing circumstances.
- Objective 3: to provide an effective mechanism for delivering the ambitions of the Ayrshire Growth Deal and the broader economic and related outcomes desired by partners.
- Objective 4: to ensure that economic growth benefits all people and communities in Ayrshire and, particularly that effective support is provided to people and communities whose current economic access and opportunities are limited.
- Objective 5: to make best use of all national and local expertise, capacity, assets and resources to improve resilience in the face of public sector budget pressures.

How these objectives impact on stakeholders is set out below:

OBJECTIVES	MAIN BENEFITS BY STAKEHOLDER GROUP
Objective 1: to achieve a step change in the performance of the Ayrshire economy and its contribution to the national economy.	<p>For businesses:</p> <ul style="list-style-type: none"> • Increased support for growth ambitions • Increased investment and expansion – new markets, innovation, product development and improved productivity. <p>For the public sector:</p> <ul style="list-style-type: none"> • Improved quality of support offer, increasing the likelihood of retaining businesses and attracting inward investment. <p>For resident communities:</p> <ul style="list-style-type: none"> • Increased access to jobs in new and growing businesses.
Objective 2: to develop a consistent and effective Ayrshire offer to investors, indigenous businesses, individuals and communities, which is high quality in nature and responsive to changing circumstances.	<p>For businesses:</p> <ul style="list-style-type: none"> • Easy access to support for growth ambitions • Increased investment and expansion – new markets, innovation, product development and improved productivity <p>For the public sector:</p> <ul style="list-style-type: none"> • Improved quality of support offer, increasing the likelihood of retaining businesses and attracting inward investment. <p>For resident communities:</p>

	<ul style="list-style-type: none"> • Increased access to jobs in new and growing businesses.
Objective 3: to provide an effective mechanism for delivering the ambitions of the Ayrshire Growth Deal and the broader economic and related outcomes desired by partners.	<p>For businesses:</p> <ul style="list-style-type: none"> • Improved infrastructure, access and connectivity. • Increased choice of sites for expansion to address latent and emerging demands. <p>For the public sector:</p> <ul style="list-style-type: none"> • Expanded and improved economic base • Increased likelihood of attracting new investment into Ayrshire. <p>For resident communities:</p> <ul style="list-style-type: none"> • Increased job opportunities.
Objective 4: to ensure that economic growth benefits all people and communities in Ayrshire and, particularly that effective support is provided to people and communities whose current economic access and opportunities are limited.	<p>For businesses:</p> <ul style="list-style-type: none"> • Access to an enhanced labour pool of people with skills matched to business needs. • Increased growth opportunities. <p>For the public sector:</p> <ul style="list-style-type: none"> • Increased likelihood of retaining and attracting businesses. • Strengthened business base. <p>For resident communities:</p> <ul style="list-style-type: none"> • Increased job opportunities.
Objective 5: to make best use of all national and local expertise, capacity, assets and resources to improve resilience in the face of public sector budget pressures.	<p>For businesses:</p> <ul style="list-style-type: none"> • Increased support for growth ambitions • Increased investment and expansion – new markets, innovation, product development and improved productivity. <p>For the public sector:</p> <ul style="list-style-type: none"> • Improved quality of support offer, increasing the likelihood of retaining businesses and attracting inward investment. <p>For resident communities:</p> <ul style="list-style-type: none"> • Increased access to jobs in new and growing businesses.

EXPECTED BENEFITS (INCLUDING FINANCIAL)

Improved outcomes for businesses, individuals and communities. We recognise that while we have all been active in terms of providing economic

development support since 1996, our successes have been limited. This proposal to move to a regional approach is rooted in a need to reverse relative economic decline.

Budget challenges and demographic shifts in Ayrshire are creating a challenging operating environment in which to deliver public sector services. A regional partnership would ensure targeted resources and focused effort, including that of national agencies, across the region to maximise positive outcomes.

A regional partnership offers the opportunity to redesign services, to deliver the best of what we do across the region, based on feedback from our business and resident communities, to ensure that services are more customer focused.

By making this shift, we are creating an opportunity for all partners to work collectively for the benefit of all of Ayrshire rather than working competitively. By more direct involvement with national agencies, we can strip away duplication of effort and ensure that resource is more effectively targeted on business needs.

To be effective, policies need to be implemented at a scale that matches economic footprints - and in the case of Ayrshire is the 3 Council areas in their totality.

Over the past decade consideration has been given to the benefits of agglomeration; creating regions of scale through enhanced linkages within regions. Getting the right infrastructure in place plays a key role in connecting people to where job opportunities are (and will be) created and, by improving connections within regions, it is possible to deliver benefits in productivity through agglomeration.

Global cities have become the engine room of economic growth for many nations. UK and Scottish Government have developed policies that supported city region growth including the establishment of the Northern Powerhouse partnerships, and the Scottish Cities Alliance. To compete in this market for investment, jobs and a sustainable future, will require a pooling of resources to strategically plan and deliver what is required for a future modern regional economy.

Agglomeration has the potential to broaden the labour market pool, enabling individuals to find work over a wider geographical area which eases skills shortages. In addition, developing sectors in which regions have a comparative advantage is key to regional productivity growth. As the case for change highlights, rebalancing the industrial structure in Ayrshire is imperative, so that it is modern, dynamic, knowledge-intensive and higher value added.

Agglomeration allows competitive advantages to be developed, maximising the benefits to supply chains within Ayrshire, where individual Council responses may miss these cross-local authority boundary opportunities.

An Ayrshire wide approach to economic development would better enable connections within the region as well as strengthening connections to other parts of the UK and Scotland.

We can create a confidence amongst potential investors that our approach is coordinated and fit for purpose and we will therefore retain more businesses and attract new investors; jobs will be created and individuals will be supported to access these opportunities, delivering better outcomes for all our communities.

Manage delivery of Ayrshire Growth Deal. It will be a requirement that government resources allocated for the Ayrshire Growth Deal are governed on an Ayrshire basis. A regional approach to economic development will include the delivery of the Growth Deal projects. By their very nature, the Growth Deal projects require a regional and coordinated delivery approach.

The Ayrshire Growth Deal sets the long term vision for Ayrshire's economy and comprises a small number of key capital projects and associated revenue interventions which are all considered crucial to transforming the Ayrshire economy.

This approach is regional and by now organising the day to day business of economic growth on a regional basis too, we are sending a clear message to both the Scottish and UK Governments that we understand our economic geography, we recognise the value in both strands of this work being delivered regionally and they can have confidence in our leadership and drive for change so that investment in the Growth Deal proposals is good investment.

Pooled expertise. Across the 3 Ayrshire Councils there is a wealth of knowledge and expertise relating to economic development and its related services and a regional approach to this work allows us to pool that expertise for the benefit of the entire business base. It ensures that best practice is shared across services to maximise performance.

The inclusion of expertise from wider partners particularly the national strengths that SE and SDS will be a major element in a regional approach to deliver better regional outcomes.

Specialist support. A number of challenges are affecting our business base and maintaining any competitive advantage is increasingly difficult. A regional approach to economic development would allow customers to receive specialised support to adapt to change and to take advantage of opportunities in emerging economies.

In 2017, the RSA Inclusive Growth Commission concluded in its publication 'Making our Economy Work for Everyone' that persistence in certain geographies of low skilled and low productivity jobs, together with an anticipated rise of automation in the labour market further heightens the need for inclusive growth.

Specialist support will be required to adapt businesses and communities to these uncertainties and this is only achievable by pooling expertise and sharing specialists. A shared resource will also allow for the design and delivery of more targeted programmes of support such as programmes which are sector specific or focused on topics such as innovation which could lead to improved productivity for the business base.

The ability to provide sector specific support, affordably, across the region is a major benefit of the regional approach. Supporting businesses to innovate and increase productivity, for example, is a specialist function that would be less effectively developed in isolation by each Council, even assuming that there are resources for each Council to do so. Sector and other forms of specialist support, are best developed and delivered in partnership.

Single, consistent offer. Reviews of existing economic development activities across the 3 Council areas and particularly in relation to business support and employability indicates that support mechanisms are fairly similar but are by no means identical.

By taking a regional approach to this work, we will be creating a single support mechanism and every business will have access to the same level and type of support regardless of their location or the artificial boundaries of local authorities. Thus, a focus on the customer journey can be better developed, whether the customer is a business or an individual.

Furthermore there is still some distance between Council support and that of national agencies and a perception that it is difficult for businesses to engage with those agencies. Bringing the national agencies into the regional partnership will improve that engagement and demonstrate an ability to flex a national support mechanism to regional needs.

Inclusive Growth. This is a key tenet of the UK and Scottish Government's approach to economic development and we believe that by taking a regional approach we can start to tackle the deep seated challenges that are evident in Ayrshire. A regional partnership offers the opportunity to redesign delivery to combine economic and social support and use the sum of the resources available to all public sector partners in Ayrshire to ensure that we do not fall further behind the Scottish average.

Success in accessing external funding to support inclusion has at times been limited by levels of deprivation in some locations being hidden by a more positive picture across the local authority area as a whole. By taking a regional approach and using regional statistics to underpin funding bids, it is anticipated that greater levels of funding can be accessed for the benefit of all our deprived communities.

It means that inequalities are finally tackled, that we accelerate business growth and stimulate a higher level of growth which will in turn enhance opportunities for our resident communities to access the regional labour market.

Enhanced influence. Scotland's city regions are working together to enhance their influence; other local authorities are combining to more effectively lobby for resources from Government. All Councils are resetting their relationship with national agencies and asking for additional support. Ayrshire must act too, to ensure it is not left behind in the battle for influence.

Individually the 3 Ayrshire Councils are small, each around 1/3 the size of North Lanarkshire or of Fife and 1/6 the size of Glasgow.

