



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

The following reports have been considered for determination under the Council's Emergency Governance arrangements during the period week ending **Friday, 12 June 2020**.

- 1 Vacant and Derelict Land Fund**
Submit report by the Executive Director (Place) on the proposed expenditure of funds allocated by the Scottish Government through the Vacant and Derelict Land Fund in 2020/21 (copy enclosed).
- 2 Annual Governance Statement**
Submit report by the Head of Financial and Customer Services seeking approval of the Council's Annual Governance Statement for 2019-20 which will be included within the draft Annual Accounts (copy enclosed).
- 3 Committee Meetings**
Submit report by the Head of Democratic Services on recommendations to allow the resumption of committee meetings during the current COVID-19 crisis (copy enclosed).
- 4 Governance Arrangements to Support Remote/Hybrid Committee Meetings**
Submit report by the Head of Democratic Services on the proposed the exercise of emergency delegated authority to vary the Council's Standing Orders and further amend the Council's committee timetable in order to facilitate remote access to committee meetings in light of the COVID-19 pandemic (copy enclosed).
- 5 Cabinet Roles**
Submit report by the Head of Democratic Services on alterations to Cabinet Member Portfolios (copy enclosed).
- 6 Tender Reports**

- 6.1 Award of Framework for the Provision of Employability and Skills**
Submit report by the Head of Financial and Customer Services on the outcome of the tendering exercise for Provision of Employability and Skills and the award of a framework (copy enclosed).
- 6.2 Award of Contract for Upper Garnock Valley Flood Protection Scheme Works**
Submit report by the Head of Financial and Customer Services on the outcome of the tendering exercise for the Upper Garnock Valley Flood Protection Scheme and the award of a contract (copy enclosed).
- 6.3 Award of contract for the Provision of an Unpaid Carers and Young Carers Support Service**
Submit report by the Head of Financial and Customer Service on the outcome of the tendering exercise for the Provision of an Unpaid Carers and Young Carers Support Service and the award of a contract (copy enclosed).

NORTH AYRSHIRE COUNCIL

19th May 2020

Emergency Governance Decisions (Covid-19 Outbreak)

Title: Vacant and Derelict Land Funding, 2020/21

Purpose: To seek approval for the expenditure of funds allocated by the Scottish Government through the Vacant and Derelict Land Fund in 2020/21.

Recommendation: That the Chief Executive, following appropriate consultation, agrees on behalf of the Council to:

- i) Note the VDLF award of £1.323M for 2020/21;
- ii) Agree to the submission of a local delivery plan to the Scottish Government for the expenditure of funds in 2020/21, as set out in this report; and
- iii) Agree that any major changes to the delivery plan will be agreed with the Portfolio Lead and Chief Executive.

1. Executive Summary

- 1.1 North Ayrshire contains a significant legacy of vacant and derelict land due to the closure of former industries within the area. The Vacant and Derelict Land Fund (VDLF) is administered by the Scottish Government and aims to tackle long term vacant and derelict land, by providing funding to authorities where the issue and its impact on communities is greatest.
- 1.2 North Ayrshire has benefitted from access to the fund since 2016/17, following a review of the criteria for funding allocations. The funding allocation for the financial year 2020/21 has recently been confirmed as £1.323M. This paper advises on intentions for the expenditure of the funding through the submission of a Local Delivery Plan. An update is also provided on how funding has been used to date.

2. Background

- 2.1 In light of the current Covid-19 outbreak, meetings of the Council and its committees have been suspended until 30 June 2020. During this period, the Scheme of Delegation to Officers already allows the Chief Executive to consider and deal with any urgent issues, howsoever arising, subject to reporting back to the Cabinet for information at the first available opportunity. This power is to be exercised in consultation with the relevant

Chief Officer and the relevant portfolio holder. This report is presented for consideration during this emergency Covid-19 period due to the urgency around agreeing projects to allow them to proceed and to allow the essential submission of a local delivery plan to the Scottish Government outlining projects to be funded through the expenditure of funds in 2020/21. Please see Section 5 for further details of the consultation which has been undertaken in the preparation of this report.

- 2.2 Vacant land is defined by the Scottish Government as, “Vacant land within a settlement that has been previously developed, without physical constraint, and which the planning authority has indicated is available for redevelopment”. Derelict land is defined as land 'damaged by development, so that it is incapable of development for beneficial use without some remedial works'. Both are sometimes referred to as 'brownfield' sites.
- 2.3 The Scottish Vacant and Derelict Land Survey (SVDLS) provides a national data source for vacant and derelict land. In 2018, there were 11,037 hectares of vacant and derelict land in Scotland. North Ayrshire contains the fourth highest level of vacant and derelict land in Scotland with 1,279 ha of land, 12% of the Scottish total, across 222 sites. The figure includes large sites such as Ardeer (407ha), Riverside at Irvine Enterprise Area (111ha), Hunterston (67ha) and Lochshore (40ha).
- 2.4 The Scottish Government's Vacant and Derelict Land Fund (VDLF) aims to tackle the presence of long-term vacant (i.e. vacant for 15 years or longer) and derelict land in Scotland and in doing so stimulate economic growth/job creation, an improved environment and quality of life. At its inception in 2007, access to the Fund was restricted to 5 local authorities (excluding North Ayrshire) to focus the available financial resource, and to prioritise authorities most impacted by both the extent of vacant and derelict land and levels of deprivation.
- 2.5 A review of the Fund was carried out in 2015, which has seen North Ayrshire Council benefit from access to the fund since the financial year 2016/17. The other four authorities which currently benefit from the funding are South Lanarkshire, North Lanarkshire, Fife and Glasgow City.
- 2.6 The Council has now received a total funding allocation of £7.026M between 2016/17 and 2019/20. Allocations have been informed by the Councils Vacant and Derelict Land Strategy (2014) and by Cabinet agreement to prioritise investment in four sites (Irvine Enterprise Area, Ardrossan North Shore, Lochshore and Irvine Harbourside) in May 2017. There are a limited number of sites which can benefit from the funding as the funding requires to be focused on sites of at least 0.1 ha in size, that are owned by the Council and have been vacant for at least 15 years. The funding cannot be used on housing or infrastructure projects such as transport or flooding. The main sites which have benefitted from the £7.026M VDLF investment to date include:
 - £1.4M to Ardrossan North Shore to support purchase of the site, site investigations and design work
 - £0.68M To Lochshore to assist with the physical and economic regeneration of the derelict Glengarnock steelworks site with VDLF funding being used for site investigation and design work;
 - £0.85M to i3 Enterprise Area. Consideration is currently being given to the purchase of land within i3 from Scottish Enterprise utilising these funds and to facilitate Ayrshire Growth Deal investment

- £1.79M to Quarry Road, Irvine to facilitate the development of a business and sports development, with VDLF assisting in the early stages of land purchase, remediation and preparation and allowing significant levels of external funding to be awarded to the project;
- £1.25M to Kyle Road, Irvine Industrial estate to support the development of a 700m² industrial unit. Negotiations are ongoing with a prospective tenant who would occupy the building on completion.
- £0.50M at Moorpark Road West in Stevenston to formalise the core footpath, the installation of an outdoor gym and play items and the regeneration of 2,580m² of open ground for the use of Auchenharvie Golf Course.

2.7 In many cases the Fund has helped to inform our knowledge of the condition of heavily contaminated sites, develop proposals and lever in other sources of funding to deliver physical improvements.

2.8 In recommending the allocation of funds for 2020/21, the following factors have been considered:

- The Scottish Government funding criteria;
- The economic development focus of the funding;
- The priority sites identified by the Council. Lochshore, Irvine Enterprise Area and Ardrossan North Shore are now at a stage that increased funding can be directed to these sites to reflect development work to date and to allow the implementation of works;
- The need to balance feasibility and site preparation work, with interventions that see physical space and employment created, and the Scottish Government's aspiration for around 25% of funding to be spent on greening projects; and,
- The need to secure a spread of interventions in terms of type and geography.

2.9 Looking to the allocation for 2020/21, the following are proposed:

Site	Proposal	Indicative Cost
Lochshore	Contribution to detailed design and delivery of access improvements/active travel infrastructure. This will build upon the recent award of Regeneration Capital Grant Funding of £1.75M to enable the first phase of the Lochshore development	£0.500M
Ardrossan North Shore	Contribution to the construction of a coastal path and to site remediation works	£0.350M
Annickbank, Irvine, Phase 3	Contribution towards a fifth office pavilion, with funds also provided by the Council 's infrastructure fund (£250k tbc) and North Ayrshire Ventures Trust (£500k).	£0.250M
Development work - various sites	Allocation to allow the purchase of problem vacant sites and their development or temporary improvement.	£0.100M
Harbour Master's Office, Irvine Harbourside	Surveys, and works to improve a semi-derelict listed building and allow designs, planning consent and marketing with a view to securing private sector operator interest.	£0.050M
Kyle Road, Irvine Industrial Estate	Additional contribution to project enabling works.	£0.030M
2 Main Street, Kilbirnie	Contribution to demolition costs, ground clearance, site survey, design works.	£0.028M
Dalry Road, Saltcoats	Invasive species management plan and remediation, surveys, ground investigation and design work.	£0.015M
Total		£1.323M

2.10 Any major changes to the above allocations or expenditure being diverted to substitute projects as a result of any project constraints emerging will be agreed with the Chief Executive, the portfolio holder and Scottish Government Officers.

2.11 Assuming a continued allocation beyond 2020/21, major sites such as Lochshore, Ardrossan North Shore and i3 Enterprise Area will continue to be a priority for the allocation of funds as the projects develop. In addition, the further sites which will benefit from any future funding will be informed by the development of a Regeneration Strategy later this year.

2.12 A Local Delivery Plan requires to be submitted to the Scottish Government to allow Ministerial approval of our intentions for expenditure of the funding in 2020/21.

3. Proposals

3.1 The Chief Executive, following appropriate consultation, is invited on behalf of the Council to:

- i) Note the VDLF award of £1.323M for 2020/21;
- ii) Agree to the submission of a local delivery plan to the Scottish Government for the expenditure of funds in 2020/21, as set out in this report; and
- iii) Agree that any major changes to the delivery plan will be agreed with the Portfolio Lead and Chief Executive.

4. Implications/Socio-economic Duty

Financial

4.1 £1.323M has been allocated by the Scottish Government in the financial year 2020/21 for expenditure on relevant projects. The final detail of projects and expenditure will be agreed with Scottish Government and North Ayrshire Council's Finance Service. Projects will be subject to assessment by Scottish Government officers and approval by Ministers is envisaged by June 2020.

Human Resources

4.2 There are no human resource implications arising from the report.

Legal

4.3 While the building is owned by the Council, the proposal to support the reuse of the Harbourmasters office at Irvine Harbourside will require the agreement of NPL Estates as Harbourmaster.

Equality/Socio-economic

4.4 There are no equality or socio economic implications arising from the report.

Environmental and Sustainability

4.5 The proposals will see considerable environmental benefit through the positive improvement or reuse of several vacant or derelict sites.

Key Priorities

4.6 This proposal supports the Council Plan's key priority of Growing our economy, increasing employment and regenerating towns.

Community Wealth Building

4.7 Any construction contracts let will include the provision of appropriate community benefit in line with the Council's community benefit policy. The improvement of vacant sites and positive intervention by the Council to support this supports the community wealth building strategy.

5. Consultation

- 5.1 Draft project proposals have been shared with officers of the Scottish Government and the proposals have been informed by North Ayrshire's Vacant and Derelict Land Survey.

RUSSELL McCUTCHEON
Executive Director (Place)

For further information please contact **Gareth Picken, Regeneration Officer** , on **01294 324746**.

Background Papers

North Ayrshire Vacant and Derelict Land Strategy

NORTH AYRSHIRE COUNCIL

12 June 2020

Emergency Governance Decisions (Covid-19 Outbreak)

Title: Annual Governance Statement 2019-20

Purpose: To seek approval of the Council's Annual Governance Statement for 2019-20 which will be included within the draft Annual Accounts.

Recommendation: That the Chief Executive, following appropriate consultation, approves the Annual Governance Statement which is attached at Appendix 1 to this report.

1. Executive Summary

- 1.1 The Council's Annual Governance Statement outlines the governance framework which is in place and changes which have been made to strengthen the framework during 2019-20.
- 1.2 Approval of the Statement will ensure that the Council complies with the requirements of the Local Authority Accounts (Scotland) Regulations 2014.

