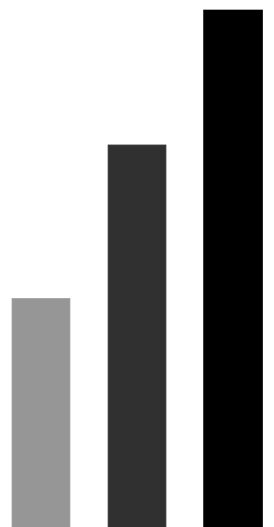


Agenda 2016

Inverclyde Council

For meeting on:

29	September	2016
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A meeting of the Inverclyde Council will be held on Thursday 29 September 2016 at 4pm within the Municipal Buildings, Greenock.

GERARD MALONE
Head of Legal and Property Services

BUSINESS

****Copy to follow**

1. Apologies and Declarations of Interest	Page
NEW BUSINESS	
2. Annual Report to Elected Members and the Controller of Audit for the Financial Year Ended 31 March 2016 ** Report by Chief Executive	
3. Minutes of Meetings of The Inverclyde Council, Committees, Sub Committees and Boards Appointment Panel – Chief Executive (p 135) Local Police & Fire Scrutiny Sub-Committee (p 151) Inverclyde Council (pp 152 – 155) Appointment Panel – Chief Executive (p 156) Appointment Panel – Chief Executive (p 157) Inverclyde Council (Special) (p 158) Appointment Panel – Chief Executive (p 159) Audit Committee (Special) (pp 160) General Purposes Board (Special) (p 161) Inverclyde Council (Special) (pp 162 – 163) Appointment Panel – Head of Mental Health, Addictions & Homelessness (p 164) Appointment Panel – Head of Mental Health, Addictions & Homelessness (p 165) Appointment Panel – Head of Inclusive Education, Culture & Corporate Policy (p 166) Planning Board (pp 167 – 169) Local Review Body (pp 170 – 171) Appointment Panel – Chief Executive (p 172) Policy & Resources Committee (pp 173 – 176)	

	<p>General Purposes Board (pp 177 – 179)</p> <p>Appointment Panel – Head of Inclusive Education, Culture & Corporate Policy (p 180)</p> <p>Human Resources Appeals Board (p 181)</p> <p>Audit Committee (pp 182 – 183)</p> <p>Health & Social Care Committee (pp 184 – 187)</p> <p>Inverclyde Council (Special) (p 188)</p> <p>Appointment Panel – Chief Executive (p 189)</p> <p>Environment & Regeneration Committee (pp 190 – 198)</p> <p>Education & Communities Committee (pp 199 – 204)</p> <p>Planning Board (pp 205 – 207)</p> <p>Local Review Body (p 208)</p> <p>** General Purposes Board (pp)</p> <p>** Policy & Resources Committee (pp)</p>	
4.	<p>Membership of Greater Glasgow & Clyde NHS Board Report by Corporate Director Environment, Regeneration & Resources</p>	p
5.	<p>Health & Social Care Integration – Appointment of Elected Member to Integration Joint Board Report by Corporate Director Environment, Regeneration & Resources</p>	p
6.	<p>Condemnation of Hate Crimes – Notice of Motion by Councillor McCabe Report by Head of Legal & Property Services</p>	p
7.	<p>Additional Powers – Letter from Aberdeen City Council: Request by Councillor McCabe Report by Corporate Director Environment, Regeneration & Resources</p>	p
8.	<p>Proper Officers – Authorised Signatories Report by Chief Financial Officer</p>	p
9.	<p>Shared Services Review Report by Head of Legal & Property Services</p>	p
10.	<p>Health and Social Care Integration Scrutiny and Governance Arrangements Report by Head of Legal & Property Services</p>	p
11.	<p>Governance Review Report by Head of Legal & Property Services</p>	p
12.	<p>Fifth Review of Electoral Arrangements: Local Government Boundary Commission for Scotland Report by Head of Legal & Property Services</p>	p
REMITTS FROM COMMITTEES		
13.	<p>Treasury Management – Annual Report 2015/16 – Remit from Policy & Resources Committee Report by Corporate Director Environment, Regeneration & Resources</p>	p
14.	<p>Chief Social Work Officer Statutory Role – Remit from Policy & Resources Committee Report by Corporate Director Environment, Regeneration & Resources</p>	p

15.	Proposed Redetermination Order – The Inverclyde Council, Mansion Avenue, Port Glasgow (Redetermination of Means of Exercise of Public Right of Passage) Order 2016 – Remit from Environment & Regeneration Committee Report by Corporate Director Environment, Regeneration & Resources	p
16.	Proposed Traffic Regulation Order – The Inverclyde Council, Mansion Avenue, Port Glasgow (One Way Only Revocation) Order 2016 – Remit from Environment & Regeneration Committee Report by Corporate Director Environment, Regeneration & Resources	p
17.	Proposed Traffic Regulation Order – Disabled Persons’ Parking Places (On-Street) Order No. 3 2016 – Remit from Environment & Regeneration Committee Report by Corporate Director Environment, Regeneration & Resources	p
18.	Proposed Traffic Regulation Order – Broadfield Area, Port Glasgow 20mph Speed Limited Restriction Order 2016 – Remit from Environment & Regeneration Committee Report by Corporate Director Environment, Regeneration & Resources	p
19.	Gourock Parking Strategy – Proposed Traffic Regulation Orders – Remit from Environment & Regeneration Committee Report by Corporate Director Environment, Regeneration & Resources	p
The documentation relative to the following item has been treated as exempt information in terms of the Local Government (Scotland) Act 1973 as amended, the nature of the exempt information 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, Sub-Committee or Board.		
NEW BUSINESS		
20.	Business in the Appendix	

Enquiries to – **Sharon Lang** - Tel 01475 712112

Report To:	Inverclyde Council	Date:	29 September 2016
Report By:	Corporate Director Environment, Regeneration & Resources	Report No:	VP/LP/123/16
Contact Officer:	Vicky Pollock	Contact No:	01475 712180
Subject:	Membership of Greater Glasgow and Clyde NHS Board		

1.0 PURPOSE

- 1.1 The purpose of this report is to request the Council to nominate an Elected Member to be appointed by the Scottish Ministers to Greater Glasgow and Clyde NHS Board ("NHS Board") following the resignation of Councillor McIlwee.

2.0 SUMMARY

- 2.1 Councillor McIlwee has recently intimated his formal resignation as Inverclyde Council's Non-Executive Member on the NHS Board.
- 2.2 This is a Ministerial appointment and the NHS Board has, in accordance with NHS requirements, invited the Council to nominate the Leader, Depute Leader or Convener of the Health & Social Care Committee to replace Councillor McIlwee on the NHS Board.
- 2.3 As Councillor McIlwee is the Convener of the Health & Social Care Committee, the nomination requires to be of either the Leader or Depute Leader of the Council.

3.0 RECOMMENDATION

- 3.1 The Council is asked to nominate a Member to be appointed by the Scottish Ministers to Greater Glasgow and Clyde NHS Board, taking into account NHS requirements on local authority nominations.

Gerard Malone
Head of Legal & Property Services

Report To:	Inverclyde Council	Date:	29 September 2016
Report By:	Corporate Director Environment, Regeneration & Resources	Report No:	VP/LP/124/16
Contact Officer:	Vicky Pollock	Contact No:	01475 712180
Subject:	Health & Social Care Integration Appointment of Elected Member to Integration Joint Board		

1.0 PURPOSE

1.1 The purpose of this report is to request the Council to appoint a representative to the Inverclyde Integration Joint Board.

2.0 SUMMARY

2.1 At its meeting on 19 February 2015, the Council appointed four of its Elected Members to serve on the Inverclyde Integration Joint Board.

2.2 Councillor McCabe has intimated his decision to resign from his role as Member of the Inverclyde Integration Joint Board. As a result, the Council requires to appoint a Member to the Inverclyde Integration Joint Board with immediate effect to avoid any gap in Council representation.

3.0 RECOMMENDATION

3.1 It is recommended that the Council:

- (1) appoints one Elected Member to serve on the Inverclyde Integration Joint Board, having due regard to paragraph 5.4 of the Council's Scheme of Administration (Political Balance); and
- (2) appoints a proxy for the proposed Inverclyde Integration Joint Board Member.

Gerard Malone
Head of Legal & Property Services

4.0 BACKGROUND

4.1 The Inverclyde Integration Joint Board was established by Parliamentary Order on 27 June 2015 following approval of the Inverclyde Integration Scheme by the Scottish Ministers and has been fully operational since August 2015. The approved Integration Scheme between the Council and Greater Glasgow & Clyde NHS Board states that the Council shall appoint four voting representatives to serve the Inverclyde Integration Joint Board.