As a region, Ayrshire has a population of some 350,000 people and a business base in excess of 10,000 therefore by working on a regional basis we have the opportunity to create a critical mass, to compete more effectively with other areas for support and a voice at the national table – influencing and shaping policy and practice.

Clearer role for private sector. The role of the public sector in terms of economic development is to create the environment where business can thrive and grow. By taking a regional approach and creating new governance structures to ensure that we have the opportunity to involve the private sector in a new way, involving them more directly in the decisions which ultimately shape their own investment decisions.

There are other benefits to be derived from more appropriate engagement with the private sector including tapping into their influence at a national level and accessing their connections to attract new investment to the region. A regional partnership would facilitate a single body for the private sector to engage with making it easier for them to become involved.

The advantages of this single point of contact for the private sector should not be underestimated, at present the 3 Council set up is simply too complex for many businesses to make informed investment decisions.

Raise customer satisfaction. All of the benefits set out above will create a positive environment focused on customers; it will provide investors with the confidence they need that the public sector understands the drivers for economic growth and is committed to fulfilling its role in that in a positive way and customer satisfaction levels will be raised as a result.

Increase ability to attract staff, improve morale and provide resilience. Increased commitment to economic growth, a commitment to addressing the weaknesses in our approach at present and a commitment to putting our business and resident communities at the heart of our efforts will improve morale and allow Ayrshire to retain excellent staff and to attract new staff to the area.

POTENTIAL DIS-BENEFITS

Greater geographical movement. Staff workload will not be aligned to their originating council location and they will be expected to work across a wider geographical area. This will require a period of adjustment and learning and could potentially slow down our responsiveness to our businesses and communities in the short term. This is not expected to be a longer term issue.

Potential competing priorities across partner organisations. At present the 3 Councils have economic growth at the heart of each of their respective priorities however there is competition for investment which is also reinforced by the existence of 3 Local Development Plans each focused on their local area.

While economic development becomes a regional service in this proposal the 3 Councils will continue to function at a local level and it will be important to ensure that at a local level there is a clear understanding of the service plan for this regional approach and a commitment from each area to work collegiately and not competitively.

Staff issues arising from harmonisation of terms and conditions. The governance proposals for the regional partnership include staff being TUPEd from South and East Ayrshire Councils into North and they will all be employed under different terms and conditions and under different salary scales.

Perceived loss of local focus. Establishing a regional partnership may cause concern for some stakeholders that this will remove local focus and delivery. At present delivery is often very local to our communities and it is not the intention that this would change.

No business or resident will be prevented from accessing support because of their location and the design and implementation of this proposal will address any perceived loss of the local dimension to what we currently do.

Rather, an evidence based approach in a regional partnership arrangement will mean that resources are deployed cross-regionally where there is greatest impact, including positive impacts on local communities.

ECONOMIC OUTCOMES

The development of an Economic Strategy for Ayrshire will incorporate a performance framework and a robust set of economic outputs and outcomes but at the very least we can expect a Regional Partnership to deliver the following outcomes aligned to Ayrshire Growth Deal projects:

CRITICAL SUCCESS FACTORS

Having a clear understanding of exactly what the new partnership will deliver and manage is essential. Once this is agreed, this should be underpinned by a partnership agreement which has a clear set of performance indicators that measure

the success of this approach. It will also be essential to agree at the outset when these indicators will be measured and the implications of success and failure. Benchmarking of the regional partnership against others will be key to ensuring continuous development and improvement.

The following critical success factors have been identified as part of this proposal:

CRITICAL SUCCESS FACTORS	DEFINITION
1. Business needs	That a regional partnership meets business needs and demands for support and delivers better outcomes, including enhanced business and employment growth.
2. Community needs	That a regional partnership meets the needs of individuals and community and facilitates inclusive growth and reduces inequalities.
3. Strategic fit	That a regional partnership provides the basis for helping to deliver national strategies/policies; and that a regional partnership is deliverable in terms of greater involvement of national agencies in our support mechanisms.
4. Achievable	That a regional partnership is achievable in terms of the practical requirements to deliver this proposal including the timeous appointment of a Head of Service.
5. Affordable	That a regional partnership is deliverable in terms of affordability, with Councils' and other partner contributions.

OPTIONS APPRAISAL

Introduction

Reflecting on the work done to date by the Regional Partnership Steering Group and partner agencies, a finite number of options and permutations have been chosen for appraisal in this business case and the preferred option was agreed by Cabinets in October 2017. Details of the full range of options initially under consideration are set out at Appendix 3.

OPTION	SCOPE	FINDINGS
1	Do nothing	Discounted - this does not satisfy the objectives set out at section 3.
2	Creation of a regional partnership to deal with some aspects of Economic Growth – Economic	Possible – but this does not satisfy the objectives set out at section 3 and has the potential to create more confusion for customers. This may also impact on the level of engagement by national agencies, particularly as we have

	Development	<p>already stated a desire to have a single agency to deliver all aspects of growth.</p> <p>It would also potentially increase overall costs with the needs to service both a regional approach and to maintain the current arrangements for other aspects of Economic Growth.</p>
3	Creation of a regional partnership to deal with all aspects of Economic Growth – Economic Development and related services	Preferred – this offers the most complete range of support mechanisms to customers, catering for business and resident needs and would deliver maximum economic benefits to Ayrshire.
	DELIVERY	
1	Informal partnership and agreement to uniform delivery	Discounted – this does not satisfy the objectives set out at section 3 and is unlikely to deliver efficiencies or provide sufficient confidence to the private sector that Ayrshire’s public sector is capable of delivering change.
2	Full outsourced	Discounted – this does not satisfy the objectives set out at section 3.
3	Strategic partnership	Preferred – this offers the greater opportunity to satisfy the public sector’s objectives.
	IMPLEMENTATION	
1	Phased	Possible – this would be more straightforward to deliver but would reduce impact and benefits to the Ayrshire economy.
2	Big bang	Preferred – this would deliver most against the objectives set out in section 3 and provide the greatest benefits to business and resident communities and to the Ayrshire economy.

Key findings of the options appraisal process

Reference to	Option 1	Option 2	Option 3
Description of option	Do nothing	Ayrshire Regional Partnership for Economic Development only	Ayrshire Regional Partnership for all aspects of Economic Growth
Objectives			
To develop a consistent and effective offer to investors,	X	X	√

indigenous businesses, individuals and communities which is high quality in nature and responsive to changing circumstances			
To provide an effective mechanism for delivering the ambitions of the Ayrshire Growth Deal	X	√	√
To ensure that economic growth benefits all people and communities in Ayrshire	√	√	√
To make best use of all national and local expertise, capacity, assets and resources to improve resilience	X	X	√
To achieve a step change in the performance of the Ayrshire economy and its contribution to the national economy	X	X	√
Critical success factors			
Business need - better outcomes	X	X	√
Community need – inclusive growth	√	√	√
Strategic fit - delivery of national strategies	X	√	√
Strategic fit - greater involvement of national agencies	x	X	√
Achievability	√	√	√
Affordability	√	X	√
SUMMARY	DISCOUNTED	POSSIBLE	PREFERRED

Reflecting previous discussions and the agreement of Councils in October 2017, this business case considers Option 3.

MAJOR RISKS AND ISSUES

A full risk register is set out at Appendix 4. The table below seeks to capture the main issues and mitigations required to deliver the Regional Partnership.

RISKS	IMPACT	MITIGATION
Failure to meet the ambitions of each Council	There is a danger that one or more Councils perceive that their own objectives are not being or are only partially being met.	An Ayrshire Economic Strategy will be put in place. An annually updated 3 year service plan will be put in place. A Joint Committee will be established to provide strategic direction to the

		Regional Partnership and this will ensure that Councils can raise and have any concerns addressed.
Perceived loss of local control	Elected Members and communities may perceive a reduction in responsiveness to enquiries and requests for support. Elected Members may feel less in control of investment decisions aligned to economic development.	A customer charter will set out what clients should expect in terms of responsiveness and support. The service plan will have budgets aligned to it and the criteria for support will be agreed through design and implementation phase of this project. Consequently, the service plan approval process will review the appropriateness of support measures and will adapt them to changing needs and demands.
Inadequate staff training	A failure to adequately train staff on new processes and procedures will impact on the effectiveness of this partnership and will negatively impact on the perceptions of clients, potentially leading to a loss of confidence amongst stakeholders.	Staff will be involved in the design of service delivery and training of all staff to ensure common processes and procedures will be part of the transition to live phase of this proposal. Adequate time and resource will be built into the implementation plan to support staff training. Reflecting good practice in each of the Councils at present, staff will all undergo a PDP process with their line management and any additional training requirements will be address through this process.
Poor communications	Misunderstanding and	A full communications plan

with staff	misinformation can impact on staff performance and levels of stress across the workforce and could lead to a breakdown in trust of management and ultimately to delivery failure.	is considered a key element of the design and implementation phase. Planned and regular communications with staff will be required to ensure ownership of this proposal is as broad as possible. A forward plan for consultation with Trade Unions will be put in place.
Poor communications with stakeholders	Lack of information to stakeholders and clients can lead to misunderstanding and a breakdown in trust and confidence in the public sector to provide adequate support to businesses and individuals.	A robust communication plan will be devised to address this issue, as detailed above.
Poor communications between Councils and partner agencies	This could lead to confusion and a breakdown in trust.	The proposed governance arrangements involve Councils and partner agencies and are designed to ensure robust communication.
Business disruption during implementation	Business as usual needs to be maintained whilst changes are being implemented. This will be difficult to manage and could potentially lead to reputation damage if not adequately addressed.	The proposed structure includes a Change Manager post to support the implementation of the new arrangements. Staff from HR, Finance and Legal are also already involved in this work and will support implementation. The current management structures in each individual authority will remain responsible for service delivery until the end of March 2019 and will work with the new structure to ensure continuity of service delivery.
Loss of	The services involved in this	The services subject to

connectedness with other Council services	proposal do - at each Council level - have established connections across other Council services and there is a risk that those connections are undermined by this proposal.	this proposal have the greatest interdependencies and transferring them in their entirety seeks to ensure connections and a joined up approach to economic development. The new management team as well as the senior management teams within each Council will have responsibility for ensuring that close links across a range of services are maintained.
Weakened governance arrangements		The Governance arrangements for this partnership are not new and lessons can be learnt from previous partnerships. A minute of agreement between the 3 Councils will also be put in place.
Inadequate IT systems	Inadequate systems and hardware could lead to a loss of confidence amongst stakeholders; an inability of staff to do their job and ultimately to the failure of this proposal.	An IT plan will be a key element to be delivered in the design phase of this proposal. IT staff from each of the 3 Councils will be involved in this work and will support the implementation phase.
Loss of key personnel and associated expertise and experience	There is a significant pool of expertise across Economic Development and related services and a failure to resolve debates about a Regional Partnership is already impacting on morale and leading to individuals seeking opportunities elsewhere. This may continue and will undermine the quality of the partnership's service delivery.	The development of a communication plan needs to address this issue.