2. Background

- 2.1 In light of the current Covid-19 outbreak, meetings of the Council and its committees have been suspended until 30 June 2020. During this period, the Scheme of Delegation to Officers already allows the Chief Executive to consider and deal with any urgent issues, howsoever arising, subject to reporting back to the Cabinet for information at the first available opportunity. This power is to be exercised in consultation with the relevant Chief Officer and the relevant portfolio holder. Please see Section 5 for further details of the consultation which has been undertaken in the preparation of this report.
- 2.2 North Ayrshire Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for and used economically, efficiently and effectively to achieve Best Value.

- 2.3 The Council is also responsible for putting in place proper arrangements for the governance of its affairs and facilitating the effective exercise of its functions, which includes arrangements for the management of risk.
- 2.4 The Council has approved and adopted a Code of Corporate Governance, which is consistent with the principles of the CIPFA/SOLACE framework 'Delivering Good Governance in Local Government'.
- 2.5 The Local Authority Accounts (Scotland) Regulations 2014 require that local authorities prepare an Annual Governance Statement, in accordance with proper practices in relation to internal control, and that this Statement should be approved by the Audit Committee or equivalent.
- 2.6 Following approval of the Annual Governance Statement, it requires to be signed by the Leader of the Council and the Chief Executive prior to its inclusion within the Council's draft annual accounts.
- 2.7 The Annual Governance Statement, which is attached in full at Appendix 1 to this report, explains how the Council complies with the Code of Corporate Governance. It identifies the main components of the Corporate Governance Framework which are in place, including the system of internal control, and details the changes which have taken place to the framework during 2019-20.
- 2.8 The Statement also identifies the emergency changes to its governance framework which the Council has implemented in the early part of 2020-21 in response to the Covid-19 pandemic. It concludes with an assurance statement by the Leader of the Council and the Chief Executive.

3. Proposals

- 3.1 The Chief Executive, following appropriate consultation, is invited on behalf of the Council to: approve the Annual Governance Statement which is attached at Appendix 1 to this report.

4. Implications/Socio-economic Duty

Financial

4.1 None.

Human Resources

4.2 None.

Legal

4.3 Approval of the Annual Governance Statement will ensure that the Council complies with the requirements of the Local Authority Accounts (Scotland) Regulations 2014.

Equality/Socio-economic

4.4 None.

Environmental and Sustainability

4.5 None.

Key Priorities

4.6 Good governance arrangements help to underpin the delivery of the Council's key priorities.

Community Wealth Building

4.7 None.

5. Consultation

5.1 No consultation has been required during the preparation of the Annual Governance Statement.

Mark Boyd
Head of Financial and Customer Services

For further information please contact **Paul Doak, Senior Manager (Internal Audit, Risk and Fraud)**, on **pdoak@north-ayrshire.gov.uk**.

Background Papers

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Annual Governance Statement

Scope of Responsibility

North Ayrshire Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for and used economically, efficiently and effectively to achieve Best Value.

The Council is also responsible for putting in place proper arrangements for the governance of its affairs and facilitating the effective exercise of its functions, which includes arrangements for the management of risk.

The Council has approved and adopted a Local Code of Corporate Governance, which is consistent with the principles of the CIPFA/SOLACE Framework 'Delivering Good Governance in Local Government' (2016). A copy of the local code is available on the Council's website, or a copy can be obtained from the Chief Executive's Service, North Ayrshire Council, Cunninghame House, Irvine KA12 8EE.

This statement explains how North Ayrshire Council complies with the Code of Corporate Governance and meets the requirements of the 'Code of Practice for Local Authority Accounting in the UK: A Statement of Recommended Practice', in relation to the Statement on the System of Internal Financial Control.

The Purpose of the Governance Framework

The governance framework comprises the systems and processes, and culture and values by which the authority is directed and controlled. It enables the authority to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost-effective services and the achievement of key outcomes.

The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Council's objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them effectively.

The Governance Framework

The main features of the governance framework that was in place during 2019-20 are below:

- The Cabinet was the key decision-making Committee, comprising the Leader of the Council, the Deputy Leader and four members of the Administration, each with a specific portfolio of duties. An Education Cabinet comprised the same members and also included church and teaching profession representatives. The Audit and Scrutiny Committee, which is chaired by the Leader of the Main Opposition, was in place to consider all matters in relation to Internal and External Audit, Risk Management, Scrutiny and Performance, as well as receiving reports on the findings of external scrutiny bodies. A 'Policy Advisory Panel' consisting of all elected members assisted in the preparation of policy proposals for consideration and approval by Cabinet;
- Strategic decision-making is governed by the Council's key constitutional documents including standing orders, scheme of administration, scheme of delegation to officers and financial regulations and associated codes of financial practice. These were refreshed and approved by the Council in September 2019;
- The Council has six Locality Partnerships, covering Irvine, Kilwinning, the Three Towns, Arran, the North Coast and the Garnock Valley. Chaired by a local Elected Member, the Partnerships provide the opportunity for Elected Members, Community Planning Partners and local community representatives to consider the priorities for each area.
- The Council, together with NHS Ayrshire and Arran, established an integrated Health and Social Care Partnership (HSCP), which has been in place since April 2015. The HSCP has established a governance framework and an integrated senior management structure to support delivery of its key objectives.
- The Council's mission and vision and key priorities are outlined in the Council Plan 2019-2024 which is underpinned by a delivery plan and a range of performance indicators.

- A 'People Strategy' entitled 'Our People Connect' is in place to support the delivery of the Council Plan and its strategic priorities by focussing on developing the right culture and helping the Council transform to be a leaner, more efficient and higher performing organisation where people can develop and thrive.
- The Performance Management Strategy focuses very firmly on embedding a performance management culture throughout the Council. A Performance Management Forum (PMF) is in place to help embed a high-performance culture throughout the Council. Regular reporting to Elected Members takes place and a wide range of performance information is available on the 'North Ayrshire Performs' website;
- The Council has adopted a 'Code of Conduct' for all of its employees. Elected Members adhere to the national 'Code of Conduct for Councillors' and a register of interests is in place;
- The approach to risk management is set out in the Risk Management Strategy. The Council's strategic risk register is refreshed annually and for 2019-20 was approved by Cabinet in March 2019;
- The Council has in place a development programme for all Elected Members. Leadership and Development programmes are also established for chief officers and senior managers across the Council. This was enhanced through a new programme known as 'Blue Wave of Change' which continued during 2019-20.
- A Performance and Personal Development (PPD) scheme and a range of training opportunities are provided for all employees, the aim of which is to focus employees on their performance and development that contributes towards achieving Service objectives. This was relaunched as 'Our Time to Talk' during 2019-20;
- In order to ensure its asset management arrangements are robust, the Council has established the Corporate Asset Strategy. The Asset Strategy was refreshed during 2017-18 to reflect the new requirement to publish a Capital Investment Strategy and Technology and Digital Strategies are in place to support the ICT asset management plan and the transformation agenda. This is underpinned by 6 themed asset management plans, in line with categories recommended by CIPFA: property, housing, ICT, open spaces, road and fleet. These asset management plans were refreshed during 2019-20;
- A Capital Programme and Assets Group (CPAG), consisting of senior officers from across Council services and chaired by the Executive Director (Finance and Corporate Support), is in place. This group monitors the delivery of the Council's capital programme, helping to ensure that projects are delivered on time and within budget. The work of this group is supported by Service Project Boards.
- The Council has a long-term financial outlook, which covers the period to 2027/28. This sets out the scale of the potential financial challenge and the approach to pro-actively address it, ensuring financial sustainability of the Council;
- The Council has Internal Audit and Corporate Fraud teams to carry out independent and objective reviews of governance and internal control arrangements and investigate allegations of fraud and error both within and against the authority.
- An Information Governance framework is in place which complies with the General Data Protection Regulation (GDPR), supported by a central team of staff within Democratic Services.
- The Council has a robust Corporate Health, Safety and Wellbeing Policy to help ensure it complies with health and safety legislation.
- An annual report is prepared for Cabinet by the Council's statutory Chief Social Worker.
- The Council has a two-stage Complaints Procedure, which provides a transparent and standardised process for customers who wish to complain and enables the Council to manage complaints more effectively and to identify any service improvements which may be required.

The governance framework has been in place at North Ayrshire Council throughout the year ended 31st March 2020.

The System of Internal Financial Control

The system of internal financial control is based on a framework of regular management information, financial regulations, administrative procedures (including segregation of duties), management supervision, and a system of delegation and accountability. Development and maintenance of the system is undertaken by Chief Officers within the Council. In particular, the system includes:

- Financial regulations and codes of financial practice;
- Comprehensive budgeting systems;
- Regular reviews of periodic and annual financial reports that indicate financial performance against the forecasts;
- Setting targets to measure financial and other performance;
- Clearly defined capital expenditure guidelines;
- Formal project management disciplines.

The Council's financial management arrangements conform to the governance requirements of the CIPFA statement: 'The Role of the Chief Financial Officer in Local Government (2016)'.

With regard to the entities incorporated into the Group Accounts, the Council is not aware of any weaknesses within their internal control systems and has placed reliance on the individual Statements of Internal Financial Control where appropriate.

Review of Effectiveness of the Governance Framework

North Ayrshire Council has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control. The review of the effectiveness of the framework is informed by the work of the Executive Leadership Team who have responsibility for development and maintenance of the governance environment, the annual report by the Senior Manager (Internal Audit, Risk and Fraud) and reports from the Council's external auditors Deloitte LLP, Audit Scotland and other review agencies.

The Section 95 Officer has overall responsibility for Internal Audit in North Ayrshire Council. The Senior Manager (Internal Audit, Risk and Fraud) is responsible for the management of the section and reports directly to the Section 95 Officer on all audit matters, with the right of access to the Chief Executive and Chair of the Audit and Scrutiny Committee. The Internal Audit section is fully resourced to deliver its 5-year audit plan and complies with the Public Sector Internal Audit Standards (PSIAS) in carrying out its audit work. Regular reports were made to the Council's Audit and Scrutiny Committee throughout 2019-20.

As detailed in the 'Internal Audit Charter' that has been adopted by the Council, the Internal Audit function has independent responsibility for examining, evaluating and reporting on the adequacy of internal control. The Senior Manager (Internal Audit, Risk and Fraud) prepares an annual report, including an assurance statement containing a view on the adequacy and effectiveness of the governance, risk management and internal control frameworks.

Implementation during 2019-20 of Governance Developments identified in 2018-19 AGS

A new Council Plan, covering the period from 2019 to 2024, was approved in draft by the Council at the end of March 2019. Following a period of public consultation, the finalised plan was approved at the full meeting of the Council on 26 June 2019.

Following the appointment of Craig Hatton as Chief Executive in Autumn 2018 and the development and approval of the new Council Plan, a new Council structure was implemented in Summer 2019. This has two main directorates aligned to the Council Plan – Place and Communities – which will help ensure the Council is well placed to deliver the best possible outcomes for our communities. The Finance and Corporate Support Directorate also remained in place at that time, but the constituent Services moved into the Chief Executives Service in a second phase of the restructure in April 2020.

A new Medium-Term Financial Outlook covering the period 2020/21 to 2022/23 was approved by the Council in December 2019. This notes the scale of the financial challenge which the Council faces and underpins the development of a balance budget. The Revenue and Capital Estimates were approved by the Council on 5th March 2020.

Other Significant Governance Developments during 2019-20

The External Audit Interim Report 2018/19 recommended the Council undertake an annual self-evaluation of committee and Council performance. Given that CIPFA's "Delivering Good Governance in Local Government" is already adopted and an annual report to Council reviewing core governance documentation is produced, the auditors agreed that this recommendation could be met by assessing the effectiveness of the current Audit and Scrutiny Committee via a self-evaluation exercise, to be undertaken in line with best practice frameworks. A self-assessment toolkit was developed, largely based on toolkits developed by CIPFA and Deloitte. This was largely positive, and a small number of improvement actions were identified and implemented. The Committee agreed that this would be reviewed annually.

A Best Value Audit Review was carried out by Audit Scotland and Deloitte LLP in January and February 2020. The draft report is currently being prepared and is expected to be presented to the Accounts Commission in June 2020.

The Council undertook a staff survey called 'Our Voice' in Autumn 2019. This survey combined three surveys previously issued to employees on the topics of engagement, stress and healthy working lives, with the addition of a new element around health and safety culture. The aim of the Our Voice survey was to gain a holistic picture of how employees view the Council by focusing on a number of areas, whilst also reducing the number of surveys that employees are invited to complete.

During 2019-20, the Council developed a Community Wealth Building approach which was approved in May 2020. This will see the Council and other 'anchor organisations' working in partnership with communities and businesses and marks a fundamental change in how the Council will tackle inequality and poverty to create a fairer and more resilient local economy.