4.2 These representatives and their named proxies were appointed by the Council at its meeting on 19 February 2015 as follows:-

- (1) Councillor McIlwee with Councillor Dorrian as proxy;
- (2) Councillor McCabe with Councillor Clocherty as proxy;
- (3) Councillor Rebecchi with Councillor Shepherd as proxy; and
- (4) Councillor Jones with Councillor Ahlfeld as proxy.

4.3 Councillor McCabe has intimated his decision to resign from his role as Member of the Inverclyde Integration Joint Board. As a result, the Council requires to appoint a Member to replace him with immediate effect to avoid any gap in Council representation.

5.0 PROPOSALS

5.1 It is recommended that the Council appoints one Elected Member to the Inverclyde Integration Joint Board to fill the vacancy which has arisen as a result of Councillor McCabe's resignation of his membership role. In making this appointment, the Council must have regard to the balance of political representation. This means, in this instance, that the appointment of a Member of the Administration would achieve that balance.

5.2 It is also recommended that the Council appoints a specific, named proxy for the proposed Council representative.

6.0 IMPLICATIONS

Finance

6.1 None.

Financial Implications:

One Off Costs

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

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 The Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014 makes provision for the persons who must be included in the membership of the Integration Joint Board; this includes a set number of Elected Members nominated by the local authority.

Human Resources

6.3 None.

Equalities

6.4 None.

Repopulation

6.5 None.

7.0 CONSULTATIONS

7.1 The Corporate Director (Chief Officer), Inverclyde Health & Social Care Partnership has been consulted in the preparation of this report.

8.0 BACKGROUND PAPERS

8.1 None.

Report To:	Inverclyde Council	Date:	29 September 2016
Report By:	Head of Legal & Property Services	Report No:	SL/LP/098A/16
Contact Officer:	Sharon Lang	Contact No:	01475 712112
Subject:	Condemnation of Hate Crimes – Notice of Motion by Councillor McCabe		

1.0 PURPOSE

- 1.1 The purpose of this report is to advise the Council of the receipt of a Notice of Motion by Councillor McCabe, countersigned by Councillor Clocherty, submitted in terms of Standing Order 22.
- 1.2 The Notice of Motion is attached as Appendix 1.

2.0 RECOMMENDATION

- 2.1 The Council is asked to consider the Notice of Motion by Councillor McCabe.

Gerard Malone
Head of Legal & Property Services

We are proud to live in a diverse and tolerant society. Racism, xenophobia and hate crimes have no place in our country. Inverclyde Council condemns racism, xenophobia and hate crimes unequivocally. The Council will not allow hate crimes to become acceptable.

Inverclyde Council will work to ensure local bodies and programmes have support and resources needed to fight and prevent racism and xenophobia.

We reassure all people living in Inverclyde that they are valued members of our community.

Proposed: Councillor S McCabe

Seconded: Councillor J Clocherty

Report To:	Inverclyde Council	Date:	29 September 2016
Report By:	Corporate Director Environment, Regeneration & Resources	Report No:	SL/LP/120/16
Contact Officer:	Sharon Lang	Contact No:	01475 712112
Subject:	Additional Powers – Letter from Aberdeen City Council: Request by Councillor McCabe		

1.0 PURPOSE

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

2.0 SUMMARY

2.1 Councillor McCabe has requested that the Council considers a letter from the Chief Executive of Aberdeen City Council relative to a report submitted to that Council on the subject of the devolution of existing and proposed powers and the different levers that could be available.

2.2 Aberdeen City Council agreed the recommendations in the report, expanding recommendation (iii) to include an assessment of the implications for the economy of the city should powers be devolved to the Council and asked that it be shared with the UK and Scottish Governments and with Scottish local government as well as with a number of other relevant bodies for their interest and their views.

2.3 A copy of the correspondence received from Aberdeen City Council is appended to the report.

3.0 RECOMMENDATION

3.1 The Council is asked to consider the request by Councillor McCabe.

Gerard Malone
Head of Legal & Property Services

Your Ref.
 Our Ref. AS/CM
 Contact Angela Scott
 Email chiefexecutive@aberdeencity.gov.uk
 Direct Dial 01224 522500
 Direct Fax 01224 644346



ABERDEEN
 CITY COUNCIL

1st September 2016

by email:

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 Aberdeen City Council
 2nd Floor
 Town House
 Broad Street
 Aberdeen AB10 1FY

Tel 03000 200291
 Minicom 01224 522381
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Dear Colleague

Additional Powers

At its meeting last month Aberdeen City Council considered the attached report on the subject of the devolution of existing and proposed powers and the different levers that could be available to the Council.

The Council agreed the recommendations of the report, expanding recommendation iii) to include an assessment of the implications for the economy of the City should powers be devolved to the Council.

In agreeing the report, the Council asked me to share it with the UK and Scottish Governments and with Scottish local government as well as with a number of other relevant bodies for their interest. This I now do and I look forward to hearing your views on the document.

Best wishes

Yours sincerely

Angela Scott
 Chief Executive

ANGELA SCOTT
 CHIEF EXECUTIVE



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ABERDEEN CITY COUNCIL

COMMITTEE	Full Council
DATE	17 August 2016
DIRECTOR	Pete Leonard
TITLE OF REPORT	Additional Powers
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

At its March 2016 meeting, the Council instructed the Head of Economic Development to provide an 'options appraisal' of the devolution of existing and proposed (via the Scotland Bill) powers and the different levers that could be available to the Council. The purpose of this report is to update Elected Members on the findings of this work.

2. RECOMMENDATION(S)

It is recommended that the Council:

- (i) Notes the Empowering Scotland's Cities – Empowering City Government analysis undertaken by Scotland's seven cities calling for a new way of working with the UK and Scottish Governments, and agrees it will provide a framework within which further discussions are progressed.
- (ii) Notes the analysis of additional non-fiscal and fiscal powers the Council could seek to pursue (outlined in the Appendix to this report) and the potential 'costs' and 'benefits' of these; and
- (iii) Based on this analysis, note the priority levers outlined in this report, and instructs officers to assess the implications on the Council's finances if these were to be devolved to the Council.

3. BACKGROUND

Delivery of Scotland's Economic Strategy (March 2015) sets out a framework to increase competitiveness and tackle inequality to support long term economic growth across four priority areas of investment, innovation, inclusive growth and internationalisation. The Strategy highlights that many of the key levers to address competitiveness and inequality are reserved to the UK Government, and that the Scottish Government will make a case for priority powers over economy and welfare – control over a range of personal and business taxes and employment policy - to be transferred to the Scottish

Government, as well as using further powers that have been agreed under the Scotland Bill.

In December 2015, the Council approved a new Regional Economic Strategy, “Securing the future of the North East Economy – A 20-year Vision for the Wellbeing of the Place and Our People”. It sets out the overall ambition for Aberdeen and the wider region to remain a major economic driver of the Scotland and UK economies and sets out a number of key priorities across four key programme areas of:

- Investment in Infrastructure;
- Innovation;
- Inclusive Economic Growth; and
- Internationalisation.

The Strategy sets out how delivery will underpin UK and Scottish Government economic priorities and highlights the fiscal challenge for the Aberdeen City region of maintaining and improving the performance of the economy, against a backdrop of reductions in public spending, low oil prices and resulting pressures on the city and regional economies.

The Strategy indicates that the Aberdeen City region has consistently delivered a higher level of economic growth than other parts of the UK and Scotland, and is a globally competitive location, but investment in the economic infrastructure has not kept pace with its economic success.

Funding the level of investment to deliver its priorities will be influenced by a number of policy drivers including the further devolution of powers to Scotland.

In February 2016, the Council’s Finance, Policy & Resources Committee requested officers to provide a report on how the Aberdeen City Region Deal could be strengthened through the use of additional powers devolved from the Scottish Government to the Council to stimulate growth within the economy of Aberdeen and the wider North East.

At the March 2016 Council meeting, Council was provided with a report on how additional powers devolved from the Scottish Government to the Council could be used to facilitate delivery of the Council’s priorities and contribute to the delivery of the Regional Economic Strategy. It recommended that a further appraisal be carried out of the devolution of existing and proposed (via the Scotland Bill) powers and the different levers that could be available to the Council.