<p>Negative impact of having employees on different terms and conditions as a consequence of TUPE</p>	<p>Differences in terms and conditions and salaries across similar jobs could lead to demotivation and low staff morale. This could impact on attempts to build new teams around service areas.</p>	<p>Management will be required to work closely with the Trade Unions on this issue and there will also be a need to act sensitively to these issues.</p>
<p>Conflict between a regional focus and elements of service that legislatively must be delivered at a local level</p>		<p>Input from Legal Services across the 3 Councils will be required at design and implementation stages to ensure that each Council does not negate its legal responsibility at local level. Section 5 sets out some the key Acts and Regulations that will require to be reviewed and addressed in the context of a Regional Approach.</p>

4. PROPOSED GOVERNANCE

The governance arrangements for the Ayrshire Regional Inclusive Growth Partnership have been widely discussed and recognise that the governance structure needs to promote the main drivers for the Regional Economic Partnership, namely:-

- to promote and deliver economic development on an Ayrshire-wide basis;
- to provide the robust shared governance which will enable the Scottish and UK Governments and other funding sources to dispense monies on an Ayrshire basis;
- to recognise that creation of an integrated service delivery vehicle will help drive budget savings;
- to encourage the meaningful involvement of public sector partners as well as the private sector; and
- the structure, while initially being driven by the pathfinder, also needs to be capable of providing the governance for the Ayrshire Growth Deal.

The structure as detailed in Appendix 5 while initially being driven by the Pathfinder, also needs to be capable of providing the governance for the Ayrshire Growth Deal.

The structure should be as simple as possible, but be capable of adaptation as required. Specifically the structure needs to:

- make provision for the involvement of the private sector, public agencies and other stakeholders;
- recognise that if the majority of the funding is being delivered through Councils, rather than the private sector, that Councils will have democratic accountability for spend and require control over strategy and policy;
- reflect that all three Councils should have responsibility for strategy and policy, rather than a single lead authority;
- ensure integrated service delivery through a single service delivery vehicle it will be necessary for staff from the three Councils to TUPE transfer to a single employer, being one of the three Councils; and recognise the quasi-judicial nature of regulatory decisions, particularly planning decisions.

The proposed governance structure is included at appendix 5 and the key components of this are:-

An Ayrshire Economic Development Joint Sub-Committee responsible for strategy and policy. Other potential structures were examined, such as a Joint Board, company, Limited Liability Partnership etc. Such other models have their own legal status, and might be relevant where a Council governance model could not fulfil the sought-after aims.

However such models also remove democratic control from Councils. Therefore if the majority of the funding is being delivered through Councils, rather than the private sector, it is better that Councils retain ultimate control over strategy and policy. For that reason, City Deals to date have used the Joint Committee model for high level strategic decisions.

Individual projects may require a different governance structure, perhaps involving a Joint Venture Company or Limited Liability Partnership involving a private sector partner. The proposed governance structure allows for any such body to be set up.

The Committee is called a Sub-Committee as this enables it to comply with section 57 of the Local Government (Scotland) Act 1973. This allows a Sub-Committee, but not a Committee to have less than two thirds councillor membership.

Sub-Committees can therefore have a higher proportion of external members and this allows this strategic body to involve other members from the private or third sector or other agencies, should it so wish.

The Sub-Committee is a sub-committee of the existing Shared Services Committee, rather than the three Councils as otherwise there is legal uncertainty as to whether Councils can set up a direct sub-committee.

However the Sub-Committee could still have full delegated powers and could report straight to the three Councils, rather than the Shared Services Committee if so required. In terms of governance it would operate in a manner similar to the existing Shared Services Committee, and have similar Standing Orders. If external members were brought onto the Sub-Committee they could either be voting or non-voting.

APPENDICES

1. Ayrshire's economic profile
2. Relationships schematic
3. Full options appraisal
4. Full risk register
5. Governance structure

Ayrshire Economic Profile

Introduction

This appendix describes the socio-economic context across Ayrshire. This identifies that there are many commonalities of issues across the geographic area, albeit with local variation. A number of data-sets have been assembled, and the section includes information on:

- Population;
- Qualifications;
- The business base;
- GVA and productivity;
- Business expenditure on R&D;
- Internationalisation; and
- The labour market.

Population

The population of Ayrshire has remained relatively stable over the last decade, showing little growth. In line with national trends, it is an ageing population, with population change driven by growth in older age groups, particularly the 65+ age group.

Total Population

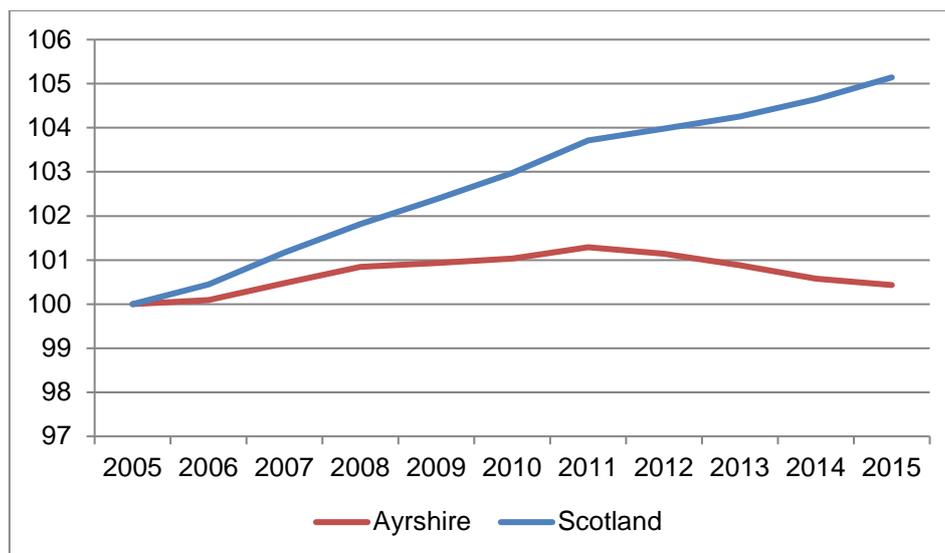
The population of Ayrshire in 2015 was 371,000, which is broadly the same size of population as 10 years previously in 2005 (Table 1.1). The largest authority in population terms is the North Ayrshire Council area (NAC), and the size of the population is the same as it was in 2005. The population of the South Ayrshire Council area (SAC) has also not increased, whereas there has been a small rise in the population of the East Ayrshire Council area (EAC).

Table 1.1: Total population, 2015

Geography	Population	% share of population	% change since 2005
Ayrshire	371,000	100%	No change
NAC	136,000	37%	No change
EAC	122,000	33%	+1%
SAC	112,000	30%	No change

Source: ONS, Mid-Year Population Estimates (2015)

Within the last 10 years, there has been a rise and then a fall in population in Ayrshire. The resident population grew moderately between 2006 and 2011, but has since declined over the period 2011 to 2015. During the same 10-year period, national population growth in Scotland increased by 5%.

Figure 1.1: Index of population, 2005-2015

Population by Age

Ayrshire has an older population profile than Scotland as a whole, meaning that the region has a slightly smaller proportion of people of working age population than nationally (63% versus 66%). The working age proportion is lowest in South Ayrshire (61%) and slightly higher in North (63%) and East Ayrshire (64%). However, in all three authorities the proportions are below the national average of 66%, representing a smaller local labour pool to drive economic growth. Ayrshire has a lower proportion aged 20-44 (28%) compared to Scotland (32%) suggesting some out-migration of this age group.