The Internal Audit Annual Report 2019-20 highlights a number of findings by the Council's Internal Audit section which indicate some weaknesses in the internal control environment. Action plans are put in place to address control weaknesses on conclusion of each audit and implementation of audit actions is tracked on a quarterly basis by the Council's Audit and Scrutiny Committee. None of these are considered material enough to have a significant impact on the overall control environment and it is the opinion of the Senior Manager (Internal Audit, Risk and Fraud) that the Council's systems of internal control continue to provide reasonable assurance against loss.

Further Actions for 2020-2021

On 11th March 2020 the World Health Organisation declared the outbreak of COVID-19 as a global pandemic and on 23rd March the United Kingdom entered a period of lockdown.

This had an unprecedented impact on the governance and operations of the Council. All meetings of the Council and its Committees were suspended until 30th June 2020. During this period, additional delegated powers were granted to the Chief Executive.

The Scheme of Delegation to Officers already granted the Chief Executive the following powers - "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".

The Scheme of Delegation was amended to grant the following additional powers during the emergency - "In consultation with the Leader of the Council, the Leader of the Opposition, the Leader of the Conservative Group, an Independent Member nominated by the Independent Members, and the Monitoring Officer and if required to enable effective decision making or otherwise in relation to the COVID-19 outbreak, to amend the Standing Orders for Meetings, the Scheme of Administration, the Scheme of Delegation to Officers, the Standing Orders for Contracts or the Financial Regulations as is required to meet the circumstance arising".

All decisions taken by the Chief Executive during this period on behalf of the Council and its Committees have been clearly documented and are visible on the Council website.

The impact on the Council's operations during the period of emergency included the following:

- Impact on the delivery of business as usual services
- New areas of activity as part of the national and local response to the emergency
- The funding and logistical consequences of delivering the response
- Assessment of the long-term disruption and consequences arising from the pandemic
- Planning for recovery and renewal of service delivery for the future

The Council created a new post of Head of Service (Recovery and Renewal) in May 2020 in order to co-ordinate the emergence from the lockdown and the transformation of service delivery.

Assurance

Subject to the above, and on the basis of the assurances provided, we consider the governance and internal control environment operating during 2019-20 to provide reasonable and objective assurance that any significant risks impacting on the achievement of our actions will be identified and actions taken to avoid or mitigate their impact. Systems are in place to continually review and improve the governance and internal control environment and action plans are in place to address identified areas for improvement.

The impact of the COVID-19 pandemic has resulted in unprecedented impacts on the governance and operations of the Council moving into 2020-21.

Craig Hatton
Chief Executive
June 2020

Councillor Joe Cullinane
Leader of the Council
June 2020

5 June 2020**Emergency Governance Decisions (Covid-19 Outbreak)**

Title: **Committee Meetings****Purpose:** To make recommendations to allow the resumption of committee meetings during the current COVID-19 crisis.**Recommendation:** That the Chief Executive, following appropriate consultation, agrees on behalf of the Council that:

- (a) a small number of committee meetings, as referred to within the report, take place on a wholly remote basis (i) prior to the summer recess and (ii) immediately following the recess period, such meetings to be recorded for upload onto the Council's website;
- (b) it be remitted to officers to make such further adjustments to the committee timetable immediately following the summer recess period as may be required in light of (a)(ii) above;
- (c) it be remitted to officers to make appropriate arrangements to support Members and Officers to participate remotely in meetings, including such measures as providing hard-copy Agendas packs to participants, training/test meetings, remote meeting protocols and guidance notes for Chairs; and
- (d) necessary changes to the Council's Standing Orders Relating to Proceedings of the Council and Committees to accommodate remote/hybrid meetings, be the subject of a separate report.

1. Executive Summary

- 1.1 Meetings of the Council and its committees are currently suspended in light of the current COVID-19 crisis. Urgent matters are being determined by the Chief Executive under emergency governance arrangements.
- 1.2 This report sets out proposals for resuming meetings, initially on a wholly remote basis in compliance with Government Guidance and, in due course, in 'hybrid' form (with some participants attending remotely and others in person). A separate report has been prepared to address associated amendments to Standing Orders.

2. Background

- 2.1 In light of the current Covid-19 outbreak, meetings of the Council and its committees have been suspended until 30 June 2020. During this period, the Scheme of Delegation to Officers already allows the Chief Executive to consider and deal with any urgent issues, howsoever arising, subject to reporting back to the Cabinet for information at the first available opportunity. This power is to be exercised in consultation with the relevant Chief Officer and the relevant portfolio holder. Please see Section 5 for further details of the consultation which has been undertaken in the preparation of this report

The Potential for Resuming Committee Meetings

- 2.2 It is apparent from the Scottish Government's COVID-19 – Framework for Decision Making published on 20 May 2020, that regardless of whether physical Committee meetings are categorised as public gatherings or work, there will be continuing restrictions. The Guidance requires people to work from home where possible, and this means that wherever possible, committees must be remote. Not until the final Phase 4 will Public services be operating fully, and then only “in line with public health advice, with modifications and changes to service design, including increasing use of digital services where appropriate”. At Phase 4 hybrid meetings, where some councillors attend in person, and other remotely, will be possible. It is also recognised that a number of Members may be either shielding or self-isolating and will be unable or unwilling to attend physical meetings, even if a 2m distance can be put in place between participants.
- 2.3 Officers have, therefore, examined options to allow the resumption of some committee meetings initially on a wholly remote basis and, when feasible, on a ‘hybrid’ meeting basis (with some attendees in the Council Chambers and others participating remotely). The provisions of the Coronavirus (Scotland) Act 2020 allow such meetings to take place without the opportunity for attendance by the press and public (Section 4.4 refers).
- 2.4 Meetings which are likely to present particular challenges are those with a significant number of participants, those with external representation, those dealing with controversial matters which require exceptional chairing skills in a remote environment, and hearings where the rules of natural justice apply.
- 2.5 This report seeks to take a number of factors into account, including the need for:
- all Members to be able to access the solution;
 - the IT to be robust and for Members to be confident in using it;
 - all participating Members to be clear on the procedures being applied, especially when Standing Orders may not provide such clarity;
 - any external representatives, such as other community planning partners or Cabinet lay representatives, to be able to access the same technology;
 - the solution to take into account that remote meetings are difficult enough where there is a willingness amongst all parties to make this work and such goodwill cannot be guaranteed, for example, where an issue is politically contentious;
 - the Chair to be able to effectively control the meeting and seek governance advice from the officers who would normally sit next to them; and
 - transparency in terms of publishing recordings of remote meetings in the short term and working to resume live webcasting of those committees which are usually webcast
- 2.6 In considering options, one size may not fit all and it will be important to strike a balance,

It may be possible for some committees to meet remotely in a form which is imperfect (for instance, covering only limited business and without public access to observe), but which allows decision-making by Members on matters which are pressing. However, it will be important to avoid exposing particularly controversial matters (or business subject to appeal/review) to a committee process which might be open to reasonable challenge, or Elected Members to a remote meetings vehicle which disenfranchises some due to its shortcomings or because it is not user-friendly.

- 2.7 Hearings could be heard by accepting written submissions from the parties involved. Nevertheless, Committee hearings, whether by written submissions lodged in advance, or parties in attendance remotely, have the greatest risk of challenge. Therefore, it is best that hearings are only undertaken as part of a later phase when it clear that everyone is confident with remote meetings. Nor is the technological solution to enable oral hearings to take place yet ready. Likewise, it may be possible to conduct Local Review Body meetings, founding on the exclusion of the public provision contained in the Coronavirus (Scotland) Act, where the LRB can determine the case without further procedure, but it is nonetheless recommended that LRB meetings do not take place initially due to issues of transparency given that there is an Appeal provision on a point of law to the Court of Session. This will be kept under review.
- 2.8 This report recommends a phased approach to allow for the early resumption of some committees through remote access. Such arrangements will in due course support remote access to hybrid meetings. A separate report has been prepared to address associated amendments to Standing Orders.

Technical Options for Remote Meetings

- 2.9 Further information on the options examined and their associated benefits/issues is available as a background paper. However, the key elements are highlighted below:

Microsoft Teams

- 2.10 Microsoft Teams is perhaps the most obvious remote meetings solution for the Council in the short term, given that Elected Members and Officers are already using Teams for a variety of informal/formal meetings and the necessary software should already be on devices.
- 2.11 Among the advantages of Teams, is the security of the system (Teams being a part of the Office 365 licensing which is PSN approved); ease of use; good visibility in terms of those participating in the meeting; and the opportunity for Officers to share their screen when presenting information. Recent improvements, including the ability to see up to nine participants on screen at any time and the new 'hand up' symbol, also add value.
- 2.12 In addition, a Teams meeting is capable of being recorded and uploaded later to the Council's website if required. (There may also be the option in future to live screen a Teams meeting).

- 2.13 On balance, Teams would almost certainly not be appropriate for a meeting involving all Members, one with a long Agenda, or a meeting incorporating an adversarial hearing. However, it does arguably offer an acceptable solution in the interim for a remote meeting of a small committee with a limited Agenda. A number of other Councils have successfully used Teams in this manner.
- 2.14 In the longer term, Teams could feasibly be used for a hybrid meeting, where some participants (and perhaps even a small public gallery) attend in person in the Chambers and others appear on screen via Teams.

Public-i Connect Remote

- 2.15 The Council's webcasting provider has a new video-conferencing platform designed to meet the particular needs of a formal Council meeting held on a wholly remote basis. For instance, it provides tools for a moderator to manage those wishing to speak and, in a future release, will allow them to start a vote and exclude a participant from some or all of the meeting (e.g. following a declaration of interest). No additional hardware is required for this solution: participants join using a web-based browser and the system itself is similar to Teams in terms of ease of use.
- 2.16 The company is taking a phased approach to the new platform, initially releasing a 'minimum viable product' and then introducing improvements. Participation in beta testing during April highlighted the potential of the new product, particularly in terms of live webcasting, and a number of issues to be addressed. Additional functionality is currently being added (e.g. multiple moderators to allow a Chair to be supported by other officers, queue management, and the option to take and record votes). The platform was originally developed for laptop/desktop use, but it is now compatible with iPads (which are used by a number of Members).
- 2.17 By the end of the Summer, the company is planning to tighten integration with the webcasting hardware located in its clients' buildings. This is in anticipation of ongoing social distancing where hybrid meetings (part remote and part physical attendance) are taking place and where the option to webcast live is needed.
- 2.18 On balance, the speed of Public-i's response to the current challenge has been impressive. The added features of the new platform may not be sufficient to justify its use over Microsoft Teams in the immediate term. However, it is anticipated that it will be further refined and improved in time to meet the longer-term demand for hybrid meetings and/or live webcasting of meetings. This developing Public-i system is likely to be the best means of resuming meetings of Council involving all 33 Members.

Practical Considerations

- 2.19 The following practical matters will require to be addressed:

Members' Devices

- 2.20 Elected Members have at least one Council device (a laptop/Surface Pro, iPad, iPhone or Android Tablet) which they might use to access a remote meeting (albeit the functionality of iPads/iPhones is less than adequate for chairing meetings on Teams where extensive use is made of the chat box and presentation slides). The Council's IT Service confirms that all are already capable of running Microsoft Teams, although some support may be required to assist Members in downloading the app.
- 2.21 The Public-i option requires the use of specific browsers (Chrome or Edge Chromium). The Council's IT Service confirms that all Member laptops/Surface Pros already have Chrome and that Edge Chromium is being 'pushed out' to iPad/iPhone users. Some support may be required to assist Members in installing the latter if they have not followed the initial prompt.

Member Training

- 2.22 Some Elected Members will be more comfortable than others with technology and some will require additional support to be able to engage with remote committee meetings, particularly in terms of the ensuring their device has the appropriate browser/app installed.
- 2.23 The majority of Elected Members do appear to be using Microsoft Teams already. The Council's IT Service has been responding to Member requests for training sessions on Microsoft Teams for laptop/Surface Pro users and is now following up with training for iPad users. It is proposed that 'test' meeting take place prior to any remote meeting of a particular committee.
- 2.24 In the event of the Public-i product being used, additional training and 'test meetings' are likely to be required and would need to be resourced.
- 2.25 Officers will prepare a protocol to provide guidance to Members and Officers on participating in remote committee meetings, as well as guidance notes for Chairs.

Agendas and Meeting Papers

- 2.26 There are practical difficulties involved in participating in a remote meeting and at the same time referring to an Agenda. Unless a participant has access to two devices and is able to view committee papers on one device while accessing the meeting itself on another, it is necessary to toggle between the two views. For meetings of the Planning Committee (and Local Review Body), the officer's presentation slides form an additional and necessary element.
- 2.27 Managing the above is particularly onerous for a Chair, who must in addition manage the meeting, and for the committee clerk, who is likely to be taking notes electronically without the benefit of viewing much of the proceedings or the Agenda.