4. MAIN ISSUES

In June 2016, Scotland’s seven cities published Empowering Scotland’s Cities - Empowering City Government. This builds on the policy framework above and identifies the non-fiscal and fiscal levers that could be most effectively devolved

to the cities to foster growth, create employment and make Scotland's cities more attractive places to live and do business. The Leaders of each city called for a collaboration with the UK and Scottish Governments in four areas:

1. A shared approach to improving connectivity and infrastructure
2. A radical change in the approach to economic development
3. A shared approach to improving our communities
4. A shared approach to setting a diverse tax system across Scotland.

The report provides a template for the economic levers that cities need in order to deliver their city, regional and national economic priorities. It corroborates Aberdeen's position as a key economic driver for Scotland. Combined, the cities generate £65bn of Scotland's total economic output of £120bn (2015), and Aberdeen accounts for 24% of this. The analysis indicates that Scotland's largest cities (Aberdeen, Edinburgh and Glasgow) are projected to be outperformed by their English counterparts, in terms of average annual GVA growth, attributable to the modest growth rates in working age population in the Scottish cities. It suggests that the current trend of devolution deals in the English cities, and corresponding control to the cities and regions could enable further economic growth there at the expense of Scotland.

Globally competitive cities are those that are facilitating R&D, business activity, infrastructure, digital connectivity, high quality local labour force and leadership, while the direction of travel at the EU level (around the EU Urban Agenda) is to support European cities in policy areas including migration, jobs, housing, circular economy, energy transition and digital transition. Regardless of the context of 'Brexit' for UK cities, the relationship between cities and central governments is changing.

The economic needs of the 'city', as catalysts for economic activity at the wider regional level, are at the heart of the approach to City Deals in Scotland that are all building on the foundations of the city as the driver of regional economies.

A policy to transfer economic levers and responsibilities to cities has been a key feature of English city deals, and while each 'deal' is unique, there are a number of common themes and powers being sought to drive economic growth: transport, digital, enterprise, skills and employability, trade and investment, and fiscal levers. As well as these, a key argument is that more devolved decision making from central to local government is likely to result in a more bespoke response to the economic issues of the cities and wider regions.

This trend was a key part of the discussions on the development of the Aberdeen City Region Deal. Although the Heads of Terms Agreement that was signed in January 2016 provided a 50: 50 investment of £250m by the UK and Scottish Governments (and at the same time the Scottish Government committed a further £254m investment), the focus of this programme is on delivery of transformational economic projects, and did not deliver specific powers or fiscal levers. In this sense, the Aberdeen City Region Deal is the starting point of a long-term improvement programme to build further growth into an already

successful regional economy. It is therefore a key delivery mechanism to achieve the ambitions articulated in the Regional Economic Strategy.

However, additional mechanisms are needed, and indeed, throughout the development of the Deal, the Council, and Aberdeenshire Council, were also continuing to make the case for additional levers that were needed, beyond capital investment, to deliver the regional economic needs. These included:

- A Tourism Levy;
- Regional coordination and influence on 'strategic' utilities delivery and investment plans;
- Control of Air Passenger Duty;
- Visa Waiver Scheme for international students wishing to work and live in the North East of Scotland following their studies;
- Powers to vary Council Tax;
- Property Tax; and
- Non-Domestic Rates control.

For Aberdeen, and, as other cities have been developing their thinking on city region deals, a key feature is the collaboration between the cities and the UK and Scottish Governments. This directly reflects the March 2016 refresh by the Scottish Government of Scotland's Agenda for Cities which reiterates the commitment by the Scottish Government to local decision making, and the benefits of collaboration between the different levels of government in order to deliver Scotland's Economic Strategy priority areas.

5. ANALYSIS

The Council has a crucial role in delivery of economic growth. It is responsible for local economic development, and also other levers such as education, planning, licensing and local transport projects. It is also a key service provider, including delivery of the Business Gateway (with Aberdeenshire Council), trade and investment, employability and skills, external funding and transformational projects and programmes.

The Council, as part of the seven Scottish cities have called on the UK Government and the Scottish Government to discuss a redefinition of existing relationships with Government, a 'new deal' between cities and central governments that will set a framework for the devolution of future powers. Officers of the Council participated in this work and provided evidence on a number of priority (for economic growth) **non-fiscal** and **fiscal** levers. The analysis is provided in Appendix 1 to this report, and based on this a number of priority areas have come forward for further consideration and these are summarised below according to each of the four Programme Areas in the Economic Strategy.

Priority Non-Fiscal Powers		
Regional Economic Priority	Lever – Devolved (including via Scotland Bill)	Lever - Reserved
<i>Investment in Infrastructure</i>	<ul style="list-style-type: none"> - Transport Scotland collaboration (assess via City Region Deal approach) - Strategic Infrastructure Agencies – around margins of Strategic Infrastructure Plan and City Region Deal, convene a strategic utilities group forum - Digital (regional approach via City Region Deal & Digital Place strategy) 	<ul style="list-style-type: none"> - Digital (regional approach via City Region Deal & Digital Place strategy)
<i>Innovation</i>	<ul style="list-style-type: none"> - Economic Development – assess implications of SG Review on innovation and business development support 	
<i>Inclusive Economic Growth</i>	<ul style="list-style-type: none"> - Economic Development – assess implications of SG Review on business development support - Skills – assess implications of SG Review of SDS - Packaging funding from multiple sources into longer term programmes of work with specific target groups and delivery metrics would lead to clearer delivery arrangements, greater coherence of approach and better impact - Housing – greater regional delivery mechanisms via additional commitments by Scottish Government announced at same time as City Region Deal 	<ul style="list-style-type: none"> - Welfare – consider response to the impact of the Scottish Government assuming devolved welfare powers and delivery of a new Scottish Social Security Agency - Councils are well-placed to lead delivery with the appropriate level of resource of the significant changes to be introduced in Scotland
<i>Internationalisation</i>	<ul style="list-style-type: none"> - Economic Development – assess implications of SG Review on trade and investment delivery 	<ul style="list-style-type: none"> - Greater collaboration with UKTI and alignment of UKTI/ SDI support to the international reach of

Priority Non-Fiscal Powers		
Regional Economic Priority	Lever – Devolved (including via Scotland Bill)	Lever - Reserved
		Aberdeen and the North East of Scotland - Immigration

The work by the Scottish cities also proposes a 'menu' of local taxes and levies as a starting point for future discussions with the UK Government and the Scottish Government to enable cities align revenue generation capacity to economic growth priorities. These are summarised below according to each of the four Programme Areas in the Economic Strategy.

Priority Fiscal Powers		
Regional Economic Priority	Lever – Devolved (including via Scotland Bill)	Lever - Reserved
<i>Investment in Infrastructure</i>	- Increased retention of NDR - Parking Levy (Local decision) - NDR (distribution changes) on business infrastructure	
<i>Innovation</i>		- Low Carbon project development – Climate Change Levy
<i>Inclusive Economic Growth</i>	- Retention of a portion of Income Tax (Local) - Housing – Property Tax - NDR (relief) – stimulate investment	- Housing – retention of a portion of Capital Gains Tax
<i>Internationalisation</i>	- Tourism Levy - Air Passenger Duty	

For Aberdeen city, and the North East of Scotland, there are a number of benefits from the development of additional powers through a closer relationship with both governments:

- Collaborative gain from a collective and integrated approach to economic growth – collectively as seven cities, but also locally within the city regions;
- Clear definition of roles and responsibilities between central government and local government.
- Enabling of city councils to maintain and enhance its role and responsibility for local economic development, accessing greater resources in the delivery of national outcomes.

- An enhanced role in the economic leadership of the city from further devolved fiscal and non-fiscal levers through the transfer of a range of powers from central government. This could be consistent with the Scottish Government's current review of enterprise agencies, Skills Development Scotland (SDS) and the Scottish Funding Council (SFC).

6. FINANCIAL IMPLICATIONS

The devolution of powers and/ or taxes could bring a series of benefits and risks, and matters arising that would need to be considered further by the Council and the Scottish and UK Government:

- Devolution of taxes could provide more sustainable finances by aligning local revenue generation to local public spend
- How to ensure that additional fiscal revenue is 'ring-fenced' for economic growth uses, in a way that needs of citizens, businesses and the well-being of the place;
- The relationship between any changes from local taxation and consequent changes to the Council's general revenue grant.
- The relationship between any changes from local revenue generation and the wider regional economy and finances of Aberdeenshire Council and Angus Council in particular
- Administration of taxes/ levies and costs of collection etc.
- Displacement and substitution effects between different cities, regions within the UK, Scotland.