Table 1.2: Population share by age band, 2015

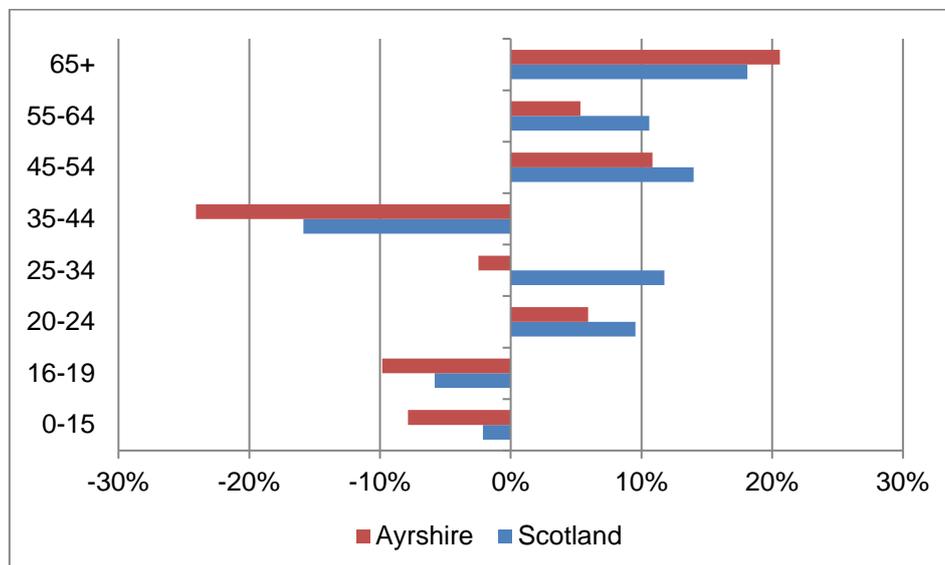
Age Band	Ayrshire	Scotland
16-64	63%	66%
0-15	17%	17%
16-19	6%	6%
20-24	6%	7%
25-34	11%	13%
35-44	11%	12%
45-54	15%	15%
55-64	14%	13%
65+	21%	18%

Source: ONS, Mid-Year Population Estimates (2015)

Figure 1.2 shows the change in the population age structure between 2005 and 2015. As with the national picture, there has been a growth in the older age groups in Ayrshire, particularly the 65 years and over category which has grown by more than 20%, even greater than the increase for Scotland. In contrast, Ayrshire has experienced a steep fall in the 35-44 year category over the 10-year period, more so than across Scotland (-24%

v -16%), and there has been a sharper drop in the number of young people aged 0-19 years in Ayrshire (-18%) than nationally (-8%). There are a number of factors behind the fall in 35-44 year olds, but better quality employment opportunities elsewhere is likely to be one of them.

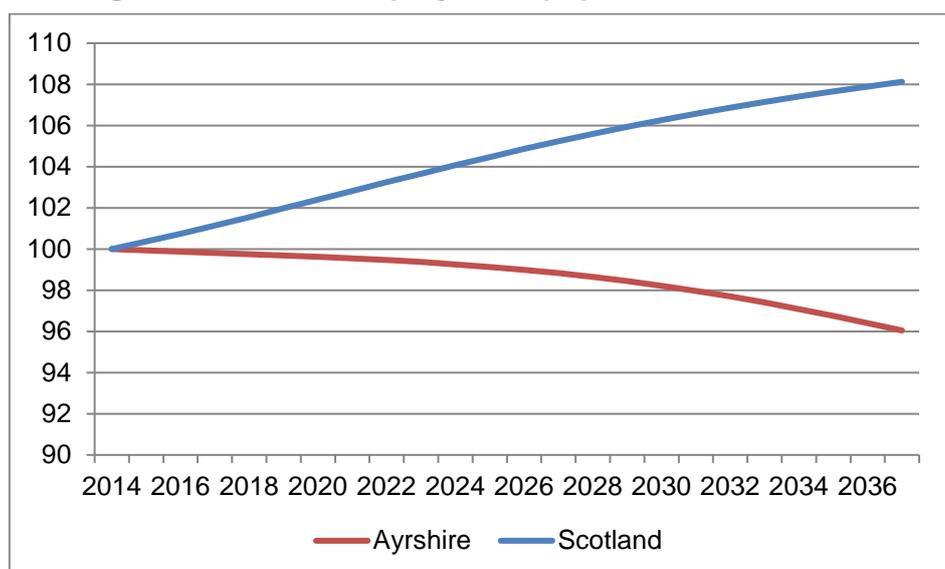
Figure 1.2: Change in population age structure, 2005-2015



Population Projections

Latest data from the General Register Office for Scotland forecasts that the Ayrshire population will decline by around 14,700 people (-4%) over the period 2014 to 2037. There are projected population declines across all three authorities, although it is expected to be greatest in North Ayrshire (-8%) than South (-2%) and East Ayrshire (-1%). This is set against continued population growth forecast for Scotland of 8% over the same period.

Figure 1.3: Index of projected population, 2014-2037



The working age population, is expected to drop by 20% in Ayrshire over the period 2014-2036, a substantial decline. It will be greatest in North Ayrshire (-26%) than in South (-18%) and East Ayrshire (-16%), although, again, all three forecast are much greater than the anticipated decline in the national working age population (-4%). As with all other regions in Scotland, the Ayrshire population is expected to continue to age over the next two decades.

Qualifications

Working Age Population Qualifications

In line with trends across Scotland, Ayrshire has an increasingly qualified workforce. In the decade to 2015, there was a 9 percentage point increase in the proportion of the working age population holding qualifications at SCQF 7-12. However, this increase was below the national level increase, and the region is still less qualified than the population of Scotland as a whole.

At the same time as a smaller proportion of working age adults in Ayrshire holding qualifications at SCQF 7-12 than nationally, a greater proportion hold no qualifications in Ayrshire than in Scotland. In fact, more than one in eight Ayrshire working age residents holds no qualifications. This is highest in East Ayrshire, where it is around one in six residents. Within Ayrshire, South Ayrshire residents have the highest qualification profile, although all three authorities under-perform when compared to nationally as illustrated in Table 1.3.

The need for a well-qualified workforce is extremely important. Forecasts prepared for Oxford Economics indicate that 70% of all jobs to 2024 will require SQCF level 6 or above.

Table 1.3: Working age population by qualifications, 2014/15

Geography	No quals	Other quals	SCQF levels 1-4	SCQF level 5	SCQF level 6	SCQF levels 7-12
Scotland	9%	6%	9%	14%	19%	43%
Ayrshire	13%	6%	11%	15%	19%	37%
SAC	10%	5%	11%	14%	20%	41%
EAC	16%	7%	9%	15%	19%	36%
NAC	12%	6%	14%	16%	19%	34%

Source: ONS, Annual Population Survey (2014/15)

School Leavers

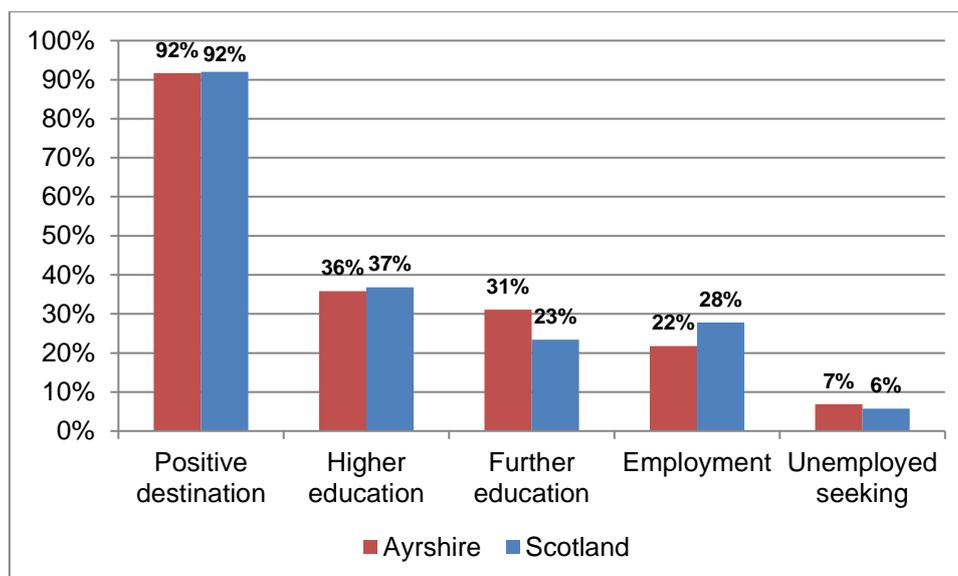
School leavers in South Ayrshire were qualified to above the Scottish average in 2014/15, with over 60% having achieved SCQF level 6 or above. However, school leaver attainment levels in North and East Ayrshire lag behind the national average as illustrated in Table 1.4.

Table 1.4: School leaver qualifications, 2014/15

Geography	No passes at SCQF 3 or better	SCQF level 3	SCQF level 4	SCQF level 5	SCQF level 6	SCQF level 7
Scotland	2%	2%	11%	25%	41%	19%
SAC	1%	2%	11%	26%	41%	20%
NAC	1%	2%	14%	28%	41%	15%
EAC	3%	2%	12%	26%	44%	13%

Source: Scottish Government, School Leaver Dataset (2014/15)

Figure 1.4 shows that 92% of school leavers in Ayrshire progress into a positive destination, in line with the Scottish average. In Ayrshire, school leavers are more likely to progress to Further Education and less likely to go into employment than nationally. Over one third (36%) of school leavers enter Higher Education in Ayrshire, similar to the picture across Scotland.

Figure 1.4: Destination of school leavers, 2014/15

Ayrshire's economy

The Business Base

Total Businesses and by Sector

There has been strong growth in the Ayrshire business base in recent years (15%), and comparable to similar areas such as Fife (16%), although the growth since 2010 has not matched that for Scotland (19%). There were 9,800 businesses in the region in 2016. The base is shared broadly evenly across the three authorities, and as Table 1.5 shows, growth in the base has been highest in East (17%) and North Ayrshire (16%) since 2010. Ayrshire has comparable business growth to the Tayside City Deal area, and slightly higher business growth overall in comparison to the Inverness City Deal area.

Table 1.5: Business base, 2016

Geography	Business base	% share of base	% change since 2010
Ayrshire	9,805	100%	+15%
SAC	3,495	36%	+13%
NAC	3,180	32%	+16%
EAC	3,130	32%	+17%
<i>Fife</i>	<i>9,010</i>	-	<i>+16%</i>
<i>Aberdeen City Deal</i>	-	-	<i>+21%</i>
<i>Edinburgh City Deal</i>	-	-	<i>+23%</i>
<i>Glasgow City Deal</i>	-	-	<i>+23%</i>
<i>Inverness City Deal</i>	-	-	<i>+13%</i>
<i>Tayside City Deal</i>	-	-	<i>+15%</i>

Source: ONS, UK Business Counts (2016)

The sectors in Ayrshire with the highest number of businesses in 2016 were wholesale and retail (16%), the higher value added professional, scientific and technical sector (15%) and construction (12%), broadly similar to the picture for Scotland. However, there are variations within the region. East and South Ayrshire have higher concentrations of agricultural businesses, 14% and 12% respectively, unsurprising given their relative rurality. North Ayrshire has a particularly high concentration of businesses in professional, scientific and technical sector, at 17%. Although many of these will be small, this is a good base upon which to build and grow more businesses and employment in the sector.

