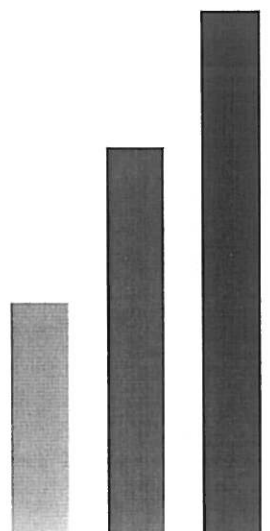


# Agenda 2014

# Inverclyde Council

For meeting on:

20	February	2014
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**A meeting of The Inverclyde Council will be held on Thursday 20 February 2014 at 4pm within the Municipal Buildings, Greenock.**

ELAINE PATERSON  
Head of Legal and Democratic Services

## **BUSINESS**

### **\*\* Copy to follow**

#### **1. Apologies and Declarations of Interest**

## **NEW BUSINESS**

#### **2. Minutes of Meetings of The Inverclyde Council, Committees, Sub-Committees and Boards**

- |  |                |
|--|----------------|
| Appointment Panel - Head of Legal & Property Services                        | (p 357)        |
| Inverclyde Council   | (pp 358 - 365) |
| General Purposes Board   | (pp 366 - 368) |
| Policy & Resources Executive Sub-Committee                                   | (pp 369 - 370) |
| Appointment Panel - Head of Legal & Property Services                        | (p 371)        |
| <br>   |                |
| Audit Committee  | (pp 1 - 2)     |
| Inverclyde CHCP Sub-Committee  | (pp 3 - 6)     |
| General Purposes Board   | (pp 7 - 8)     |
| Inverclyde Council (Special)   | (p 9)          |
| Environment & Regeneration Committee   | (pp 10 - 17)   |
| Policy & Resources Executive Sub-Committee                                   | (p 18)         |
| Education & Communities Committee  | (pp 19 - 26)   |
| HR Appeals Board   | (p 27)         |
| Policy & Resources Committee   | (pp 28 - 34)   |
| Planning Board   | (pp 35 - 39)   |
| Local Review Body  | (pp 40 - 41)   |
| ** General Purposes Board  | (pp 42 - )     |
| ** HR Appeals Board  | ( )            |
| ** Policy & Fire Scrutiny Sub-Committee                                      | ( )            |
| <br>   |                |
| <b>3. 2014/16 Budget</b>   |                |
| ** Report by Acting Corporate Director Environment, Regeneration & Resources |                |
| <br>   |                |
| <b>4. Resolution: Council Tax 2014/15</b>                                    |                |



**Healthy  
Working  
Lives**



5. **Prohibition of Election Posters on Council Property - Motion by Councillor McIlwee**  
Report by Acting Corporate Director Environment, Regeneration & Resources
6. **Scottish Steelworkers Memorial Fund - Request by Councillor McCabe**  
Report by Acting Corporate Director Environment, Regeneration & Resources
7. **Statutory Review of Polling Places**  
Report by Head of Legal & Democratic Services
8. **Establishing a Shadow Health & Social Care Partnership in Inverclyde**  
Report by Corporate Director Inverclyde CHCP
9. **CO-146 Salary Agreement 2013/2015**  
\*\* Report by Head of Organisational Development, HR & Communications

#### **REMITTS FROM COMMITTEES**

10. **Proposed Traffic Regulation Order - Disabled Persons' Parking Places (On-Street) Order No 4 2013 - Remit from Environment & Regeneration Committee**  
Report by Acting Corporate Director Environment, Regeneration & Resources
11. **Community Council Champion - Remit from Education & Communities Committee**  
Report by Acting Corporate Director Environment, Regeneration & Resources
12. **Proposed Management Rules (Libraries): Public Consultation Response - Remit from Education & Communities Committee**  
Report by Acting Corporate Director Environment, Regeneration & Resources
13. **Proposed Management Rules (Museums): Public Consultation Response - Remit from Education & Communities Committee**  
Report by Acting Corporate Director Environment, Regeneration & Resources

The documentation relative to the following items has been treated as exempt information in terms of the Local Government (Scotland) Act 1973 as amended, the nature of the exempt information in respect of the following item being that set out in paragraph 1 of Part I of Schedule 7(A) of the Act and the nature of the exempt information in respect of the item thereafter being that set out in the paragraphs of Part I of Schedule 7(A) of the Act as detailed in the minute of the relevant Committee or Board.

#### **TRUST BUSINESS**

14. **Proposal to Extend Contract**  
Report by Corporate Director Education, Communities & Organisational Development on proposals to extend and increase the hours of a temporary contract

#### **NEW BUSINESS**

15. **Business in the Appendix**

Enquiries to – Sharon Lang - Tel 01475 712112
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<b>Report To:</b>	<b>The Inverclyde Council</b>	<b>Date:</b>	<b>20 February 2014</b>
<b>Report By:</b>	<b>Acting Corporate Director Environment, Regeneration &amp; Resources</b>	<b>Report No:</b>	<b>SL/LA/1137/14</b>
<b>Contact Officer:</b>	<b>Sharon Lang</b>	<b>Contact No:</b>	<b>01475 712112</b>
<b>Subject:</b>	<b>Prohibition of Election Posters on Council Property - Motion by Councillor Mcllwee</b>		

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## 1.0 PURPOSE

- 1.1 The purpose of this report is to ask the Council to consider a motion by Councillor Mcllwee, countersigned by Councillor Brennan, which has been submitted in accordance with Standing Order 22. A copy of the motion is attached as **appendix 1**.

## 2.0 SUMMARY

- 2.1 The motion proposes the prohibition of election posters on Council property, including lighting columns, roadside verges and street furniture with immediate effect.

## 3.0 RECOMMENDATION

- 3.1 The Council is asked to consider the motion by Councillor Mcllwee.

**Sharon Lang**  
**Legal & Democratic Services**

## 4.0 BACKGROUND

- 4.1 The Council's current policy was promulgated following a report by the then Director of Transportation & Roads in August 1996 and a copy of the original report is attached as **appendix 2**.
- 4.2 Although this policy has been considered by officers on numerous occasions since 1996, no changes to the policy have been introduced. The current guidelines which are issued to candidates and agents in advance of any election are attached as **appendix 3**.

## 5.0 IMPLICATIONS

### Finance

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

#### One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments

#### Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments

### Legal

- 5.2 There are no legal implications arising from any change of policy.

### Human Resources

- 5.3 The current policy in general terms complies with Health & Safety Best Practice.

### Equalities

- 5.4 There are no equalities implications arising from this report.

### Repopulation

- 5.5 There are no repopulation implications arising from this report.

## 6.0 CONSULTATIONS

### Roads

- 6.1 The Head of Environmental & Commercial Services advises that the proliferation of election posters in the run up to any election process is distracting to motorists and pedestrians alike and also generates a sense of clutter throughout the roads network. In addition, because the Council's policy differs from that of the Trunks Road Authority, there is an inconsistent approach across Inverclyde.

He also advises that after an election has taken place, those who have displayed posters on street furniture are often slow to remove these, placing a burden on the Roads Service.

It should be noted also that the majority of Authorities throughout Scotland no longer allow the display of election posters on lighting columns and street furniture.

### **Returning Officer**

- 6.2 The Returning Officer confirms that he supports the comments made by the Head of Environmental & Commercial Services and indicates that the current policy leads to friction amongst those who are involved in the election process and can result in complaints from members of the public who are unhappy about posters being displayed in their street.

## **7.0 LIST OF BACKGROUND PAPERS**

- 7.1 None

## **Prohibition of election posters on Council property**

This Council rightly places great emphasis on health and safety amongst its employees, many of whom work at heights and use ladders. It is therefore inconsistent that we either personally take part in, or are party to, the erection of election posters on Council lighting columns and street furniture, and their subsequent removal, without normally adopting any of the procedures we would expect Council employees to use.

It is noted that the display of election posters is already banned within a number of local authorities across Scotland. It is also noted that the display of election posters is banned on trunk roads under the control of Transport Scotland.

Therefore, we propose that in the interests of health and safety, this Council revokes, with immediate effect, its consent under the Roads (Scotland) Act 1984, to allow the display of election posters on property, including lighting columns, roadside verges and street furniture, in the direct ownership of the Council.

Moved by:

Seconded by:

Report to:                   Transportation and Roads Committee  
Report from:                Director of Transportation and Roads

**SUBJECT: Attachment of Notices, Signs etc. on Lighting Columns**

## 1 Purpose of Report

1.1 To seek the Committees approval of a proposed policy in respect of the above, for the local road network.

In addition, subject to the approval of the Scottish Office, this policy would apply to those sections of the A8 and A78 Trunk routes which the Council has a responsibility for as a member of the Local Authority Consortia.

## 2 Background

2.1 Signs which may be attached to lighting columns purchased since April 1989 shall have a maximum area of 1m<sup>2</sup> and be mounted with a maximum clearance height from ground level of 3m.

In the case of other signs, and other street furniture, the columns must be specifically designed to accept the applied loads or where existing have appropriate design checks

2.2 All traffic signs complying with the Traffic Signs Regulations and General Directions 1981 or any other sign which has been specifically authorised by the Secretary of State may be fixed on lighting columns. In the case of some signs, such as bus stops and seasonal signs to tourist information centres, the Department may give permission for other agencies to carry out the work provided that the standard of workmanship is satisfactory.

2.3 Under section 97(c) of the Civic Government (Scotland ) Act 1982, Council has powers to affix street nameplates to lighting columns.

2.4 Subject to approval the motoring organisations may erect temporary traffic signs within the following guidelines:

- a) No advertising should be allowed
- b) Where the event is being staged in a public building, the building rather than the event should be signposted, with signs being removed immediately after the event.

2.5 Subject to the approval of the Director, any conditions which he may stipulate, and the guidelines detailed in item 2.1, the following items may be attached to lighting columns.

Bus timetable information  
Litter baskets  
Floral baskets and displays  
Festive decorations and non commercial banners.

2.6 Where equipment which is not the property of the Council is attached to lighting columns, the council shall be fully indemnified against all third party claims arising.



2.7 For the duration of an Election Campaign the Council will not object to the fixing of Election posters to items of street furniture such as lighting columns and direction signs, on the understanding that written notification will be provided beforehand.

The posters must not be attached to street furniture using glue or any other form of adhesive, they should be backed by some form of card of adequate stiffness and tied with string.

The mounting height of the card must be not less than 2.1m above ground level

Care must also be taken when placing these posters, that there is no inconvenience to the travelling public in terms of obscuring signs which are essential for the direction of traffic and safety.

Posters must not, in any circumstances, be attached to any traffic signal post or control box, or to street furniture in central reservations and pedestrian refuge islands.

Only one poster per Party, or two posters back to back per Party is allowed on each item of street furniture.

All posters must be removed by the Party within 48 hours of the completion of the campaign

2.8 Public notice of traffic orders are acceptable provided they are pasted on hardboard backing and tied to the lighting column.

2.9 Unauthorised signs etc. will be removed, after notification, with all costs incurred being recharged.

### 3 Recommendation

3.1 That the Committee approve the proposed policy with respect to fixing of notices & signs etc. to lighting columns.

Ronald Small

Director of Transportation and Roads

22 August 1996

## INVERCLYDE COUNCIL

### SCOTTISH PARLIAMENTARY ELECTION 2011 – GREENOCK AND INVERCLYDE CONSTITUENCY POSTERS ON STREET FURNITURE ROADS (SCOTLAND) ACT 1984

For the duration of the Election Campaign, the Council will not object to the fixing of Election Posters to items of street furniture such as lighting columns. This is on the understanding that written permission is obtained beforehand from the Head of Environmental & Commercial Services and the following conditions adhered to: - (Failure to do this constitutes an **offence** under Section 100 of the Roads Scotland Act 1984.)

- Should permission be granted, it will be so granted on the understanding that those concerned agree to indemnify the Council against any third party claims arising from the attachment of their poster to street furniture;
- The contact name of the person responsible for the posters is provided;
- Posters must not be attached to street furniture using glue or any other form of adhesive, they should be backed by some form of card of adequate stiffness and tied with string or plastic tie wraps;
- On lighting columns, the mounting height of the card must not be less than 2.1m above ground level;
- **Posters must not, in any circumstances, be attached to any traffic or direction sign, traffic signal post or control box or to street furniture in central reservations, roundabouts and pedestrian refuge islands;**
- Only one Poster per Party, or two posters back to back per Party, is allowed on each item of street furniture;
- Should the Roads Service consider the siting of any particular Poster a problem, the applicant is obliged to remove it on request;
- The Posters should not exceed 1m<sup>2</sup> set at a minimum height of 2.1 m and a maximum height of 3m;
- All Posters must be removed by the Party **within 48 hours of the day of the election;**
- Failure to remove within the timescale will result in them being removed and costs being levied upon the relevant organisation; and
- Unauthorised signs etc. will be removed, after notification, and again all costs incurred will be recharged.

**Please note that this guidance does not apply to election material on Trunk Roads. Transport Scotland has a policy which precludes the placing of Election Material within the trunk road boundary.**

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<b>Report To:</b>	<b>The Inverclyde Council</b>	<b>Date:</b>	<b>20 February 2014</b>
<b>Report By:</b>	<b>Acting Corporate Director Environment, Regeneration &amp; Resources</b>	<b>Report No:</b>	<b>RMcG/LA/1136/14</b>
<b>Contact Officer:</b>	<b>Rona McGhee</b>	<b>Contact No:</b>	<b>01475 712113</b>
<b>Subject:</b>	<b>Scottish Steelworkers Memorial Fund - Request by Councillor McCabe</b>		

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## **1.0 PURPOSE**

1.1 The purpose of this report is to ask the Council to consider a request by Councillor McCabe.

## **2.0 SUMMARY**

2.1 Councillor McCabe has requested that the Council consider the attached letter from the Committee Chairman of the Scottish Steel Workers Memorial Fund seeking a contribution towards the cost of a structure in memory of those who lost their lives in the Scottish steel industry. **(APPENDIX)**

## **3.0 RECOMMENDATION**

3.1 That the Council consider the request from Councillor McCabe.

**Rona McGhee**  
**Legal & Democratic Services**

#### 4.0 BACKGROUND

4.1 The background is as set out in the letter from the Scottish Steelworkers Memorial Fund. (APPENDIX)

#### 5.0 PROPOSAL

5.1 It is proposed that the Council consider the request from the Scottish Steelworkers Memorial Fund for a contribution towards the erection of a structure in memory of those who lost their lives in the Scottish steel industry.

#### 6.0 IMPLICATIONS

##### Finance

6.1 The Head of Finance advises that the source of funds for any contribution would be the revenue contingency.

##### One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
TBC					

##### Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

##### Legal

6.2 There are no legal implications arising from this report

##### Human Resources

6.3 There are no HR implications arising from this report.

##### Equalities

6.4 There are no equalities implications arising from this report.

##### Repopulation

6.5 There are no repopulation implications arising from this report.

#### 7.0 CONSULTATIONS

7.1 N/A

#### 8.0 LIST OF BACKGROUND PAPERS

8.1 None



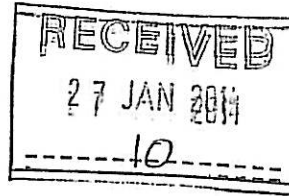
## SCOTTISH STEELWORKERS MEMORIAL FUND

Scottish Steelworkers Memorial Fund  
 New Lanarkshire House  
 Strathclyde Business Park  
 Bellshill ML4 3AD

TC/KL

23 January 2014

Councillor Stephen McCabe  
 Leader of the Council  
 Inverclyde Council  
 Municipal Buildings  
 GREENOCK PA15 1LY



Tel: 01698 742194 Fax: 01698 842211  
 Email: supercounty@scotent.co.uk

Dear Leader

**In Memory of Workers who lost their lives in the Scottish Steel Industry**

This year is the twenty-second anniversary of the closure of the Ravenscraig Steel Plant. An idea has been developed which involves the erection of a structure in memory of those who lost their lives in the Scottish Steel Industry.

It is intended to locate the memorial structure on the Ravenscraig site, which is in the early stages of redevelopment. Conversations have been held with North Lanarkshire Council and the Ravenscraig Development Company and a site, in close proximity to the Ravenscraig Regional Sports Centre, has been identified as being suitable.

Those behind the project are in complete agreement with the Council and the Development company in that the structure should be inspirational and of a scale to be a worthy memorial and at the same time complimentary to the innovative developments which will take place on the site.

The project cost is £150,000, a major fundraising exercise is underway and we are now only £5,000 short of our target.

I am very aware of the difficult economic times which we are facing and particularly conscious of the challenges which businesses are dealing with. However I know that many will wish to contribute to our fundraising activity, any contribution would be greatly appreciated.

Yours Sincerely

Terry Currie DL MSc  
 Committee Chairman

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<b>Report To:</b>	<b>The Inverclyde Council</b>	<b>Date:</b> 28 January 2014
<b>Report By:</b>	<b>Head of Legal &amp; Democratic Services</b>	<b>Report No:</b> EP/LA/1130/14
<b>Contact Officer:</b>	<b>Elaine Paterson</b>	<b>Contact No:</b> 01475 712139
<b>Subject:</b>	<b>Statutory Review of Polling Places</b>	

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## 1.0 PURPOSE

1.1 The purpose of this report is to (i) advise Members of the need to carry out a statutory review of the Council's Polling Scheme and (ii) to ask Members to approve the draft Polling Scheme detailed in Appendix 3 hereof and the timetable in respect thereof, as detailed in Appendix 1.

## 2.0 SUMMARY

2.1 In terms of the Representation of the Peoples Act 1983 (as amended) local authorities are required to (i) designate polling places for the purposes of elections and (ii) review those arrangements at least every four years.

2.2 The Council last reviewed its arrangements in 2010/2011 and in terms of recent legislation it must review those arrangements between 1 October 2013 and 31 January 2015.

2.3 It is proposed to carry out the next review in line with the timetable specified in Appendix 1 hereto with a view to it being completed and coming into force by November/December 2014.

2.4 The current Polling Scheme, which forms Appendix 2 hereof, will be deployed in the European Election and Scottish Referendum both of which are due to take place in 2014, subject to a few amendments to take account of building works and/or closures (eg. Ardgowan Primary School), which are scheduled to take place on a number of establishments in 2014.

2.5 With regard to the amendments in para 2.4 above the Chief Executive has delegated authority to make such arrangements. Members will be made aware of the finalised arrangements for the Elections due to take place in 2014, in due course.

2.6 The proposed draft Polling Scheme forms Appendix 3 hereof.

## 3. RECOMMENDATIONS

3.1 Members are asked to:-

(i) note the requirements to undertake a review of the Polling Scheme between 1 October 2013 and 31 January 2015;

(ii) approve the timetable relating to the Statutory Review of the Polling Scheme, as outlined in Appendix 1;

- (iii) approve the draft Polling Scheme forming Appendix 3 hereof, and authorise the Head of Legal & Democratic Services to consult thereon; and
- (iv) note that a further Report will be presented to the Council at its meeting on 10 April, once the Consultation period has ended.

#### **4.0 BACKGROUND**

- 4.1 Local Authorities are obliged, in terms of the Representation of the Peoples Act 1983 (as amended), to divide their area into polling districts, polling places and polling stations for the purposes of parliamentary and other elections. They are further obliged to keep their arrangements under review.
- 4.2 The practice in Inverclyde Council has been to review our polling arrangements as each scheduled election approaches. However, in addition, the legislation requires that a formal review be undertaken at least every four years. In this regard, the Council's last statutory review was completed in 2011.
- 4.3 In terms of the Electoral Registration Administration Act 2013, the next review of UK Parliamentary Polling Districts and Places must take place between 1 October 2013 and 31 January 2015.
- 4.4 In conducting the review, authorities must seek to ensure that:-
  - (i) all electors in the constituency have such reasonable facilities for voting as are practicable in the circumstances; and
  - (ii) so far as reasonably practical, the polling places they are responsible for are accessible to all voters, including those who are disabled, and when considering the designation of a polling place, must have regard to the needs of persons with disabilities.
- 4.5 The timetable for the review is outlined in Appendix 1 and the initial Notification has already been published in November 2013 and contact made with interested parties, such as Members, Community Councils and organisations representing the disabled.
- 4.6 The draft Polling Scheme which forms Appendix 3 hereof, takes account of the representations received so far.
- 4.7 The draft Polling Scheme also proposes certain amendments to the current Polling Scheme as follows:-
  - (i) It is proposed that the Council now reverts to using Whinhill Primary School (formerly Overton Primary School) for those voters within Polling Districts IG16/IG10. These voters have recently been using Peat Road Community Centre during the school refurbishment works. The Community Centre is not ideal due to its arrangements for disabled access.
  - (ii) It is proposed to utilise St Andrew's Primary School for those voters within Polling District IG 27. Those voters have latterly utilised Garvel Deaf Centre during refurbishment of the school. The Garvel Deaf Centre has now closed and St Andrew's Primary School is now available, it is eminently suitable for use as a Polling Place;
  - (iii) Latterly, those voters in Polling District IG35 have voted in Ravenscraig Sports Centre. Given the present uncertainty regarding the availability of Ravenscraig Sports Centre in the future, alternative premises require to be identified. It is therefore proposed that the Council confirm that Aileymill Primary School is identified for use by voters within Polling District IG35;

(iv) Ardgowan Primary School:- This Primary School is currently scheduled for refurbishment. It has proved impossible to identify a suitable alternative, without realignment of Polling Districts. The Returning Officer has identified that the Ardgowan Bowling Club, Ardgowan Square, Greenock is the nearest suitable and available alternative. It is therefore proposed that these premises be utilised as a replacement for Ardgowan Primary School. Consequently, the Council will also require to make a small adjustment to the District Boundary line to encompass the Ardgowan Bowling Club. This will have the knock-on effect of requiring some 400 voters who currently vote in the Watt Hall to now vote in the Ardgowan Bowling Club. For those voters, the Ardgowan Bowling Club is actually closer to where they reside than is the Watt Hall. A plan indicating the suggested changes is attached (Appendix 4).