7. OTHER IMPLICATIONS

The review by the Scottish Government of SE, HIE, SDS and the SFC will inform how the Council progresses the implementation of Empowering Scotland's Cities. The unique challenges faced by the Aberdeen city and regional economies, as outlined in the Regional Economic Strategy, the response to these, by the Council and its regional partners, and development of the Aberdeen City Region Deal with Aberdeenshire Council in delivery of the Aberdeen City Region Deal all indicate an increased focus on enhanced powers and levers on economic development.

There is a sense that the national agencies are not currently configured, best placed or have the flexibility to help deliver inclusive economic growth at local and regional levels, whether they are best delivered through a single organisation, and particularly in the employability/ skills area. SE, and to a lesser extent SDS, still have a range of international and national 'products' that may be better shaped with local or city region influence. For example, the current approach by the national agencies is to focus on support by key sector and/ or business turnover (account management), whereas the Council, through delivery of a number of business support measures via its economic development service and Business Gateway delivery (by Elevator); its business facing services (e.g. planning, licensing, trading standards), and

its leadership of local economic development, would provide better scope for alignment of national products/ programmes – in particular skills, employability and trade/ export support.

As the review is completed officers will come back to the Council or relevant Committee with a further report in the implications of the review on local government, cities and regional economies. The Council would need to consider the implications of any changes to deliver any service/ remit that may currently be provided at the national level.

8. IMPACT

Improving Customer Experience –

At the heart of the work by the Council and its regional and city partners is to improve the impact of delivery on our customers. This report ensures that all the stakeholders and partners continue to work closely with the private sector and other stakeholders in developing the Council's response to this evolving policy landscape to deliver the long -term economic wellbeing and prosperity of the Aberdeen City Region.

Improving Staff Experience –

Greater responsibility and remit or alignment of economic growth powers will contribute to the existing collaboration and leadership, across the Council's services, and working closely with Aberdeenshire Council and our regional partners. .

Improving our use of Resources –

Any devolution of responsibilities and powers will reduce confusion and overlap in deliver, and could provide opportunities for more effective and efficient use of resources that align to the overall economic priorities of the Council and the wider region, and provides the opportunity for other public and private sector investment and confidence.

Corporate -

The Council's role in leading the delivery of local economic development, and its role as a key city within the Scottish Cities Alliance will ensure it is at maintaining its political leadership in delivery of economic outcomes.

Public

This report and further development of the proposals will have an impact on Aberdeen's citizens as it will focus the key areas of inclusive economic growth.

9. MANAGEMENT OF RISK

The following risks and opportunities would need to be considered in order to understand the potential impacts of this report:

- If any of the fiscal levers in the report were devolved, the balance of risk from the Scottish Government could shift to Councils and the nature of this would need to be considered by officers. In an economic downturn, there could be a risk that future revenues from such income streams may be lower than historical revenues which could be a risk to Aberdeen City Council's financial position in the event of these being devolved.
- Depending on the nature of any reduction in the level of income due to local changes made to the operation of taxes e.g. changing rates or bandings, these may need to be funded locally. The implications of this on the Council's finances would need to be considered.
- The actual share of any devolved taxes received by Aberdeen City may not equate directly to the sums raised in the Aberdeen City Council area, and the distribution methodology would need to be discussed with the Scottish Government.

10. BACKGROUND PAPERS

Aberdeen City Region Deal - Joint Committee, Aberdeen City Council
December 2015 (Agenda Item 7(d))

Regional Economic Strategy & City Region Deal Update, Aberdeen City
Council December 2015 (Agenda Item 7(c))

Aberdeen City Region Deal Heads of Terms Agreement, Finance, Policy &
Resources Committee February 2016 (Agenda Item 7.7)

11. REPORT AUTHOR DETAILS

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Head of Economic Development
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01224 522662

Appendix 1 – Analysis of Empowering Scotland’s Cities

1. Non- Fiscal Powers

Lever	Status	Ask/ Rationale	‘Costs’ (of not devolving)	‘Benefits’	Priority for Aberdeen
Transport Scotland	Devolved (D)	<p>Cities require influence on the prioritisation of projects and investment plans</p> <p>Share decision-making on prioritisation of projects and investment</p> <p>Connectivity is key to economic growth and, for Aberdeen, vital in relation to its geographic peripherality and its international economy links</p>	<p>Extensive negotiation at individual city level with Transport Scotland.</p> <p>Transparency and focus on transport outcomes without consideration of city/ regional workforce and business needs</p> <p>Transport development is in isolation to inclusive economic growth mechanisms</p>	<p>Improve relationship between cities and national agencies as cities work collectively with Transport Scotland to deliver joined-up solutions across cities/ metropolitan areas</p> <p>City leadership/ autonomy provides significant profile and investor confidence, and enables cities to work with local stakeholders to maximise connectivity</p> <p>Alignment of local government policies – land use planning, housing, economic development – within city regions and ‘inter-city’</p>	<p>Yes – consider within development of transport proposals under the Aberdeen City Region Deal and city and regional delivery</p>
Infrastructure Agencies	D	<p>Cities require influence on the prioritisation of projects and investment plans</p>	<p>Extensive negotiation at individual city level with a number of agencies</p>	<p>Improve relationship between cities and ‘non-transport’ agencies including Scottish Water,</p>	<p>Yes. While there are good links between agencies and Council services, greater</p>

Lever	Status	Ask/ Rationale	'Costs' (of not devolving)	'Benefits'	Priority for Aberdeen
		Share decision-making on investment plans around water, sewage, waste, low carbon, land and property infrastructure		SEPA, SFT, utilities companies and Zero Waste Scotland etc.	coordination at the city and regional level would result in bringing forward investment in line with other major projects. For example, the role of Scottish Water in delivery of Aberdeen Harbour expansion
Digital	D and Reserved (R)	Fast and effective roll out of digital infrastructure is key to economic growth and productivity gains. Aberdeen city and the wider region performs poorly in relation to the proportion of postcodes with access to superfast connectivity Key part of the City Region Deal and wider public sector efficiency as highlighted in the Digital Place Strategy	Deterring economic growth, and business growth, export growth and inward investment	Shared role in setting policy on digital infrastructure roll-out Scaling up of demand across city region	Yes – consider within development of digital under proposals the Aberdeen City Region Deal and city and regional delivery Aberdeen already has a Digital Place Strategy. Consideration could be given to city-to-city joint working
Economic Development	D	The relationship with Scottish Enterprise could be improved with greater alignment by SE to the Regional Economic Priorities	While the relationship between Aberdeen city region and SE is good, it is recognised that the	As drivers of Scotland and regional economic growth, city councils are best placed to lead, drive and	Yes, although in certain areas – e.g. trade and inward investment delivery may be best

Lever	Status	Ask/ Rationale	'Costs' (of not devolving)	'Benefits'	Priority for Aberdeen
		<p>The establishment of Opportunity North East and a Regional Economic Strategy Group provides an opportunity for a more coherent local and regional support network.</p> <p>This is exacerbated by the additional delivery by SDI and UKTI, and there may be a cluttered landscape</p> <p>In 2015/16, SE employed 1,400 people and has a budget of £228m, the same level of investment by Scotland's Councils.</p>	<p>cities have a role, as civic leaders, for creating the conditions for economic growth</p> <p>At a policy level, cities and their regions can be detached from designing local solutions, and cannot generate the resources to respond</p>	<p>coordinate delivery of business development and enterprise, working with the national agency.</p> <p>Setting of local taxes & levies (see below)</p> <p>City-to-city and regional working to develop local solutions to our economic priorities</p> <p>Greater clarity and leadership on the distinct offer for Aberdeen and wider region and reduced overlap</p>	<p>delivered by a national agency, but at a regional level</p> <p>However, any reconfiguration should be discussed following the review by the Scottish Government of SE. The Council is contributing to the response by Scotland's cities, and regionally through the Regional Economic Strategy Group</p>
Skills	D/R	<p>While there is a regional skills strategy (draft) the connectivity of that to implementation, and across what is often a cluttered landscape across public, third and private sector organisations, is poor</p> <p>Connectivity between supply side interventions (skills) and demand (employers) is not cohesive</p>	<p>Lack of coordination between cities, regions, government and FE/ HE sectors is resulting in confusion and fragmented delivery, with users (business and learner) potentially contacting a range of agencies</p>	<p>Efficiency and economies of scale, and greater employability and job outcomes</p> <p>Tailoring of national skills interventions to regional and city labour market need (e.g. health, energy, tourism and hospitality)</p>	<p>Yes and especially in context of downturn in oil and gas and Council's emerging locality plans in priority areas</p> <p>However, any reconfiguration should be discussed following the review by the</p>