Businesses by Size

Table 1.6 shows that Ayrshire has a business size structure very similar to the picture for Scotland, although with a slightly smaller, and falling, share of medium-sized businesses. There are few local variations.

Table 1.6: Business base by sizeband, 2016

Geography	Micro (0-9)	Small (10-49)	Medium (50-249)	Large (250+)
Scotland	88%	10%	2%	>1%
Ayrshire	88%	10%	1%	>1%
SAC	88%	10%	1%	>1%
NAC	89%	10%	1%	>1%
EAC	89%	9%	1%	>1%

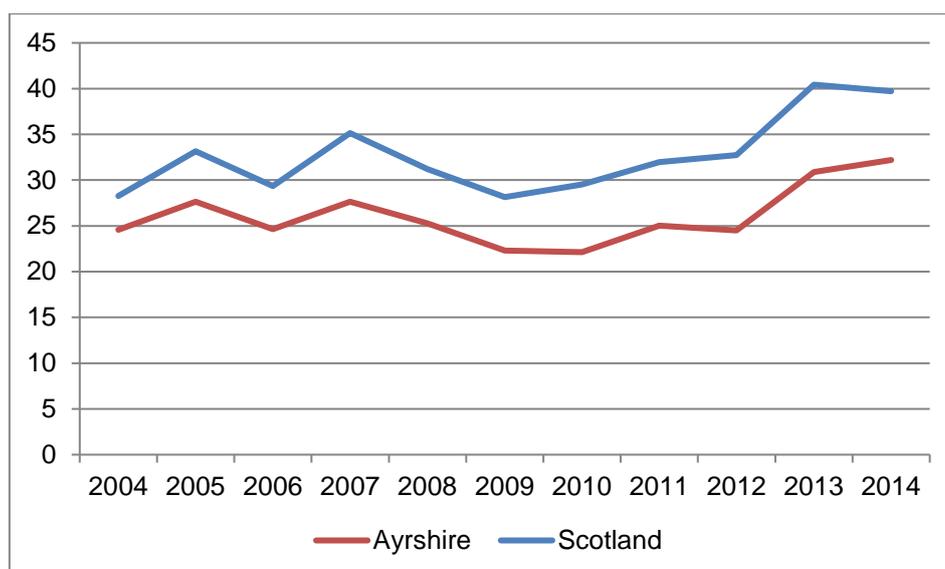
Source: ONS, UK Business Counts (2016)

There are 30 large companies in Ayrshire, employing 250 or more people, and about half of these are located in South Ayrshire.

Business Birth and Survival Rates

Business birth rates in Ayrshire have been consistently below Scotland's rate over the past decade, as shown in Figure 1.5. In 2014, there were around 1,195 new businesses created in Ayrshire, or 32 per 10,000 head of population. As with the national trend, this rate has grown slowly since 2010/11 as the economy comes out of recession.

Figure 1.5: Business births per 10,000 population, 2004-2014



Latest data shows (Table 1.7) that new Ayrshire businesses have a lower survival rate than new starts in Scotland with 45% of businesses created in Ayrshire in 2010 surviving to the four-year mark (2014), lower than the national average of 48%. The survival rate is particularly low in South Ayrshire at 39%, while it is high, and above the Scottish rate in North Ayrshire, at 50%.

Table 1.7: Business Survival Rates, 2010-2014

Geography	Year 1	Year 2	Year 3	Year 4
Scotland	86%	73%	57%	48%
Ayrshire	86%	70%	53%	45%
NAC	86%	71%	59%	50%
EAC	88%	73%	53%	47%
SAC	84%	68%	48%	39%

Source: ONS, Business Demography (2010-14)

GVA

Total GVA and by Sector

Table 1.8 illustrates that total Gross Value Added (GVA) in Ayrshire in 2014 was just under £5.8bn. This equates to around 5% of Scotland's overall GVA in 2014. GVA growth lagged behind the national average over the previous decade, growing just 2% in Ayrshire compared to 13% growth across Scotland. This growth in GVA was driven by an increase of 13% in South Ayrshire, the two other authorities have experienced a fall in GVA.

Table 1.8: Total Gross Value Added (GVA), 2014

Geography	GVA (£m)	% share of GVA	% change since 2004
Ayrshire	£5,799	100%	+2%
SAC	£2,323	40%	+13%
NAC	£1,847	32%	-7%
EAC	£1,629	28%	-1%

Source: Oxford Economics forecasting work for SDS (2016)

Reflecting the national picture, the key sectors contributing to GVA in Ayrshire in 2014 were manufacturing (17%), wholesale and retail trade (14%) and human health (13%). These were the largest three GVA sectors for both North and South Ayrshire in 2014. In East Ayrshire, human health contributed the greatest share of GVA (18%), followed by manufacturing then wholesale and retail. Real estate is also a key sector in South Ayrshire, contributing 10% of GVA in 2014.

Productivity

Table 1.9 shows that Ayrshire continues to lag behind Scotland in terms of productivity which is measured by GVA per worker. Productivity in Ayrshire was £40,600 in 2014, 6% below the national average of £43,100, having grown at a slower rate than nationally over the previous decade. This is indicative of employment being typically concentrated in lower GVA sectors.

However, productivity in South Ayrshire grew very strongly over the decade to 2014, and is now above the Scottish average. Productivity in North Ayrshire fell slightly over the period, while there was a steeper decline in East Ayrshire, where productivity was 19% below the national average in 2014. Overall, Scotland, and the UK as a whole, have lower levels of productivity than many other advanced economies, and raising productivity remains a policy imperative for Scotland.

Table 1.9: Productivity (GVA per worker), 2014

Geography	Productivity	% change since 2004
Scotland	£43,100	+9%
Ayrshire	£40,600	+3%
SAC	£45,000	+15%
NAC	£41,200	-2%
EAC	£35,000	-5%

Source: Oxford Economics forecasting work for SDS (2016)

Business Expenditure on Research & Development (BERD)

The level of business expenditure on research and development (BERD) is a proxy indicator for the level of innovation in an economy, although it is a relatively crude measure. Ayrshire has consistently underperformed in the levels of recorded business research and development expenditure over the last decade. The most recent figures set out in Table 1.10, show that BERD in Ayrshire in 2015 was under £12m (the 2014 EAC figure is used as 2015 is not available). This equates to £32 BERD per head of total population, well below the Scottish average of £162. BERD expenditure in South Ayrshire accounts for almost half of the total BERD expenditure in the region.

Table 1.10: Business Expenditure on Research and Development (BERD), 2015

Geography	BERD	% share of BERD	BERD per head of pop
Ayrshire	£11.76m	100%	£32
SAC	£5.64m	48%	£50
NAC	£4.33m	37%	£32
EAC	£1.79m	15%	£15
<i>Fife</i>	<i>£23.8m</i>	-	<i>£62</i>
<i>Aberdeen City Deal</i>	-	-	<i>£411</i>
<i>Edinburgh City Deal</i>	-	-	<i>£291</i>
<i>Glasgow City Deal</i>	-	-	<i>£112</i>
<i>Inverness City Deal</i>	-	-	<i>£121</i>
<i>Tayside City Deal</i>	-	-	<i>£118</i>

Source: ONS, Business Enterprise Research and Development Scotland (2015); ekosgen calculations

Over the last decade, the trend for BERD per head is one of lagging well below the Scottish average, and even below similar areas such as Fife. The gap between BERD per head in Ayrshire and in Scotland has been slowly widening, as shown in Figure 1.6. This illustrates the challenge facing the Ayrshire economy in terms of raising investment in research and development and other innovation activity.

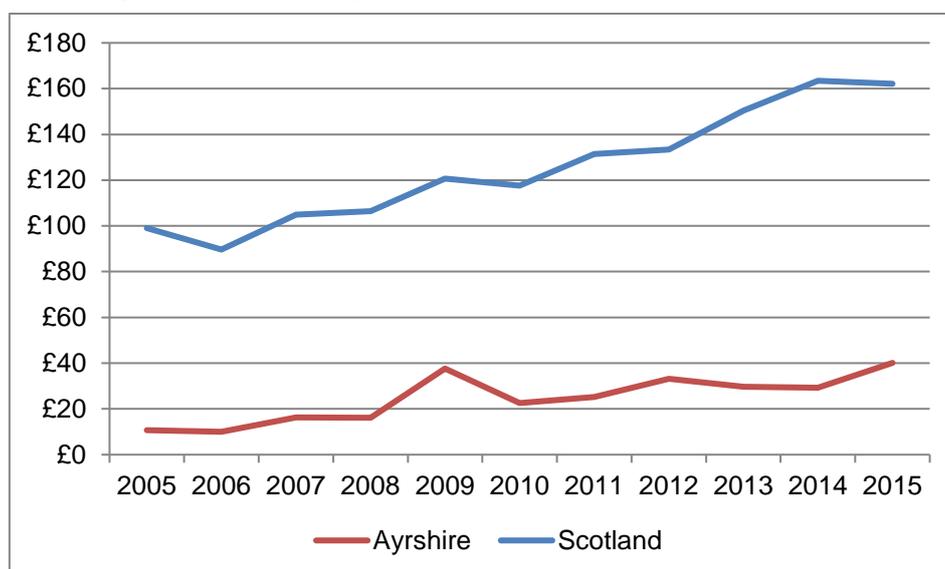
Ayrshire performs poorly in comparison to a number of 'pockets of excellence' in Scotland with regards to BERD per head of population, which can be used as proxy areas for high levels of innovation. For example, BERD in West Lothian is £791 per head of population, whilst spend in Aberdeen City (£492), City of Edinburgh (£428), Midlothian (£288) and Dundee City (£276) is also significantly high.