4.8 With regard to the European Elections due to take place on 22 May 2014 and the Scottish Referendum due to take place on 18 September 2014, the current polling scheme (Appendix 2) will be utilised.

4.9 A number of adjustments will need to be made to take account of scheduled building works and the Chief Executive has delegated authority to make such arrangements.

## 5. IMPLICATIONS

### Finance

5.1 There are no financial implications in regard to this report.

#### Financial Implications – One off Costs

Cost Centre	Budget Heading	Budget Year	Proposed Spend this Report	Virement From	Other Comments
n/a	n/a	n/a	n/a	n/a	n/a

#### Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect From	Annual Net Impact	Virement From (if Applicable)	Other Comments
n/a	n/a	n/a	n/a	n/a	n/a

### Legal

5.2 The Council is required to receive this report in terms of the Representation of the Peoples Act 1983 (as amended) and the Electoral Registration and Act 2013.

### Human Resources

5.3 There are no human resource implications.

### Equalities

5.4 The Council is required to ensure that, as far as reasonably practicable, polling places are accessible to all voters.

### Repopulation

5.5 There are no repopulation implications.



## **6.0 CONSULTATIONS**

6.1 Consultation will be carried out in accordance with the statutory provisions during the course of the review.

## **7.0 LIST OF BACKGROUND PAPERS**

7.1 Polling Scheme

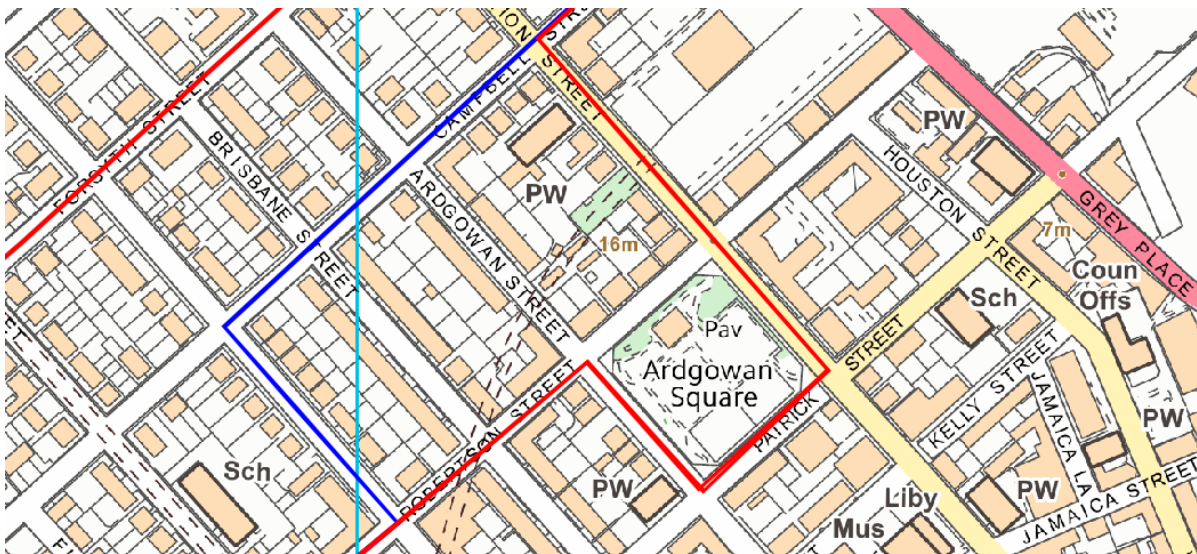
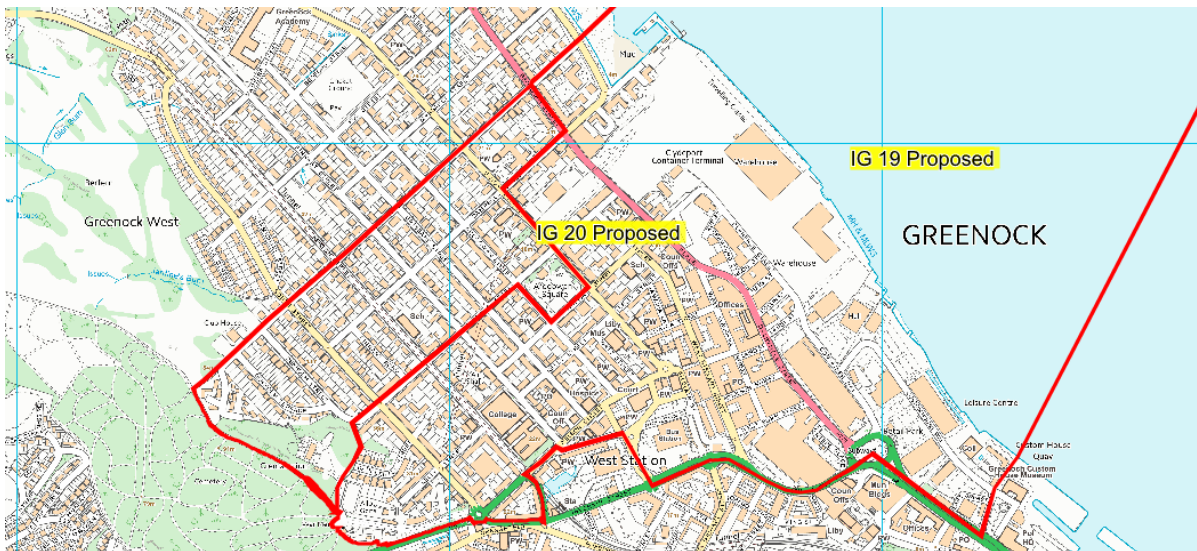
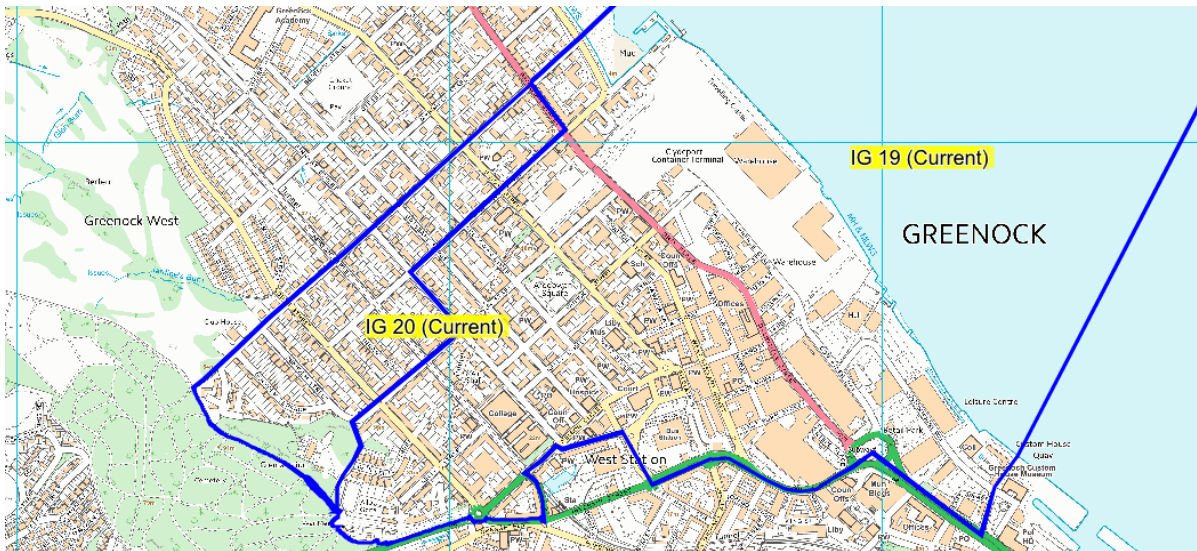
**INVERCLYDE COUNCIL**  
**STATUTORY REVIEW OF POLLING DISTRICTS**  
**AND POLLING PLACES**

**TIMETABLE**

**The timetable for the Consultation Review is as follows:-**

1. Representations by interested parties must be received no later than	20 December 2013
2. Council to consider a report on the initial proposals to approve Draft Polling Scheme on	20 February 2014
3. Further consultation on the draft Polling Scheme commencing on	24 February 2014
4. Final date for comments on draft Polling Scheme	17 March 2014
5. Final proposals, having regard to any comments/suggestions received will be considered by the Council on	10 April 2014

Elaine Paterson  
Head of Legal & Democratic Services



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**Report To:** Inverclyde Council

**Date:** 20<sup>th</sup> February 2014

**Report By:** Brian Moore  
Corporate Director  
Inverclyde Community Health &  
Care Partnership

**Report No:**  
CHCP/17/2014/HW

**Contact Officer:** Helen Watson  
Head of Planning, Health  
Improvement and  
Commissioning  
Inverclyde Community Health  
and Care Partnership

**Contact No:** 01475 715369

**Subject:** ESTABLISHING A SHADOW HEALTH AND SOCIAL CARE  
PARTNERSHIP IN INVERCLYDE

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## 1.0 PURPOSE

- 1.1 The purpose of this report is to provide the Inverclyde Council with an update on the local preparations for the transition to shadow Health and Social Care Partnership arrangements in preparation for the enactment of the Public Bodies (Joint Working) (Scotland) Bill 2013.

## 2.0 SUMMARY

- 2.1 Existing CHCP arrangements in Inverclyde are substantively in line with the requirements of the Bill and associated guidance in their current format, as described in the paper presented to the CHCP Sub-Committee in August 2013.
- 2.2 We anticipate that transition to a Health and Social Care Partnership (HSCP) should cause little if any disruption to staff and service users, due to our well established CHCP arrangements that will serve as a natural foundation to build upon.
- 2.3 The Scheme of Establishment was revised in August 2012 but will likely require further revision once the legislation, regulations and guidance are finalised, however in its current format it should serve as a basis for the shadow Integration Plan.
- 2.4 The body of this paper describes in more detail how the Chief Officer role will emerge and develop in the shadow phase of our HSCP.

## 3.0 RECOMMENDATION

- 3.1 The Council is asked to re-affirm its support for the current Inverclyde CHCP arrangements, and approve the proposed process to transition to a shadow Health and Social Care Partnership from 1st April 2014.

**Brian Moore**  
Corporate Director  
Inverclyde Community Health & Care  
Partnership

## 4.0 BACKGROUND

- 4.1 The Public Bodies (Joint Working) (Scotland) Bill was introduced in the Scottish Parliament on May 28, 2013. This Bill requires territorial NHS health boards and local authorities to integrate strategic planning and service provision arrangements for adult health and social care services (as the minimum required by law) within new Health & Social Care Partnerships (HSCPs). The Bill also recognises and supports the local discretion to allow for the inclusion of further functions such as children's health & social care services (as are already included within Inverclyde CHCP).
- 4.2 CoSLA is proposing an amendment to the Bill that would specify services that must be included; services that may be included, and services that may not be included. Services described within the must and may be included categories are already included in our CHCP arrangements.
- 4.3 The proposal suggests that functions that may not be included are the role of the Chief Social Work Officer (CSWO) and the role of Social Work Mental Health Officers. It should be noted that in our current and proposed shadow arrangements the Corporate Director also holds the position of CSWO but this is separate from his role as Corporate Director (in other words, the Corporate Director need not have a social work background, but if he did not, then another officer would have to be appointed CSWO). The duties of the CSWO and Social Work Mental Health Officers are discharged through the CHCP on the Council side and cannot be augmented or influenced by the NHS dimension of the partnership.
- 4.4 Each health board and local authority will be required to establish an integration authority equivalent to the existing CHCP Sub-Committee, to deliver nationally agreed outcomes for health and social care. The health board and local authority can form an integration authority in one of two ways:
- By delegating functions and resources to a 'body corporate' governed by a joint board, serviced by a Chief Officer; or
  - By delegating functions and resources to each other for the delivery of services.

The Body Corporate model is the one which most closely matches the existing arrangements for Inverclyde CHCP.

- 4.5 In August 2013 the CHCP Sub-Committee received a report outlining the potential implications of the Public Bodies (Joint Working) (Scotland) Bill, which highlighted the many areas of alignment between our current arrangements and the requirements of the Bill. We are required to develop shadow Health and Social Care Partnership (HSCP) arrangements, and it is our aspiration that these should be in place by 1<sup>st</sup> April 2014.
- 4.6 The partners will agree how they intend to integrate services through an integration plan, the detail of which will include the model of integration to be used, along with the functions and resources to be delegated. This integration plan equates broadly to the current Scheme of Establishment for the existing CHCP (as approved by NHSGGC and Inverclyde Council, and signed-off by Scottish Government).
- 4.7 An initial discussion between the Chief Executives of NHSGGC, Inverclyde, East Renfrewshire and West Dunbartonshire Councils proposed the establishment of a working group reporting to all four Chief Executives to develop a plan to transition the current CHCPs to shadow HSCPs by April 2014.

## **5.0 KEY POINTS**

5.1 The discussions regarding how best to transition CHCPs to the shadow HSCPs have been underpinned by an emphasis on maintaining continuity for services, service users and staff as expressed in two core principles:

- That given the positive arrangements within all three existing CHCPs, the proposed shadow HSCPs will be a logical evolution for Inverclyde, with no material changes to how the partnership delivers services in practice through 2014/15.
- That the shadow arrangements would be framed with reference to our current Scheme of Establishment, with sufficient flexibility to accommodate any inevitable reshaping of the Bill and related regulation and guidance

5.2 The proposals therefore reflect the application of both of those principles, with the focus being on targeted adjustments to the current Inverclyde CHCP Scheme of Establishment, namely:

- The CHCP Sub-Committee will have the additional role of operating as the shadow Integration Joint Board with the current membership and standing orders.
- The current CHCP Director will take on the additional role as the Chief Officer (CO) designate of the shadow Health and Social Care Partnership.
- The Chief Executive of GG&C and Inverclyde Council will frame the Chief Officer's objectives.
- The CO designate will be a member of the Council and Board corporate management teams as per existing arrangements.
- At the point the legislation enables the establishment of the full HSCP, the CO designate will become the substantive CO for the new HSCP.
- The CHCP Committee/shadow IJB will develop its performance scrutiny and governance roles to reflect the emerging obligations of HSCPs as defined in Primary Legislation and Statutory Guidance.
- The shadow HSCP will bring forward plans for locality working for early consideration by the Committee.
- Planning arrangements will remain unchanged for 2014/15 but during that year the CO designate will lead the development of a full strategic plan for the HSCPs first formal year of operation 2015/16.

5.3 It is important to recognise that a subsequently adjusted Scheme of Establishment as proposed here does not constitute the formal integration plan referred to in paragraph 4.5; and so the approval of the proposals for shadow arrangements set out here does not in any way equate to the approval for the activation of a formal HSCP for Inverclyde.

## **6.0 IMPLICATIONS**

### **Legal**

6.1 The terms of this report reflect the terms of the draft legislation currently available.

### **Finance**

6.2 During the shadow phase, we will continue with our current budgetary reporting and management arrangements.

<b>Cost Centre</b>	<b>Budget Heading</b>	<b>Budget Year</b>	<b>Proposed Spend this Report</b>	<b>Virement From</b>	<b>Other Comments</b>

### **Human Resources**

- 6.3 The integration plan required by the Bill for each HSCP will have to attend to relevant issues of staff governance in line with the requirements of the legislation and its accompanying guidance. As part of the body corporate model staff will continue to be employed by either NHSGG or Inverclyde Council as they are at present, retaining their respective terms and conditions. The shadow HSCP would continue to enable staff to work well together irrespective of their contractual employing organisation.

In addition to the adjustments to the Schemes of Establishment proposed here draft job descriptions for the three existing CHCP Directors within the NHSGGC area have been prepared by the NHSGGC and Council Chief Executives to reflect this move into the new integration arrangements.

### **Equalities**

- 6.4 The legislation has been Equalities Impact Assessed with no negative consequences identified.

### **Repopulation**

- 6.5 It is not possible to quantify at this stage, however further improvements to health and social care services and pathways in Inverclyde could potentially have a positive impact on repopulation.

## **7.0 CONSULTATION**

- 7.1 The legislation has been subject to extensive national consultation.

## **8.0 LIST OF BACKGROUND PAPERS**

- 8.1 The Public Bodies (Joint Working) (Scotland) Bill 2013 and its supporting documents:  
[www.scottish.parliament.uk/parliamentarybusiness/Bills/63845.aspx](http://www.scottish.parliament.uk/parliamentarybusiness/Bills/63845.aspx)
- 8.2 Inverclyde CHCP Scheme of Establishment:  
<http://www.inverclyde.gov.uk/GetAsset.aspx?id=fAAyADEANAA4ADQAfAB8AFQAcgB1AGUAfAB8ADAAfAA1>

---

**Report To:** THE INVERCLYDE COUNCIL                      **Date:** 20 FEBRUARY 2014

**Report By:** ACTING CORPORATE DIRECTOR                      **Report No:** LA/1126/14  
ENVIRONMENT, REGENERATION &  
RESOURCES

**Contact Officer:** JOANNA DALGLEISH                      **Contact No:** 01475 712123

**Subject:** PROPOSED TRAFFIC REGULATION ORDER –  
DISABLED PERSONS' PARKING PLACES (ON STREET)  
ORDER NO 4 2013

---

## 1.0 PURPOSE

- 1.1 The purpose of the report is to introduce Traffic Regulation Order – Disabled Persons' Parking Places (On Street) Order No 4 2013.

## 2.0 SUMMARY

- 2.1 In order to comply with the Disabled Persons' Parking Places (Scotland) Act 2009, Section 5 and to provide assistance to disabled persons who hold a badge under the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 as amended, the Environment & Regeneration Committee at the meeting held on 16 January 2014 agreed that The Inverclyde Council be asked to make the Traffic Regulation Order – Disabled Persons' Parking Places (On Street) Order No 4 2013 in terms of the Road Traffic Regulation Act 1984, Roads (Scotland) Act 1984 and associated Regulations.

## 3.0 RECOMMENDATION

- 3.1 That a Resolution is made in the following terms:
- 3.2 THE INVERCLYDE COUNCIL, incorporated under the Local Government etc. (Scotland) Act 1994, RESOLVE TO MAKE as they HEREBY MAKE a Resolution under Section 32(1) and Part III of Schedule 9 of the Road Traffic Regulation Act 1984 to permit the provision of parking places for disabled persons who hold a badge under the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 as amended all as detailed in a copy of the Order forming a supplement to the principal minute hereof, and that the Head of Environmental & Commercial Services and Head of Legal & Democratic Services be authorised to take all necessary action in connection therewith.

Appendix

## Legal & Democratic Services



## **4.0 BACKGROUND**

- 4.1 Local Authorities are empowered to make Orders under the Road Traffic Regulation and Roads (Scotland) Acts 1984 and under the Council's Scheme of Administration the Head of Environmental & Commercial Services is responsible for the making, implementation and review of Traffic Management Orders and Traffic Regulation Orders.
- 4.2 In order to comply with the Disabled Persons' Parking Places (Scotland) Act 2009, Section 5, it is proposed to introduce a Traffic Regulation Order to accompany the provision of parking bays for the disabled. This will restrict parking to drivers displaying a Blue Badge only, and will enable the Police to enforce such restrictions.

## **5.0 IMPLICATIONS**

### **Finance**

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

### **Legal**

- 5.2 There are no legal implications arising from this report.

### **Human Resources**

- 5.3 There are no HR implications arising from this report.

### **Equalities**

- 5.4 There are no equalities implications arising from this report.

### **Repopulation**

- 5.5 There are no repopulation implications arising from this report.

## **6.0 CONSULTATIONS**

- 6.1 The proposals have been advertised in the Greenock Telegraph and full details of the proposals have been made available for public inspection during normal office hours at the offices of the Head of Environmental & Commercial Services, the Head of Legal & Democratic Services and at Central, Port Glasgow, Greenock South West and Gourock Libraries.
- 6.2 One objection to the proposals was received but this has been withdrawn.

## **7.0 LIST OF BACKGROUND PAPERS**

- 7.1 None

**THE INVERCLYDE COUNCIL**  
**DISABLED PERSONS' PARKING PLACES**  
**(ON STREET) ORDER NO. 4 2013**

**TRAFFIC REGULATION ORDER**

**THE INVERCLYDE COUNCIL**  
**DISABLED PERSONS' PARKING PLACES (ON STREET)**  
**ORDER NO. 4 2013**

The Inverclyde Council in exercise of the powers conferred on them by Sections 32(1) of the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers and after consultation with the Chief Constable of Police Scotland in accordance with Part III of Schedule 9 to the Act hereby make the following Order.