- 2.28 Hard-copy Agendas may assist. The Council has established a strong culture of electronic Agendas and meeting papers where at all possible, both for reasons of environmental sustainability and financial cost. And Members and officers will undoubtedly become adept at remote committee meetings moving forward. However, in the short term it is proposed that hard-copy Agendas are issued to participating committee members (in addition to the usual publication of the electronic Agenda). Keeping Agendas short will also assist, as will asking Members to submit any questions or motions in advance of the meeting.
- 2.29 Assigning a second committee clerk (or another officer) to assist the Chair with the management of the remote meeting will also help address the administrative issues. An IT representative is also recommended in respect of technical issues. Case study experience in another Council suggests that, for every one member of staff required for a physical meeting, four are needed for a remote format.

Participation by Partner Agencies

- 2.30 Depending upon the meeting, there is potential for partner agencies to be involved. There have been some issues around access to Microsoft Teams by some. However, this appears to be being addressed over time and may not be an issue for the Public-i product which is accessed via internet browser.

Attendance by Members

- 2.31 Concern may be expressed if all Members are not able to exercise their usual right to attend a committee meeting for the purposes of observing because that meeting was taking place remotely. In practice, however, there is relatively low take-up of this opportunity in normal circumstances. If a Member not on the Committee wished to speak, then normally the Chair would agree this in advance. In that event it would then be possible to include the Member in the Teams invite.

Practice in other Local Authority Areas

- 2.32 The majority of Scottish local authorities have now held, or have plans to hold, a remote committee meeting, but none are doing hybrid meetings. For reasons of geography, some are already experienced in remote access to meetings. Some may have a uniformity in terms of the IT equipment issued to Members, which lends itself to the roll out of remote meeting solutions and training.
- 2.33 The success/effectiveness of other Councils' approaches to remote meetings has helped to inform this report and further information is available for information as a background paper. Officers are also participating in a webinar arranged by Perth and Kinross Council with the Local Government Digital Office.

Webcasting/Recording Meetings

- 2.34 A letter dated 29 May 2020 jointly signed by the Minister of Local Government, Housing and Planning and the Chief Planner, stated:

“Over the last few weeks, we have been pleased to see experience emerging from a number of planning authorities in conducting their planning committee and local review body business through online, virtual meetings using video conferencing technology. We encourage planning authorities to continue to hold their committee meetings in this manner while current restrictions remain in place. Some of the recent legislative changes have included the necessary and temporary removal of physical public attendance from committee meetings. To ensure maximum transparency and accountability, authorities should aim to broadcast meetings, either live or in recorded form as soon as possible afterwards, for members of the public to have access to observe proceedings.”

- 2.35 The Council would normally only webcast Council, Cabinet and IJB meetings. However, in the interests of transparency while meetings are not otherwise open to the public, it is recommended that meetings held remotely are recorded and subsequently uploaded onto the Council's website. Options for the resumption of normal live webcasting will be explored later.

Potential Committee Business

- 2.36 Assuming that the legal, technical and practical considerations have been addressed, consideration needs to be given to the committee business to be considered at a remote meeting. There are a number of considerations. Bearing in mind that remote meetings work best when there is a willingness among all participating to make them work, it would be best to avoid controversial items at the initial stage. It was also best to avoid hearings involving external parties which might be subject to legal challenge, such as the Local Review Body. In due course, once participants get greater experience of remote meetings, such matters can be tackled. For example, in the case of Planning business, major applications which accord with the Local Development Plan and are not the subject of significant objections would be obvious items for inclusion in initial meetings.
- 2.37 Consultation has taken place with Services with regard to potential business for the first phase in the resumption of committee meetings. There is business for – and capacity to resource – an initial meeting of the Planning Committee, Cabinet and Integration Joint Board Performance and Audit Committee in an initial phase prior to the summer recess. In addition, there may be business which requires early consideration by the Ayrshire Regional Economic Joint Committee/Partnership Board, which are currently administered by East Ayrshire Council. A meeting of the Audit and Scrutiny Committee may also be required immediately following the recess.
- 2.38 A meeting of the Integration Joint Board shortly prior to the implementation of 'lockdown' was able to agree emergency governance measures and there is nothing further requiring determination by the Board itself at this time. Similarly, there is no urgent business for the Licensing Committee, Licensing Board, Ayrshire Shared Services Committee, Education Appeals Committee, Local Development Plan Committee, Police and Fire and Rescue Committee, or Staffing and Recruitment Committee.

Phased Resumption of Committees

- 2.39 The approach to resuming committee meetings – and the timing of any ‘hybrid’ meetings - will necessarily be influenced by the available technology and government measures to address the pandemic. In terms of the Scottish Government’s ‘Framework for Decision making - Routemap through and Out of the Crisis’ published in May 2020, wherever possible people should work from home until Phase 4. Only at Phase 4 are “public services operating fully, in line with public health advice, with modifications and changes to service design, including increasing use of digital services where appropriate”. Therefore, hybrid committees should be avoided until Phase 4 of the Government’s Framework. Broadly, however, the undernoted phased approach might be possible. (The phases will be informed by but are not the same as those of the Government Framework)

Initial Phase (Wholly Remote)

- 2.40 This would comprise the introduction of a small number of wholly remote meetings held via Microsoft Teams, for consideration of limited and uncontroversial business, coupled with the continued exercise of emergency delegated powers as required.
- 2.41 Remote Special Meetings of the Planning Committee, Cabinet, IJB PAC and (subject to consultation with the East Ayrshire Council as the administering authority) the Ayrshire Regional Economic Joint Committee/Partnership Board are proposed for the final fortnight of June 2020.
- 2.42 Notice of the meetings would be published on the Council’s website as along with the Agenda and, following the meetings, the Minute. The initial position would be that meetings would not be webcast live, but a recording would be uploaded onto the Council’s website after the event. This would provide transparency and an opportunity for Members to become accustomed to remote meetings.

Second Phase (Wholly Remote)

- 2.43 The next phase would also be wholly remote and likely held using Microsoft Teams. A further meeting of the Planning Committee could potentially sweep up more outstanding business. Whether this was dealt with in one meeting or more would be informed by the success or otherwise of the initial Planning meeting in June. Such meetings could take place immediately following the Summer recess period, in the last two weeks in August.
- 2.44 Phase two could also include a meeting of the Audit and Scrutiny Committee to deal with the business which requires to be considered prior to the end of August 2020, as well as any call-ins from Cabinet.

Third Phase

- 2.45 The third phase would look to re-start meetings of Council, the remaining committees, including trickier ones such as the Local Review Body. In addition and depending upon when Scotland moves into Phase 4 in terms of government advice, this might include some ‘hybrid’ meetings, with a controlled number of Members and Officers in physical attendance within the Council Chambers and others participating remotely. Some limited public access might be permitted.
- 2.46 Meetings would make use of Public-i software. Webcasting of the meeting would be possible for those meetings generally webcast.

- 2.47 A partial or whole meeting of the Council could be considered at this stage. Meetings with more controversial agenda items or regulatory hearings could also be considered if the technological solutions enabled full Member/appropriate public participation to meet the “fair hearing” requirements.

3. Proposals

- 3.1 The Chief Executive, following appropriate consultation, is invited to agree on behalf of the Council that:
- (a) a small number of committee meetings, as referred to within the report, take place on a wholly remote basis (i) prior to the summer recess and (ii) immediately following the recess period, such meetings to be recorded for upload onto the Council’s website;
 - (b) it be remitted to officers to make such further adjustments to the committee timetable immediately following the summer recess period as may be required in light of (a)(ii) above;
 - (c) it be remitted to officers to make appropriate arrangements to support Members and Officers to participate remotely in meetings, including such measures as providing hard-copy Agendas packs to participants, training/test meetings, remote meeting protocols and guidance notes for Chairs; and
 - (d) necessary changes to the Council’s Standing Orders Relating to Proceedings of the Council and Committees to accommodate remote/hybrid meetings, be the subject of a separate report.

4. Implications/Socio-economic Duty

Financial

- 4.1 There will be some additional printing costs associated with producing hard-copy Agendas to facilitate remote meetings, such costs to be met from existing budgets. There may also be IT costs associated with the purchase of an additional device where the Member’s usual device is unsuitable. The purchase of headphones to help improve the sound quality of meetings would also incur a cost.
- 4.2 Additional costs may be incurred if, in future, the Council decides to webcast additional meetings beyond the number of hours provided for within the Council’s existing service package.

Human Resources

- 4.3 Remote meetings will be administered by the existing small team of Committee Services Officers, supported by staff from the Council’s IT service.

Legal

- 4.4 Part 4 of Schedule 6 of the Coronavirus (Scotland) Act 2020 contains temporary modifications of the Local Government (Scotland) Act 1973 in relation to (a) the grounds for the exclusion of the public from meetings of local authorities and (b) the provision of copies of documents in respect of meetings of local authorities. The former includes a provision for “the public to be excluded from a meeting of a local authority whenever it is likely that, if members of the public were present, there would be a real and substantial risk to public health due to infection or contamination with coronavirus.”
- 4.5 The Local Government (Scotland) Act 2003 permits the holding of and participation in remote meetings. The Council’s Standing Orders should be varied using the Chief Executive’s urgency powers to mirror the terms of the Act and facilitate the holding of remote meetings. (The Standing Orders relating to the Integration Joint Board already allow for remote attendance by its members).

Equality/Socio-economic

- 4.6 In the short term, there are no adverse impacts whilst the terms of the Coronavirus (Scotland) Act permits restriction of public access to meetings. There will be further review in the event that public access to meetings recommences. The proposals attempt to ensure there is no potential age discrimination issues of older Members who are socially isolating being unable to access meetings.

Environmental and Sustainability

- 4.7 Printing some hard-copy Agendas to facilitate wholly remote meetings would have a detrimental impact on the environment. However, this would be offset by the positive impact of such meetings in terms of the avoidance of travel to and from meetings.

Key Priorities

- 4.8 None arising from the recommendations set out in this report.

Community Wealth Building

- 4.9 None arising from the recommendations set out in this report.

5. Consultation

- 5.1 Consultation has taken place with the Council’s IT Service and, in terms of outstanding committee business, with other Services. There has also been consultation with Councils in other areas on their approach to remote meetings.
- 5.2 The proposals have been the subject of detailed consideration by the Council’s Chief Officer Leadership Team.

Andrew Fraser
Head of Democratic Services

Background Papers

Remote Meetings Options - paper summarising the benefits and considerations associated with Microsoft Teams and the new Public-i platform

Remote Meetings in Local Authority Areas – research and SOLACE paper

NORTH AYRSHIRE COUNCIL

3 June 2020

Emergency Governance Decisions (Covid-19 Outbreak)

Title: Governance Arrangements to Facilitate Remote/Hybrid Committee Meetings

Purpose: To recommend the exercise of emergency delegated authority to vary the Council's Standing Orders and further amend the Council's committee timetable in order to facilitate remote access to committee meetings in light of the COVID-19 pandemic.

Recommendation: That the Chief Executive, following appropriate consultation, agrees on behalf of the Council that:

- (a) the Standing Orders relating to Meetings and Proceedings of the Council and Committees are varied as set out in the report and Appendix 1, in order to accommodate such remote access to committee meetings as may be necessary during the immediate COVID-19 pandemic, subject to Council approval, in the longer term; and
 - (b) the Council's committee timetable for the remainder of 2020 be subject to change as may be required in light of the COVID-19 pandemic.
-

1. Executive Summary

- 1.1 As a result of the current COVID-19 pandemic, the decision was taken to suspend all meetings of the Council and its committees until 30 June 2020. There is now an opportunity to begin the process of reintroducing meetings on a wholly remote and when permitted, on a hybrid basis. This will, however, require changes to be made to the Council's Standing Orders and committee timetable.

2. Background

- 2.1 In light of the current Covid-19 outbreak, meetings of the Council and its committees have been suspended until 30 June 2020. During this period, the Scheme of Delegation to Officers already allows the Chief Executive to consider and deal with any urgent issues, howsoever arising, subject to reporting back to the Cabinet for information at the first available opportunity. This power is to be exercised in consultation with the relevant Chief Officer and the relevant portfolio holder.

Please see Section 5 for further details of the consultation which has been undertaken in the preparation of this report.

- 2.2 Officers have been exploring practical solutions to allow some committee meetings to take place, initially on a wholly remote basis and, when Guidance permits, on a 'hybrid' basis (with some Members attending remotely and others in person).

Amendments to Standing Orders

- 2.3 In order to facilitate wholly remote/hybrid meetings, a number of changes will require to be made to Standing Orders. These are referred to below and illustrated in red font in Appendix 1.