Lever	Status	Ask/ Rationale	'Costs' (of not devolving)	'Benefits'	Priority for Aberdeen
		<p>The presence of two universities and NESCOL in Aberdeen provides a good opportunity for greater collaboration regionally, and also the labour supply element of inward investment.</p> <p>Local Authorities are responsible for other key strands to achieve economic growth including Business Gateway, Local Economic Development strategies, Education, and Social Care - for employability support to be effectively linked to these strands, it is essential that Local Authorities can directly influence employment support provision based on a robust understanding of their functional economic market area.</p> <p>Local Authorities are ideally situated to contract employment support provision that will be effective in meeting the specific needs of their residents, particularly those with the most complex needs. The key to success is to contract support that takes greater account of local economies and local labour market need</p>	<p>City and regional influence is key to alignment of programmes across public, private and HE/ FE sectors</p>	<p>Closer regional working to improve delivery and drive greater efficiency – for local government there is an obvious link between education, skills programmes and demand</p> <p>The effective devolution of this power would provide responsibility for all funding for employment support and skills development within Council and regional areas. This would provide Councils with the ability to align every aspect of the skills delivery in response to need in their area, and for Aberdeen, embed a regional approach to delivering national policy.</p> <p>By packaging funding from multiple sources into longer term programmes of work with specific target groups and delivery metrics would lead to clearer delivery arrangements, greater coherence of approach and</p>	<p>Scottish Government of SDS and SFC. The Council is contributing to the response by Scotland's cities, and regionally through the Regional Economic Strategy Group</p>

Lever	Status	Ask/ Rationale	'Costs' (of not devolving)	'Benefits'	Priority for Aberdeen
		<p>In 2015/16, SDS employed 1,300 people and has a budget of £170m.</p>		<p>better impact measurement. Decision making for socio-economic development powers, along with resources, would give a more localised solution to inclusive economic growth targets</p>	
Immigration	R	<p>Scotland's economy, and city regions need access to high value skills and working age (16-64 years) people</p> <p>There is a need to increase net migration to provide labour resources to meet demand</p> <p>The restriction on post study work visas for international graduates is a barrier to accessing these skills, which could be exacerbated depending on the detail of negotiations to exit the EU</p>	<p>There is no influence of immigration policy by cities, and particularly internationally competitive city regions such as Aberdeen</p>	<p>Working with the Governments, and HE sector, influence over post study work visa policy would ensure access to international talent and skills</p> <p>Opportunity for greater net migration into cities to boost productivity and economic growth</p> <p>Talent attraction/ retention</p>	<p>Yes but this is a Scottish and cities issue and therefore the Council could contribute through existing networks such as Scottish Cities Alliance</p>
Welfare	Scotland Act 2016	<p>Reform of funding and delivery of welfare has been enacted that will result in £2.6bn of the welfare budget being devolved to Scottish Government. This represents 15% of benefit expenditure to Scotland, and</p>	<p>Replacing the current Work Programme with another centralised system would represent a lost opportunity.</p>	<p>Councils are well-placed to lead delivery with the appropriate level of resource of the significant changes to be introduced in Scotland</p>	<p>Yes and in relation to responding to the impact of the Scottish Government assuming devolved welfare powers and delivery of a</p>

Lever	Status	Ask/ Rationale	'Costs' (of not devolving)	'Benefits'	Priority for Aberdeen
		<p>has more of a focus on non-WA benefits</p> <p>Universal credit will remain reserved. Scottish Government will need to work with cities and regions on a new model</p> <p>Reduced budgets on Work Programme will result in an immediate funding gap in delivery of welfare</p>		<p>Decision making for socio-economic development powers, along with resources, would give a more localised solution to inclusive economic growth targets</p>	<p>new Scottish Social Security Agency</p>
Housing	D	<p>Cities and surrounding regions have a key role in delivery of the Scottish Government's affordable housing targets (50,000 new homes in the next 5 years)</p> <p>£20m of the Government's £50m infrastructure fund is earmarked and committed to Aberdeen and the North East of Scotland (flexible grant/ loan); five-year certainty on affordable housing grant</p> <p>Additional levers may be needed - influence on the prioritisation of projects and investment plans, including first refusal of all public sector land for housing</p>	<p>Threatens the deliverability of Scottish Government targets</p> <p>Difficulty to compete for talent attraction and retain talent/ skills to enable economic growth</p> <p>Piecemeal development of wider public sector estate into housing sites</p>	<p>Already strong relationships between cities and Scottish Government</p> <p>Local administration and delivery of national policy more likely to deliver national targets</p> <p>City-to-city working and at regional level more likely to realise scale of regional housing supply</p> <p>Investor/ developer confidence raised, and key role in delivery</p>	<p>Yes – consider as developments of housing proposals under proposals the Scottish Government announced as part of the Aberdeen City Region Deal could provide city and regional delivery</p> <p>(See also Council Report August 17 on Affordable Housing Delivery)</p>

Lever	Status	Ask/ Rationale	'Costs' (of not devolving)	'Benefits'	Priority for Aberdeen
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2. Fiscal Powers

Lever	Status	Ask/ Rationale	'Costs' (of not devolving)/ consideration	'Benefits'	Priority for Aberdeen
Tourism Levy	D (new tax)	This would be a new lever to Aberdeen city and would involve a levy on tourists staying in hotels of c£1 a night for each hotel room occupied. The revenue made could be reinvested in cultural assets, help fund the Destination Marketing Organisation and/ or used to fund tourism/ event related activities Needs further analysis by VisitAberdeenshire and partners to understand better the effect on demand and hotel occupancy	Lack of investment in the well-being of the place (public realm etc.) Pressure across partners to identify budgets for tourism/ leisure/ culture investment	There is an estimated 6,000 hotel rooms in Aberdeen. We also estimate c3,000 rooms in 'future pipeline'. Based on a modest occupancy rate of 60% (from monitoring monthly occupancy rates), a potential levy would attract c£2.0m annually. This does not include any cost of administration of such a scheme.	Yes – and in context of consideration by other cities
Local Income Tax	D	For Aberdeen, the benefit from investment often accrues to the Scottish Government and UK Government via income tax. HMRC report £933m revenues were raised in Aberdeen City from income tax in 2013/14. Retaining 25% of income tax, as proposed by the	Misalignment between spending and direct benefits could constrain realising of economic ambition and impacting the sustainability of public finances.	Depending on nature of settlement, revenues could be used to invest in social infrastructure	Yes, but further analysis required on understanding where tax is generated – e.g. work-place (cities) or residence-place boundaries and the effect on other areas/ travel to work/ learn

Lever	Status	Ask/ Rationale	'Costs' (of not devolving)/ consideration	'Benefits'	Priority for Aberdeen
		<p>Scottish Government, could see Aberdeen City Council take on around £235m of revenue per annum (Edinburgh, £405m; Glasgow £219m, Dundee £50m).</p>			<p>areas</p>
Capital Gains Tax	R	<p>Given its close links to income tax the devolution of Capital Gains Tax could be considered along with proposals for local retention of income tax.</p> <p>We estimate that £13m per annum is generated from Aberdeen City Council area based upon a population share.</p>	<p>Misalignment between spending and direct benefits could constrain realising of economic ambition and impacting the sustainability of public finances</p>	<p>Capital Gains Tax generated £293m in 2014/15 in Scotland.</p> <p>Revenues could be ring-fenced for social-housing and/ or public realm</p>	<p>Considered in context of local income tax retention above</p>
Reformed Council Tax	D	<p>The link between infrastructure investment and the additional tax accrued from investment is not clear, and for cities, the benefit often accrues to neighbouring authorities via council tax distribution.</p> <p>Council tax currently accounts for £105m of Aberdeen City Council's revenue per annum, with an existing freeze in Council Tax being lifted in 2017 and councils being given the freedom to raise the rate by 3%. The tax represents 17% of Local Government funding.</p>	<p>This misalignment between investment in economic infrastructure and distribution of the financial benefits impacts on the sustainability of public finances</p>	<p>Further analysis needed in context of potential changes, and the wider Council budget. However, likely that the redistribution of revenues from any changes would be invested into delivery of frontline services</p>	<p>Yes – Not key to the economic growth drivers on assumption it is ring-fenced for frontline service delivery. The future of Council Tax in Scotland remains uncertain with the Commission for Local Tax reform recommending a series of potential changes including a greater alignment of the tax with property values and</p>