1. This Order may be cited as "The Inverclyde Council Disabled Persons' Parking Places (On Street) Order No. 4 2013" and shall come into operation on #####
2. In this Order the following expressions have the meanings hereby assigned to them:
  - "vehicle" unless the context otherwise requires, means a vehicle of any description and includes a machine or implement of any kind drawn or propelled along roads whether or not by mechanical power;
  - "parking place" means a place where a vehicle, or vehicles of any class, may wait i.e. the area of land specified in the Schedule for which the use as a parking place has been authorised by the Council under Section 32(1) of the Act;
  - "sign" means a traffic sign;
  - "disabled person's badge" means:
    - (a) a badge issued under Section 21 of the Chronically Sick and Disabled Persons Act 1970;
    - (b) a badge issued under a provision of the law of Northern Ireland corresponding to that section; or
    - (c) a badge issued by any member State other than the United Kingdom for purposes corresponding to the purposes for which badges under that section are issued;
  - "disabled person's vehicle" means a vehicle lawfully displaying a disabled person's badge;
  - "Council" means The Inverclyde Council;
3. Each area of road which is described in the Schedule and plans relative to this Order is hereby designated as a parking place.
4. The parking places designated in this Order shall only be used for the leaving of disabled persons' vehicles displaying a valid disabled person's badge.

5. The limits of each parking place designated in this Order shall be indicated on the carriageway as prescribed by The Traffic Signs Regulations and General Directions 2002.
6. Every vehicle left in any parking place designated in this Order shall stand such that no parking place is occupied by more than one vehicle and that every part of the vehicle is within the limits of the parking place provided that, where the length of a vehicle precludes compliance with this paragraph, such vehicle shall be deemed to be within the limits of a parking place if;
  - i. the extreme front portion or, as the case may be, the extreme rear portion of the vehicle is within 300mm of an indication on the carriageway provided under this Order in relation to the parking place; and
  - ii. the vehicle, or any part thereof, is not within the limits of any adjoining parking place.
7. Any person duly authorised by the Council or a police officer in uniform or a traffic warden or parking attendant may move or cause to be moved in case of any emergency, to any place they think fit, vehicles left in a parking place.
8. Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever such suspension is considered reasonably necessary:
  - i. for the purpose of facilitating the movement of traffic or promoting its safety;
  - ii. for the purpose of any building operation, demolition, or excavation in or adjacent to the parking place or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe, apparatus for the supply of gas, water electricity or of any telecommunications apparatus, traffic sign or parking meter;
  - iii. for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture from one office or dwellinghouse to another or the removal of furniture from such premises to a depository or to such premises from a depository;
  - iv. on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
  - v. for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals or on other special occasions.
9. A police officer in uniform may suspend for not longer than twenty four hours the use of a parking place or part thereof whenever such suspension is considered reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

10. This Order insofar as it relates to the parking places to be revoked (R) and amended, as specified in the Schedule to this Order, partially revokes and amends On-Street Parking Places (Without Charges) Order No 2. 2002, No. 2 2005, No. 2 2007 and No.1 2008 and Disabled Persons' Parking Places (On-Street) Order No. 1 2010, No. 4 2011, No. 4 2012 and No. 2 2013 respectively.

Sealed with the Common Seal of The Inverclyde Council and subscribed for them and on their behalf by ##

DRAFT

**INVERCLYDE COUNCIL**

**DISABLED PERSONS' PARKING PLACES (ON STREET)  
ORDER NO. 4 2013**

**Statement of Reasons for Proposing to Make  
the Above Order**

It is considered necessary to make the above Order to provide assistance for disabled persons who hold a badge under the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 as amended and by revoking those parking places no longer required to maximise street parking capacity.

DRAFT

# INVERCLYDE COUNCIL

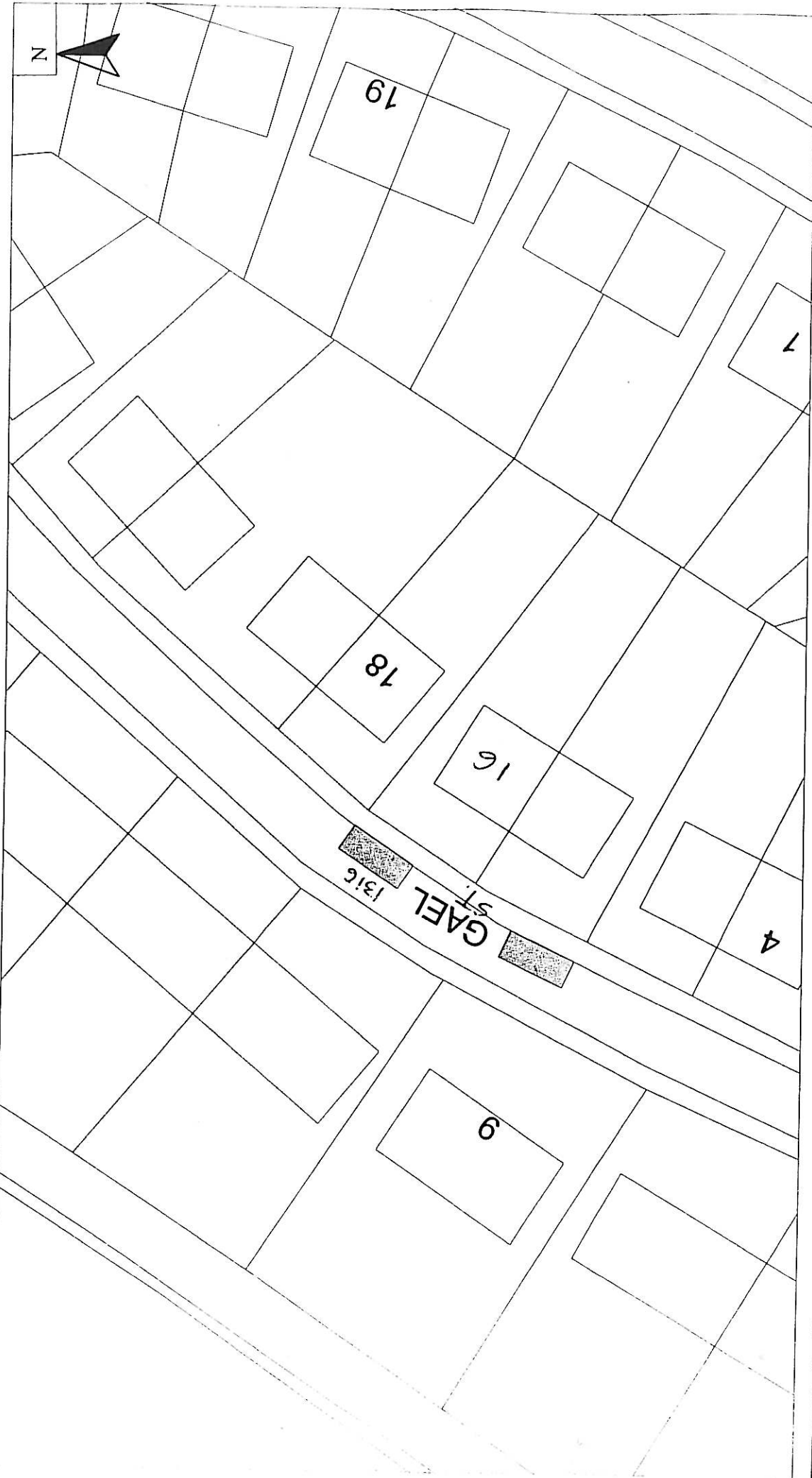
## DISABLED PERSONS' PARKING PLACES (ON-STREET) ORDER No.4 2013

### SCHEDULE

Rev C

All and whole that area of ground as described in Column 2 in the table below:

<u>Ref No.</u>	<u>Address of Disabled Person's Parking Place to be created or revoked ® "ex-adverso"</u>
1316	16 Gael Street, Greenock
1317	2 George Road, Gourrock
1318	4 Westray Avenue, Port Glasgow
1319	31 Hillside Drive, Port Glasgow
1323	70 Fancy Farm Road, Greenock
1324	60 Balloch Road, Greenock
1326	36 Gordon Street, Greenock
1330	16 Ardgowan Square, Greenock
1331	191 Oronsay Avenue, Port Glasgow
1333	57 Bridgend Avenue, Port Glasgow
1336	69 Kelly Street, Greenock
1337	38 Belville Avenue, Greenock
0146	33 Wren Road, Greenock ®
0504	28 Brightside Avenue, Port Glasgow ®
0718	186 Old Inverkip Road, Greenock ®
0763	47 Glenside Road, Port Glasgow ®
0953	11A Brightside Avenue, Port Glasgow ®
1134	105a Eldon Street, Greenock ®
1215	16 Kelburn Terrace, Port Glasgow ®
1256	0 Norfolk Road, Greenock ®



Disabled Bays HEAD OF SERVICE IAN MOFFAT 71 EAST HAMILTON STREET GREENOCK, PA15 2UA	Reproduced from Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may result in prosecution or legal proceedings.		Scale : 1:500 Prepared by : R. MACKAY Drawn by : R. MACKAY Drawing No. :		Date : JULY 2013 Checked by : Approved by : File No. : 19/12	
	Disabled Persons' Parking Place 16 GAEL STREET, GREENOCK PLACE No. 1316		Ordnance Survey		Licence No. LA03097L	





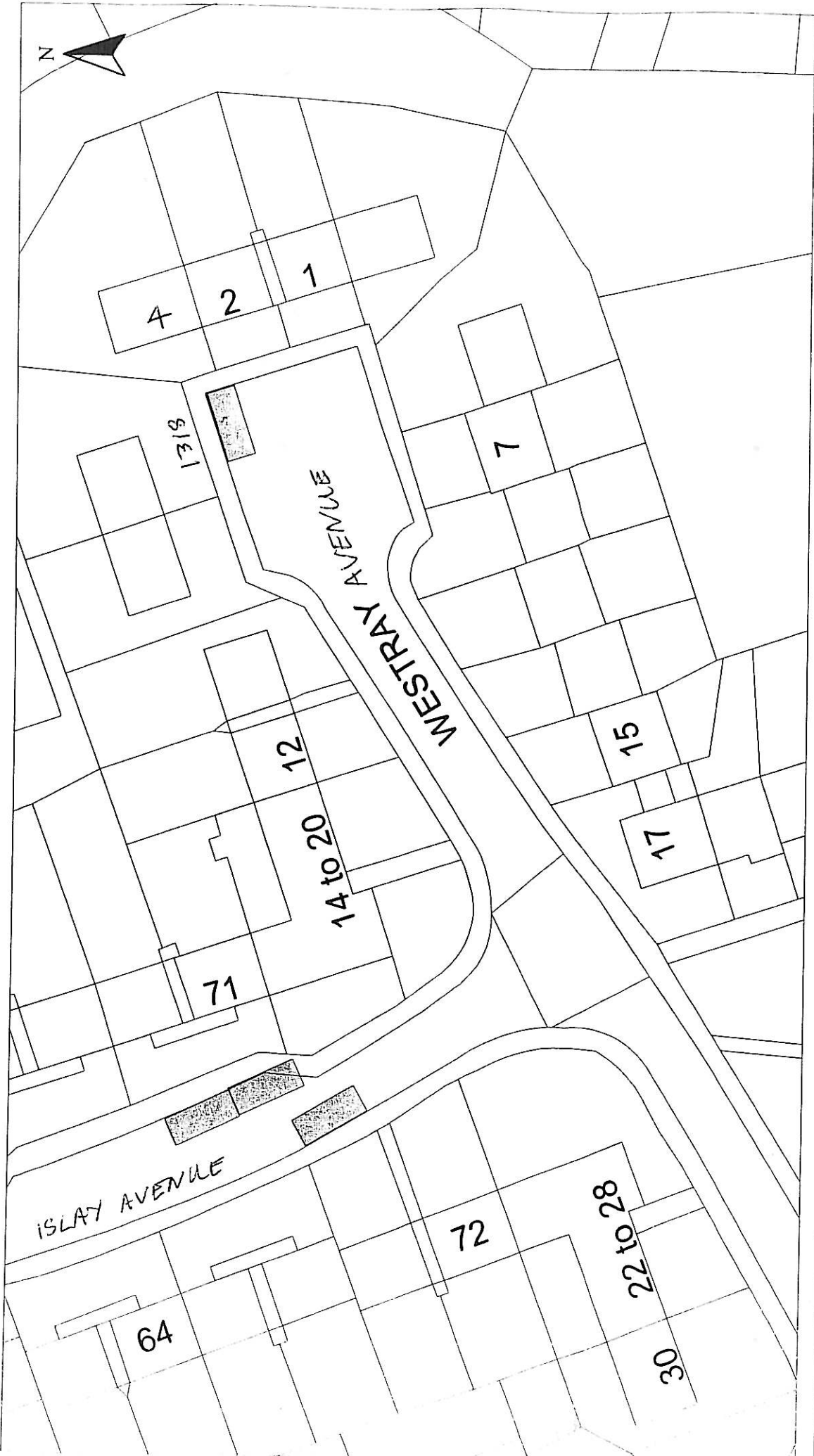
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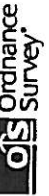
**DISABLED PERSONS' PARKING PLACE**  
2 GEORGE ROAD, GOUROCK  
PLACE No. 1317

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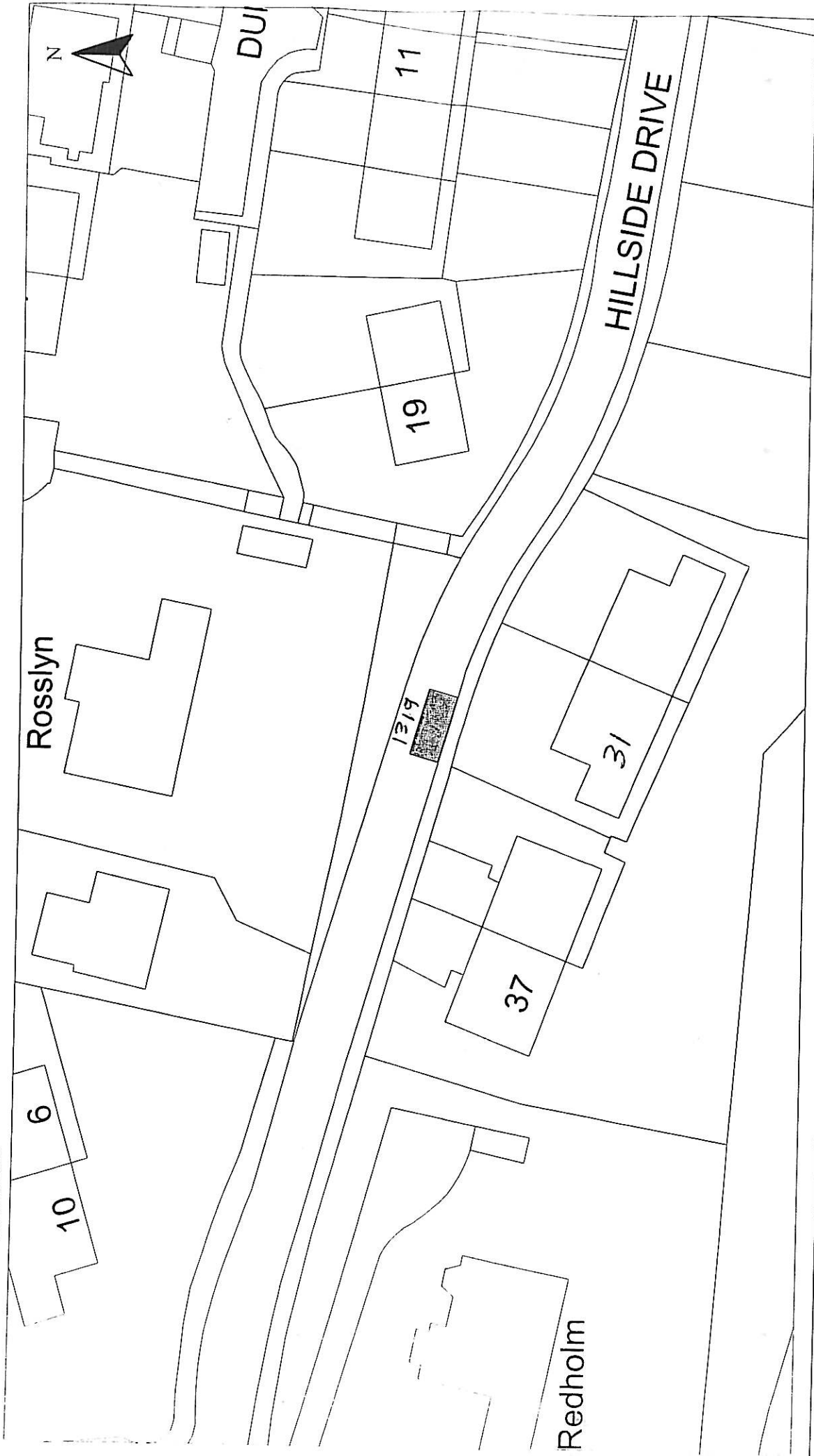
Disabled Bays




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<p>HEAD OF SERVICE IAN MOFFAT</p>		<p>DISABLED PERSONS' PARKING PLACE</p> <p>4 WESTRAY AVENUE, PORT GLASGOW PLACE No. 1318</p>
<p>Disabled Bays</p>	<p>71 EAST HAMILTON STREET GREENOCK, PA15 2UA</p>	

# Inverclyde council

## ENVIRONMENTAL & COMMERCIAL SERVICES



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Licence No. LA03097L 		Drawn by : R. MACKAY Approved by :		Disabled PERSONS' PARKING PLACE 31 HILLSIDE DRIVE, PORT GLASGOW PLACE No. 1319	



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Disabled Bays | 71 EAST HAMILTON STREET  
GREENOCK, PA15 2UA

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**DISABLED PERSONS' PARKING PLACE**  
70 FANCY FARM ROAD, GREENOCK  
PLACE No. 1323

Scale : 1:500

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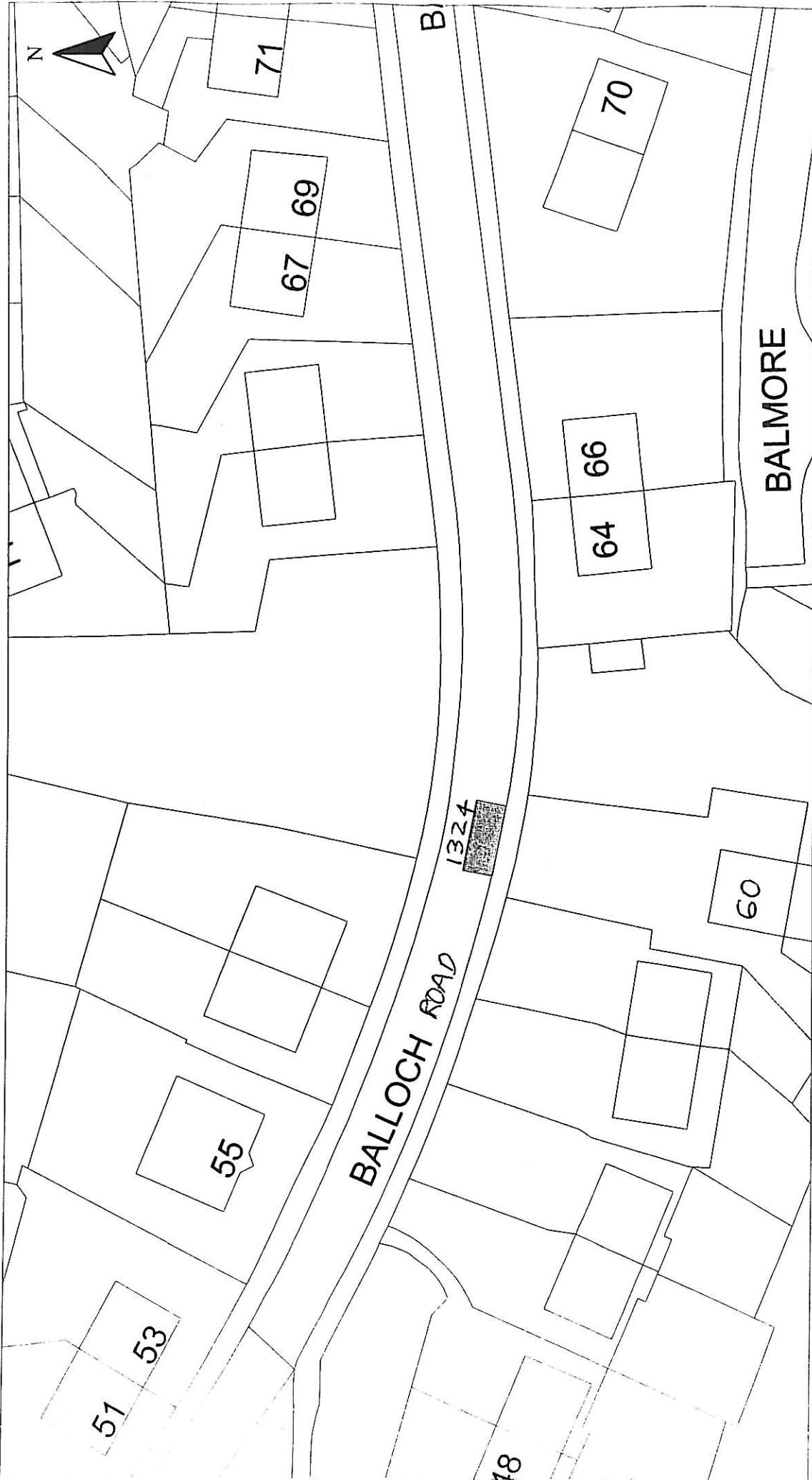
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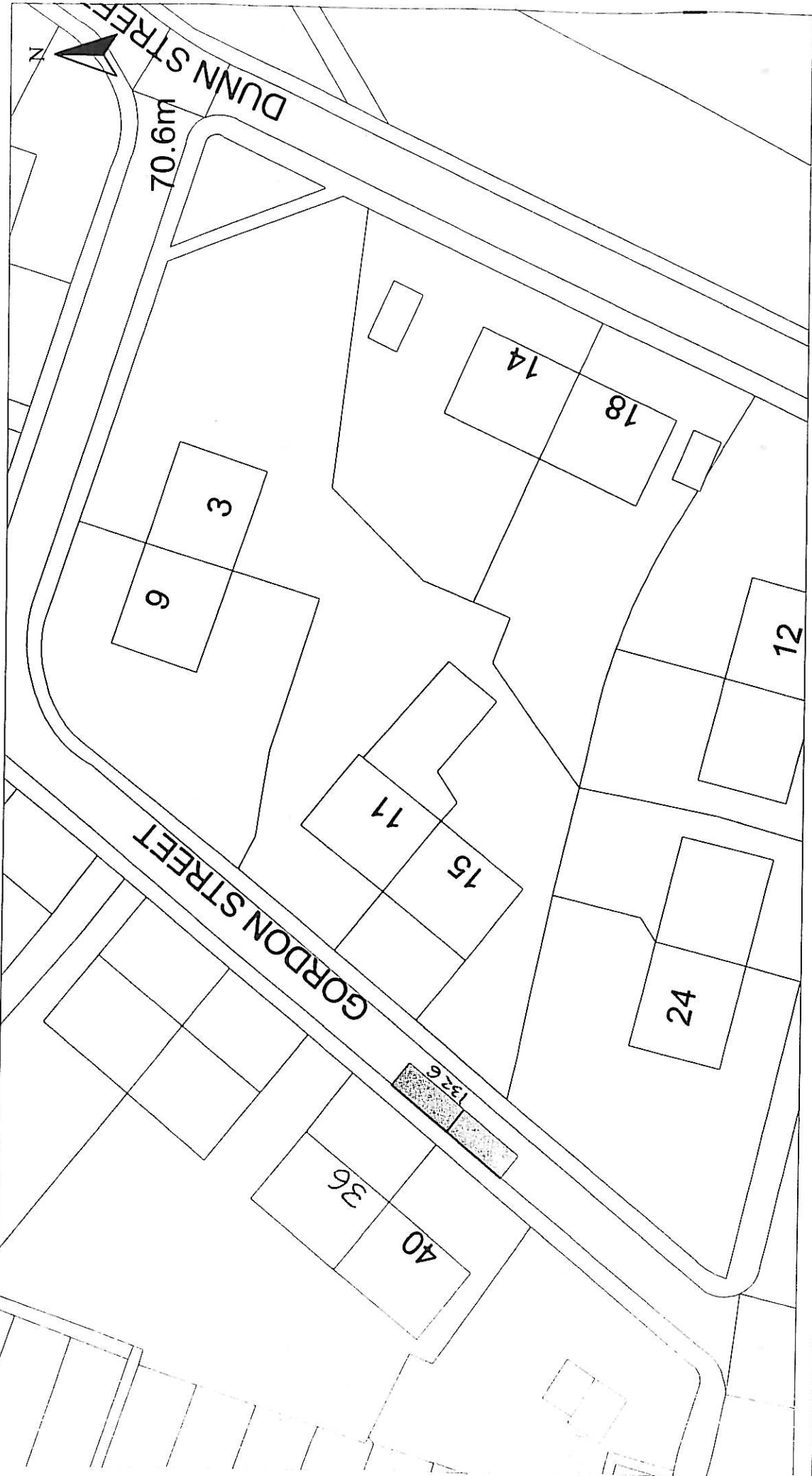
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**DISABLED PERSONS' PARKING PLACE**  
**60 BALLOCH ROAD, GREENOCK**  
**PLACE No. 1324**