Venue

- 2.4 Standing Order 2.1 requires meetings to take place in the Council Chambers unless otherwise agreed by Council. However, Standing Order 3.2 does allow for Special Meetings to be held in a venue determined by the Chief Executive (Standing Order 26.1(iv) also refers) and this could be interpreted to accommodate a 'remote' location. Given that the committee timetable is currently suspended, any meetings arranged during this period would be Special Meetings. However, circumstances may mean that meetings require to take place remotely on an ongoing basis beyond the current period of suspension.

Use of Electronic Communication

- 2.5 Standing Order 2.2 requires that 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. This might be interpreted as extending to exchanges over a remote meeting platform. While the meeting could agree to suspend Standing Orders, it would be better to amend this Standing Order to avoid a possible scenario whereby Members physically present could, at least in theory, use this to disbar other Members from remote participation.

Interpretation of 'Present'

- 2.6 Standing Order 8.1 refers to a quorum of Members requiring to be 'present' for the meeting to proceed. The notion of 'present' might arguably be interpreted as attendance by remote means. It is worth noting that the Standing Orders of the Integration Joint Board do specifically provide for remote attendance. While it may be argued that presence at a meeting impliedly includes remote presence, in regulatory decisions, this uncertainty is a potential ground for legal challenge. Therefore, an amendment to standing Orders is recommended.

Leaving the Meeting

- 2.7 Standing Order 6 makes provision for Members to be suspended from some or all of the meeting, and Standing Orders 10.1 and 10.2 refer to Members leaving the meeting following a declaration of interest. Not all remote meeting solutions provide a means of enforcing these provisions. It is not envisaged that this will be an issue in the short term given the type of business it is proposed to conduct at meetings to be held. The main anticipated issue will be dealing with declarations of interest and the requirement for

Members to leave proceedings. In that circumstance, the Member will be asked to leave the meeting and upon conclusion of business will be contacted to re-join.

Voting

- 2.8 Standing Order 17.7 states that voting shall normally be by a show of hands. Remote meeting solutions do not currently allow for this beyond a certain number of participants. Therefore, it would be useful to vary this provision to roll call votes as the default position. Standing Order 17.8, which refers to voting by ballot, would also be amended to reflect this.
- 2.9 Standing Order 18.1 refers to any equality of votes in the case of the appointments being determined by the cutting of cards. It is not recommended that any change is made to Standing Orders in this regard to account for remote meetings, on the basis that the clerk would be in a position to facilitate this even remotely.

Cabinet Call In

- 2.10 Standing Orders 24.1-24.8 make provisions for decisions by the Cabinet to be called in for further consideration by the Audit and Scrutiny Committee, for the latter to refer the decision back to Cabinet for further consideration and, this failing, for the matter to be directed to the next meeting of the Council for determination. Given that it may not be feasible for some time to hold a meeting of the full Council, unless Standing Orders are altered to remove the opportunity for call-in (or at least to remove the final stage of referral to Council), there is potential for this to be used as a means of halting the implementation of decisions.

The options would be:

- Leave Standing Orders unchanged in this regard and accept the risk of delay in some decision-making. Assuming there would only be one meeting of Cabinet before recess, and a meeting of the full Council is possible in some format before the end of September, this may be acceptable
 - Change Standing Orders to remove the call-in process for the time being. This is arguably unsatisfactory in that it removes a key component of the Cabinet/Scrutiny model. Given that the Cabinet comprises only members of the Administration and it may not even prove practical for other Members to observe the Cabinet meeting, this may not be acceptable
 - Amend Standing Orders to halt the call-in process prior to the stage of referral to Council. This would mean that, although the ultimate decision of the Cabinet would lie with the Cabinet, the Audit and Scrutiny Committee would at least have an opportunity to seek to amend/influence the decision, which may be an acceptable compromise
- 2.11 On balance it is recommended that no change is made to Standing Orders. Ultimately if there was an urgent Cabinet decision which could not wait until conclusion of the call-in process (e.g a consultation response or other deadline), the Chief Executive could, as a last resort, make the decision under his delegated 'urgency' power.

Deputations and Petitions

- 2.12 Appendix B to Standing Orders refers to arrangements for considering petitions and deputations. Participation by members of the public in a remote meeting may not be practical. However, Standing Orders already allows the Chair of Audit and Scrutiny to determine whether a request is dealt with at the next committee. Therefore, no change to standing Orders is required.

Committee Timetable

- 2.13 At the outset of the current COVID-19 crisis, a decision was taken to suspend all meetings of the Council and its committees until 30 June 2020. There is, however, an opportunity to take a phased approach to allow some initial committee meetings to take place on a wholly remote basis prior to the end of June 2020, where such meetings are deemed necessary and feasible.
- 2.14 It is proposed that further, wholly remote meetings are held immediately following the summer recess. Thereafter, subject to government guidance, there is potential for further meetings to take place, including those held on a hybrid basis.
- 2.15 It is recommended that the Chief Executive exercise emergency delegated powers to further vary the Council's committee timetable for the remainder of 2020 as may be required in light of the COVID-19 pandemic.

3. Proposals

- 3.1 The Chief Executive, following appropriate consultation, is invited on behalf of the Council to:
- (a) agree to vary the Standing Orders relating to Meetings and Proceedings of the Council and Committee varied as set out in the report and Appendix 1, in order to accommodate such remote/hybrid committee meetings as may be necessary/possibly during the immediate COVID-19 pandemic, subject to Council approval, in the longer term; and
 - (b) agree that the Council's committee timetable for the remainder of 2020 be subject to change as may be required in light of the COVID-19 pandemic.

4. Implications/Socio-economic Duty

Financial

- 4.1 There may be financial implications associated with arrangements for remote/hybrid meetings, including IT services/equipment and, where necessary, printing hard-copy agendas. However, there are no financial implications directly arising from the proposals set out in this report.

Human Resources

- 4.2 Remote meetings would be administered by the existing small team of Committee Services Officers, supported by the Council's IT Service. There are no human resource implications directly arising from the proposals set out in this report.

Legal

- 4.3 Part 4 of Schedule 6 of the Coronavirus (Scotland) Act 2020 contains temporary modifications of the Local Government (Scotland) Act 1973 in relation to (a) the grounds for the exclusion of the public from meetings of local authorities and (b) the provision of copies of documents in respect of meetings of local authorities. The former includes a provision for "the public to be excluded from a meeting of a local authority whenever it is likely that, if members of the public were present, there would be a real and substantial risk to public health due to infection or contamination with coronavirus."

The Local Government (Scotland) Act 2003 permits the holding of and participation in remote meetings. The Council's Standing Orders should be varied using the Chief Executive's urgency powers to mirror the terms of the Act and facilitate the holding of remote meetings. (The Standing Orders relating to the Integration Joint Board already allow for remote attendance by its members).

Equality/Socio-economic

- 4.4 In the short term, there are no adverse impacts whilst the terms of the Coronavirus (Scotland) Act permits restriction of public access to meetings. There will be further review in the event that public access to meetings recommences. The introduction of remote meetings attempts to ensure there is no potential age discrimination issues of older Members who are socially isolating being unable to access meetings.

Environmental and Sustainability

- 4.5 Any decision to print hard-copy Agendas to facilitate wholly remote meetings would have a detrimental impact on the environment. However, this would be offset by the positive impact of such meetings in terms of the avoidance of travel to and from meetings."

Key Priorities

- 4.6 None arising from the recommendations set out in this report.

Community Wealth Building

- 4.7 None arising from the recommendations set out in this report.

5. Consultation

- 5.1 None required in the preparation of this report.

5.2 In accordance with the Emergency Governance arrangements in place, the Chief Executive will undertake appropriate Elected Member consultation.

Andrew Fraser
Head of Democratic Services

For further information please contact Melanie Anderson, Senior Manager (Committee and Member Services), on melanieanderson@north-ayrshire.gov.uk.

Background Papers

N/A



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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

Published by Committee Services
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North Ayrshire Council

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

Part I Preliminary

1. **These Standing Orders are made under Section 62 and Paragraph 8 of Schedule 7 of the Local Government (Scotland) Act 1973.** With the exception of the North Ayrshire Integration Joint Board, the Ayrshire Shared Services Committee, the Ayrshire Regional Economic Joint Committee and Sub-Committees thereof, the foregoing Standing Orders for meetings shall as far as applicable be the rules and regulations for the proceedings of Committees and Sub-Committees and therefore reference to the term 'Council' in the said Standing Orders should be interpreted accordingly. The North Ayrshire Integration Joint Board, the Ayrshire Shared Services Committee and Ayrshire Regional Economic Joint Committee and Sub- Committees thereof have their own Standing Orders for meetings. The term 'Provost' shall also be deemed to include the Chair of any Committee or Sub- Committee but only in relation to such Committees or Sub-Committees.
2. Part 4 of Schedule 6 of the Coronavirus (Scotland) Act 2020 contains temporary modifications of the Local Government (Scotland) Act 1973 in relation to (a) the grounds for the exclusion of the public from meetings of local authorities and (b) the provision of copies of documents in respect of meetings of local authorities. The former includes a provision that the“the public are to be excluded from a meeting of a local authority whenever it is likely that, if members of the public were present, there would be a real and substantial risk to public health due to infection or contamination with coronavirus.”
3. The Local Government (Scotland) Act 2003 permits the holding of and participation in remote meetings .

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

2. Ordinary Meetings of the Council

- 21 Unless otherwise agreed to by Council, ordinary meetings of the Council shall be held in the Council Chamber, Cunninghame House, Irvine at 2pm on the Wednesday of the sixth week of each six-weekly cycle determined by the Council. If there is a large volume of business, or adverse weather conditions are expected, the Provost has power to change the start time to 1pm. **Where it is deemed necessary, the Chief Executive, in consultation with the Provost, may also call for a meeting of the Council to take place on a wholly remote basis by electronic means or in circumstances whereby some Members attend the Council Chambers and others take part via remote means.**
- 22 No sound, film, video tape, digital or photographic recording of the proceedings of any meeting, other than webcasting of the proceedings by the Council or its committees, shall be made without the prior approval of the Council. All phones should be switched off or on silent and Members should not correspond, whether by email, text, social media or any other electronic means with any other Member or other person during a Council meeting. Research through the internet is permitted providing it is done in a manner which respects the authority of the Provost and does not interfere with the business of the meeting. **Such restrictions shall not preclude participation in a meeting which take place over a remote meeting platform.**

3. Special Meetings of the Council

- 31 Special meetings of Council may be convened under the following circumstances: -
- i. A Special Meeting may be called at any time by decision of the Council
 - ii. Urgent Items
 - iii. By Requisition
- 32 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. **An appropriate venue may include a meeting held on a wholly remote basis by electronic means or in circumstances whereby some Members attend the Council Chambers and others take part via remote means.**
- 33 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.
- 34 A Special Meeting may be called by the Provost providing he/she has received a written requisition which specifies the purpose of the business proposed to be transacted at the meeting and is signed by at least eight Members of the Council. The date, time and venue of the meeting will be as determined by the Chief Executive but must be within fourteen days of receipt of the requisition.

4. Notice of Meetings

4.1 Public Notification

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

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

Notice to Councillors

- 42 Notice of meetings shall be given by the Chief Executive to all Councillors in accordance with the provisions of the 1973 Act as amended, by posting, delivering or sending by electronic means the following:
- i. The date, time and place of the meeting; and
 - ii. The list of items of business to be transacted.

- 43 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

- 51 The Council will elect a Convener and Depute Convener from its Membership, to be known as 'Provost' and 'Depute Provost' respectively.
- 52 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.
- 53 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.
- 54 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

- 55 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, whether in person or through remote access.
- 56 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.
- 57 It shall be the duty of the Provost to:
- Preserve order and ensure fairness in debate;
 - Decide all matters of order, competency and relevancy;
 - Ensure that Standing Orders are observed;
 - Determine any questions of procedure for which no express provision has been made in these Standing Orders;
 - Maintain order and at his/her discretion, order the exclusion of any member of the public who is deemed to have caused disorder or misbehaved;
 - Adjourn a meeting in the event of disorder arising to a time, which the Provost may then or afterwards, fix (the quitting of the Chair by the Provost shall be the signal that the meeting is adjourned). In the event the Provost quits the Chair without disorder having arisen, the meeting shall not be adjourned and the Depute Provost or in his/her absence another Member of the Council chosen by those Members present shall assume the Chair; and
 - Decide whether to have a recess during a meeting.
- 58 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

- 6.1 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, meeting place **or remote meeting platform**. The Provost may be entitled to call for such assistance as he/she deems necessary to enforce a decision to suspend any such Member taken in terms of these Standing Orders.