Some of these high spends may be explained by analysing employment concentrations in these authorities, and considering whether they represent those sectors where BERD can be reasonably expected to be higher. West Lothian has over double the national average of employment in the information and communication (241%) sector, while Ayrshire is under-represented in this sector at 30%

Aberdeen City has over ten times the national average of employment in mining and quarrying (Ayrshire has 21%), reflecting its strength in Oil and Gas. The strong finance sector in City of Edinburgh means employment in financial and insurance services is over three times the Scottish average, at 317%, compared to just 33% for Ayrshire.

Employment in Dundee City is over-represented in information and communication (151%), which Ayrshire is under-represented in. The high spend in R&D in Dundee is likely to be due, in part at least, to the high value gaming sector in the city.

Figure 1.6: BERD per head of population, 2005-2015



Regional Selective Assistance (RSA) awards

Regional Selective Assistance (RSA) awards support inward investment and Ayrshire attracts a considerable proportion of Scotland's RSA grants. Between 2011/12 and 2014/15, over £16m was awarded in RSA to Ayrshire, equating to around 10% of total

RSA grant awards in Scotland over the period. The majority of this was granted in North Ayrshire and almost one-third of the total Ayrshire RSA grant was awarded to companies in the Food & Drink.

Geography	RSA awards	% of total grant	Jobs created/safeguarded
Scotland	£163,651,050	100%	20,984
Ayrshire	£16,318,500	10%	1,673
NAC	£10,344,250	6%	784
SAC	£3,034,000	2%	327
EAC	£2,940,250	2%	562

Source: ONS, Annual Population Survey (2016)

Internationalisation

Historically, there has been limited data on the international activities of the business base. There are also a number of limitations with the data that are available. For example, the Scottish Global Connections survey only includes VAT registered companies (those turning over £83,000 or more per annum). However, anecdotal evidence from Scottish Development International shows that it is the smaller companies, often below the threshold, that are more likely to export internationally, or have a greater international sales-to-turnover ratio than larger companies and these small firms are not captured in the published data sets.

Exports Trends: Scotland

At the Scotland level, the total value of exports from Scotland (excluding oil and gas) in 2015 was £78.6bn (Global Connection survey, notwithstanding the limitations identified above). This was a 4% growth from 2014. The rest of the UK is the largest market for Scottish exporters, making up £49.8bn (63%) of total exports. £12.3bn (16%) was exported to countries within the European Union and £16.4bn (21%) to the rest of the world.

The total value of international (non-UK) exports (excluding oil and gas) in Scotland in 2015 was just under £28.7bn, an increase of 4% from 2014 despite falling by 3% in the previous year. Total international exports from Scotland grew year-on-year from 2005, with the exception of 2014, and grew by a total of 46% over the ten-year period to 2015, equating to a growth of £8.7bn.

The top five international exporting industries in 2015 were:

1. Food and drink (£4.8bn, 80% of which is whisky exports)
2. Professional, scientific and technical (£3.5bn)
3. Petroleum and chemicals (£2.8bn)
4. Mining and quarrying (£2.1bn)
5. Wholesale (£1.6bn)

Scotland's top five international trading partners in 2015 were:

1. USA (£4.6bn of exports, or 15.9%)
2. Netherlands (£2.3bn, 8.0%)
3. France (£1.8bn, 6.3%)
4. Germany (£1.8bn, 6.1%)
5. Norway (£1.3bn, 4.6%)

By value, large companies export mostly to the rest of the UK (£29.5bn, or 59%), significantly more so than medium-sized companies (£10.9bn, 22%) and small companies (£9.4bn, 19%). Similarly, international exports in 2015 were dominated by large companies, who exported £15.6bn (54%). Medium-sized businesses exported £8.4bn (20%) and small companies exported £4.8bn (17%).

Many of the top exporting industries are prevalent in Ayrshire, including manufacturing and food and drink. For Scotland, the professional, scientific and technical sector is a strong international exporting sector and this is under-represented in Ayrshire.

For Ayrshire, aerospace, life sciences, manufacturing and food and drink are key priority sectors:

- Manufacturing exports - £26.4bn in Scotland in 2015, growth of 4% from 2014
- Food and drink exports - £8.9bn, growth of 2% from 2014, ranked 1st industry
- Basic pharmaceuticals - £590m, growth of 9% from 2014, ranked 23rd industry

The Labour Market

Total Employment

There were 155,000 Ayrshire residents in employment in the 12 months to June 2016, a 5% fall from 2006. This contrasts to nation growth in total employment of around 3% nationally as set out in Table 1.11.

The distribution of employment between the three authorities is broadly reflective of the distribution of the Ayrshire population. Resident employment in rates in South Ayrshire have remained steady over the past decade but there has been a drop of 2,700 residents in employment in East Ayrshire and a 4,800 resident employment decrease in North Ayrshire over the period.

Although there are fewer jobs in Ayrshire than 10 years ago, employment numbers continue to recover. There were more jobs in Ayrshire in 2015 than the previous year at a time of no jobs growth across Scotland.

Table 1.11: Ayrshire Labour Market, 2016

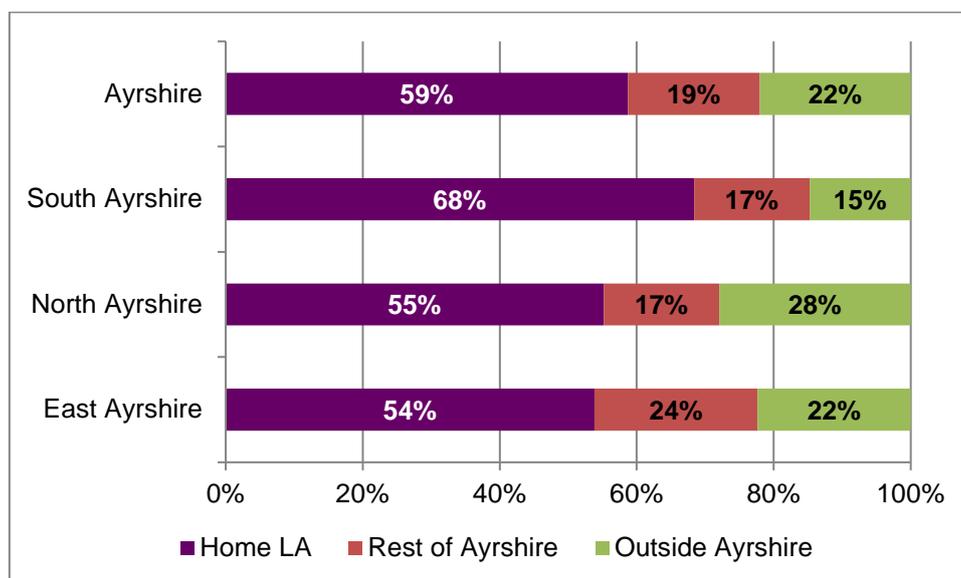
Geography	Resident employment	% share of employment	Employment rate	Unemployment rate
Ayrshire	155,200	100%	68.6%	8.4%
NAC	54,200	35%	65.6%	10.2%
EAC	51,300	33%	67.3%	8.0%
SAC	49,800	32%	73.7%	6.6%

Source: ONS, Annual Population Survey (2016)

Commuting and Travel to Work

The 2011 Census shows there to be a strong pattern of outward-commuting in Ayrshire. Figure 1.7 shows that of the 129,000 employed residents, 78%, (100,800 people), work in the region. At the time of the Census, 59% of Ayrshire residents worked in their own authority and 19% in another authority in the region. Just over a fifth (22%, 28,500 people), commuted to jobs outside Ayrshire.

Figure 1.7: Travel to Work Areas for Ayrshire residents, 2011



Commuting to work outside the region is more common in North Ayrshire (28%) than East (22%) and South Ayrshire (15%). This is due to North Ayrshire's proximity to employment opportunities in Glasgow and Renfrewshire and its transport connectivity. Many from Ayrshire commute to better paid employment outside the region.

The most common destinations for commuters from Ayrshire are Glasgow City (10%, 13,500 people), Renfrewshire (4%, 5,500) and South Lanarkshire (2%, 2,200). Outward-commuting by age is similar across the three authorities. Of those that commute outside of Ayrshire, 40% are in the 35-49 year age group. Around one quarter of those working outside Ayrshire are aged 50-64 years. Combined, these groups are likely to include higher level, professional, managerial and director positions.

The 16-24 year age group account for 13% of outward-commuters from the region, and 22%, or 3,600, of this group work outside of Ayrshire. This suggests that younger people are less likely to commute out to work than their older counterparts, perhaps reflecting the lower pay levels of the jobs they can access, making it uneconomical to commute, although there is still some leakage.

Table 1.12: Ayrshire out-commuters by age group, 2011

Geography	16-24	25-34	35-49	50-64	65+
Ayrshire	13%	21%	40%	24%	2%
NAC	13%	20%	40%	25%	2%
EAC	13%	23%	41%	22%	2%
SAC	13%	20%	39%	26%	2%

Source: Scotland Census (2011)

Employment Specialisms

The region has a concentration of employment in the human health (at 136% of the Scottish average), manufacturing (135%), wholesale and retail, and water supply (both 122%) sectors. The high concentration of employment in the health sector reflects a relatively weak private sector jobs base in the region. Ayrshire is under-represented in a number of higher value sectors, including information and communication and the financial sector, both of which are at about one third of national employment levels. Employment in the professional, scientific and technical sector is also under-represented in the region, a considerable growth sector in Scotland, and one forecast to grow further.