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Date : JULY 2013  
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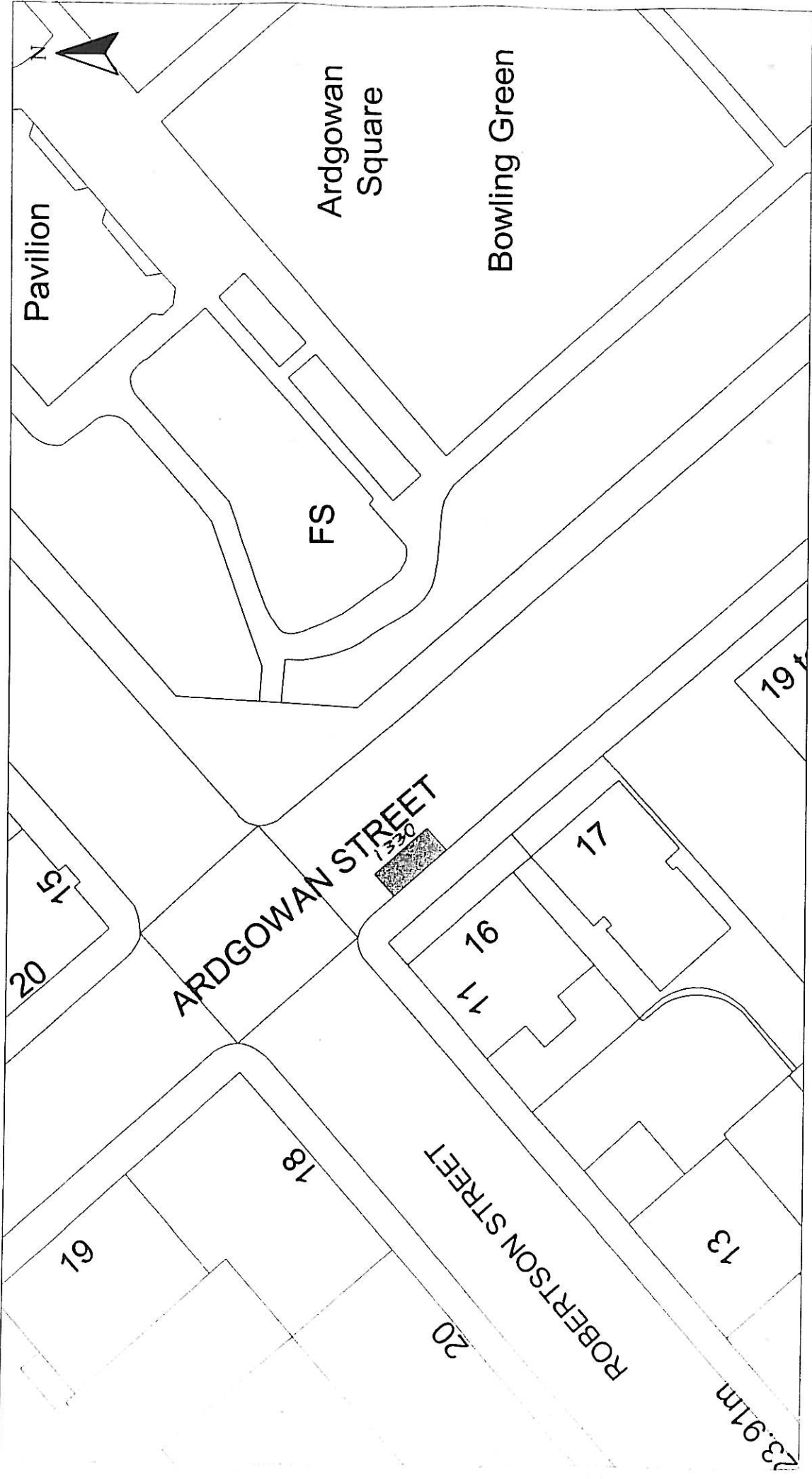
Disabled Bays



Disabled Bays	HEAD OF SERVICE IAN MOFFAT		DISABLED PERSONS' PARKING PLACE		Scale : 1:500	Date : JULY 2013
	71 EAST HAMILTON STREET GREENOCK, PA15 2UA		36 GORDON STREET, GREENOCK PLACE No. 1326		Prepared by : R. MACKAY	Checked by :
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**DISABLED PERSONS' PARKING PLACE**  
16 ARDGOWAN STREET, GREENOCK  
PLACE No. 1330

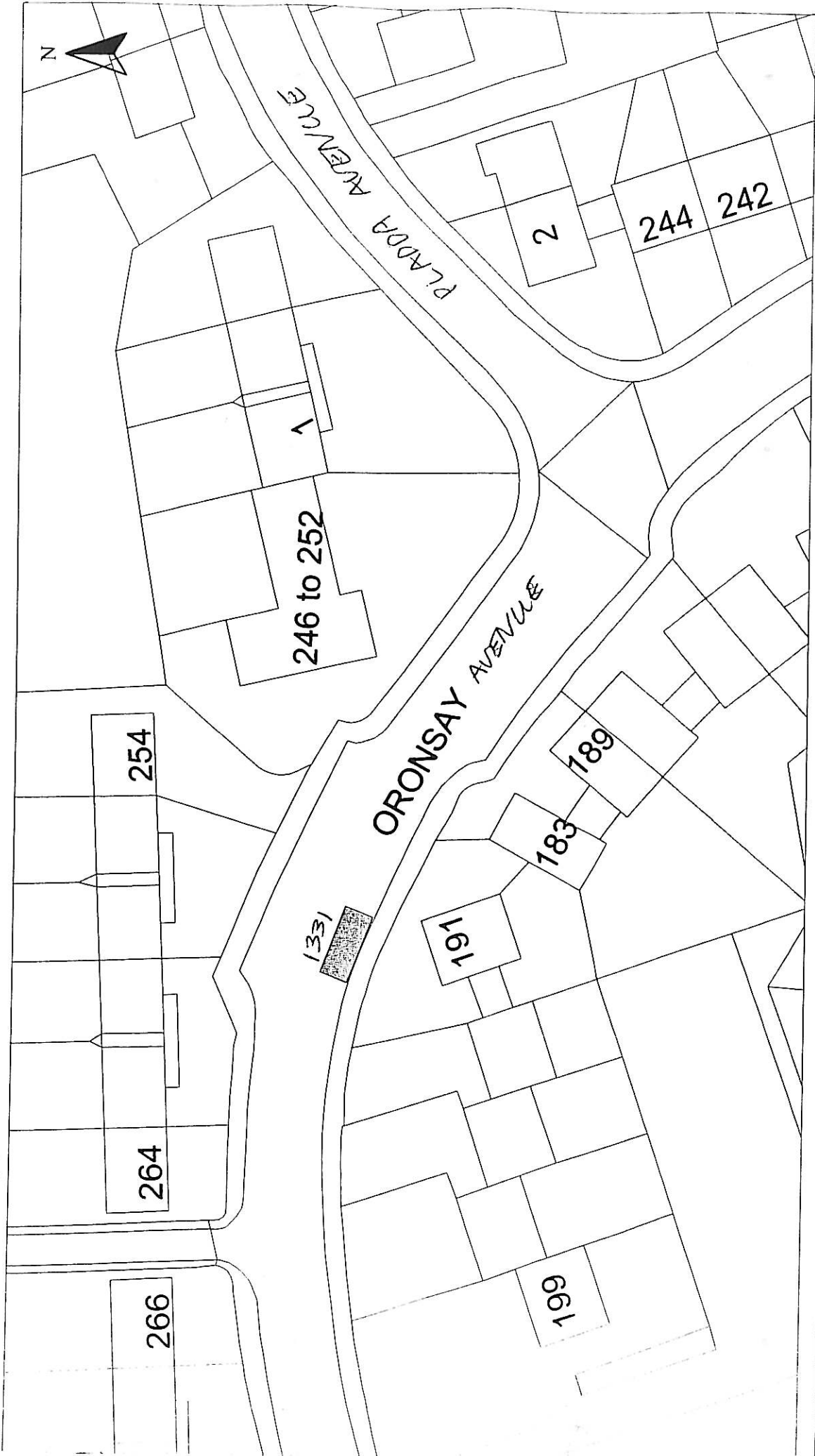
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Disabled Bays  
71 EAST HAMILTON STREET  
GREENOCK, PA15 2UA

23.91m



**DISABLED PERSONS' PARKING PLACE**  
191 ORONSAY AVENUE, PORT GLASGOW  
PLACE No. 1331

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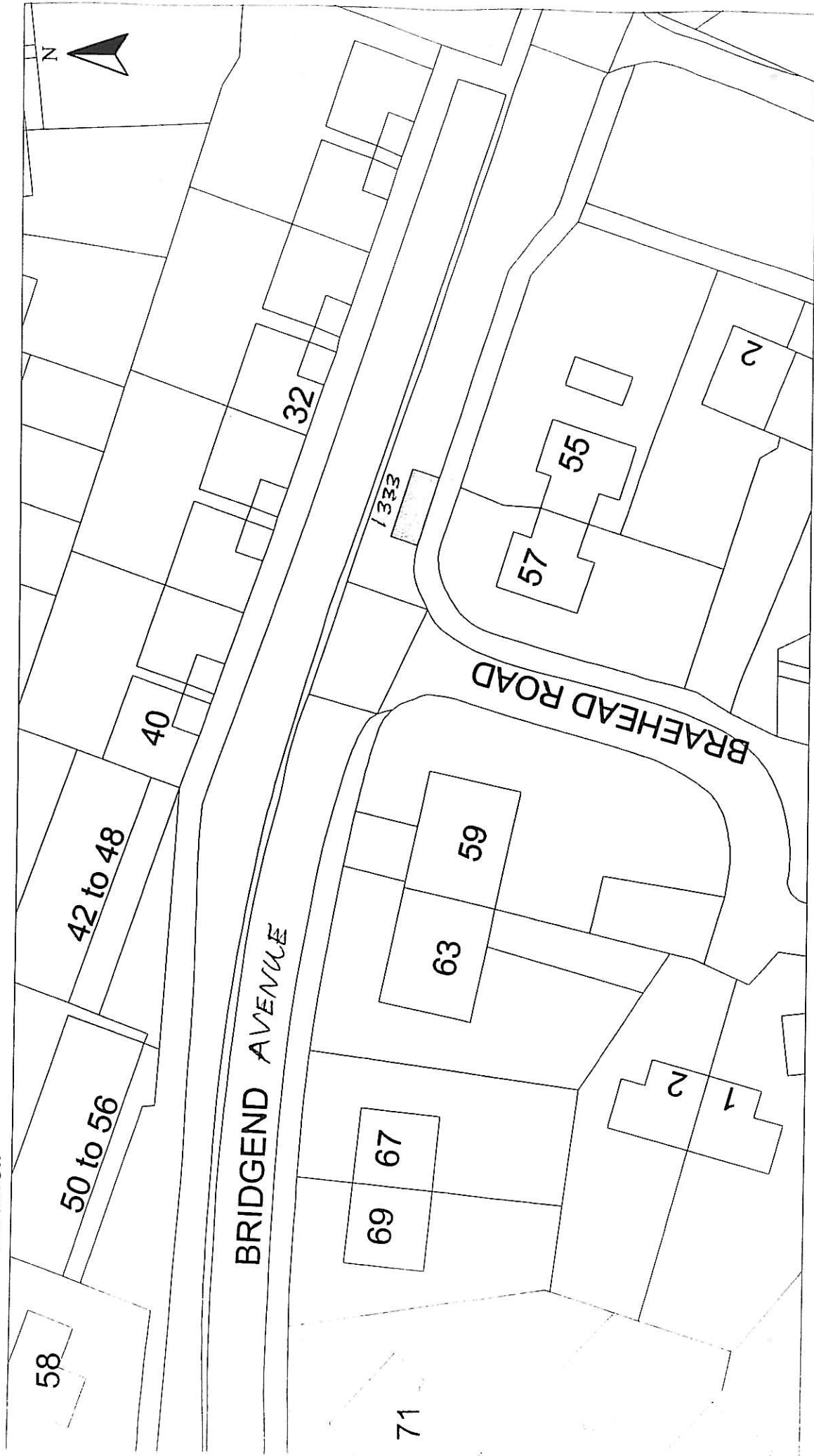
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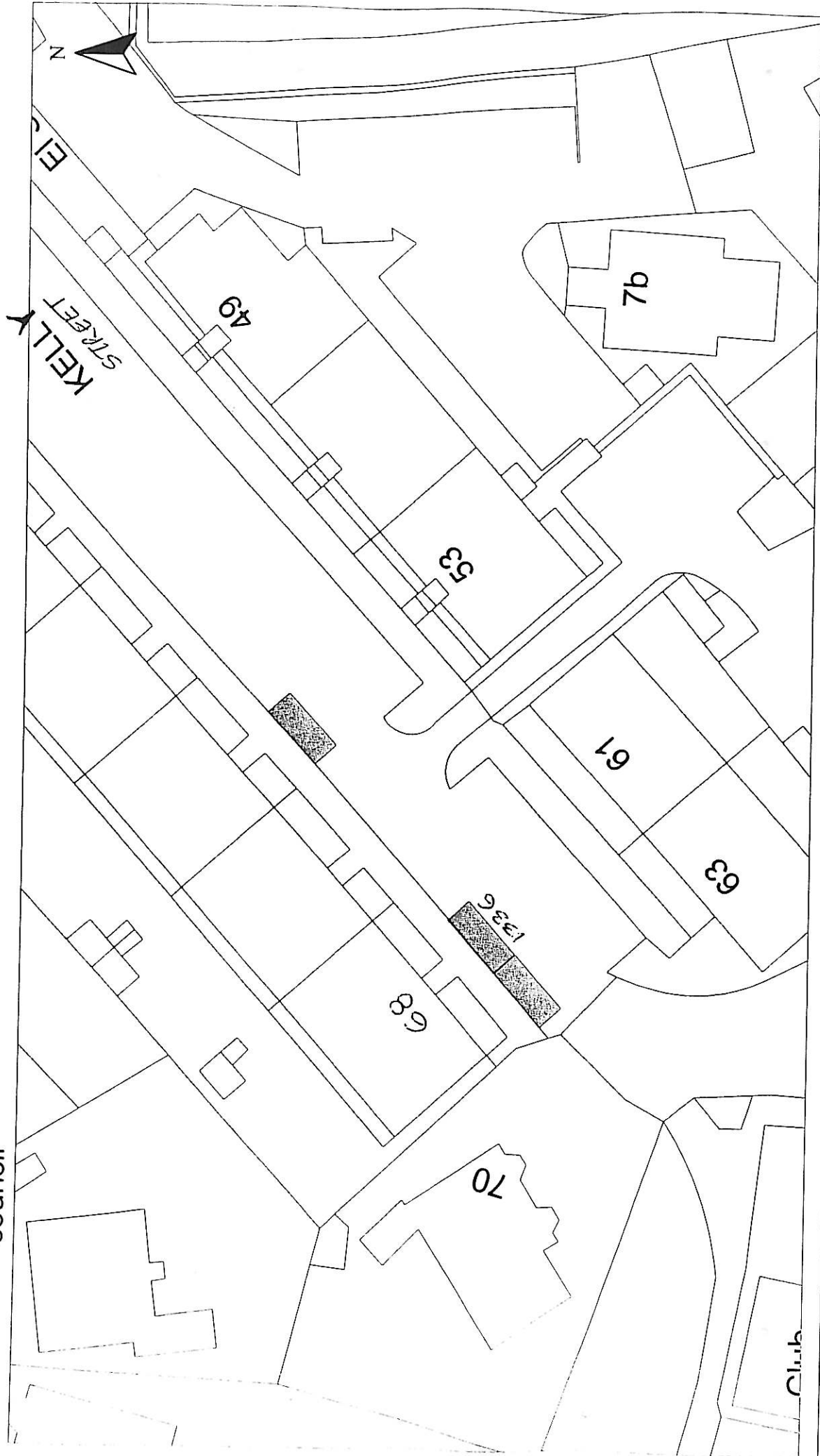