Lever	Status	Ask/ Rationale	'Costs' (of not devolving)/ consideration	'Benefits'	Priority for Aberdeen
					land values.
Property Tax	D	<p>Councils can lobby for devolved discretion over elements of the Land and Building Transaction Tax.</p> <p>Affordable housing and particularly targeting 'key workers' is a key strand of the Regional Economic Strategy (RES).</p> <p>LBTT raised £200m on residential transactions and £214m from non-residential transactions in Scotland in 2015/16.</p> <p>This equates to £17m per annum generated from Aberdeen City Council area based upon a population share.</p>		<p>Proceeds could be used to support development of affordable housing/ related frontline services</p>	<p>Yes – but could be taken forward as part of the housing proposals under the additional commitment by the Scottish Government to affordable housing as part of its additional investment alongside the City Region Deal.</p> <p>The Scottish Parliament's Finance Committee will conduct an inquiry, during 2016, into the first year's operation of the tax. Council officers will seek to represent the views of the Council through this inquiry.</p>
Congestion/ Parking levy	Local decision (new tax)	Precedent – no congestion charges or parking levies currently operate in Scotland.	Reducing the number of cars in the City Centre is a priority	If introduced, revenues from a scheme could be ring-fenced for improving public transport or incentivising	Yes – could be considered within the Strategic Parking Review being

Lever	Status	Ask/ Rationale	'Costs' (of not devolving)/ consideration	'Benefits'	Priority for Aberdeen
		<p>Nottingham operates a Workplace Parking Levy that generates £9m annually based on £379 for each car parked for employers who provide 11 or more 'liable' places. Applying this methodology to Aberdeen, around £6m per annum could be generated</p>		<p>other sustainable modes within the city centre area</p>	<p>undertaken as part of the Council's City Centre Masterplan</p> <p>Further analysis would be needed to understand the effect on businesses and people working in the city</p>
Non-Domestic Rates	D	<p>Devolution of business rates in England by 2020 provides a precedent for future consideration in Scotland.</p> <p>Potentially three 'asks' to support the occupation of new empty commercial and industrial property and support inward investment:</p> <ul style="list-style-type: none"> - Setting / varying the poundage rate locally to incentivise private investment. - Application of rates relief – local control. For example, new but unoccupied properties and new build properties already benefit from New Start rates relief for up to 18 months. Extending may be justified on the basis of attracting business relocation to the area - increasing NDR income in the 	<p>Potential displacement and substitution effects need to be understood – city-to-city and in neighbouring administrative areas</p> <p>Business need consistency in setting rate across Council areas</p>	<p>Any ringfencing could be used to accelerate other key business infrastructure – e.g. digital technology infrastructure</p>	<p>Yes but should be considered on a regional/ national basis and discussed with neighbouring councils</p> <p>Consider in context of Community Empowerment Bill</p>

Lever	Status	Ask/ Rationale	'Costs' (of not devolving)/ consideration	'Benefits'	Priority for Aberdeen
		<p>medium term but attracting jobs and demand for houses in the short-term.</p> <p>- Ring-fencing of collected rates in the City / Region</p> <p>Non-domestic rates in Scotland raised £2.8bn in 2015/16, 23% of total council funding. In Aberdeen, non-domestic rates raised £0.21bn in 2015/16, 47% of total council funding.</p>			
Climate Change Levy	R	<p>The climate change levy is one of a number of energy taxes in the UK. The levy is closely linked to emissions targets and energy policy. Its aim is to provide an incentive to increase energy efficiency and to reduce carbon emissions and the revenue from devolving the tax could be used more effectively if it were captured locally and invested in low carbon and fuel poverty initiatives.</p> <p>A proportion of the Climate Change Levy raised in Scotland based on Aberdeen City and Aberdeenshire's share of Scottish GVA (14.8%) suggests Aberdeen City and Shire account for £19m of the overall £131m</p>	Differences in the climate change levy across the UK may give rise to economic distortions whereby activity that produces emissions is moved to lower tax jurisdictions.	If introduced, any additional revenues could be ring-fenced for low carbon projects	Yes – relevance in relation to track record in this area, and diversification plans within the wider energy sector

Lever	Status	Ask/ Rationale	'Costs' (of not devolving)/ consideration	'Benefits'	Priority for Aberdeen
		<p>Scotland pays towards the levy.</p> <p>Aberdeen City share is likely to be around £9m per annum</p>			
Airport Passenger Duty	D	<p>Internationalisation is a key strand of the RES, and global connectivity from the North East of Scotland must be maintained/ enhanced</p> <p>Councils could argue for the authority to set the rates locally to increase affordability of our air travel to and from a City Region, incentivising people to come and go from that airport and increase the economic viability of new routes, both supporting the area's attractiveness to business and leisure tourists.</p> <p>A related ask could be to retain an element of the Duty locally for reinvestment in related air travel infrastructure and route development</p> <p>EY estimates that £305m of Air Passenger Duty is raised in Scotland.</p> <p>In 2015 there were 1,494,849 departing</p>	<p>While it could be advantageous to Aberdeen, it could disadvantage neighbouring airports and regions at the Scottish level.</p>	<p>Aberdeen Airport is more price competitive than competing areas</p> <p>Revenues from any retention could be ring-fenced for investment in related infrastructure/ route development</p>	<p>Yes - should be considered and particularly in response to current economic downturn</p>

Lever	Status	Ask/ Rationale	'Costs' (of not devolving)/ consideration	'Benefits'	Priority for Aberdeen
		terminal passengers from Aberdeen airport and this equates to Aberdeen airport generating an estimated £20.6m per annum in APD.			

The work by the Scottish cities also noted a number of other taxes in the 'menu' that it concluded were less of priority areas at this stage. Areas for future discussion included:

- VAT
- Aggregates Levy
- Betting/ Gaming duties
- Corporation Tax
- North Sea Oil Fund
- Fuel Duty
- Inheritance Tax
- Insurance Premium Tax
- National Insurance Contributions
- Tobacco/ alcohol duty
- Vehicle Excise Duty

Report To:	Inverclyde Council	Date:	29 September 2016
Report By:	Chief Financial Officer	Report No:	FIN/83/16/AP/LA
Contact Officer:	Alan Puckrin	Contact No:	01475 712223
Subject:	Proper Officers – Authorised Signatories		

1.0 PURPOSE

- 1.1 The purpose of this report is to request that the Council appoints the Finance Manager (Social Care), Finance Manager (Education & Exchequer) and Finance Manager (Environment & Technical) as Proper Officers of the Council and as Authorised Signatories for the purpose of signing Summary Warrants

2.0 SUMMARY

- 2.1 In the Council's Scheme of Delegation to Officers, the Chief Executive and the Chief Financial Officer are appointed as Proper Officers of the Council with authority to sign Summary Warrants on behalf of the Council.
- 2.2 In order to assist with practical issues and to ensure that there are formal representatives of these Officers available to sign such formal documents, arrangements should be made to have Proper Officers who are able to sign Summary Warrants in any absence of the Chief Executive and the Chief Financial Officer.
- 2.3 This report requests that the Finance Manager (Social Care), Finance Manager (Education & Exchequer) and Finance Manager (Environment & Technical) be appointed as Proper Officers.

3.0 RECOMMENDATION

- 3.1 It is recommended that the Council appoint the Finance Manager (Social Care), Finance Manager (Education & Exchequer) and Finance Manager (Environment & Technical) as Proper Officers of the Council as defined by Section 235(3) of the Local Government (Scotland) Act 1973, with authority in the absence of the Chief Financial Officer to sign Summary Warrants.

4.0 BACKGROUND

- 4.1 The Council may appoint Officers of the Council as Proper Officers, as defined by Section 235(3) of the Local Government (Scotland) Act 1973, for specified purposes. In the Scheme of Delegation to Officers the Chief Executive and Chief Financial Officer are appointed as Proper Officers of the Council with authority to sign Summary Warrants.
- 4.2 As a practical issue, it is of assistance to have substitute Officers available to sign such documentation in case of the absence of the Chief Executive and the Chief Financial Officer. It is proposed within this report that Angela Edmiston, Craig Given and Matt Thomson, as the current officers holding the positions outlined in Paragraph 1.1, be formally appointed by the Council as Proper Officers for the sole purpose of signing Summary Warrants.

5.0 IMPLICATIONS

5.1 Finance

One off Costs

Cost Centre	Budget Heading	Budget Years	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 Head of Legal & Property Services supports the action proposed.

Human Resources

- 5.3 Nil.

Equalities

- 5.4 Nil.

Repopulation

- 5.5 Nil.