7. Appointment and Removal of Members

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

8. Quorum

- 8.1 Subject to the provisions of the 1973 Act, no business will be transacted at a meeting of the Council unless nine Members are present. **For the avoidance of doubt, the definition of 'present' shall include the participation of Members via a remote meeting platform.**
- 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 Deputy Provost of the Council shall adjourn the meeting and any business not considered will be postponed to and considered at the next meeting.

- 83 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.
- 84 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

- 91 At all meetings of the Council other than the meeting held in accordance with Standing Order 1.2 above, the order of business shall be:
- i. The Chair shall be taken in accordance with these Standing Orders;
 - ii. The sederunt shall be taken;
 - iii. Any apologies shall be tendered;
 - iv. Any Declaration of Interest shall be tendered;
 - v. Declaration of whether a Party Whip has been applied to any item;
 - vi. Approval of the accuracy of Minutes of Council Meetings. There shall be no discussion of the minutes, except upon their accuracy and any question on their accuracy shall be raised by motion;
 - vii. Provost's report
 - viii. Leader's report;
 - ix. Minutes of meetings of Committees of the Council- submission for noting, and for approval of any recommendations;
 - x. Minutes of the Community Planning Partnership Board - submission for noting;
 - xi. Requests to recognise the work of individuals or groups within North Ayrshire
 - xii. Presentations
 - xiii. Business expressly required by statute to be done at the meeting;
 - xiv. Business (if any) remaining from the last meeting;
 - xv. Any items from the Cabinet referred for determination;
 - xvi. Any items referred by any of its Committees for determination by the Council;
 - xvii. Appointment to Committees, Joint Committees, Joint Boards or outside bodies
 - xviii. Any business as per the agenda
 - xix. Questions;
 - xx. Motions.
- 92 Items 9.1 vii, viii, xi, xv, xvi, xvii, xix and xx shall be business for Council meetings only, not for any Committee.
- 93 No item will be removed from the agenda unless with the agreement of all Members present.
- 94 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

- 95 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

- 96 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

- 97 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

- 101 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 **or remote meeting platform (as applicable)** 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.
- 102 Where a Member declares an interest and leaves the meeting **or remote meeting platform (as applicable)** the facts will be recorded in the minutes of the meeting.
- 103 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. **The press and public are to be excluded from a meeting of a local authority whenever it is likely that, if members of the public or press were present, there would be a real and substantial risk to public health due to infection or contamination with coronavirus**

- 112 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.
- 113 These provisions shall be without prejudice to the Provost's powers of exclusion in order to suppress or prevent disorderly conduct or other misbehaviour at a meeting as detailed in Standing Order 5.7 hereof.

12. Questions

Questions submitted in advance of a meeting

- 121 Any Member may ask a question at any meeting of the Council concerning any relevant and competent business not arising upon the agenda provided the terms of the question have been intimated in writing and delivered, faxed or e-mailed to the Chief Executive not later than 2.00 p.m. on the Monday of the week preceding the meeting.
- 122 A Member asking a question or supplementary question or responding thereto shall have a maximum of 3 minutes to deliver their question or answer. This is in addition to the 2-minute preamble referred to in Standing Order 12.2.
- 123 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.
- 124 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.
- 125 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.

Questions relating to items of business on an Agenda

- 126 It shall not be competent to ask a question which seeks to congratulate, commend or recognised any individual or group in relation to their achievements or activities in North Ayrshire.

- 127 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.
- 128 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.
- 129 In relation to both a question submitted in advance of a meeting and a question relating to an item on the agenda, the person answering must ensure there is a reasonable factual basis for any statement of fact made in their response.

Questions of Order

- 1210 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.
- 1211 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

- 131 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 Monday of the week preceding the meeting. It will be competent for any Member of the Council to move a motion of which the requisite notice has been given.
- 132 Except as otherwise provided in these standing orders, it shall also be competent for any Member to propose a motion or amendment relating to any item of business on the agenda of a meeting, providing such motion or amendment is relevant to the item under consideration. For meetings of North Ayrshire Council only, such motion or amendment shall be recorded.

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

Motions arising from requests from Outside Bodies

- 134 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.
- 135 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

- 141 In relation to items of business on the agenda, the Provost will ask the Council Administration if they wish to propose a motion (except in relation to 9.1 (xx) Motions, when the proposer of the motion shall be given the first opportunity to propose the motion, which failing, any Member may propose the motion). If a member of the Council Administration does not propose a motion, any Member may propose a motion. Any such motion must be immediately seconded. Thereafter the Provost will seek any amendments, which should also be seconded. The proposer and seconder of any motion or amendment may speak to their motion or amendment when proposing it, otherwise shall be allowed to speak to it during debate.
- 142 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.
- 143 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.

- 144 For meetings of North Ayrshire Council only, any motion or amendment shall be recorded in writing. Notwithstanding this, the terms of such motion or amendment require to be repeated or referred to by the Member moving such.
- 145 A motion or amendment once moved and seconded shall not be altered nor withdrawn without the consent of the mover and seconder. Once in debate the consent of Council will be required to the alteration or withdrawal of any motion or amendment. If the motion is withdrawn, the first amendment which is not the direct negative becomes the motion.
- 146 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.
- 147 As detailed in Standing Order 12.7, 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

- 151 There shall be no debate unless there is a motion and amendment both of which are seconded.
- 152 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.
- 153 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
- 154 Once in debate, no question will be asked except in the following circumstances:
- a question of order in terms of Standing Order 12.10;
 - with the agreement of the Provost
- 155 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.

- 156 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.
- 157 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.
- 158 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.
- 159 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

- 161 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.
- 162 It will be competent for any Member who has not already spoken in a debate to move the closure of such debate. On such motion being seconded, the vote will be taken, and if a majority of the Members present vote for the motion, the debate will be closed.

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

17. Voting

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

Casting Vote

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

Roll Call Votes

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

Voting by Ballot

- 17.8 If the Council so decides, voting shall be by ballot, which shall be undertaken by the Chief Executive to ensure the secrecy of the vote. A decision to proceed by ballot shall require a majority of those Members present and voting before the ballot may be undertaken. **Where the meeting is being held via a remote meeting platform a ballot may not be feasible and voting shall instead be by roll call vote.**

18. Voting on Appointment of Members

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

19. Disclosure of Information

- 19.1 Information, whether contained in a document or otherwise, which is confidential information within the meaning of Section 50A of the 1973 Act, shall not be disclosed to any person by any Member or Officer.
- 19.2 The full or any part of a document marked "not for publication by virtue of the appropriate paragraph of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973" shall not be disclosed to any person unless or until the document has been made available to the public or the press under Section 50B of the 1973 Act.
- 19.3 Any information regarding proceedings of the Council from which the public may have been excluded shall not be disclosed to any person unless or until disclosure has been authorised by the Council or the information has been made available to the press or to the public under Section 50B of the 1973 Act.
- 19.4 Without prejudice to the foregoing no Member shall use or disclose to any person any confidential and/or exempt information coming to his/her knowledge by virtue of his/her office as a Member where such disclosure would be to the advantage of the Member or of anyone known to him/her or which would be to the disadvantage of the Council.

20. Appointment of Executive Directors

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

21. Suspension of Standing Orders

- 21.1 Any one or more of the Standing Orders in any case of urgency as determined by the Provost upon a motion made, may be suspended at any meeting provided that two thirds of the Members of the Council present and voting shall so decide. It shall not be competent for the Council to suspend any Standing Order which gives effect to any provision of Schedule 7 to the Local Government (Scotland) Act 1973 or any other statutory provision. (This covers the arrangements for meetings and proceedings of Local Authorities).
- 21.2 Any Member competently moving the suspension of Standing Orders shall be entitled to speak for a period of not more than five minutes and shall confine his/her remarks to the reasons for the proposed suspension. The seconder of any such motion shall not speak other than to formally second the motion (no other Member shall be entitled to speak to the motion or to the amendment).
- 21.3 If any amendment is made against suspension of Standing Orders the mover of any such amendment shall again be entitled to speak for not more than five minutes and shall similarly confine his/her remarks to the reasons against suspension. The seconder of an amendment shall not speak other than to formally second the amendment.

22. Variation and Revocation of Standing Orders

- 22.1 It shall not be competent at any meeting of the Council to revoke or vary any of the Standing Orders except:
- i. Upon a resolution to that effect at an Ordinary meeting of Council following a notice given at a previous Ordinary Meeting of the Council; or
 - ii. Upon the Chief Executive submitting to any meeting of the Council a report on any new Standing Order or alteration of any existing Standing Order which appears to be required in consequence of any decision regarding the conduct of business which has been taken by the Council or which is otherwise required for the good governance of the Council.
- 22.2 Any motion to revoke or vary these Standing Orders will, when voted on, be approved by a majority of the Members present and voting.

23. Rescinding/Revocation of Previous Decision/Resolution

- 23.1 Except where required by statute, no Decision of Council may be reconsidered and no item of business reconsidered which is the same or substantially the same as one previously determined by the Council within six months of the date of the making of the previous decision or determination, except where:-
- i. Two thirds of the Members for the time being present and voting agree to suspend Standing Orders in accordance with Standing Order 21 above; or

- i. 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.
- ii. 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 Chair of the Audit and Scrutiny Committee who will be required to call a meeting of the Committee to consider the call-in within five Clear Working Days of receiving notification by the Chief Executive.
- 24.4 The Audit and Scrutiny Committee shall invite at least one of the Members who has requested the call-in to attend the Committee to explain the request. The Committee will also invite a representative from the Cabinet to present their views on the call-in request and thereafter invite any senior officer to provide information on the report presented to the Cabinet and on issues raised by the call-in. Except with the consent of the Chair, Members requesting the call-in will not speak for more than ten minutes in total, and the Cabinet representative will not speak for more than 10 minutes. If none of the Members who have made the reference attend the Audit and Scrutiny Committee the Committee may determine not to scrutinise the decision.

- 245 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.
- 246 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 Chair or another Member of the Audit and Scrutiny Committee nominated by the Chair will have the right to attend the Cabinet and speak in support of its recommendation on that matter.
- 247 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.
- 248 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, Chair and quorum of working groups will be determined by Council or the parent Committee, which membership will comprise Elected Members and, where appropriate, officers from this Council and/or representatives from community groups/partner agencies.
- 25.6 A working group is not a Committee or Sub-Committee of the Council and will not have any delegated powers to implement its findings but will prepare a report for consideration by Cabinet or the parent Committee.

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

Scheme of Delegation to Officers

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

26. Proceedings of Committees and Sub-Committees

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

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

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

- iii. The Ordinary Meetings of Committees (excepting the North Ayrshire Integration Joint Board, the Ayrshire Shared Services Committee and Ayrshire Regional Economic Joint Committees and any sub-committees thereof) will commence at times as may be determined by the Council and will meet according to a timetable determined by the Council from time to time. Without prejudice to the foregoing, the Chair of a Committee or Sub-Committee will have power where the circular calling the meeting has not been issued, to rearrange the date, time and place of a Committee or Sub-Committee in cases of urgency, subject to obtaining the agreement of the Council Leader and the Leader of the Opposition. The date, commencement time and timetable of meetings of North Ayrshire Integration Joint Board and any of its sub-committees will be determined by North Ayrshire Integration Joint Board. The date, commencement time and timetable of meetings of the Ayrshire Shared Services Committee, the Ayrshire Regional Economic Joint Committees and any sub-committees thereof will be determined by whichever of the Councils then holds the Chair.
- iv. A Chair of a Committee or Sub-Committee may at any time give instructions for the calling of a special meeting, but the notice will state the special purpose for which it is called. Such meeting will be held at the time, date and venue as determined by the Chief Executive. **An appropriate venue may include a meeting on a wholly remote basis by electronic means or in circumstances whereby some Members attend the Council Chambers and others take part via remote means.**

262 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.