# Inverclyde ENVIRONMENTAL & COMMERCIAL SERVICES

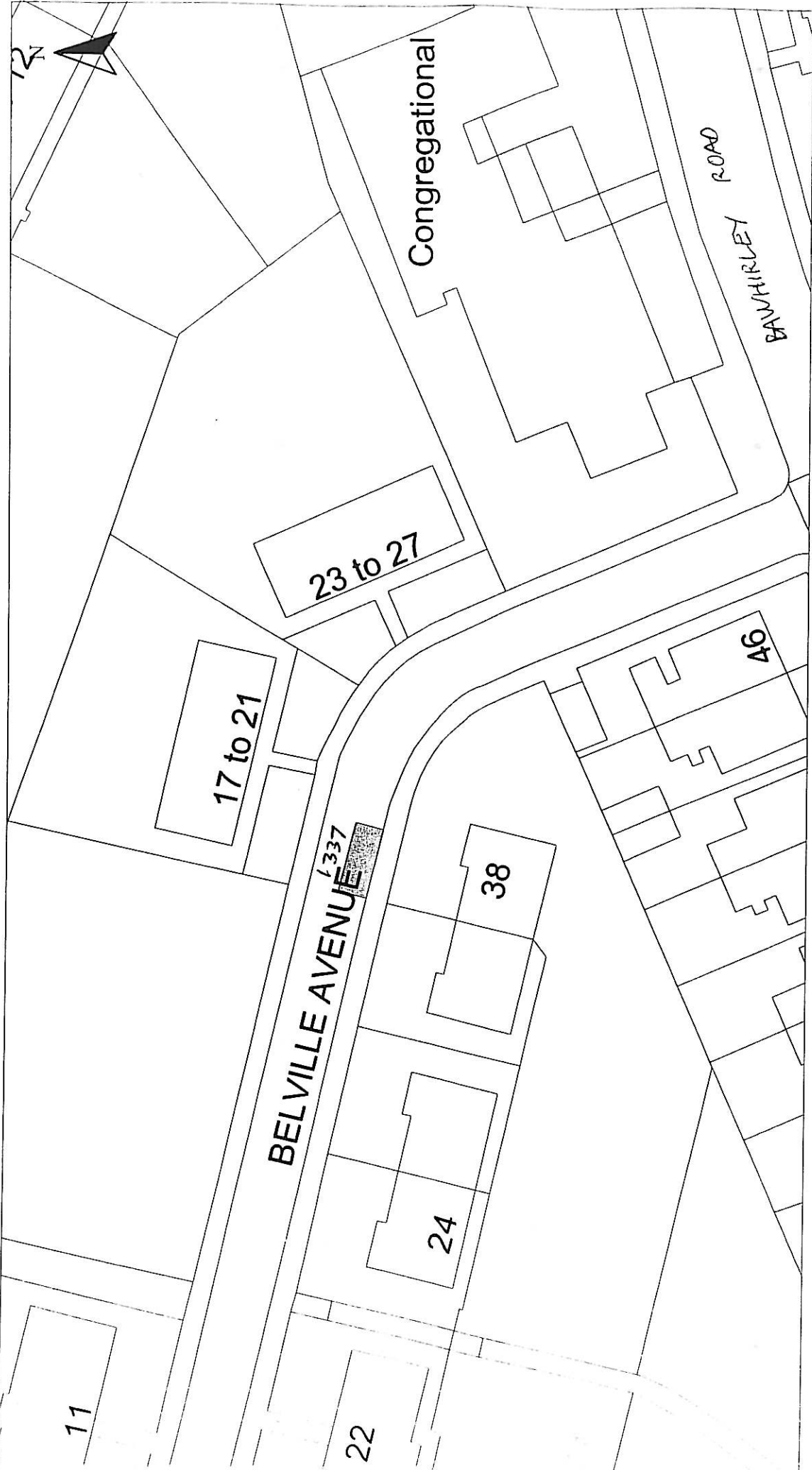
council



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Drawing No. :		R. MACKAY	R. MACKAY	19/12
DISABLED PERSONS' PARKING PLACE 57 BRIDGEND AVENUE, PORT GLASGOW PLACE No. 1333				
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Date : JULY 2013	Scale : 1:500	Disabled Persons' Parking Place 68 KELLY STREET, GREENOCK PLACE No. 1336
Checked by :	Prepared by : R. MACKAY	Head of Service IAN MOFFAT 71 EAST HAMILTON STREET GREENOCK, PA15 2UA
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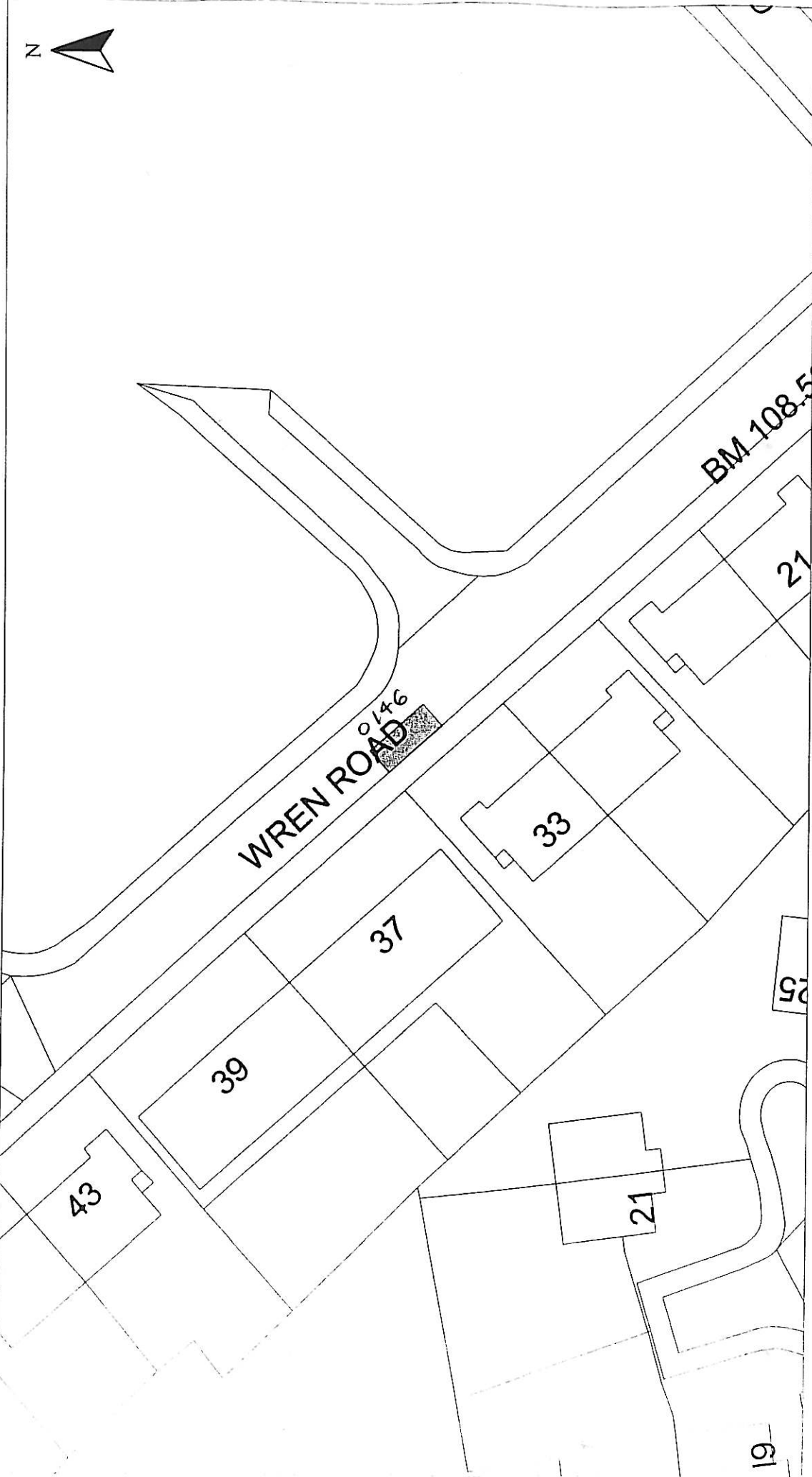
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GREENOCK, PA15 2UA

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**DISABLED PERSONS' PARKING PLACE**  
38 BELVILLE AVENUE, GREENOCK  
PLACE No. 1337

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Drawn by :	R. MACKAY	Approved by :	
Drawing No. :		File No. :	19/12



**DISABLED PERSONS' PARKING PLACE**  
33 WREN ROAD, GREENOCK  
PLACE No. 0146 REVOCATION

Scale :	1:500	Date :	JULY 2013
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Drawn by :	R. MACKAY	Approved by :	
Drawing No. :		File No. :	19/12

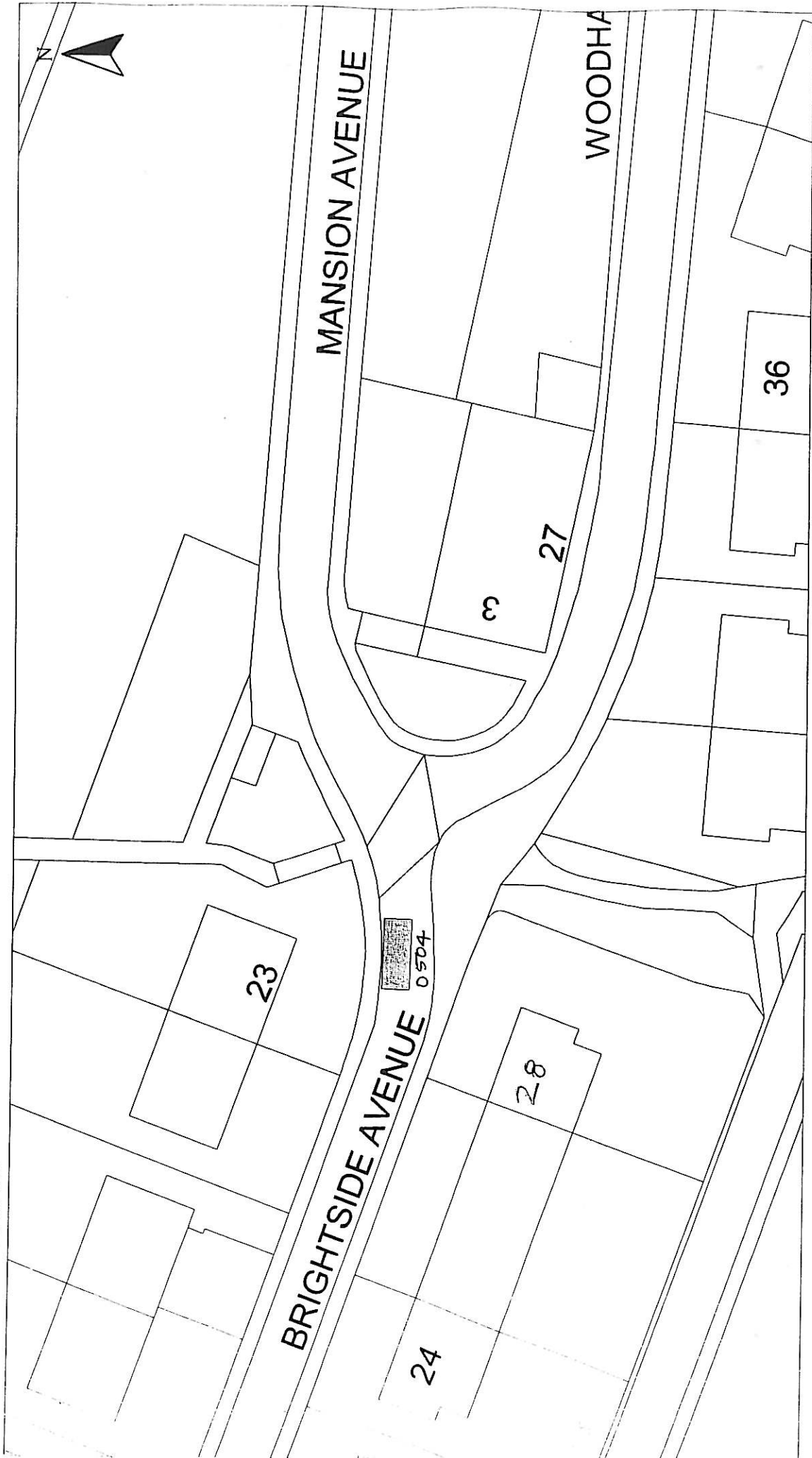
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Disabled Bays



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GREENOCK, PA15 2UA

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**DISABLED PERSONS' PARKING PLACE**  
**28 BRIGHTSIDE AVE, PORT GLASGOW**  
**PLACE No. 0504 REVOCATION**

Scale : 1:500

Prepared by : R. MACKAY

Drawn by : R. MACKAY

Drawing No. :

Date : JULY 2013

Checked by :

Approved by :

File No. : 19/12

Disabled Bays



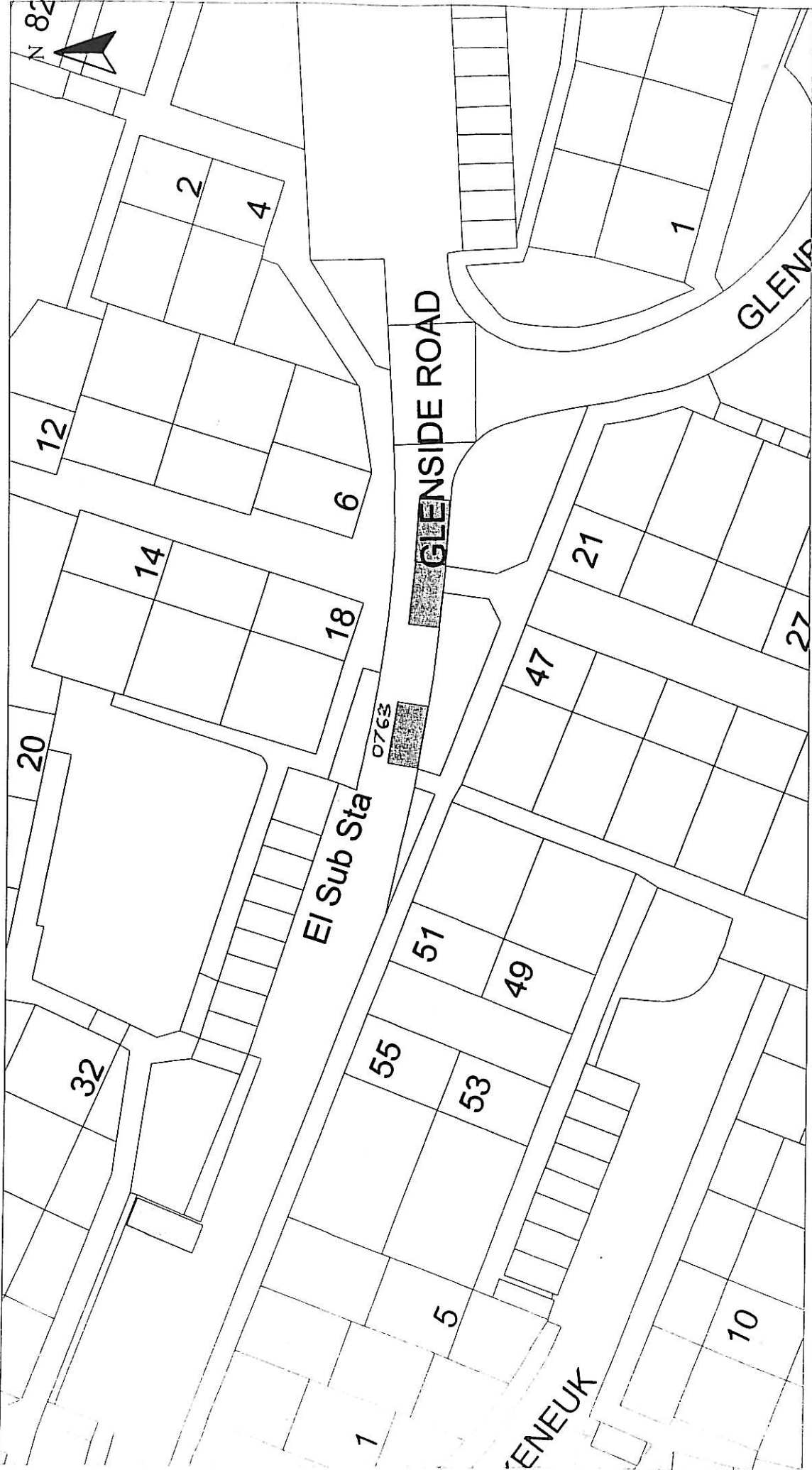
HEAD OF SERVICE IAN MOFFAT	Scale : 1:500	Date : JULY 2013
		Prepared by : R. MACKAY
71 EAST HAMILTON STREET GREENOCK, PA15 2UA	Drawing No. : 19/12	Checked by :
		Drawn by : R. MACKAY
DISABLED PERSONS' PARKING PLACE		Approved by :
186 OLD INVERKIP ROAD, GREENOCK		File No. :
PLACE No. 0718 REVOCATION		


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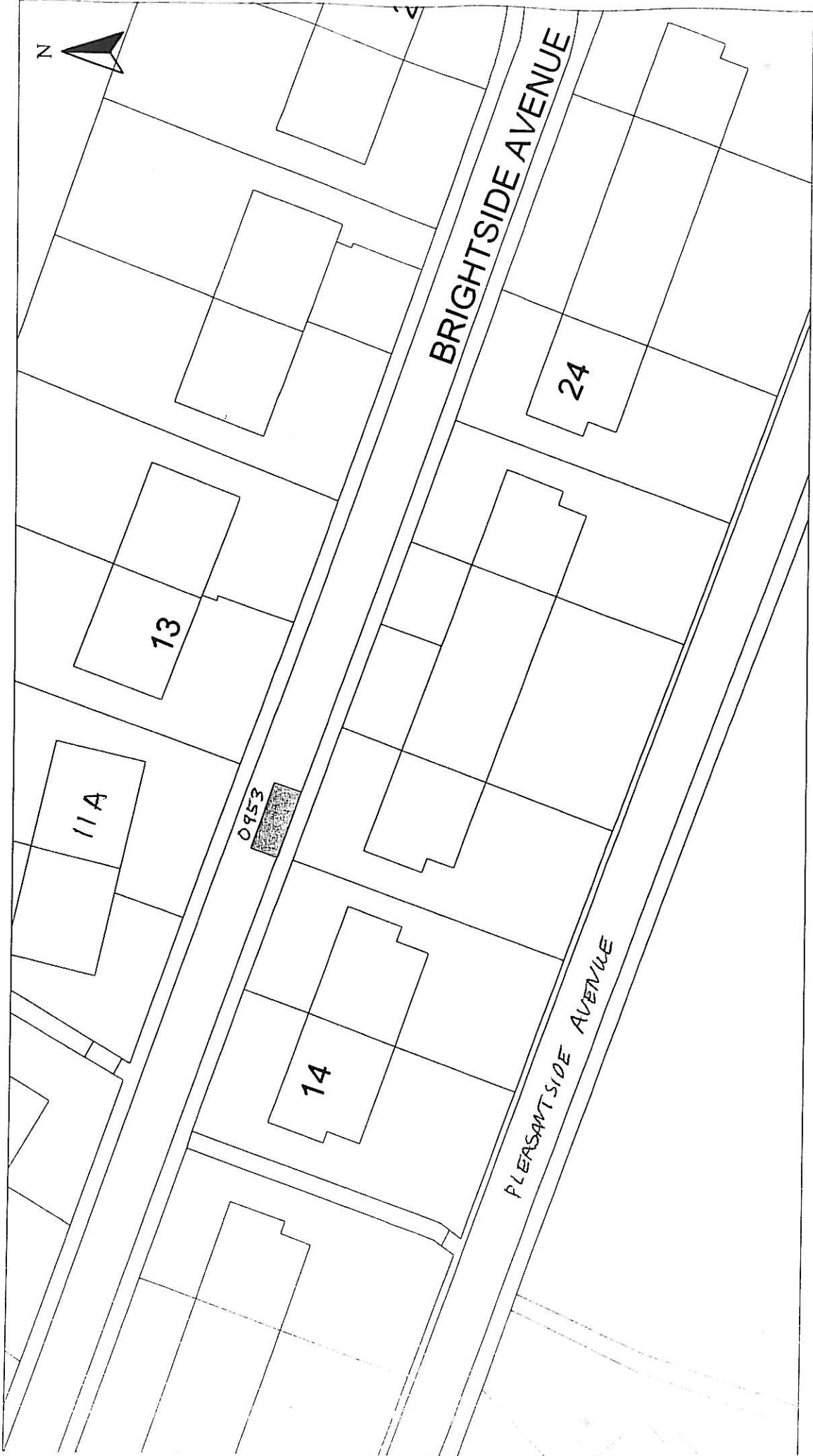


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**DISABLED PERSONS' PARKING PLACE**  
**11A BRIGHTSIDE AVE, PORT GLASGOW**  
**PLACE No. 0953 REVOCATION**

Scale : 1:500

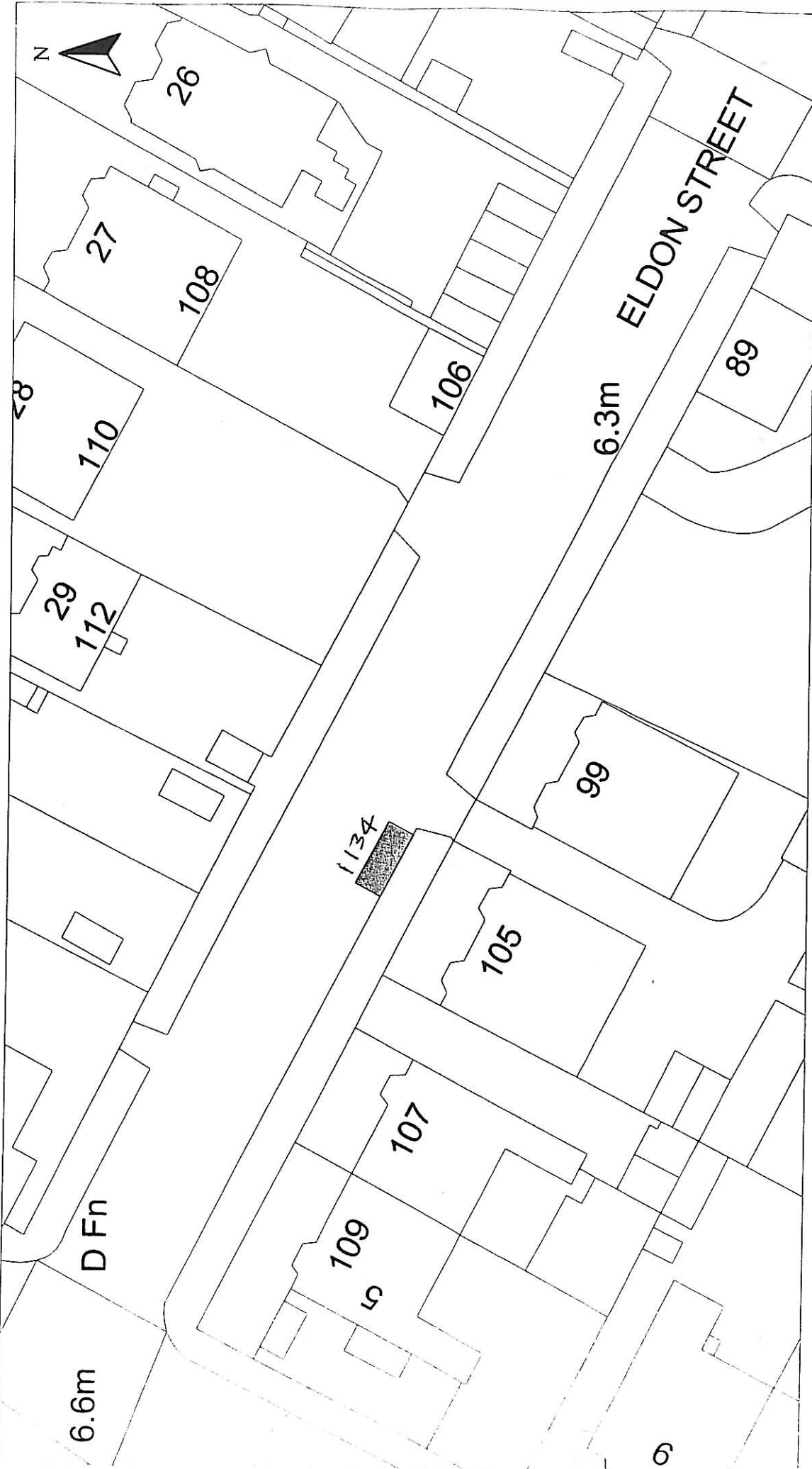
Prepared by : R. MACKAY

Drawn by : R. MACKAY

Checked by :  
Approved by :  
File No. : 19/12

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**DISABLED PERSONS' PARKING PLACE**  
105A ELDON STREET, GREENOCK  
PLACE No. 1134 REVOCATION