Table 1.13: Ayrshire sector specialisms, 2015

Sector	Employment	LQ
Most specialised sectors		
Human health	28,100	136%
Manufacturing	12,300	135%
Wholesale and retail	22,600	122%
Water supply	1,000	122%
Least specialised sectors		
Mining and quarrying	400	21%
Information and communication	1,000	30%
Financial activities	1,400	33%
Professional, scientific and technical	5,100	61%

Source: ONS, Business Register and Employment Survey (2015)

At the local level, North Ayrshire has a very high concentration of employment in the utilities of electricity, gas and steam (230%) and water supply (201%) and also in manufacturing (155%); East Ayrshire has a high concentration in human health (160%); and South Ayrshire's employment specialisms are in accommodation and food services (144%) and manufacturing (138%). The high value sectors of professional, scientific and technical; financial activities; and information and communication are under-represented across all three authorities, all under 65% of the national level.

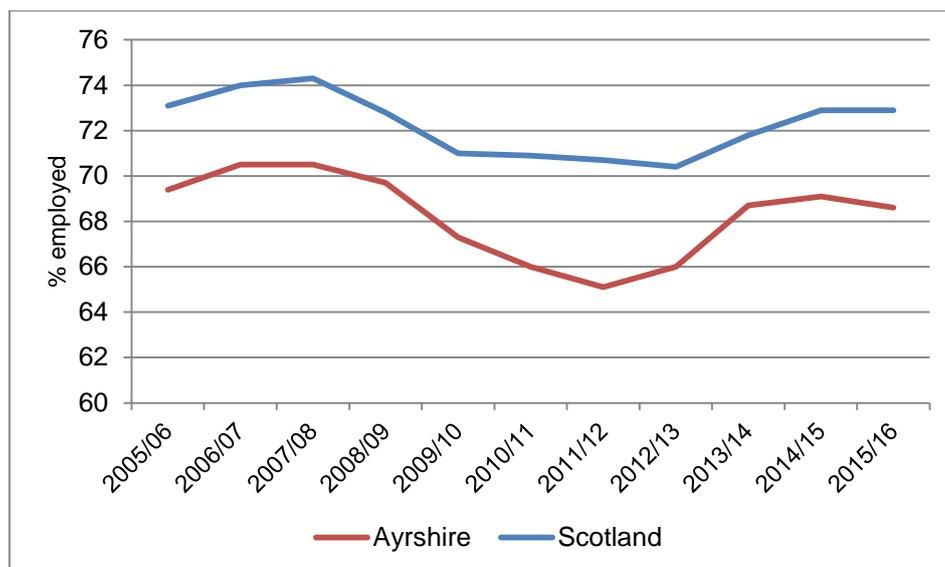
Employment Rate

The employment rate in Ayrshire was 68.6% in the 12 months to June 2016, below the Scottish rate of 72.9%. Figure 1.8 shows that the Ayrshire employment rate has been

below the Scotland rate over the last ten years, both dipping during the height of the recession in 2010/11, 2011/12 and 2012/13, before recovering to 2014/2015. As with the national picture, Ayrshire is yet to fully recover to pre-recession levels. Of concern is the fall in employment rate again in 2015/2016 which indicates the fragility of the economy.

The employment rate in South Ayrshire is higher than the rest of Ayrshire, and, at 73.7%, has recently exceeded the national average. In contrast, East and North Ayrshire have lagged behind the Scottish average over the past decade, and are now at 67.3% and 65.6% respectively.

Figure 1.8: Employment rate (16-64 year olds), 2005/06-2015/16



Apprenticeships

There were 2,065 Modern Apprenticeship (MA) starts in Ayrshire in 2015/16:

- 845 in North Ayrshire;
- 725 in East Ayrshire; and
- 495 in South Ayrshire.

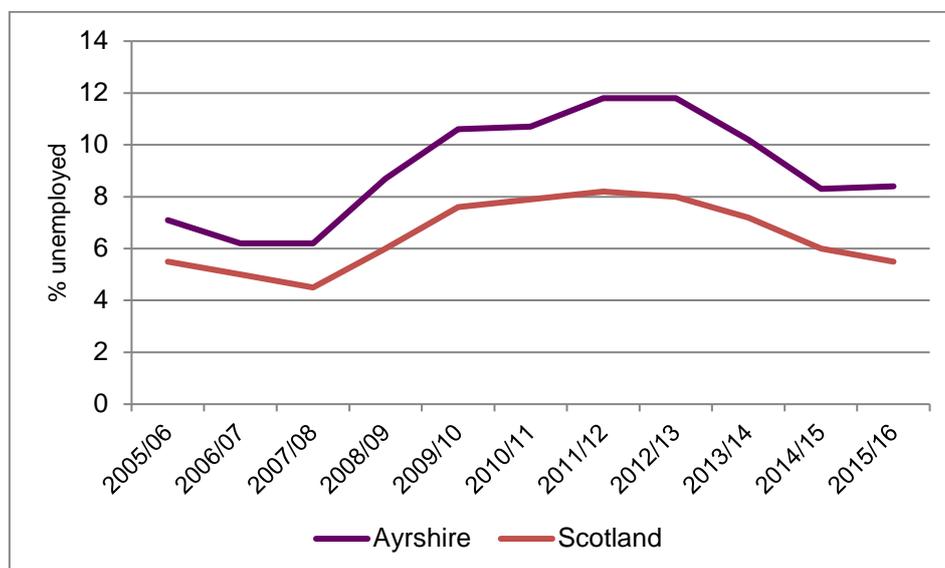
Popular MA frameworks in Ayrshire included hospitality and business and administration (both 195 starts), social services and healthcare (145), retail (140) and engineering (135). Of the 1,950 Modern Apprentices in Ayrshire who left in 2015/16, the achievement rate was 74%, slightly lower than the Scottish rate of 76%.

Unemployment Rate

The unemployment rate in Ayrshire in 2015/16 was 8.4%, significantly above the Scottish rate of 5.5%, as it has been over the past decade. All three Ayrshire authorities have an above-national-average unemployment rate. The rate is highest in North Ayrshire, at 10.2%, with East Ayrshire at 8.0% and South Ayrshire lower at 6.6%. Latest data for

2015/2016 shows that the unemployment rate in the region is no longer falling as it is for Scotland.

Figure 1.9: Unemployment rate (16-64 year olds), 2005/06-2015/16



Key point summary

The following summarises the performance of the Ayrshire economy.

Demographics

- The Ayrshire population is declining, against national trends, and there has been a strong decline in the 35-44 year age group. There has also been a sharp fall in the number of young people aged 0-19 years, more so than across Scotland. There are strong commuting patterns to Glasgow out of the region. This indicates the challenge Ayrshire has in terms of competition for a skilled workforce and the creation of good quality local employment opportunities.
- As with other regions across the country, the Ayrshire population is ageing, and this is expected to continue over the next two decades, resulting in a smaller working age population for employers to recruit from.

The Business Base

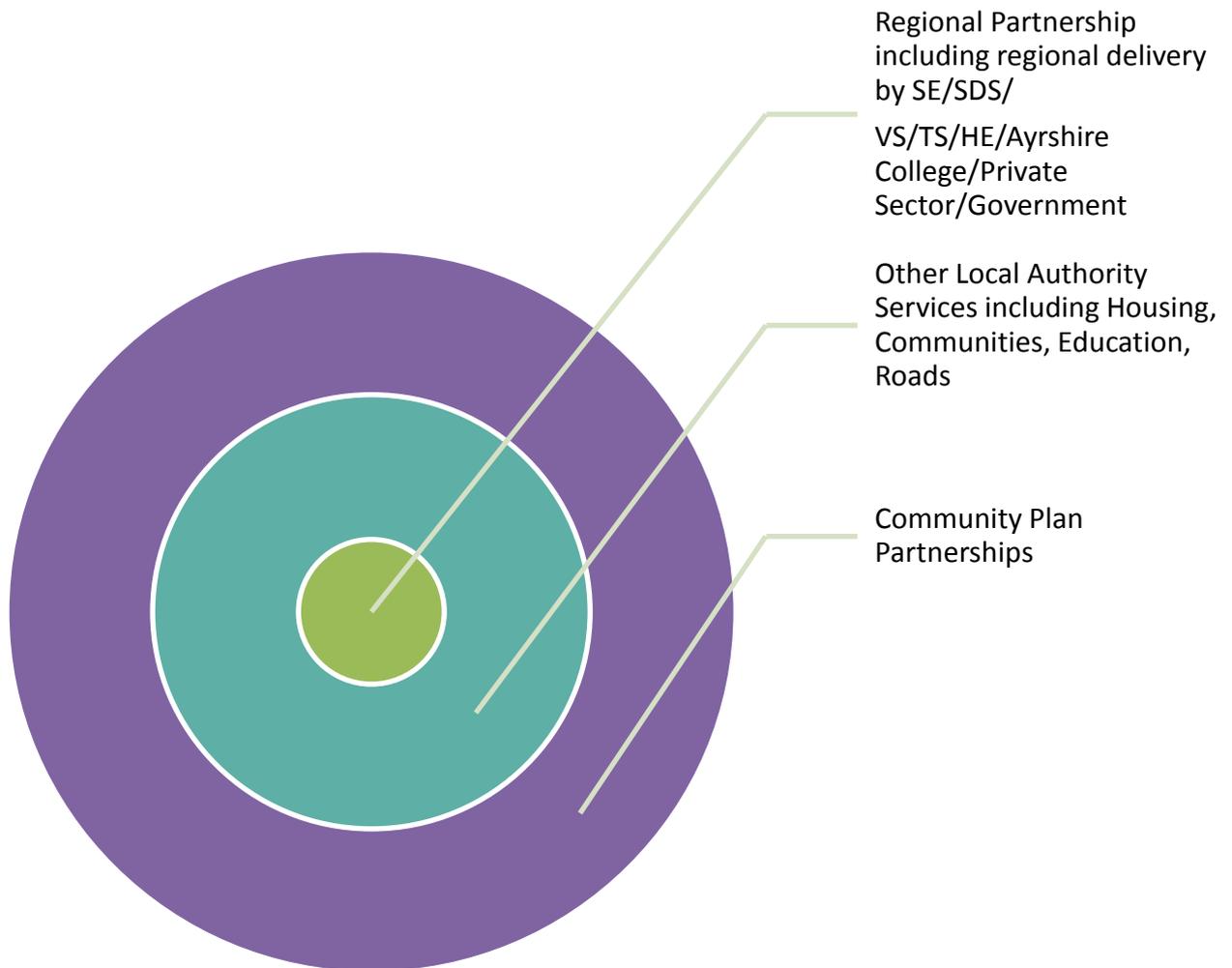
- There has been strong growth in the business base in recent years, most recently overtaking the national growth rate. Business birth rates have historically been low compared to nationally although these too are increasing. The recent growth in the business base should be encouraged, alongside growing businesses of scale. Innovation and internationalisation will be key to this.
- The region lags far behind the national average in terms of BERD (£32 per head v £162 per head) and the gap is widening. Greater and more targeted support for innovation is needed to encourage the existing business base to invest in R&D, and to attract new businesses into the region that are already undertaking R&D