263 Planning Committee Call-in

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

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

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

27. Approval and Signing of Minutes

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

28. Petitions and Deputations

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

29. Contract Standing Orders and Financial Regulations

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

30. Ultimate Power of the Council

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

31. Definitions

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

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

- v. Where a Decision of Council is subsequently found to be incapable of implementation because of a defect or a new supervening factor, then subject to the confirmation of the Chief Executive upon advice taken, the Decision of Council may be given effect to with the removal of such defective element, or its replacement with a suitable and in all respect compatible element, provided always that the likely outcome of the resultant Decision of Council is materially the same or sufficiently similar to the original decision. In such circumstances the Chief Executive will be obliged to report such change to the next appropriate meeting of the Council, and any decision on such report will not require the suspension of Standing Orders.
 - ix. 'Elected Members' and 'Member' will mean, except where the expression will otherwise so require, a Councillor of the Council only, as the word 'Councillor' is defined by reference to Local Government Etc. (Scotland) Act 1994 s5;
 - x. 'Solicitor to the Council' will mean the Head of Democratic Services or such other legally qualified person as may be nominated by him/her;
 - xi. 'Party' will mean any grouping of two or more Members, previously intimated to the Chief Executive
 - xii. 'Present and voting' or 'present and vote' shall mean Members casting an affirmative or negative vote. Members who abstain from voting are considered as not voting
 - xiii. The Interpretation Act 1978 applies to the interpretation of the Standing Orders as it applies to an Act. Any Act or other legislative provision referred to herein will include reference to any amendment, modification or re-enactment of such provision as may from time to time occur.
 - xiv. In the event of any dispute or difference as to the interpretation of these Standing Orders and any other document the Standing Orders will prevail.
 - xv. The '1973 Act' shall mean the Local Government (Scotland) Act 1973, as amended.
 - xvi. The '2000 Act' shall mean The Ethical Standards in Public Life etc (Scotland) Act 2000.
- 312 Emails from Elected Members to the Chief Executive in respect of Standing Orders 12, 13 and 24 should be submitted using the Council allocated email address i.e. [MemberName]@north-ayrshire.gov.uk. Such emails will be accepted as having been signed by the Elected Member.

Appendix A

Local Government (Scotland) Act 1973

SCHEDULE 7A: DESCRIPTIONS OF EXEMPT INFORMATION

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

- i. any legal proceedings by or against the authority, or
 - ii. the determination of any matter affecting the authority,
 - iii. (Whether, in either case, proceedings have been commenced or are in contemplation).
13. Information which, if disclosed to the public, would reveal that the authority proposes :-
- i. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - ii. to make an order or direction under any enactment.
14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
15. The identity of a protected informant.

Appendix B

NORTH AYRSHIRE COUNCIL GUIDANCE ON DEPUTATIONS AND PETITIONS

1. Introduction

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

2. Procedure

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

- The deputation or petition seeks to review an issue which has already been considered by the Audit and Scrutiny Committee in terms of 24 (Call-in of Cabinet Decisions)

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

3 Determination

3.1 When an application for a deputation/petition is received the Chair of the Audit and Scrutiny Committee will be advised of the issues raised and will decide whether the matter should be dealt with at the next Committee meeting.

3.2 If your request for a deputation or to submit a petition is refused, the reasons for this will be notified to you.

3.3 If your application is approved, you will be invited to attend the Committee meeting. As many Members of your group as wish may attend the meeting, but the number of persons allowed to address the Committee will be limited to a maximum of 3. You will also be asked to identify the principal spokesperson beforehand.

3.4 If during the COVID outbreak, the public are to be excluded from a meeting of a local authority whenever it is likely that, if members of the public were present, there would be a real and substantial risk to public health due to infection or contamination with coronavirus, then paragraphs 3.3 and 4 will not apply, and you will be invited to submit written submissions for the consideration of the Committee.

4 Addressing the Committee

4.1 You should remain seated at all times during the meeting, until the spokespersons are invited to speak by the Chair.

4.2 You will be limited to ten minutes in total to present your case to the meeting. Once you have addressed the meeting, the Members present will be invited to put questions to you. Appropriate Members or officers of the Committee may also be invited to speak and to receive questions. If the officers are presenting a written report, you will be given a copy, if possible, in advance of the meeting.

4.3 The Committee will then take a decision on the matter before it, if appropriate, or if it relates to an item elsewhere on the agenda of the meeting may wait until they reach that item before taking a decision. Once you have heard the decision you are free to leave but are welcome to stay to listen to the rest of the meeting if you so wish.

4.4 If nobody addresses the Committee in support of the petition, the Committee will still consider the item, having regard to the papers on the agenda.

5 Deputations and Petitions Relating to Planning Applications

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

Appendix C

North Ayrshire Council

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

1. Purpose

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

2. Background


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

3. Procedure

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

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

Appendix D

 <p>North Ayrshire Council Comhairle Siorrachd Àir a Tuath</p>	<h3>Call In Request Form</h3>
<p>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.</p>	
<h4>Names of Councillors Requesting Call In</h4>	
<p>1.</p>	
<p>2.</p>	
<p>3.</p>	
<h4>Details of the Decision Taken By The Cabinet</h4> <p>(Please specify the Minute reference)</p>	
<h4>Reasons for Call In</h4> <p>(Please specify your reasons for requesting that the Audit and Scrutiny Committee call in the decision)</p>	
<h4>Desired Outcome</h4> <p>(Please specify your desired outcome)</p>	

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

	Date	Time
Received by Chief Executive		
Received by Committee Services		
Acknowledged		

Appendix E

NORTH AYRSHIRE COUNCIL

Quick Guide to Dealing with Items of Business

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

Document Control Summary:-		
Location:	I:\Committee Services\Publications\01 Standing Orders Relating to Proceedings of the Council and Committees	
Last Revised:	Revised By	Nature of Revision
May 2017	MJA	Standing Orders approved by Council
May 2018	MJA	Para 2 amended by Council to change the frequency of Council meetings from 8-weekly to 6- weekly.
June 2018	MJA	Revised Standing Orders agreed at Council meeting on 27 June 2018:- 9 - Order of Business aligned with order in which items appear on the Council agenda; 12.4 - A time limit of 3 minutes for questions, supplementary questions and responses 13.2 and 14.4 - Motions and amendments for Council to be recorded 26.3 - The Call-in procedure for planning applications included Appendix B Deputations and Petitions- additional exceptions added in 2.4 relating to a) functions delegated to the Integration Joint Board; b) where the request seeks to review a decision taken within the last 6 months; or c) seeks to review a matter which has already been reviewed by the Audit and Scrutiny Committee through the Call-in process.
Nov 2018	MJA	Changes as per decision of Council of 7 November 2018 following the recommendations of a Short Life Member Working Group on Questions and Motions. Changes relates to congratulatory questions and motions, and voting arrangements.
March 2019	MJA	New 12.9 added re factually correct questions. Agreed by Council at its meeting on 27 March 2019.
25 Sep 2019	MJA	Council agreed to: <ul style="list-style-type: none"> • extend notice period for questions and motions to the 2.00 p.m. on the Monday of the week prior to Council; • allow the Provost to change the start time to 1.00 p.m. due to volume of business or weather conditions; • provide a 10-minute time limit for Members speaking in support of a call-in and the same limit for the portfolio-holder in responding • clarify for petitions the expectation that petitioners will have made previous attempts to resolve the issue including use of the complaints scheme
7 April 2020	AL	Formatting of document standardised
12 June 2020	MJA	Amendments made in light of COVID-19 pandemic – approved under emergency delegated approval by the Chief Executive

NORTH AYRSHIRE COUNCIL

15 May 2020

Emergency Governance Decisions (Covid-19 Outbreak)

Title: Cabinet Roles

Purpose: To advise of alterations to Cabinet Member Portfolios.

Recommendation: That the Chief Executive, following appropriate consultation, agrees on behalf of the Council to note the alterations to Cabinet Member Portfolios as set out at Section 2.3 and detailed at Appendix 1.

1. Executive Summary

1.1 The report provides details a refresh of Cabinet roles.

2. Background

2.1 In light of the current Covid-19 outbreak, meetings of the Council and its committees have been suspended until 30 June 2020. During this period, the Scheme of Delegation to Officers already allows the Chief Executive to consider and deal with any urgent issues, howsoever arising, subject to reporting back to the Cabinet for information at the first available opportunity. This power is to be exercised in consultation with the relevant Chief Officer and the relevant portfolio holder. Please see Section 5 for further details of the consultation which has been undertaken in the preparation of this report.

Previous Cabinet Portfolios

2.2 The Council, at its initial meeting held on 17 May 2017, agreed to note that the Administration had appointed the following Members to the Cabinet with the portfolio responsibilities indicated:

- Councillor Cullinane - Finance portfolio-holder
- Councillor Bell - Education portfolio-holder
- Councillor McPhater - Communities portfolio-holder
- Councillor Gallagher - Economy portfolio-holder
- Councillor Montgomerie - Place portfolio-holder
- Councillor Foster - Health and Social Care portfolio-holder

Refreshed Cabinet Roles

2.3 The Administration has taken the opportunity to refresh the roles of Cabinet Members to take into account a number of important themes, including the impact of Covid-19, the components of Community Wealth Building, and addressing Climate Change. In addition to the responsibilities set out below, the Leader will continue to maintain an overview of the Cabinet portfolios and key responsibilities in respect of areas such as policy, risk, health and safety, democratic, etc. In summary, the new Cabinet roles will be:

- Councillor Cullinane – Cabinet Member for Community Wealth Building
- Councillor Montgomerie – Cabinet Member for Green New Deal and Sustainability
- Councillor McPhater – Cabinet Member for Participatory Democracy
- Councillor Bell – Cabinet Member for Education
- Councillor Foster – Cabinet Member for Health and Social Care (and lead Member for Poverty)
- Councillor Gallagher – Cabinet Member for Post-Covid Renewal

2.4 These roles are set out in more detail at Appendix 1.

3. Proposals

3.1 The Chief Executive, following appropriate consultation, is invited on behalf of the Council to note the alterations to Cabinet Member roles as set out at Section 2.3 and detailed at Appendix 1.

4. Implications/Socio-economic Duty

Financial

4.1 None arising from the recommendations within this report.

Human Resources

4.2 None arising from the recommendations within this report

Legal

4.3 The decision on the functions of each Portfolio Holder and the identity of each Portfolio Holder is a decision for the Administration to make. However as this would normally be noted through a report to Cabinet, to enable transparency these changes have been noted by the Chief Executive, using his urgency powers. In turn this allows publication of a report detailing these changes

Equality/Socio-economic

4.4 Benefits arise from ensuring that the Council is appropriately represented on a range of outside bodies.

Environmental and Sustainability

- 4.5 Benefits arise from ensuring that the Council is appropriately represented on a range of outside bodies.

Key Priorities

- 4.6 Benefits arise from ensuring that the Council is appropriately represented on a range of outside bodies.

Community Wealth Building

- 4.7 Benefits arise from ensuring that the Council is appropriately represented on a range of outside bodies.

5. Consultation

- 5.1 No consultation, other than with the Leader of the Council on behalf of the Administration, was required in terms of the preparation of the report itself.

Andrew Fraser
Head of Democratic Services

For further information please contact **Melanie Anderson, Senior Manager (Committee and Member Services)**, on telephone number 01294 324131.

Background Papers

N/A

REVISED CABINET MEMBER PORTFOLIOS

Cabinet Member for Post Covid-Renewal: Alex Gallagher

Responsible for leading post Covid service change and transformation including:

- Transformation
- Digital
- Customer Services

Responsible for National Islands Plan and Arran/Cumbræ liaison including:

- Engagement with Arran and Cumbræ residents
- Links with Arran and North Coast and Cumbræ Localities Partnerships

Cabinet Member for Community Wealth Building: Joe Cullinane

Responsible for all activities relating to the 5 pillars of CWB including:

- Budget
- Procurement
- Business Support
- Land and assets
- Regeneration
- Human Resources
- Employability
- AGD

Cabinet Member for Green New Deal & Sustainability: Jim Montgomerie

Responsible for carbon reduction and sustainable environmental management including:

- Housing
- Capital projects
- Renewable Energy
- Transport and active travel
- Roads
- Recycling
- Facilities Management
- Biodiversity
- Protective and Regulatory services
- Environment
- Community Safety

Cabinet Member for Participatory Democracy: Louise McPhater

Responsible for improving participation with our communities including:

- Participatory Democracy/Budgeting 2.0
- Locality Planning
- CLD
- Libraries
- Sports and Activity
- Digital Participation
- Heritage and Culture
- Third and voluntary sector partnerships

Cabinet Member for Education: John Bell

Responsible for Young People's Education, Skills and Learning including:

- Learning and teaching/curriculum
- Schools
- Early Years
- ASN
- Post-school destinations and partnerships
- Family learning

Cabinet Member for HSCP (and lead member for Poverty): Robert Foster

Responsible for Health and Social Care Partnership services (IJB Chair) and Lead on reducing poverty.

NORTH AYRSHIRE COUNCIL

12 June 2020

Emergency Governance Decisions (Covid-19 Outbreak)

Title: Award of framework for Provision of Employability and Skills

Purpose: To advise of the outcome of the tendering exercise for Provision of Employability and Skills and the subsequent award of a framework and recommend the award of a framework.

Recommendation: That the Chief Executive, following appropriate consultation, agrees on behalf of the Council, to the award of Contracts to Barnardos Scotland, CEIS Ayrshire, Impact Arts, SALUS, The Ayrshire Community Trust, The Lennox Partnership and The Workers Educational Association.