Scale : 1:500

Prepared by : R. MACKAY

Drawn by : R. MACKAY

Approved by :

Date : JULY 2013


Checked by :

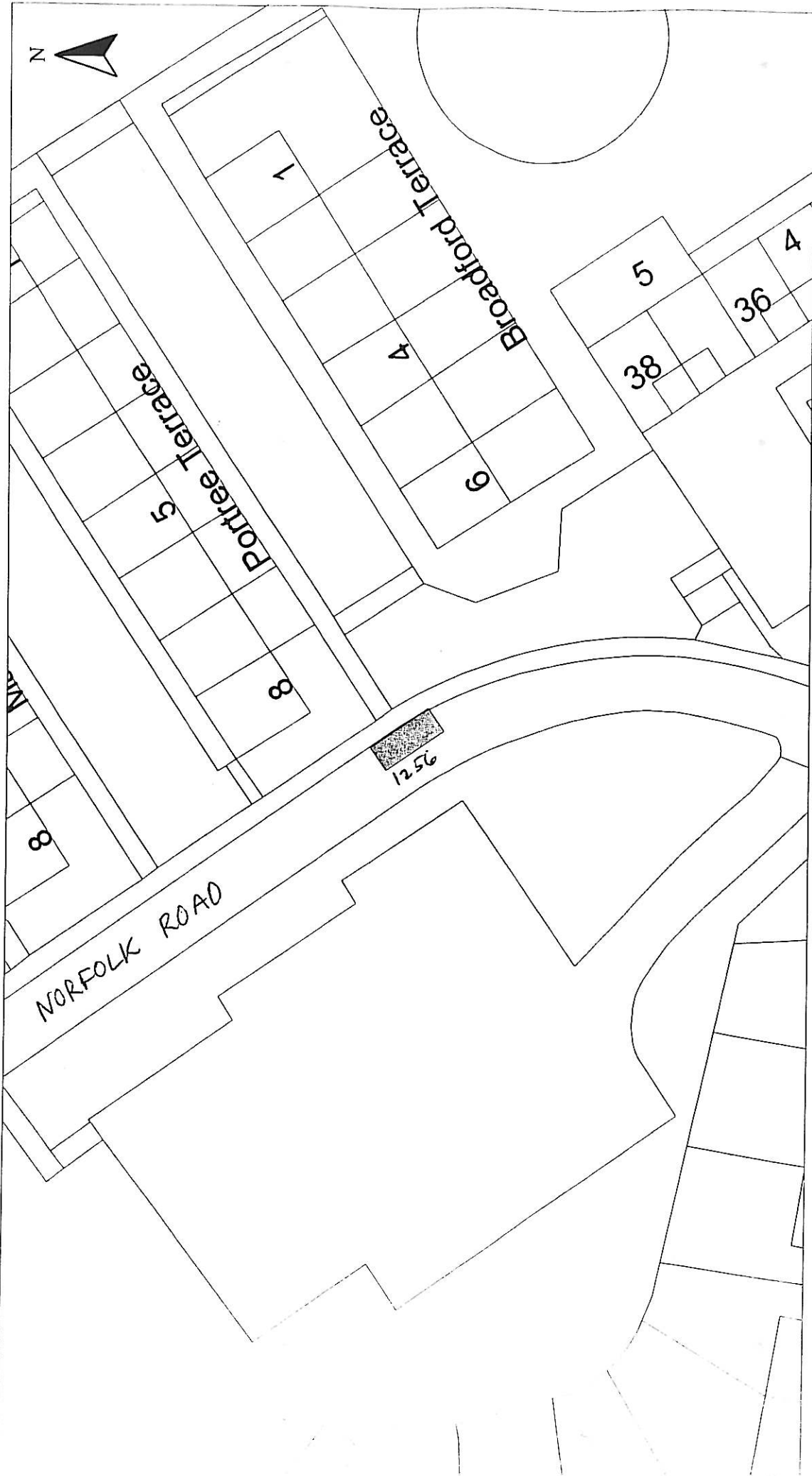
Approved by :

File No. : 10/12

Disabled Bays



Disabled Bays HEAD OF SERVICE IAN MOFFAT	71 EAST HAMILTON STREET GREENOCK, PA15 2UA	Reproduced from Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may result in prosecution or legal proceedings. Licence No. LA03097L  Ordnance Survey	DISABLED PERSONS' PARKING PLACE 16 KELBURN TERRACE, PORT GLASGOW PLACE No. 1215 REVOCATION	Scale : 1:500 Prepared by : R. MACKAY Drawn by : R. MACKAY	Date : JULY 2013 Checked by : Approved by :	Drawing No. : 10112
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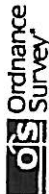


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**DISABLED PERSONS' PARKING PLACE**

**0 NORFOLK ROAD, GREENOCK  
PLACE No. 1256 REVOCATION**

Scale : 1:500

Prepared by : R. MACKAY

Drawn by : R. MACKAY

Checked by :  
Approved by :

Date : SEPT 2013

File No. : 19/12

Disabled Bays

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<b>Report To:</b>	<b>The Inverclyde Council</b>	<b>Date:</b>	<b>20 February 2014</b>
<b>Report By:</b>	<b>Acting Corporate Director Environment, Regeneration &amp; Resources</b>	<b>Report No:</b>	<b>SL/LA/1133/14</b>
<b>Contact Officer:</b>	<b>Sharon Lang</b>	<b>Contact No:</b>	<b>01475 712112</b>
<b>Subject:</b>	<b>Community Council Champion - Remit from Education &amp; Communities Committee</b>		

---

## **1.0 PURPOSE**

- 1.1 The purpose of this report is to request the Council to consider a remit from the Education & Communities Committee.

## **2.0 SUMMARY**

- 2.1 The Education & Communities Committee on 21 January considered a report by the Corporate Director Education, Communities & Organisational Development (1) advising of national and local developments which result in an increased expectation of engagement with communities generally and with Community Councils in particular, (2) providing an update on progress in the implementation of Inverclyde Council's Scheme for the Establishment of Community Councils as approved in 2011 and (3) making proposals to enhance Inverclyde Council's engagement with and support of Community Councils.
- 2.2 A copy of the report submitted to the Education & Communities Committee is attached as Appendix 1. This provides background information together with information on the implications of the recommendations and consultations undertaken.
- 2.3 Amongst the proposals for enhancing the Council's engagement with and support for Community Councils is the appointment of an Elected Member Champion and the Committee agreed to remit it to the Inverclyde Council to appoint an Elected Member to this position.

## **3.0 RECOMMENDATION**

- 3.1 The Council is asked to appoint a Member as Community Council Champion.

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**Report to:** Education & Communities Committee

**Date:** 21 January 2014

**Report by:** Albert Henderson, Corporate Director  
Education, Communities and OD

**Report No:** EDUCOM/11/14/MP

**Contact Officer:** Maggie Paterson

**Contact No:** 01475 715450

**Subject:** Improving the Effectiveness of Community Councils in Inverclyde

---

## 1.0 PURPOSE

1.1 The purpose of this report is to:

- Advise Committee of national and local developments which result in an increased expectation of engagement with communities generally and with Community Councils in particular
- Update the CMT on progress in the implementation of the Inverclyde Council's Scheme for the Establishment of Community Councils (the Scheme) as approved in 2011
- Make proposals to enhance Inverclyde Council's engagement with and support of Community Councils.

## 2.0 SUMMARY

2.1 A number of national developments indicate an increased expectation from Scottish Government and Audit Scotland with regard to engaging with communities.

These national developments include:

- SOA guidance
- Strategic Guidance for Community Planning Partnerships: Community Learning and Development (June 2012) and SSI Requirements for Community Learning and Development (Scotland) Regulations 2013
- Community Empowerment Bill
- Audit of community planning partnerships.

2.2 At a local level improvement actions in this regard are referred to in the

- Alliance Improvement Plan
- Directorate Improvement Plan: Education, Communities and Organisational Development.

2.3 Following the necessary statutory consultation process, the Scheme was approved by the Inverclyde Council in April 2011. Two rounds of elections held in 2011-12, following the approval of the Scheme, resulted in Community Councils being formed in 9 of the 11 Community Council areas, of which only one was contested. This leaves 2 areas without Community Councils. The strength and effectiveness of Community Councils vary across Inverclyde.

2.4 The Scheme is administered by Legal and Democratic Services. Support for capacity building is provided through the Community Learning and Development (CLD) Service. As part of their role, Legal and Democratic Services in consultation with the Community Councils in question, completed interim elections for 3 Community Councils. As part of the support they provide CLD are in discussion with other Community Councils on possible interim elections or co-options.

- 2.5 There is a statutory requirement to consult with Community Councils about planning and licensing applications. The extent to which other services of the Council and its partners engage with Community Councils varies considerably.

### **3.0 RECOMMENDATIONS**

It is recommended that the Committee:

- 3.1 Note developments at a national and local level which highlight a need for enhancing engagement with and support for Community Councils in Inverclyde.
- 3.2 Note the progress made in the implementation of the Scheme.
- 3.3 Approve proposals for enhancing Inverclyde Council's engagement with and support for Community Councils, specifically in respect of:
- Areas with no Community Council
  - Community Councils with an imbalance of co-opted members
  - Action should any areas remain without a Community Council
  - Supporting services to engage
  - Supporting Alliance Partners to engage
  - Elected Member champion
  - Working with other representative organisations
  - Forum of Community Councils
  - Training and support for Community Councils
  - Training and support for Elected Members.

## 4.0 BACKGROUND

This report looks at ways in which Community Councils in Inverclyde could be supported and developed to become improved mechanisms for engagement between the Council and local communities, as well as being better at representing the views of local residents and the various groups operating in communities.

The report also looks at ways in which Inverclyde Council officers and Elected Members could be supported and given development opportunities to help them to engage more effectively with Community Councils.

### 4.1 National Developments

#### Guidance for new SOAs December 2012

This re-asserts the Statement of Ambition and indicates that each new SOA should demonstrate that both 'activity on community engagement' and 'building the capacity of communities to engage and deliver for themselves' is 'properly planned, resourced and integrated across partners'.

#### Audit Scotland Report 'Improving Community Planning in Scotland

Notes that 'Community Planning takes account of a wide range of activity, but there is a long way to go before services are truly designed around communities and the potential of local people to participate in, shape and improve local services is realised.' Engaging effectively with Community Councils will help to improve how communities identify solutions to local problems, and get involved in taking decisions about investing in services or local facilities or withdrawing from them.

The Audits of Community Planning Partnerships, covering North Ayrshire, Scottish Borders and Aberdeen highlight the need to strengthen how CPPs work with local communities to unlock their potential and encourage them to take a more active role in identifying and delivering local improvements. Again Community Councils have a key role to play in this and if they can be supported to facilitate this, more effective co-production approaches can be developed between CPP partners and communities.

#### Strategic Guidance for Community Planning Partnerships: Community Learning and Development (June 2012) and SSI Requirements for Community Learning and Development (Scotland) Regulations (September 2013)

These require the local authority to have 'a clearly defined framework for planning and delivering CLD, to have 'regard to the needs of the communities within the area' and to consult with target individuals and groups'.

#### Community Empowerment Bill Consultation

Part of the Bill 'aims to empower communities by giving them the lead in starting discussion with the public sector on their own terms about things that matter to them' and proposes a 'community right to request to participate in processes to improve outcomes of service delivery'.

### 4.2 Local Developments

#### Alliance Improvement Plan

This highlights a need for 'Leaders to ensure effective community and stakeholder engagement, involving better measurement and testing of impact, as well as improving engagement between the Boards and the Community Engagement and Capacity Building Network'.

## Directorate Improvement Plan: Education, Communities and Organisational Development

This identifies an improvement action to support community representatives to become skilled and confident in meeting the challenges of their changing role.

## Directorate Improvement Plan: Environment, Regeneration and Resources

This identifies an improvement action for Legal and Democratic Services to develop a suite of materials to support both the service and the Community Councils in implementation of the Scheme.

### **4.3 Progress on the implementation of the Scheme**

Following approval of the Scheme, a round of elections held in September 2011 resulted in Community Councils being formed in six of the eleven Community Council areas. In only one of these were there more nominations than vacancies, resulting in a contested election. The remainder were uncontested.

A second round of elections in February 2012, resulted in two further Community Councils being formed, again uncontested. This leaves two areas without Community Councils.

The Scheme provides for interim elections which can arise either to fill vacancies or where the level of co-opted membership on a Community Council exceeds that permitted under the Scheme. In 2013, Legal and Democratic Services held 3 interim elections to fill vacancies that had arisen 3 of the Community Councils, in liaison with and at the request of those community councils.

Legal and Democratic Services fulfils the Community Council Liaison role as detailed at 4.4 below.

The strength and effectiveness of Community Councils varies across Inverclyde

### **4.4 Engagement with and support for community councils**

There is a statutory requirement to consult with Community Councils on planning and licensing applications. The extent to which others services of the Council and its partners engage with Community Councils varies considerably.

Community Councils meetings are well attended by elected members from the relevant wards.

The CLD Service: Community Work Team undertakes capacity building work with Community Councils in disadvantaged areas and supports all Community Councils to access information and training. The purpose of this work is to help build the capacity and capability of Community Councils to engage effectively in an open, transparent and positive manner alongside other community organisations, allowing them to represent their community and enabling them to inform strategic decisions from a grass roots level. An important feature of this support is that it enables Community Councils and other neighbourhood groups to do this for themselves and not have this done on their behalf or for them. This approach takes more time and resources but results in stronger, more resilient groups that have skilled, confident members who are more effective and able to achieve positive outcomes on behalf of the communities they serve. The CLD Service: Community Work Team has insufficient staffing and resources to offer this comprehensive support to all Community Councils and has had to focus provision in the most deprived areas.

The Code of Conduct for Community Councillors (appendix 1) informs support and training and its key principles should underpin all actions taken by Community



Councillors. The key principles of the code are:

- Service to the Community (Public Service)
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect.

(It should be noted that the CLD Service: Community Work Team do not have a role in enforcing adherence to the above Code.)

As part of the support they provide CLD are in discussion with Community Councils with a view to filling vacancies and strengthening their numbers in accordance with the Scheme, either by co-option or further interim elections.

In the Community Council Liaison role, Legal and Democratic services deal with day to day queries from the Community Councils on the terms of the Scheme, administer the release of the administrative grant and record the minutes of meetings and annual accounts provided by the Community Councils. The service is also preparing, in consultation with CLD, the materials referred to at 4.2 above, in the form of a handbook, to assist the Community Councils fulfilling their role, with particular reference to the terms of the Scheme.

A Forum of Community Councils formerly operated in Inverclyde under the previous scheme. A representative from this forum still represents Community Councils on the Alliance Board.

## **5.0 PROPOSED ACTION**

### **5.1 Implementation of the Scheme**

#### **5.1.1 Areas with no Community Council**

Elections can be called in these areas following receipt of 20 signatories from residents requesting an election be held. It is proposed that the CLD Service: Community Work Team undertake consultation in these areas to assess interest in establishing a Community Council and to support residents to come forward to stand for election.

#### **5.1.2 Community Councils with low membership or co-opted membership exceeding that permitted under the Scheme.**

To assist these Community Councils and to help raise the profile of Community Councils generally, it is proposed that they are supported to hold interim elections in accordance with the scheme.

#### **5.1.3 Action should any areas remain without a Community Council**

The two areas where Community Councils have not been formed are i) Greenock East and ii) Holefarm and Cowdenknowes.

It should be noted that there were not sufficient nominations submitted by the required closing dates for Greenock East in either of the two rounds of elections referred to at 4.3 above. However in the February 2012 round, late nominations were received, and it is therefore anticipated by officers that the action described at 5.1.1 above may result in a Community Council being formed in Greenock East.

Officers are however aware that residents of Holefarm and Cowdenknowes have consistently stated their reluctance to form a Community Council around the current

boundaries. Neighbouring Community Councils may be open to the amendment of their boundaries to accommodate their requests, however such a change constitutes a change to the Scheme itself requiring the Council to go through the same statutory consultation process as on the last review.

It is proposed that should a Community Council be formed in Greenock East and not in Holefarm and Cowdenknowes, consultation should take place with the relevant communities to establish if boundaries could be amended to their mutual satisfaction. If these proposed amendments are acceptable to elected members, the statutory consultation process would be followed to confirm them.

## **5.2 Engagement with and support for Community Councils**

### **5.2.1 Supporting services to engage**

The following are proposals for action to encourage all Council services to engage effectively with Community Councils:

- Guidance on engaging with Community Councils is developed building on the nationally endorsed 'Good Practice Guidance for Local Authorities and Community Councils' and disseminated to all staff through e-mail and on icon. A workshop to launch the guidance to representatives of all Services would be a further option.
- Each Service to nominate a contact person to be advised of changes and developments in relation to Community Councils and offered opportunities for their Service to engage with them. The contact person would have responsibility to further disseminate the information within their own service as appropriate.
- Those Services who do not have representation on the Community Engagement and Community Capacity Building (CE/CCB) Network to nominate a member of staff to attend.

### **5.2.2 Supporting Alliance Partners to engage**

The measures described at 5.2.1 above would be extended to include Alliance Partners and supported and progressed through the CE/CCB Network.

### **5.2.3 Elected Member champion**

Inviting an elected member to champion Community Councils would help raise the profile of Community Councils as the key mechanism through which the Council will engage with its local communities. This could also be extended to champion community engagement generally.

### **5.2.4 Working with other representative organisations**

A growing number of organisations exist to represent the views of neighbourhood communities and communities of interest. Some network with each other and are linked to a Community Council but many operate in isolation. This places heavy demands on officers to attend meetings and respond to requests and detracts from the voice of these communities being effectively heard. It is proposed that where the Council is contributing financially to these organisations through grant funding or the use of facilities, then conditions are put in place requiring them to network and to work with their Community Council when appropriate.

### **5.2.5 Forum of Community Councils**

Several Community Councils have expressed an interest in networking together and in re-establishing a Forum of Community Councils. It is proposed that assistance with this is provided by the CLD Service: Community Work Team. Provided that the members of the forum are agreeable, it is intended that such meetings will be periodically attended by an officer of Legal and Democratic Services to deal with any shared issues arising from the Scheme.

## 5.2.6 Training and support for Community Councils

The Scheme refers to the provision of training and support for Community Councils. Currently this is substantively facilitated and/or provided by the CLD Service: Community Work Team. It is proposed that a broader programme, including inputs from a range of Services and Partners, is formulated and delivered in support of the developments outlined above.

## 5.2.7 Training and support for Elected Members

Community Councils in Inverclyde are well supported by their elected members. However, the above developments will introduce changes to the custom and practice operation of Community Council meetings. Training and support will be offered to Elected Members to raise their awareness and understanding of these developments.

## 6.0 IMPLICATIONS

6.1 **Financial implications:** none

6.2 **Human Resources:** N/A

6.3 **Legal:** As outlined above

6.4 **Equalities:** Work to support Community Councils will ensure that they are fully representative of their communities, and this will include training on ensuring people with protected characteristics are represented and their view inform any engagement.

6.5 **Repopulation:** Strengthening Community Councils will mean that communities will become more successful and engaged with services/organisations across the CPP, helping to develop services which better meet community needs. This should make Inverclyde an attractive option to continue to live or move to.

## Appendix 1

### CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

The Code of Conduct for Community Councillors is based largely on the Code of Conduct for local authority councillors and relevant public bodies as provided for in The Ethical Standards in Public Life etc (Scotland) Act 2000.