6.0 CONSULTATIONS

- 6.1 None.

7.0 BACKGROUND PAPERS

- 7.1 None.

Report To:	Inverclyde Council	Date:	29 September 2016
Report By:	Head of Legal & Property Services	Report No:	GM/LP/121/16
Contact Officer:	Gerard Malone	Contact No:	01475 712710
Subject:	Shared Services Review		

1.0 PURPOSE

1.1 This report seeks the Council's approval of the Minute of Agreement which is required to establish the governance structure of the Joint Committee and to allow the sharing of relevant services among participating Councils as detailed service specifications and business cases progress.

2.0 SUMMARY

2.1 The Council at its meeting of 30 June 2016 approved the establishment of a Shared Services Joint Committee with partner Councils; remitted it to the Chief Executive, in conjunction with colleagues within East Dunbartonshire and West Dunbartonshire Councils, to finalise the detailed Minute of Agreement for the establishment of the Joint Committee, for consideration and approval at a future meeting of the Council; and agreed that support be given to the outline timetable set out in the report.

2.2 Attached at Appendix 1 is the Minute of Agreement as agreed by the Heads of Legal of each of the Councils.

3.0 RECOMMENDATIONS

3.1 It is recommended that the Council:-

- (i) approves the Joint Committee Minute of Agreement;
- (ii) appoints four Elected Members to sit on the Joint Committee;
- (iii) agrees that East Dunbartonshire Council be the first chair authority;
- (iv) agrees that West Dunbartonshire Council be the first vice-chair authority; and
- (v) notes that the proposed date and place of the first meeting of the Joint Committee will be on a date in late October/early November, to be arranged in consultation with the nominated representatives, within East Dunbartonshire Council Offices, Kirkintilloch.

Gerard Malone
Head of Legal & Property Services

4.0 BACKGROUND

- 4.1 The Council at its meeting of 30 June 2016 approved the establishment of a Shared Services Joint Committee with partner Councils; remitted it to the Chief Executive, in conjunction with colleagues within East Dunbartonshire and West Dunbartonshire Councils, to finalise the detailed Minute of Agreement for the establishment of the Joint Committee, for consideration and approval at a future meeting of the Council; and agreed that support be given to the outline table set out in the report.
- 4.2 Attached at Appendix 1, is the Minute of Agreement as agreed by the Heads of Legal of each of the Councils.

5.0 JOINT COMMITTEE MINUTE OF AGREEMENT

- 5.1 The Agreement will commence on 1 November 2016 and continue until a sufficient number of Councils give not less than 18 months' notice to withdraw. Detailed withdrawal provisions will be included within any service agreements.
- 5.2 The Joint Committee will be administered by the authority from whom the chair is appointed, with meetings being held at least twice a year within the chair authority's premises.
- 5.3 The positions of chair and vice-chair will be held for two years. The positions will rotate between the authorities with the chair being from the authority that previously held the vice-chair position. It was recommended by the leaders of the three Councils that East Dunbartonshire Council be the first chair authority; West Dunbartonshire Council be the first vice-chair authority; and nominations are to be agreed by each Council prior to the first Joint Committee meeting.
- 5.4 Each Authority will be represented by four Elected Members with no substitutes permitted. The appointment of the four Members should reflect, in terms of the Council's policy, the political balance of the Council. In this instance, this would be achieved by the appointment of two Members from the Administration and two from the Minority Groups.
- 5.5 The quorum will be two thirds of the total members, with a minimum of one member from each Council.
- 5.6 A communications strategy is to be agreed among the Councils.

6.0 IMPLICATIONS

Finance

- 6.1 There are no financial and procurement implications in approving the governance structure. As stated above in Section 5, the model of shared services chosen may have future financial and procurement implications.

Financial Implications:

One Off Costs

Cost Centre	Budget Heading	Budget Years	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

6.2 The arrangements for the Joint Committee provide a suitable governance model.

Human Resources

6.3 The approval of the Joint Committee governance structure will have no direct workforce implications at this time, other than an administrative workload for the chair authority. The shared service model may have future workforce implications going forward.

Equalities

6.4 There are no significant issues identified in relation to equality impact at this time.

Repopulation

6.5 The approval of the governance structure for the Joint Committee will help improve economic growth and employability and the resilience of the relevant services.

7.0 CONSULTATIONS

7.1 The CMT approves this report.

8.0 BACKGROUND PAPERS

8.1 None.

DRAFT**MINUTE OF AGREEMENT**

among

(One) **EAST DUNBARTONSHIRE COUNCIL** constituted in terms of the Local Government etc. (Scotland) Act 1994 and having its principal office at Southbank Marina, 12 Strathkelvin Place, Kirkintilloch, Glasgow G66 1TJ;

(Two) **INVERCLYDE COUNCIL** constituted in terms of the Local Government etc. (Scotland) Act 1994 and having its principal office at Municipal Buildings, Clyde Square, Greenock, PA15 1LY; and,

(Three) **WEST DUNBARTONSHIRE COUNCIL**, constituted in terms of the Local Government etc. (Scotland) Act 1994 and having its principal office at Garshake Road, Dumbarton, G82 3PU.

(hereinafter referred to as “the parties”)

WHEREAS the purpose of this Agreement is to make arrangements for the joint discharge of statutory functions in terms of the Local Government (Scotland) Act 1973 (“the 1973 Act”) and of the Local Government in Scotland Act 2003 (“the 2003 Act”) and the establishing of a Joint Committee to oversee the delivery of Local Authority Services to the communities of East Dunbartonshire, Inverclyde and West Dunbartonshire Councils, AND WHEREAS the parties hereto have agreed to delegate the discharge of various functions jointly, in terms of section 57 (1) (b) of the 1973 Act NOW THEREFORE the parties agree as follows:

Definitions

In this Agreement unless the context otherwise requires the following expressions shall have the following meanings:-

“Administrative Support” means committee and legal advice and support;

“Agreement” means this Minute of Agreement;

“Authority” means each of the parties to the Agreement;

“Clerk” means the Head of Legal, or other nominated officer, of the Secretariat Authority;

“Secretariat Authority” means the Authority which chairs the Joint Committee and provides administrative services in support of the Joint Committee’s operation and decision making;

“Service Agreement” means the deed(s) which govern and regulate the specific services and functions to be delegated to the Joint Committee;

“Service Lead” means the principal Authority (if any) for a particular Shared Service, as defined in the relevant Service Agreement;

“Shared Service” means the specific services and functions to be delegated to the Joint Committee.

1. Commencement and Duration

This Agreement shall commence with effect from 1 November 2016 and shall thereafter subsist for such period as the parties (or at least two of them) shall continue to participate in a Shared Service, subject to the provisions of Clause 12 (Withdrawal from Agreement). Each Service Agreement shall make provision for the disaggregation of the Shared Service to which it relates in the event of withdrawal by any of the parties from the Shared Service, including provision for liability of the withdrawing party for the costs associated with such withdrawal.

2. Constitution and Remit

There is hereby constituted a Joint Committee to be known as the East Dunbartonshire, Inverclyde and West Dunbartonshire Councils’ Shared Service Joint Committee, (to be hereinafter referred to as “the Joint Committee”). The administration of the Joint Committee shall be carried out by the Secretariat Authority. The Shared Services shall be determined by the parties from time to time and set out in Service Agreements to follow hereon. The Joint Committee is empowered by each of the parties hereto:

- 2.1 To manage and monitor spend within the budget approved by the parties hereto in relation to each Shared Service subject always to the terms of the relative Service Agreement;
- 2.2 To develop and implement a strategic policy framework for the operation of each Shared Service to receive, scrutinise and approve service plans for implementation of the policies and priorities for service delivery relative to each Shared Service;
- 2.3 To co-ordinate, guide, monitor and review the performance and discharge of Shared Services by officers of the relevant Authorities or Service Lead as the case may be;
- 2.4 To take decisions on a service by service basis in accordance with the terms of the relevant Service Agreements, provided that any associated spend must be offset by additional income or savings from elsewhere within the budget for that Shared Service;
- 2.5 To consider and approve an annual Service Plan in respect of each Shared Service including the Budget as provided for in Clause 9.2 hereof for submission to each Authority for agreement.

3. Membership

- 3.1 Each Authority shall be represented by four Elected Members on the Joint Committee.
- 3.2 Each of the Elected Members so appointed shall, subject as hereinafter provided, continue in office until they are re-appointed or replaced by the appointing Authority, subject always to s57(5) and s59 of the 1973 Act. No substitutes shall be permitted.
- 3.3 A member of the Joint Committee shall cease to be a member when he or she ceases to be an Elected Member of the appointing Authority or on the appointment by that Authority of another Elected Member in his or her place, whichever shall first occur.