1. Executive Summary

- 1.1 North Ayrshire Council required to establish a replacement framework for the provision of employability and skills. The purpose of this framework is to allow unemployed and in work residents to gain skills or employment and to remove barriers to employment for disadvantaged groups where required through specialist provision.
- 1.2 In order to comply with the Council's Standing Orders Relating to Contracts and public procurement legislation a formal tendering exercise was undertaken.
- 1.3 The Contract term is for 2 years with the option to extend for a further 2 years and is awarded to Barnardos Scotland, CEIS Ayrshire, Impact Arts, SALUS, The Ayrshire Community Trust, The Lennox Partnership and The Workers Educational Association

2. Background

- 2.1 In light of the current Covid-19 outbreak, meetings of the Council and its committees have been suspended until 30 June 2020. During this period, the Scheme of Delegation to Officers already allows the Chief Executive to consider and deal with any urgent issues, howsoever arising, subject to reporting back to the Cabinet for information at the first available opportunity. This power is to be exercised in consultation with the relevant Chief Officer and the relevant portfolio holder. Please see Section 5 for further details of the consultation which has been undertaken in the preparation of this report.

- 2.2 A prior information notice was published on 16th October 2019 to notify the market of the forthcoming procurement exercise.
- 2.3 A formal contract notice was advertised on 17th February 2020 under the open procedure on Public Contracts Scotland and the Official Journal of the European Union and the procurement exercise was carried out via the PCS-Tender System. The return date for the tender was 12 noon on 16th March 2020.
- 2.4 The contract notice attracted 49 expressions of interest of which 7 submitted a tender response.
- 2.5 The contract notice attracted 7 expressions of interest from local bidders of which 2 submitted a response. There were also 3 expressions of interest from Pan Ayrshire bidders of which none submitted a response.
- 2.6 The tender responses received were evaluated against the stated evaluation criteria of 40% price and 60% quality to determine the most economically advantageous tender.

3. Proposals

- 3.1 The Chief Executive, following appropriate consultation, is invited on behalf of the Council approve the framework award to Barnardos Scotland, CEIS Ayrshire, Impact Arts, SALUS, The Ayrshire Community Trust, The Lennox Partnership and The Workers Educational Association.

4. Implications/Socio-economic Duty

Financial

- 4.1 The estimated value of the overall framework agreement based on the evaluated value of known requirements is £8,211,587. A budget of £12,000,000 is available for this requirement. This budget is based on the expected growth of the framework value over the contract period when future funding is allocated from outside bodies and to support the Ayrshire growth deal. The framework will therefore be awarded to the full budget value to facilitate these additional requirements.

Human Resources

- 4.2 None.

Legal

- 4.3 None.

Equality/Socio-economic

- 4.4 The contract will help improve equality in employment within the local area by letting priority groups such as lone parents gain meaningful skills or employment opportunities.

Environmental and Sustainability

4.5 None.

Key Priorities

4.6 The framework helps work towards the following objectives from the Council plan:

- **Aspiring communities**
 - ***'North Ayrshire has an inclusive, growing and enterprising economy'***- We will promote fair employment practices
- **A Council for the future**
 - ***'An accessible Council that puts residents and communities at the heart of what we do'***- We will provide joined-up services across the Council and with partner agencies and communities.
 - ***'An efficient Council that maximises resources and provides value for money'***- We will use our spending power to drive value, maximising the opportunity to support communities and local businesses

Community Wealth Building

4.7 Award of these contracts contributes to the pillars of Community wealth building set out below:

- **Procurement** - Community benefits were a minimum condition of this tender and successful tenderers will deliver over the duration of the contract the community benefits detailed in appendix A.
- **Employment** – 2 of the bidders are accredited living wage employers and all bidders have confirmed that they pay the living wage
- **Land and assets** – Not applicable
- **Financial power** - Not applicable
- **Democratic ownership** – Not applicable

4.8 The recommendation of the evaluation panel is to award some of the lots of the framework to local suppliers CEIS Ayrshire and The Ayrshire community Trust.

5. Consultation

5.1 Throughout the tender process there was direct involvement with members of the Employability team from the Economic Development and Regeneration service

Mark Boyd
Head of Financial & Customer Services

For further information please contact **Suzanne Quinn, I Category Manager- Supplies Services and Works**, on **01294 324 039**.

Background Papers

NAC/1137 Tender Outcome Report

NORTH AYRSHIRE COUNCIL

12 June 2020

Emergency Governance Decisions (Covid-19 Outbreak)

Title: Award of Contract for Upper Garnock Valley Flood Protection Scheme Works

Purpose: To advise of the outcome of the tendering exercise for the Upper Garnock Valley Flood Protection Scheme and recommend the award of a contract.

Recommendation: That the Chief Executive, following appropriate consultation, agrees on behalf of the Council that the contract be awarded to McLaughlin & Harvey.

1. Executive Summary

- 1.1 North Ayrshire Council required to establish a new Contract for the Upper Garnock Valley Flood Protection Scheme Works. The purpose of this scheme is to reduce the risk of flooding from the River Garnock and tributaries to the towns of Kilbirnie, Glengarnock and Dalry.
- 1.2 In order to comply with the Council's Standing Orders Relating to Contracts and public procurement legislation a formal tendering exercise was undertaken.
- 1.3 The Contract term is for 18 months with the award to McLaughlin & Harvey.

2. Background

- 2.1 In light of the current Covid-19 outbreak, meetings of the Council and its committees have been suspended until 30 June 2020. During this period, the Scheme of Delegation to Officers already allows the Chief Executive to consider and deal with any urgent issues, howsoever arising, subject to reporting back to the Cabinet for information at the first available opportunity. This power is to be exercised in consultation with the relevant Chief Officer and the relevant portfolio holder. Please see Section 5 for further details of the consultation which has been undertaken in the preparation of this report.
- 2.2 A prior information notice was published on 12 August 2019 to notify the market of the forthcoming procurement exercise.

- 2.3 A formal contract notice was advertised on 8 November 2019 under the open procedure on Public Contracts Scotland and the Official Journal of the European Union and the procurement exercise was carried out via the PCS-Tender System. The return date for the tender was 12 noon on 14 February 2020.
- 2.4 The contract notice attracted 20 expressions of interest of which 4 submitted a tender response.
- 2.5 The contract notice attracted no expressions of interest from local or Pan Ayrshire bidders.
- 2.6 The tender responses received were evaluated against the stated evaluation criteria of 60% price and 40% quality to determine the most economically advantageous tender.

3. Proposals

- 3.1 The Chief Executive, following appropriate consultation, is invited on behalf of the Council to award the contract to McLaughlin & Harvey.

4. Implications/Socio-economic Duty

Financial

- 4.1 The total value of the overall Contract is £12,630,700. A budget of £14,305,100 is available for this requirement.

Human Resources

- 4.2 None.

Legal

- 4.3 None.

Equality/Socio-economic

- 4.4 None.

Environmental and Sustainability

- 4.5 This contract will reduce the risk of flooding from the River Garnock and tributaries to the towns of Kilbirnie, Glengarnock and Dalry therefore keep our communities safe.

Key Priorities

- 4.6 This contract supports the Council's priority outcome:
- Inspiring Place
 - North Ayrshire is a sustainable environment - we will protect our communities by delivering the Upper Garnock Flood Protection Scheme

Community Wealth Building

4.7 Procurement – Community Benefits was a minimum condition of this tender and the successful tenderer will deliver the following Community Benefits over the duration of the contract:

- o Employability Requirements – 758 weeks.
- o 1 Workshop for an SME and 1 workshop for a Third Sector Organisation (TSO's) and proactive maximisation of opportunities for SME's, TSO's and Supported Businesses.
- o Work placement for a minimum of 5 days for an S4, S5 or S6 pupil from a North Ayrshire School
- o Support for a community project agreed in conjunction with NAC Communities department involving local people and reflecting local priorities
- o To work closely with North Ayrshire Council and the local community to provide a service over and above these minimum requirements.

Employment – McLaughlin & Harvey pay the living wage.

Land and Assets – Not applicable.

Financial Power - Not applicable.

Democratic Ownership – Not applicable.

5. Consultation

5.1 Throughout the tender process there was direct involvement with the Flooding & Structural Design Team in Commercial Services (Roads & Transportation) and consultation with external Professional and Technical advisors.

Mark Boyd
Head of Financial & Customer Services

For further information please contact **Suzanne Quinn, I Category Manager- Supplies Services and Works**, on **01294 324 039**.

Background Papers

Tender Outcome Report (NAC/2120)

NORTH AYRSHIRE COUNCIL

12 June 2020

Emergency Governance Decisions (Covid-19 Outbreak)

Title: Award of contract for the Provision of an Unpaid Carers and Young Carers Support Service

Purpose: To advise of the outcome of the tendering exercise for the Provision of an Unpaid Carers and Young Carers Support Service and recommend the award of a contract.

Recommendation: That the Chief Executive, following appropriate consultation, agrees on behalf of the Council that the contract be awarded to Unity Enterprise.

1. Executive Summary

- 1.1 North Ayrshire Council require to establish a replacement contract for the Provision of an Unpaid Carers and Young Carers Support Service. The purpose of this contract is to facilitate support and advice to unpaid carers across the North Ayrshire area. Providing this support is a requirement of the Carers (Scotland) Act 2016.
- 1.2 In order to comply with the Council's Standing Orders Relating to Contracts and public procurement legislation a formal tendering exercise was undertaken.
- 1.3 The Contract term is for 3 years with the option to extend for a further 2 years and is awarded Unity Enterprise.

2. Background

- 2.1 In light of the current Covid-19 outbreak, meetings of the Council and its committees have been suspended until 30 June 2020. During this period, the Scheme of Delegation to Officers already allows the Chief Executive to consider and deal with any urgent issues, howsoever arising, subject to reporting back to the Cabinet for information at the first available opportunity. This power is to be exercised in consultation with the relevant Chief Officer and the relevant portfolio holder. Please see Section 5 for further details of the consultation which has been undertaken in the preparation of this report.
- 2.2 A prior information notice was published on 8 November 2019 to notify the market of the forthcoming procurement exercise.

- 2.3 A formal contract notice was advertised on 19 December 2019 under the open procedure on Public Contracts Scotland and the Official Journal of the European Union and the procurement exercise was carried out via the PCS-Tender System. The return date for the tender was 23 January 2020.
- 2.4 The contract notice attracted 18 expressions of interest of which 2 submitted a tender response.
- 2.5 The contract notice attracted 5 expressions of interest from local or Pan Ayrshire bidders, none of which submitted a response.
- 2.6 The tender responses received were evaluated against the stated evaluation criteria of 20% price and 80% quality to determine the most economically advantageous tender.

3. Proposals

- 3.1 The Chief Executive, following appropriate consultation, is invited on behalf of the Council to award the contract to Unity Enterprise.

4. Implications/Socio-economic Duty

Financial

- 4.1 The total value of the overall Contract is £1,024,795. An increased budget of £1,024,795 has been made available for this requirement.

Human Resources

- 4.2 None.

Legal

- 4.3 The contract will ensure that the Council satisfy their legislative requirement to provide support to unpaid carers as required by the Carers (Scotland) Act 2016.

Equality/Socio-economic

- 4.4 None.

Environmental and Sustainability

- 4.5 None

Key Priorities

- 4.6 The contract helps work towards the following objectives from the Council plan:

- **Aspiring communities**

- ***North Ayrshire's residents and communities are safe-*** We will work with partners to support our vulnerable residents and communities.

- ***North Ayrshire's children and young people have the best start in life-*** We will work with our young people to build their resilience, supporting their mental and physical well-being.
- **A Council for the future**
 - ***An accessible Council that puts residents and communities at the heart of what we do-*** We will provide joined-up services across the Council and with partner agencies and communities.
 - ***An efficient Council that maximises resources and provides value for money-*** We will use our spending power to drive value, maximising the opportunity to support communities and local businesses

Community Wealth Building

4.7 Award of these contracts contributes to the pillars of community wealth building set out below:

- **Procurement** - Community benefits were a minimum condition of this tender and the successful tenderer will deliver the following community benefits over the duration of the contract:
 - Work placement for a minimum of 5 days for an S4, S5 or S6 pupil
 - Support for a community project agreed in conjunction with NAC Communities department involving local people and reflecting local priorities
- **Employment** – The winning tenderer is a living wage accredited employer
- **Land and Assets** – Not applicable
- **Financial Power** – Not applicable
- **Democratic Ownership** – Not applicable

5. Consultation

5.1 Throughout the tender process there was direct involvement with members of the self-directed support team from the Health and Social Care Partnership.

Mark Boyd
Head of Financial & Customer Services

For further information please contact **Suzanne Quinn, I Category Manager- Supplies Services and Works**, on **01294 324 039**.

Background Papers

NAC/5008 Tender Outcome Report