Community Councillors, as elected representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct. The Code of Conduct and its principles, shall apply to all Community Councillors and those representing the Community Council. These principles are as follows:

- Service to the Community (Public Service)
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

#### Service to the Community

As a Community Councillor you have a duty to act in the interests of the local community, which you have been elected or nominated to represent. You also have a duty to act in accordance with the remit of the Councils Scheme for the Establishment of Community Councils, as set out by your local authority under the terms of the Local Government (Scotland) Act 1973.

You have a duty to establish and reflect, through the Community Council, the views of the community as a whole, on any issue, irrespective of personal opinion.

You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should, where possible, be made available.

#### Selflessness

You have a duty to take decisions solely in terms of the interest of the community that you represent. You must not use your position as a Community Councillor to gain financial, material, political or other personal benefit for yourself, family or friends.

#### Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community. If you have any private and/or personal interest in a matter to be considered by the Community Council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the Secretary of the Community Council.

## **Objectivity**

In all your decisions and opinions as a Community Councillor, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.

You may be appointed or nominated by your Community Council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.

You are free to have political and/or religious affiliations; however you must ensure that you represent the interests of your community and Community Council and not the interests of a particular political party or other group.

## **Accountability and Stewardship**

You are accountable for the decisions and actions that you take on behalf of your community through the Community Council. You must ensure that the Community Council uses its resources prudently and in accordance with the law.

Community Councillors will individually and collectively ensure that the business of the Community Council is conducted according to the Council's Scheme for the Establishment of Community Councils and this Code of Conduct.

Community Councillors will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Council as set out in the Councils Scheme for the Establishment of Community Councils. They must also ensure that all resources are used efficiently, effectively and fairly and are used strictly for the purposes of Community Council business and for no other purpose.

Minutes of Meetings recording all actions and decisions made should be produced and circulated to all members of the Community Council as soon as possible after each meeting.

Any breach of the Council's Scheme for the Establishment of Community Councils as set out by your local authority under the terms of the Local Government (Scotland) Act 1973 may be reported to your local authority to determine what action, if necessary, should be taken.

## **Openness**

You have a duty to be open about your decisions, actions and representations, giving reasons for these where appropriate. You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.

If you have dealings with the Media, members of the public, or others not directly involved in your Community Council, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the Community Council.

## **Honesty**

You have a duty to act honestly. You also have an obligation to work within the law at all times. You must declare any private interest relating to your Community Council duties and take steps to resolve any conflicts arising in a way that protects the interest of the community and the Community Council.

## **Leadership**

You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the Community Council and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form.

You should act to assist the Community Council, as far as possible, in the interest of the whole community that it serves. Where particular interest groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the Community Council is aware of them.

## **Respect**

You must respect fellow members of your Community Council and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person, regardless of their position, you have dealings with in your capacity as a Community Councillor.

Recognition should be given to the contribution of everyone participating in the work of the Community Council. You must comply with Equal Opportunities legislation and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skill and experience taken into account.

You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.

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<b>Report To:</b>	<b>The Inverclyde Council</b>	<b>Date:</b>	<b>20 February 2014</b>
<b>Report By:</b>	<b>Acting Corporate Director Environment, Regeneration &amp; Resources</b>	<b>Report No:</b>	<b>SL/LA/1134/14</b>
<b>Contact Officer:</b>	<b>Sharon Lang</b>	<b>Contact No:</b>	<b>01475 712112</b>
<b>Subject:</b>	<b>Proposed Management Rules (Libraries): Public Consultation Response - Remit from Education &amp; Communities Committee</b>		

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## 1.0 PURPOSE

- 1.1 The purpose of this report is to request the Council to consider a remit from the Education & Communities Committee.

## 2.0 SUMMARY

- 2.1 The Education & Communities Committee on 21 January considered a report by the Corporate Director Education, Communities & Organisational Development (1) advising of the outcome of a statutory public consultation on the proposed Management Rules for Libraries following the decision of the Committee at its meeting on 10 September 2013, (2) seeking approval of the rules and (3) seeking authority to report to the Inverclyde Council recommending that the rules be formally approved and that Officers be authorised to make rules in accordance with the statutory procedure.
- 2.2 A copy of the report submitted to the Education & Communities Committee is attached as Appendix 1. This provides background information together with information on the implications of the recommendations and consultations undertaken.
- 2.3 The Committee decided:
- (1) that it be noted that no objections were received during the statutory public consultation on the proposed Management Rules for Libraries;
  - (2) that it be agreed to approve the rules following the consultation exercise for the purposes of referral to the Inverclyde Council; and
  - (3) that the matter be referred to the Inverclyde Council to approve the rules and to authorise Officers formally to make rules in those terms in accordance with the statutory procedure.

## 3.0 RECOMMENDATION

- 3.1 The Council is asked to approve the new Management Rules for Libraries and to authorise the Head of Legal and Democratic Services to make arrangements to have them sealed with the Council Seal and signed by a Proper Officer.

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<b>Report To:</b>	<b>Education and Communities Committee</b>	<b>Date:</b>	<b>21 January 2014</b>
<b>Report By:</b>	<b>Corporate Director Education, Communities and Organisational Development</b>	<b>Report No:</b>	<b>EDUCOM/05/14/AW</b>
<b>Contact Officer:</b>	<b>Alana Ward, Libraries Museum And Archives Manager</b>	<b>Contact No:</b>	<b>01475 712330</b>
<b>Subject:</b>	<b>Proposed Management Rules (Libraries): Public Consultation Response</b>		

---

## **1.0 PURPOSE**

- 1.1 The purpose of this report, following the decision of the Committee at its meeting of 10 September 2013 in relation to the proposed management rules for libraries (Appendix 1), is:
- to advise Committee of the outcome of a statutory public consultation on the said rules;
  - to seek approval of the said rules; and
  - to seek the Committee's authority to report to the Inverclyde Council recommending they formally approve the said rules and authorise officers to formally make same in accordance with the statutory procedure.

## **2.0 SUMMARY**

- 2.1 As local authority, the Inverclyde Council (the Council) has power to make management rules regulating the use of and conduct of persons while on or in any land or premises owned, occupied, managed or controlled by the Council to which the public have access, in terms Section 112 of the Civic Government (Scotland) Act 1982 (the Act).
- 2.2 As part of the procedure the Council must follow to make such management rules the Council must conduct a statutory public consultation.
- 2.3 At its meeting of 10 September 2013 the Committee authorised the Libraries, Museum and Archives Manager to implement such a consultation, on the proposed management rules for libraries (Appendix 1).
- 2.4 This consultation has now been conducted, and ran from 7 November to 9 December 2013 inclusive.
- 2.5 No objections were received to the said rules in the course of said consultation.
- 2.6 For officers to formally make rules in the terms consulted upon, it is necessary the matter be referred to the Inverclyde Council for approval of the terms of the rules and grant to officers the necessary authority to proceed to formally execute the same.

## **3.0 RECOMMENDATIONS**

- 3.1 It is recommended that the Committee notes that no objections were received during the statutory public consultation on the proposed management rules for libraries (per Appendix I).



- 3.2 It is recommended that the Committee therefore approves the said rules following this consultation, for the purposes of the referral at 3.3.
- 3.3 It is recommended that the matter be referred to the Inverclyde Council to formally approve the said rules and to authorise officers to formally make rules in those terms in accordance with the statutory procedure.

## 4.0 BACKGROUND

- 4.1 Under Section 112 of the Civic Government (Scotland) Act 1982 a Local Authority may make management rules in order to regulate:
- (a) the use of, and
  - (b) the conduct of persons while on or in
- any land or premises owned, occupied or managed by the Authority and to which the public have access.
- 4.2 Prior to making such management rules the Council is required under the section above to conduct a statutory consultation process. In terms of this process, the Council must:
- (a) give notice, by advertisement in a newspaper or newspapers circulating in the Council's area, of
    - (i) the Council's intention to make the management rules;
    - (ii) the general purpose of the rules;
    - (iii) the place where the proposed rules may be inspected; and
    - (iv) the fact that objections may be made, when they must be made by and the address where they must be sent;
  - (b) allow a period for objections of at least one month from the date of the first advertisement under (a) above: and
  - (c) before making the management rules, take into account any objections received within the time period set and give any objector an opportunity to be heard by them.
- 4.3 At its meeting of 10 September 2013, the Committee approved proposed management rules for libraries in Inverclyde (Appendix I), for the purposes of such a consultation and authorised the Libraries, Museum and Archives Manager to proceed with such a consultation. The consultation was advertised in the *Greenock Telegraph* and ran from 7 November to 9 December 2013 inclusive. Copies of the proposed rules were available for review by members of the public free of charge in all the library premises affected and at the Customer Contact Centre in the Municipal Buildings.
- 4.4 The period for the said consultation has come to an end. No objections to the proposed rules were received. Officers therefore do not propose any amendments to the terms of the same as previously approved and consulted upon, and accordingly recommend they be progressed in the current form.
- 4.5 For the Council to complete the process of making such rules, it is necessary that the Committee approves the proposed rules, following the consultation process, and that the matter be referred to the Inverclyde Council recommending their approval of the terms of the proposed rules and their grant of authority to a Proper Officer to officers to formally make the same.
- 4.9 The management rules will then come into force when they are executed by a Proper Officer on behalf of and with the authority of the Council and unless revoked continue in force for a period of 10 years.

## 5.0 IMPLICATIONS

- 5.1 Financial Implications: No implications.
- 5.2 Human Resources: No implications.
- 5.3 Legal: Legal Services have been fully consulted in this matter.
- 5.4 Equalities: Full cognisance has been taken of equality and diversity processes and procedures during the drafting of the management rules.
- 5.5 Repopulation: No implications

**The Inverclyde Council**  
**Management Rules for Libraries**  
**Draft document for Public Consultation**  
**[ ] 2013**



## Library Management Rules

THE INVERCLYDE COUNCIL

### MANAGEMENT RULES FOR PUBLIC LIBRARIES

The Inverclyde Council as the library authority for Inverclyde in terms of Schedule 13, Section 5 of the Local Government etc. (Scotland) Act, 1994 hereby make the following Management Rules in exercise of the powers conferred on them by Section 112 of the Civic Government (Scotland) Act 1982, to regulate the use of, and the conduct of persons using, any of Inverclyde Council's Library Premises.

#### DEFINITIONS

In these Management Rules:

“Acceptable Usage Policy” means such policy or policies as the Council has in force from time to time regulating the use by the members of the public of publically accessible computers and other public ICT resources in public libraries.

“Borrower” means any person who has a current registration as a borrower in terms of Clause 1 of these Management Rules.

“Council” means the Inverclyde Council, and shall when used with in these Management Rules in reference to any decision or determination include such Committee, Sub-Committee or Officers of the Inverclyde Council as are authorised by them to make such a determination.

“Committee” means the committee to which the Council has referred the function of the management of public libraries within Inverclyde.

“Inverclyde” shall mean the administrative area for which the Council is responsible in terms of the Local Government etc (Scotland) Act 1994.

“Library Material” means printed material and other media or articles.

“Library Premises” means

- (a) the , various premises listed in the Schedule to these Rules, declaring that should the Council cease to use once or more of the individual premises for

the provision of Library Services, then the premises in respect of which such use has ceased shall cease to be Library Premises for the purposes of these Rules then, and

(b) such other such premises as may be used from time to time by the Council for the provision of Library Services,

and shall for the purposes of these Management Rules, include all doorways, footpaths, roads, grounds and car parks in the ownership of the Council and used in connection with or forming part of the curtilage of such premises, or other office or reception area within Council buildings as is used in connection with any such premises.

“Library Services” means the public lending library and reference library services provided by, the Inverclyde Council through the Libraries, Museum and Archive section of the Education, Communities and Organisational Development directorate, and for the purposes of these Management Rules includes such services ancillary thereto as are provided from time to time.

“Library User” means any person using Library Premises.

“Officer in charge of Library Services” means the Libraries, Museums and Archives Manager or such other Officer as may be from time to time appointed by and/or authorised by the Council with responsibility for the overall management of library services throughout Inverclyde.

“Staff Member” means any person employed by the Council wholly or partly in connection with the provision of library services in Inverclyde, be that at the Library premises or elsewhere in pursuance of their duties.

“the Act” means the Civic Government (Scotland) Act 1982.



## **1. Borrowers**

### **1.1 Membership**

Any person who is resident in, employed in, at school in, or visiting Inverclyde, may apply to register as a Borrower through the Library Services at any of the Library Premises. All persons wishing to become Borrowers must complete an application form and provide two forms of current identification (one of which must show the applicant's home address). Persons unable to provide two forms of current identification shall be entitled to interim membership, until such time as two forms of current identification can be provided. The acceptability or otherwise of the identification shown is at the discretion of the Officer in Charge of Library Services. Once accepted as a Borrower, such a person will be required, on the request of a Staff Member, to confirm the details provided with their application by producing further current identification, which requests shall no be more often than is reasonably required for conducting the Library Services.

### **1.2 Children's Membership**

Children aged 11 years and under may become Borrowers on completion of a registration form signed by a parent or other adult with parental responsibility (as guarantor for the child) and on providing acceptable proof of identity. Proof of age may also be requested. Borrowers aged 11 years and under are eligible to borrow books from the Children's section of the library. Borrowers aged from 12 to 15 years are registered as 'Young Adult' borrowers and they will be eligible to borrow books from both the Junior and Adult sections of the library. Any certificated video or multi-media materials will only be issued in accordance with age categories marked on the materials.

### **1.3 Lapsed Membership**

Registration as a Borrower in all categories will lapse after a period of two years from last use of the service. Thereafter, re-registration will be required in accordance with this Rule 1.

## 1.4 Membership Cards

Cards issued for borrowing items from the libraries shall not be transferable. Borrowers are personally responsible for the safekeeping of cards and for items borrowed on their card. Borrowers shall immediately notify any change of address or the loss of a card. A charge will be made for the replacement of lost cards, to be determined from time to time by the Council.

## **2. Borrowing**

### 2.1 Loan Period

The maximum permitted loan periods for Library Materials will be as determined by the Council from time to time and displayed at all Library Premises. On receipt by the Library service of a request from a Borrower in person, by post or telephone, or online, the loan period may be extended for any item on loan to that Borrower, other than when the item concerned has been requested by another Borrower. No loan shall be extended more than four times. The Officer in charge of Library Services may, at his/her discretion, reduce the maximum loan period for any item if it is in heavy demand, or for any other appropriate reason.

### 2.2 Number of items

The maximum number of items which can be borrowed by a Borrower will be as determined by the Council from time to time and displayed all Library Premises.

### 2.3 Charges for certain materials

Borrowers may borrow audio, video, multi-media and other materials or suggest items for stock according to borrowing entitlements as referred to above and on payment of any charges determined by the Council from time to time and as published at all Library Premises.

### 2.4 Overdue Items

Borrowers aged 16-59 years of age who retain Library Materials beyond the maximum permitted loan period will be charged for such items at such a rate or rates as shall be determined from time to time by the Council. Borrowers will be notified of any Library Materials retained beyond the maximum permitted loan period, but failure to give such notification shall not relieve the Borrower of the charges.

### 2.5 Payment for Loss or Damage

Borrowers or guarantors of Borrowers shall be responsible for loss of or damage to Library Materials, and a sum not greater than the total of a) the retail cost of the lost or damaged item and b) such administrative charge or charges in respect of dealing with such loss or damage as may from time to time be determined by the Council as appropriate in such circumstances, will be charged. Damage or

defect to an item which is discovered before borrowing should be brought to the attention of a Staff Member.

### **3. Conduct**

All persons shall behave at all times in the Library Premises in a manner which is consistent with standards of good conduct in public libraries, which standards will for the avoidance of doubt include not causing undue noise or disturbance. It shall be a matter in the discretion of individual Staff Members (acting reasonably) as to what shall constitute such standards of good conduct in public libraries. Staff Members shall be entitled to refuse admission to or to expel from the Library Premises any persons who, in the reasonable opinion of those Staff Members, are not conducting themselves in accordance with these standards.

#### **3.1 Dogs, other Animals and Wheeled Conveyances Prohibited**

Except with the consent of a Staff Member, no person shall cause or allow any dog (other than a working dog accompanying a disabled person) or other animal belonging to him/her or under his/her control to enter or remain in the library, or bring in any wheeled conveyance other than wheelchairs, mobility scooters, pushchairs, or prams.

#### **3.2 Behaviour in the Library**

3.2.1 Any member of the public may refer to materials held in the library, whether lending or reference stock, but no materials may be removed from the library unless duly authorised.

3.2.2 Library users must comply with all directions given to them by Staff Members in the course of their duties.

3.2.3 Smoking or consumption of alcohol is not permitted in Library Premises.

3.2.4 Food or drink not purchased in the Library Premises must not be consumed upon Library Premises.

3.2.5 Mobile telephones must be switched to silent and their use must not disturb other library users.

3.2.6 Any person causing offence through personal hygiene or under the influence of alcohol or drugs will be removed and excluded from the Library Premises. Disorderly, violent or insulting behaviour including the use of indecent or offensive language towards other Library Users or Staff Members by any person will result in that person being removed and excluded from the Library Premises.

3.2.7 No member of the public shall enter or remain in any part of Library Premises identified for staff or private use.



3.2.8 Parents and carers are responsible for the supervision and behaviour of their children at all times within the Library Premises. Children aged eight years and under must be accompanied by a parent or adult with parental responsibility when visiting the Library Premises. Children between the ages of eight and twelve must not be left unaccompanied by a parent or carer for any period exceeding one hour unless part of an activity organised a Staff Member. Parents and adults with parental responsibility must undertake to ensure that if their children are left in the care of Staff Members for an organised activity such children behave in a manner considered reasonable and appropriate by Staff Members.. A Staff Member will be entitled to remove any child not behaving in such an appropriate manner from an organised activity.

3.2.9 Photography, video or sound recording in Library Premises may be undertaken only with the prior permission of the Officer in charge of Library Services.

3.2.10 The use of portable audio players (such as MP3 players, iPods etc) within Library Premises is permitted only with the use of headphones, and should not disturb other Library Users.

3.2.11 No trading or sale of goods is permitted in any of the Library Premises, without the consent of the Officer in charge of Library Services.

3.2.12 In the event of the structure, furniture, fittings or other contents of the any of the Library Premises being damaged or destroyed, the person responsible shall be liable for the cost of making good the damage or for replacing the articles destroyed.

3.2.13 The designated opening hours for the Library Premises will be displayed at the premises and no person, other than Staff Members carrying out their duties, shall remain in the Library Premises outwith these hours.

#### **4. Use of Public Access Computers**

Any person may use public access computers within the Library Premises, provided however that:

- if they are aged 8 or under, they must be accompanied by a parent or other adult with parental responsibility;
- if they are aged from 9 to 11, they must have written parental consent, as contained within the membership form; and
- if they are not Borrower in terms of Clause 1 of these rules, they must provide acceptable personal identification before he/she can use the public access computers; and
- they must only do so in accordance with the Acceptable Usage Policy.

The Acceptable Usage Policy is available from all the Library Premises and on all public access computers.

#### **5. General Rules**

## 5.1

Bills, notices or leaflets may be displayed or distributed in any part of the Library Premises only with the consent of the Officer in charge of Library Services.

## 5.2

The Council shall have no liability in respect of the loss or theft of any item belonging to a Library User.

## 5.3

At the discretion of the Officer in charge of Library Services, appropriate areas of the Library Premises may be used for community, cultural, educational or social purposes. Such uses shall be controlled by means of a written agreement between the user and the Council.

## 5.4

Library Users are reminded that the provisions of the general law apply at all times. Any action which would contravene the Copyright, Designs and Patents Act 1988 is strictly prohibited on Library Premises.

## 5.5

Any person who contravenes these Management Rules may be subject to suspension of their registration as a Borrower and the use of Library Services, at the discretion of the Officer in charge of Library Services.

## 5.6

A Staff Member may, under Section 116 of the Act:

- i. where he or she has reasonable grounds for believing a person has contravened or is contravening a management rule, expel that person from the Library Premises; and
- ii. where he or she has reasonable grounds for believing that a person is about to contravene a management rule, exclude that person from the Library Premises.

## 5.7

A person who persistently contravenes or attempts to contravene these management rules and is, in the opinion of the Council, likely to contravene them again, may be subject to an Exclusion Order by the Council under Section 117 of the Act for a period not exceeding one year.

## 5.8

Any person who:

- i. on being required to leave any Library Premises by an authorised officer of the Council who has reasonable grounds for believing that the person has contravened, is contravening or is about to contravene any of these Management Rules applying to the Library Premises, fails to leave;
- ii. on being informed by an authorised officer who has reasonable grounds for believing that the person is about to contravene any management rule applying to Library Premises that he or she is excluded from the land or premises, enters or attempts to enter the land or premises; or
- iii. being a person subject to an exclusion order under section 117 of the Act, enters or attempts to enter the land or premises to which the exclusion order relates

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 1 on the standard scale

## **Schedule**

### **Premises**

- 1. Greenock Central Library**, 75-81 Cathcart Street, Greenock, PA15 1DE.
- 2. Gourock Library**, Kempock Place, Gourock, PA19 1QU.
- 3. Inverkip and Wemyss Bay Library**, Wemyss Bay Primary School, Ardgowan Road, Wemyss Bay, PA18 6AT.
- 4. Kilmacolm Library**, Lochwinnoch Road, Kilmacolm, PA13 4LE.
- 5. Port Glasgow Library**, Fore Street, Port Glasgow, PA14 5EQ.
- 6. Greenock South West Library**, Barr's Cottage, Greenock, PA16 9HG.
- 7. The Watt Library**, 9 Union Street, Greenock, PA16 8JH

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<b>Report To:</b>	<b>The Inverclyde Council</b>	<b>Date:</b>	<b>20 February 2014</b>
<b>Report By:</b>	<b>Acting Corporate Director Environment, Regeneration &amp; Resources</b>	<b>Report No:</b>	<b>SL/LA/1135/14</b>
<b>Contact Officer:</b>	<b>Sharon Lang</b>	<b>Contact No:</b>	<b>01475 712112</b>
<b>Subject:</b>	<b>Proposed Management Rules (Museums): Public Consultation Response - Remit from Education &amp; Communities Committee</b>		

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## 1.0 PURPOSE

- 1.1 The purpose of this report is to request the Council to consider a remit from the Education & Communities Committee.