activity. R&D is just one aspect of innovation, and there is a need to stimulate all forms of innovation activity in the Ayrshire business base.

- There is little Ayrshire-specific data on exporting. However, the case for internationalisation is strong in terms of creating more competitive economies, and the region has a number of important sectors on which to build.

Jobs and Skills

- The number of jobs has fallen by 5% in Ayrshire in the last decade, and this is particularly prevalent in North and East Ayrshire. Job losses in the recession were later but more severe, and there remain 2,200 fewer jobs now than in 2009. However, recent jobs growth has been good at a time of no increases in Scotland. Growing the business base through innovation and internationalisation can continue this trend.
- Ayrshire has proportionately more jobs in the public sector, notably health, which reflects a weaker private sector base. There remains a strong manufacturing base on which to build higher value added jobs and skills. However, the professional, technical and scientific sector in the region is weak, a key export sector, and the financial and information and communication sectors are under-represented. Increasing the number of higher value added jobs to the region will increase productivity and GVA.



OPTIONS FOR A REGIONAL APPROACH

A high-level overview of the options for a regional pathfinder are illustrated below:

Option 1	Option 2	Option 3	Option 4
Status Quo	Regional Governance	Regional Governance and collaboration of Local Authorities	Ayrshire Economic Vehicle
Existing arrangements between the 3 Councils & national agencies are maintained.	Minimum needed to secure AGD funding Strong Ayrshire governance structure including public, private, and third sectors. An example of this is shown below	Regional governance as per option 2 Collaboration by services to deliver a consistent product	Regional governance as per option 2 Services supporting Economic development are combined into a single body working alongside national agency staff in a new approach to economic development.

The Ayrshire Growth Steering Group (AGSG) have considered the options and concluded the following high level assessment.

Option 1	Option 2	Option 3	Option 4
Status Quo	Regional Governance	Regional Governance and collaboration of Local Authorities	Ayrshire Economic Vehicle
Pros ✓ No change required	Pros ✓ Quick to establish	Pros ✓ Quick to establish	Pros ✓ Achieves maximum impact ✓ Improves resilience ✓ Creates the possibility of enhanced expertise and specialisms ✓ Creates a single powerful voice for Ayrshire ✓ Improves strategic capability and

			relationship with key stakeholders
Cons <ul style="list-style-type: none"> * Would not satisfy the governments minimum requirements to secure AGD funding and regional partnership 	Cons <ul style="list-style-type: none"> * Less likely to achieve step change in economy * Does not achieve increased service resilience and reduced capability * Does not retain specialisms 	Cons <ul style="list-style-type: none"> * Less likely to achieve step change in economy * Does not achieve increased service resilience and reduced capability * Does not retain specialisms 	Cons <ul style="list-style-type: none"> * Significant upheaval * Consequential structure changes for Local Authorities

The conclusion of the AGSG was that option 4 had the most possibility of securing the required impact coupled with ensuring more resilient services in the context of significant financial pressures.

The above information was provided to each Council cabinet in October 2017 and approval for further consideration of option 4 was agreed.

RISKS	IMPACT	LIKELIHOOD	OWNER	MITIGATION
Failure to meet the ambitions of each Council	There is a danger that one or more Councils perceive that their own objectives are not being or are only partially being met.	Medium	EAC, NAC, SAC	An Ayrshire Economic Strategy will be put in place. An annually updated 3 year service plan will be put in place. A Joint Committee will be established to provide strategic direction to the Regional Partnership and this will ensure that Councils can raise and have any concerns addressed.
Perceived loss of local control	Elected Members and communities may perceive a reduction in responsiveness to enquiries and requests for support. Elected Members may feel less in control of investment decisions aligned to economic development.	High	Joint Committee	A customer charter will set out what clients should expect in terms of responsiveness and support. The service plan will have budgets aligned to it and the criteria for support will be agreed through design and implementation phase of this project. Consequently, the service plan approval process will review the appropriateness of support measures and will adapt them to changing needs and demands.
Inadequate staff training	A failure to adequately train staff on new processes and procedures will impact on the effectiveness of this partnership and will negatively impact on the perceptions of clients, potentially leading to a loss of confidence amongst stakeholders.	Medium	HoS	Staff will be involved in the design of service delivery and training of all staff to ensure common processes and procedures will be part of the transition to live phase of this proposal. Adequate time and resource will be built into the implementation plan to support staff training. Reflecting good practice in each of the Councils at present, staff will all undergo a PDP process with their line management and any additional training requirements will be address through this process.
Poor communications with staff	Misunderstanding and misinformation can impact on staff performance and levels of stress across the workforce and could lead to a breakdown in trust of	Medium	HoS	A full communications plan devised by the new Head of Service is considered a key element of the design and implementation phase. Planned and regular communications with staff will be required to ensure ownership of this proposal is as broad as possible.

RISK REGISTER

Appendix 4

	management and ultimately to delivery failure.			A forward plan for consultation with Trade Unions will be put in place by the new Head of Service.
Poor communications with stakeholders	Lack of information to stakeholders and clients can lead to misunderstanding and a breakdown in trust and confidence in the public sector to provide adequate support to businesses and individuals.	Medium	HoS	A robust communication plan will be devised to address this issue, as detailed above.
Poor communications between Councils and partner agencies	This could lead to confusion and a breakdown in trust.	Low	HoS and Joint Committee	The proposed governance arrangements involve Councils and partner agencies and are designed to ensure robust communication.
Business disruption during implementation	Business as usual needs to be maintained whilst changes are being implemented. This will be difficult to manage and could potentially lead to reputation damage if not adequately addressed.	High	HoS and Managers. NAC	The proposed structure includes a Change Manager post to support the new Head of Service in terms of implementation of the new arrangements. Staff from HR, Finance and Legal are also already involved in this work and will support implementation. The current management structures in each individual authority will remain responsible for service delivery until the end of March 2019 and will work with the new structure to ensure continuity of service delivery.
Loss of connectedness with other Council services	The services involved in this proposal do - at each Council level - have established connections across other Council services and there is a risk that those connections are undermined by this proposal.	High	HoS	The services subject to this proposal have the greatest interdependencies and transferring them in their entirety seeks to ensure connections and a joined up approach to economic development. The new management team as well as the senior management teams within each Council will have responsibility for ensuring that close links across a range of services are maintained.

RISK REGISTER

Appendix 4

Weakened governance arrangements		High	EAC, NAC, SAC	The Governance arrangements for this partnership are not new and lessons can be learnt from previous partnerships. A minute of agreement between the 3 Councils will also be put in place.
Inadequate IT systems	Inadequate systems and hardware could lead to a loss of confidence amongst stakeholders; an inability of staff to do their job and ultimately to the failure of this proposal.	High	NAC	An IT plan will be a key element to be delivered in the design phase of this proposal. IT staff from each of the 3 Councils will be involved in this work and will support the implementation phase.
Loss of key personnel and associated expertise and experience	There is a significant pool of expertise across Economic Development and related services and a failure to resolve debates about a Regional Partnership is already impacting on morale and leading to individuals seeking opportunities elsewhere. This may continue and will undermine the quality of the partnership's service delivery.	Medium	HoS	The development of a communication plan by the Head of Service needs to address this issue.
Negative impact of having employees on different terms and conditions as a consequence of TUPE	Differences in terms and conditions and salaries across similar jobs could lead to demotivation and low staff morale. This could impact on attempts to build new teams around service areas.	High	HoS, NAC	Management will be required to work closely with the Trade Unions on this issue and there will also be a need to act sensitively to these issues.

RISK REGISTER

<p>Conflict between a regional focus and elements of service that legislatively must be delivered at a local level</p>				<p>Input from Legal Services across the 3 Councils will be required at design and implementation stages to ensure that each Council does not negate its legal responsibility at local level.</p>
<p>Unwillingness of key partner to commit services to the delivery model or to engage in economic planning or delivery on an integrated, pan-Ayrshire basis.</p>	<p>The impact could be a) capacity of that authority to take forward major projects in isolation, or to be involved in the planning or delivery of pan-Ayrshire projects, b) ability to use this model of joint working for AGD; C) lack of clarity over governance relating to choice of projects, delivery of pan-Ayrshire projects and integrated working may be a disincentive for Government investment in AGD, partner involvement on a pan-Ayrshire basis and business investment.</p>	<p>High</p>	<p>EAC, NAC, SAC</p>	<p>Exploration of alternative models.</p>

Ayrshire Regional Partnership for Inclusive Economic Growth