## 2.0 SUMMARY

- 2.1 The Education & Communities Committee on 21 January considered a report by the Corporate Director Education, Communities & Organisational Development (1) advising of the outcome of a statutory public consultation on the proposed Management Rules for Museums following the decision of the Committee at its meeting on 10 September 2013, (2) seeking approval of the rules and (3) seeking authority to report to the Inverclyde Council recommending that the rules be formally approved and that Officers be authorised to make rules in accordance with the statutory procedure.
- 2.2 A copy of the report submitted to the Education & Communities Committee is attached as Appendix 1. This provides background information together with information on the implications of the recommendations and consultations undertaken.
- 2.3 The Committee decided:
- (1) that it be noted that no objections were received during the statutory public consultation on the proposed Management Rules for Museums;
  - (2) that it be agreed to approve the rules following the consultation exercise for the purposes of referral to the Inverclyde Council; and
  - (3) that the matter be referred to the Inverclyde Council to approve the rules and to authorise Officers formally to make rules in those terms in accordance with the statutory procedure.

## 3.0 RECOMMENDATION

- 3.1 The Council is asked to approve the new Management Rules for Museums and to authorise the Head of Legal and Democratic Services to make arrangements to have them sealed with the Council Seal and signed by a Proper Officer.

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<b>Report To:</b>	<b>Education and Communities Committee</b>	<b>Date:</b>	<b>21 January 2014</b>
<b>Report By:</b>	<b>Corporate Director Education, Communities and Organisational Development</b>	<b>Report No:</b>	<b>EDUCOM/06/14/AW</b>
<b>Contact Officer:</b>	<b>Alana Ward, Libraries Museum And Archives Manager</b>	<b>Contact No:</b>	<b>01475 712330</b>
<b>Subject:</b>	<b>Proposed Management Rules (Museum): Public Consultation Response</b>		

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## **1.0 PURPOSE**

- 1.1 The purpose of this report, following the decision of the Committee at its meeting of 10 September 2013 in relation to the proposed management rules for museums (Appendix 1), is:
- to advise Committee of the outcome of a statutory public consultation on the said rules;
  - to seek approval of the said rules; and
  - to seek the Committee's authority to report to the Inverclyde Council recommending they formally approve the said rules and authorise officers to formally make same in accordance with the statutory procedure.

## **2.0 SUMMARY**

- 2.1 As local authority, the Inverclyde Council (the Council) has power to make management rules regulating the use of and conduct of persons while on or in any land or premises owned, occupied, managed or controlled by the Council to which the public have access, in terms Section 112 of the Civic Government (Scotland) Act 1982 (the Act).
- 2.2 As part of the procedure the Council must follow to make such management rules the Council must conduct a statutory public consultation.
- 2.3 At its meeting of 10 September 2013 the Committee authorised the Libraries, Museum and Archives Manager to implement such a consultation, on the proposed management rules for museums (Appendix 1).
- 2.4 This consultation has now been conducted, and ran from 7 November to 9 December 2013 inclusive.
- 2.5 No objections were received to the said rules in the course of said consultation.
- 2.6 For officers to formally make rules in the terms consulted upon, it is necessary the matter be referred to the Inverclyde Council for approval of the terms of the rules and grant to officers the necessary authority to proceed to formally execute the same.

## **3.0 RECOMMENDATIONS**

- 3.1 It is recommended that the Committee notes that no objections were received during the statutory public consultation on the proposed management rules for museums (per Appendix 1).

- 3.2 It is recommended that the Committee therefore approves the said rules following this consultation, for the purposes of the referral at 3.3.
- 3.3 It is recommended that the matter be referred to the Inverclyde Council to formally approve the said rules and to authorise officers to formally make rules in those terms in accordance with the statutory procedure.

## 4.0 BACKGROUND

- 4.1 Under Section 112 of the Civic Government (Scotland) Act 1982 a Local Authority may make management rules in order to regulate:
- (a) the use of, and
  - (b) the conduct of persons while on or in
- any land or premises owned, occupied or managed by the Authority and to which the public have access.
- 4.2 Prior to making such management rules the Council is required under the section above to conduct a statutory consultation process. In terms of this process, the Council must:
- (a) give notice, by advertisement in a newspaper or newspapers circulating in the Council's area, of
    - (i) the Council's intention to make the management rules;
    - (ii) the general purpose of the rules;
    - (iii) the place where the proposed rules may be inspected; and
    - (iv) the fact that objections may be made, when they must be made by and the address where they must be sent;
  - (b) allow a period for objections of at least one month from the date of the first advertisement under (a) above: and
  - (c) before making the management rules, take into account any objections received within the time period set and give any objector an opportunity to be heard by them.
- 4.3 At its meeting of 10 September 2013, the Committee approved proposed management rules for museums in Inverclyde (Appendix I), for the purposes of such a consultation and authorised the Libraries, Museum and Archives Manager to proceed with such a consultation. The consultation was advertised in the *Greenock Telegraph* and ran from 7 November to 9 December 2013 inclusive. Copies of the proposed rules were available for review by members of the public free of charge in all premises affected and at the Customer Contact Centre in the Municipal Buildings.
- 4.4 The period for the said consultation has come to an end. No objections to the proposed rules were received. Officers therefore do not propose any amendments to the terms of the same as previously approved and consulted upon, and accordingly recommend they be progressed in the current form.
- 4.5 For the Council to complete the process of making such rules, it is necessary that the Committee approves the proposed rules, following the consultation process, and that the matter be referred to the Inverclyde Council recommending their approval of the terms of the proposed rules and their grant of authority to a Proper Officer to officers to formally make the same.
- 4.9 The management rules will then come into force when they are executed by a Proper Officer on behalf of and with the authority of the Council and unless revoked continue in force for a period of 10 years.

## 5.0 IMPLICATIONS

- 5.1 Financial Implications: No implications.
- 5.2 Human Resources: No implications.
- 5.3 Legal: Legal Services have been fully consulted in this matter.
- 5.4 Equalities: Full cognisance has been taken of equality and diversity processes and procedures during the drafting of the management rules.
- 5.5 Repopulation: No implications



The Inverclyde Council  
Management Rules for Art Galleries and Museums  
Draft document for Public Consultation  
[ ] 2013

# **McLean**

**MUSEUM & ART GALLERY**

## **Management Rules for Art Galleries and Museums**

**2013**

*VERSION 2013.1*

**Inverclyde**  
council

## INVERCLYDE COUNCIL

### MANAGEMENT RULES FOR ART GALLERIES AND MUSEUMS

The Inverclyde Council as the museum and art gallery authority for Inverclyde in terms of Schedule 13, Section 5 of the Local Government etc. (Scotland) Act, 1994 hereby make the following Management Rules in exercise of the powers conferred on them by Section 112 of the Civic Government (Scotland) Act 1982, to regulate the use of and conduct of persons while using Museum Premises in Inverclyde.

#### Definitions and Interpretation

##### In these Management Rules

“Acceptable Usage Policy” means such policy or policies as the Council has in force from time to time regulating the use by the members of the public of publically accessible computers and other public ICT resources in public libraries.

“Act” means the Civic Government (Scotland) Act 1982.

“Committee” means the committee to which the Council has referred the function of the management of art galleries and museums within Inverclyde.

“Council” means the Inverclyde Council constituted under the Local Government etc (Scotland) Act 1994.

“Director” means the Corporate Director (Education, Communities and Organisational Development) of the Council, or such other Director as may from time to time be responsible for enforcement of these Rules,

“Museum” and “Museum Premises” shall be taken to mean:

- (a) the premises consisting of McLean Museum and Art Gallery, 15 Kelly Street, Greenock, PA16 8JX and the Watt Library, Greenock, 9 Union Street, Greenock. PA16 8JH;
- (b) such other premises as may be used from time to time by the Council for the provision of Museums Services; and
- (c) shall for the purposes of these Management Rules, include all doorways, footpaths, roads, grounds and car parks in the ownership of the Council and used in connection with or forming part of the curtilage of such premises, or other office or reception area within Council buildings as is used in connection with any such premises.

“Museum Grounds” shall be taken to mean such unbuilt on land forming part of Museum Premises.

“Museum User” means any person permitted under these rules, to the use of Museums within Inverclyde.

“Officer in charge of the museum service” means the Museum Curator or such other Officer as may be from time to time appointed by and/or authorised by the Council with responsibility for the overall management of the Museum Premises.

“Staff Member” means any person employed by the Council wholly or partly in connection with the provision of museum services in Inverclyde, be that at the Museum Premises or elsewhere in pursuance of their duties

The provisions of the Interpretation Act 1978 shall apply to the interpretation of these Management Rules as they apply to an Act of Parliament.

## **1. Access to Museums**

a. The Museum shall be open to the public on such days and during such hours as the Council or the Committee may from time to time determine and the Council, the Committee, the Director or the Officer in charge of the museum service may close the Museum wholly or partially during such times as they may think fit.

b. No person shall enter or remain in any part of the Museum which is prohibited to the public, or remain in the Museum outwith the times which it is open to the public.

c. No person shall remain in the Museum after an emergency situation has been made known to them.

d. No member of the public shall enter or remain in any part of the Museum identified for staff or private use unless authorised by the Officer in charge of the museum service.

e. Any member of the public may view the displays held in the Museum but no materials may be removed from the Museum unless duly authorised by the Officer in charge of the museum service.

f. The Officer in charge of the museum service shall have discretion as to the conditions under which members of the public may consult rare, valuable or fragile museum artefacts which are deemed by the Officer in charge of the museum service unsuitable or too delicate for general display.

## **2. Conduct in the Museum**

a. All persons shall behave at all times in the Museum Premises in a manner which consistent with standards of good conduct in public museums, which standards will for the avoidance of doubt include not causing undue noise or disturbance. It shall be a matter in the discretion of individual Staff Members (acting reasonably) as to what shall constitute such standards of good conduct in public museums. Staff Members shall be entitled to refuse admission to or to expel from the Museum Premises any persons who, in the reasonable opinion of those Staff Members, are not conducting themselves in accordance with these standards.

b. Any person causing offence through personal hygiene or under the influence of alcohol or drugs will be removed and excluded from the Museum Premises in terms of Rule 2. Disorderly, violent or insulting behaviour including the use of indecent or offensive language towards other Museum Users or Staff Members by any person will result in that person being removed and excluded from the Museum Premises in terms of Rule 2.

c. Any person found, or in the reasonable opinion of a Member of Staff believed, to have been taking, selling or distributing drugs in the Museum will be expelled or excluded in terms of Rule 2, except in a case requiring first aid treatment where the administering of drugs is necessary and performed by an appropriately qualified medical practitioner or where the drugs are taken as part of a prescribed course of medication.

- d. Except with the consent of the Officer in charge of the museum service, no person shall cause or allow any dog (other than a working dog accompanying a disabled person) or other animal belonging to them or under their control to enter or remain in the Museum. No person will be permitted to bring in any wheeled vehicle or conveyance other than wheelchairs, mobility scooters, pushchairs or prams.
- e. Disorderly, violent or insulting behaviour including the use of indecent or offensive language towards other museum users or a Member of Staff by any person will result in that person being removed and excluded from the Museum.
- f. Parents and carers are responsible for the supervision and behaviour of their children at all times within the Museum premises. Children aged eight years and under must be accompanied by a parent or carer when visiting the Museum. Children between the ages of eight and twelve must not be left unaccompanied by a parent or carer for any period exceeding one hour unless part of an activity organised by a Staff Member. Parents and carers must undertake to ensure that if their children are left in the care of Staff Members for such an organised activity such children behave in a manner considered reasonable and appropriate by Staff Members.
- g. Parents and carers must undertake to ensure that if their children are left in the care of Staff Members for such an organised activity such children behave in a manner considered reasonable and appropriate by Staff Members. A Staff Member will be entitled to remove any child not behaving in such an appropriate manner from such an activity.
- h. Museum users must comply with all directions given to them Staff Members in the course of their duties.
- i. At the discretion of the Officer in charge of the museum service, appropriate areas of Museum premises may be used for community, cultural, educational or social purposes. Such uses shall be controlled by means of a written agreement between the user and the Council.
- j. Food or drink must not be taken into or consumed in the Museum premises unless one or more of the following exception applies:  
(firstly) if it food or drink provided at an event authorised by the Officer in charge of the museum service, such provision is explicitly permitted in and made in accordance with that authority, and it is consumed within the part or parts of the Museum Premises provided for in that authority; or  
(secondly) if it is food or drink sold from and consumed within a cafeteria or similar facility in the Museum Premises operated by or with the authority of the Council.
- k. The consumption of alcohol is not permitted in Museum premises except as may be specifically permitted in terms of Rule 2(j).
- l. Photography, video or sound recording in Museum premises may be undertaken only with the prior permission of the Officer in charge of the museum service. However the use of digital cameras for informal social shots is permitted. All professional photography, video or sound recording intended for broadcasting or use on the internet must be approved of in writing by the Officer in charge of the museum service.
- m. Mobile telephones must only be operated in the foyer areas of Museum premises and are not permitted to be used in galleries within the Museum.

n. Use of equipment such as personal stereos or mobile telephones which in the reasonable opinion of a Staff Member is likely to cause inconvenience or disturbance to others is not permitted within the Museum premises.

o. Bills, notices or leaflets may be displayed or distributed in any part of the Museum premises only with the consent of the Officer in charge of the museum service.

p. The Officer in charge of the museum service may from time to time regulate the use of accommodation, resources and equipment in great demand in order to ensure equal opportunity of use.

q. In the event of the structure of, furniture within, or fittings or other contents of the Museum Premises being damaged or destroyed, the person responsible shall be liable for the cost of making good the damage or for replacing the articles destroyed.

r. The Council shall have no liability in respect of the loss or theft of any item belonging to a Museum User.

s. No trading or sale of goods shall take place in any part of any Museum Premises except with the consent of the Officer in charge of the museum service.

t. Goods must not be removed from the shop in the Museum Premises prior to payment.

u. Smoking is strictly forbidden in all parts of the Museum Premises.

### **3. Public Access Computers**

a. Any person may use public access computers within the Museum Premises, provided however that:

- if they are aged 8 or under, they must be accompanied by a parent or other responsible adult;
- if they are aged from 9 to 11, they must have written parental consent, as contained within the membership form; and
- they must provide personal identification acceptable to Members of Staff, acting reasonably, before they can use the public access computers; and
- they must only do so in accordance with the Acceptable Usage Policy.

The Acceptable Usage Policy is available from all the Museum Premises and on all public access computers.

b. Where information is made available by the Council via digital sources any member of the public accessing such information will be liable to meet such fees as are payable from time to time for such access, and must abide by the terms of use prevailing at the time.

### **4. Use of Venue**

a. Part of parts of the Museum Premises may be available for hire, at the discretion of the Officer in charge of the museum service, by appropriate organisations throughout the year subject to the nature of the hire not impeding the provision of public service or the safety and security of the museum and exhibits. The Watt Hall is also licenced for wedding ceremonies for hire, at the discretion of the Officer

in charge of the museum service subject to availability and the hire not impeding the provision of public service or the safety and security of the museum and exhibits.

b. All hires are entirely at the discretion of the Officer in charge of the museum service and all hirers will be required to enter a written hire agreement in terms satisfactory to the Officer in charge of the museum service.

c. The hire charge in force at the time shall be made to hirers. The right to refuse any applicant the use of premises or part thereof without giving any reason is reserved to the Officer in charge of the museum service. Any parts of the Museum premises so hired shall not be sub-hired or sub-let.

d. The above are not normally available for hire during the hours of public opening of the Museum Premises.

## **5. Museum Grounds**

a. No person shall throw down, deposit or leave any rubbish, refuse, litter or paper of whatever description in the Museum Grounds, other than that in a receptacle/location provided for that purpose.

b. No person shall wilfully, carelessly or negligently damage, injure, displace or remove any part of a wall, fence, barrier, railing or any other fixture situated in or on or adjacent and ancillary to the Museum Premises, or deface or destroy the same by cutting, writing or otherwise. Any person so doing will be held responsible for the cost of any replacement or repair.

c. Except with the express consent of the Officer in charge of the museum service, no person shall remove any plant in the Museum Grounds.

d. No person shall enter or stand, sit or walk in or upon any flower bed, border or shrubbery within any park or in or upon any part of the Museum Grounds where prohibitive notices are displayed.

e. No vehicle, whether mechanically propelled or otherwise, shall be permitted on or allowed to enter on the Museum Grounds without the prior written consent of the Officer in charge of the museum service. This prohibition shall not apply to the use in the Museum grounds of:

(firstly) any pram, buggy, wheelchair or similar vehicle drawn or propelled by hand for the use by or with a child, invalid or disabled person;

(Secondly) any mechanically propelled invalid carriage or wheelchair being used by a disabled person or invalid; or

(Thirdly) any ambulance, fire engine, police vehicle and attendant vehicles as may be permitted by the Officer in charge of the museum service.

f. No person shall cause or permit a dog or any other animal belonging to them or otherwise under their control to enter or remain in the Museum Grounds unless such a dog or other animal is under the full control of that person and effectively restrained from causing annoyance to any person, or from worrying or disturbing any wild birds or animals or from damaging any flower, plant, tree or shrub in the grounds.

g. No person shall cause or permit any dog or other animal belonging to them or otherwise under their control to foul in the Museum Grounds or any part thereof.

h. No person shall light a fire, burn or do any action which might cause to be set on fire or burned in the Museum Grounds any paper, rubbish, refuse, fuel or other substance.

i. No person shall, without prior written consent of the Officer in charge of the museum service, erect, occupy or use any tent or other structure in the Museum Grounds.

## **6. Library Function**

For such period or periods as Council operates a lending library service from the Watt Library within the museum premises, then any loan of books as part of that service will operate under the terms of the Management Rules that are at that time in force in respect of Public Libraries in Inverclyde, Without prejudice to the generality of the foregoing, it will therefore be a requirement that any person wishing to borrow books available through that lending library service has a valid membership under that scheme.

## **7 Contraventions of Management Rules**

A Staff Member may under Section 116 of the Act:

(i) if he or she has reasonable grounds for believing that a person has contravened, is contravening or is about to contravene any of the foregoing Management Rules, exclude that person from the Museum Premises; or

(ii) if he or she has reasonable grounds for believing that person is about to contravene any of the foregoing Management Rules, exclude that person from the Museum Premises.

A person who persistently contravenes or attempts to contravene the foregoing Management Rules and is, in the opinion of the Council, likely to contravene them again shall be liable to be made the subject of an Exclusion Order by the Council for a period not exceeding one year, in terms of Section 117 of the Act.

Any person who

(i) on being required to leave the Museum Premises by an authorised officer of the Council having reasonable grounds for believing that the person has contravened, is contravening or is about to contravene any Management Rules, fails to leave;

(ii) on being informed by an authorised officer of the Council that there are reasonable grounds for believing that the person is about to contravene any Management Rule, that he or she is excluded from the Museum premises, enters or attempts to enter the Museum Premises;

(iii) being a person subject to an Exclusion Order under section 117 of the Act enters or attempts to enter the Museum premises to which the Exclusion Order relates

Shall be guilty of an offence and liable on summary conviction to a fine not exceeding Level 1 on the Standard Scale of Fines or such other amount as may from time to time be fixed by statute in terms of section 118 of the Act.

The foregoing Management Rules shall come into force on (xxxx).



**THE INVERCLYDE COUNCIL**

**AGENDA AND ALL PAPERS TO:**

All Councillors 20

**Officers:**

Chief Executive	1
Corporate Communications & Public Affairs	1
Corporate Director Community Health & Care Partnership	1
Head of Children & Families & Criminal Justice	1
Head of Community Care & Health	1
Head of Planning, Health Improvement & Commissioning	1
Head of Mental Health & Addictions	1
Clinical Director	1
Corporate Director Education, Communities & Organisational Development	1
Head of Education	1
Head of Inclusive Education, Culture & Corporate Policy	1
Head of Safer & Inclusive Communities	1
Head of Organisational Development, Human Resources & Communications	1
Acting Corporate Director Environment, Regeneration & Resources	1
Chief Financial Officer	1
Head of Legal & Democratic Services	1
Business/Democratic Services Manager	1
S Lang, Legal & Democratic Services	1
R McGhee, Legal & Democratic Services	1
N Duffy, Legal & Democratic Services	1
F Denver, Legal & Democratic Services	1
L Carrick, Legal & Democratic Services	1
Members' Services Manager	1
Chief Internal Auditor	1
Head of Property Assets & Facilities Management	1
Head of Environmental & Commercial Services	1
Head of Regeneration & Planning	1
Head of ICT	1
File Copy	1

**TOTAL 49**

**AGENDA AND ALL NON-CONFIDENTIAL PAPERS TO:**

Community Councils 10

**TOTAL 10**