4. Quorum

- 4.1 The quorum of the Joint Committee shall be two thirds of the total members with at least one Elected Member representing each Authority. If the two thirds figure does not represent a whole number, the two thirds figure shall be rounded up to the nearest whole number.
- 4.2 Provision shall be made in the Standing Orders whereby Elected Members may only vote in relation to the specific Shared Services relative to their Authority.

5. Standing Orders

The Joint Committee shall adopt its own Standing Orders. In the event of any inconsistency between the Standing Orders and this Agreement the provisions of this Agreement shall prevail.

6. Meetings

- 6.1 The Joint Committee shall meet at least twice in each financial year or more often as is required to conduct its business. The meetings of the Joint Committee shall be convened by the Secretariat Authority and meetings will be similarly located within the Secretariat Authority in ordinary course.
- 6.2 A meeting of the Joint Committee shall be open to the public except to the extent the public are excluded (whether during the whole or part of the proceedings) under Section 50A of the Local Government (Scotland) Act 1973.

7. Chair and Vice Chair

- 7.1 The positions of Chair and Vice Chair shall be elected at the first meeting of the Joint Committee.
- 7.2 The position of Chair shall be held for a period of two years by an Elected Member from each Authority in turn, with each subsequent Chair being the previous Vice Chair and taking up his or her position on the second anniversary of the first meeting. The appointment of the Chair of the Joint Committee shall be undertaken by the Authority from whose Elected Members the Chair shall be selected.

- 7.3 The position of Vice Chair shall be held for a period of two years by an Elected Member of the next sitting Secretariat Authority, with each subsequent Vice Chair taking up his or her position on the second anniversary of the first meeting. The appointment of the Vice Chair of the Joint Committee shall be undertaken by the Authority from whose Elected Members the Vice Chair shall be selected.
- 7.4 In the event of the Chair being absent from a meeting, the Vice Chair shall assume the Chair for that meeting.

8. Administration

The Administrative Support to the Joint Committee in any year shall be undertaken by the Secretariat Authority. The cost of providing such Administrative Support shall be borne by the Secretariat Authority providing such Administrative Support in that year.

9. Finance

- 9.1 Prior to the commencement of any Service Agreement the Joint Committee shall receive from each Authority, confirmation of resources to be allocated by that Authority for the provision of the functions identified as being the Shared Service as defined in the relevant Service Agreement.
- 9.2 In each subsequent year and in respect of each Shared Service, the relevant Authorities or Service Lead, as the case may be, shall prepare a Service Plan for the following three financial years setting out the level of service to be provided to the participating Authorities, in accordance with the Service Agreement for that Shared Service, and the budget required to fulfil that plan. Such Service Plan shall be submitted for approval to the Joint Committee not later than First November in each year. The Joint Committee shall thereafter make recommendation to each of the parties hereto for formal approval of the Service Plan including the relevant budget.
- 9.3 The proportion of the cost of delivery of any Shared Service to be met by each Authority in respect of the Shared Service shall be as set out in the Service Agreement relating to that Shared Service.
- 9.4 Each participating Authority using best endeavours agrees to approve and confirm to the Joint Committee the level of funding to be allocated by that Authority for the following financial year for each Shared Service by no later than 28 February in each year.
- 9.5 Annual accounts for each of the Shared Services shall be prepared by the respective Authorities or Service Lead, as the case may be, and submitted to the Joint Committee.
- 9.6 Appropriate arrangements for external audit shall be put in place.

10. Scrutiny

Scrutiny in respect of the Joint Committee will be undertaken by each Authority in accordance with its own scrutiny processes, as set out within the respective Corporate Governance arrangements.

11. Variation of Agreement

Any alteration of the terms of this Agreement shall be by way of a further Minute of Agreement signed by all the parties hereto.

12. Withdrawal from Agreement/Disaggregation

12.1 If any Authority wishes to withdraw from this Agreement it may do so with effect from the end of the Joint Committee's next financial year subject to giving to the Clerk not less than 18 months' notice in writing to that effect.

12.2 An Authority may withdraw from a Shared Service subject to complying with the provisions in the relevant Service Agreement relating thereto, including meeting any costs, including severance costs, associated with such withdrawal.

13. Publicity

A communications strategy shall be agreed among the parties and no press release or public intimation shall be made by an Authority unless it is in accordance with the agreed communications strategy, or otherwise agreed in advance by all of the parties.

14. New Parties

Where a local authority which is not a party to this Agreement requests to become a member of the Joint Committee and utilise some or all of the Shared Services, then the consent of each Authority, acting reasonably, is required. Where each Authority consents to such a request then in accordance with Clause 11, the parties shall vary the terms of this Agreement and any relevant Service Agreement amending that which has to be amended to include the new Authority: IN WITNESS WHEREOF

Report To:	Inverclyde Council	Date:	29 September 2016
Report By:	Head of Legal & Property Services	Report No:	VP/LP/125/16
Contact Officer:	Vicky Pollock	Contact No:	01475 712710
Subject:	Health & Social Care Integration Scrutiny and Governance Arrangements		

1.0 PURPOSE

- 1.1 The purpose of this report is to provide an update in respect of the implementation of health and social care integration in Inverclyde and outlines the scrutiny and accountability arrangements governing the Council's relationship with the Inverclyde Integration Joint Board.

2.0 SUMMARY

- 2.1 Inverclyde Integration Joint Board (the IJB) was established by Parliamentary Order on 27 June 2015 following approval of the Inverclyde Integration Scheme by the Scottish Ministers. The IJB's strategic plan was approved on 15 March 2016, at which point the Council functions set out in the agreed Integration Scheme were delegated to the IJB.
- 2.2 The establishment of the IJB and the subsequent delegation of functions have had implications for the Council's governance structure. For example, the Health & Social Care Committee's main function is now to oversee the IJB's activities to ensure that Council resources are being used effectively.
- 2.3 This report provides more detail on the Council's governance relationship with the IJB and addresses an action point raised in the Annual Audit Report regarding potential conflicts of interest.

3.0 RECOMMENDATION

- 3.1 It is recommended that the Council notes the contents of this report.

Gerard Malone
Head of Legal & Property Services

4.0 BACKGROUND

- 4.1 The Public Bodies (Joint Working) (Scotland) Act 2014 (the 2014 Act) established the legal framework for integrating health and social care in Scotland and required each health board and local authority to delegate some of their functions to an Integration Joint Board, in order to deliver nationally agreed outcomes for health and social care.
- 4.2 The Council committed to the creation of the IJB, which is a new legal entity to which the Council's functions in respect of adult and children social care have been transferred. The IJB was established by Parliamentary Order on 27 June 2015 following approval of the Inverclyde Integration Scheme by the Scottish Ministers and the IJB Strategic Plan was approved by the IJB on 15 March 2016.
- 4.3 The Council has appointed four representatives to the IJB and the role of the Health & Social Care Committee has been re-evaluated, as specified in Paragraph 7 of this report.

5.0 ESTABLISHMENT OF INVERCLYDE INTEGRATION JOINT BOARD

- 5.1 Appendix 1 to this report sets out for Members' information, (a) a brief overview of the legal framework of the IJB and (b) the main governance arrangements which have been established by the IJB.

6.0 DELEGATION OF FUNCTIONS

- 6.1 The Council, on 29 January 2015, agreed to delegate all social care functions permitted by the 2014 Act and associated regulations, including Children and Families Social Work Services, Criminal Justice Services and Homelessness. A list of the relevant delegated functions and services can be found in the Integration Scheme and are attached for information at Appendix 2. This delegation came into effect on 15 March 2016, the date the IJB's Strategic Plan was agreed. These functions are now being delivered in accordance with the arrangements set out in the IJB's Strategic Plan.
- 6.2 It is important to highlight that these functions have been delegated, not transferred, to the IJB. The Council has not lost the power to exercise the function. This means that legal responsibility for the function remains with the Council. Further, the IJB does not directly employ any staff so services still need to be delivered by Council staff.
- 6.3 In terms of Section 26 of the 2014 Act, the Council has been directed by the IJB to deliver the services which must be provided in line with the IJB's Strategic Plan, existing Council operational arrangements, in accordance with the relevant legislation and within the budget allocated to the Council by the IJB. The Council is under a statutory obligation to comply with these directions. A copy of the directions issued by the IJB is attached at Appendix 3.
- 6.4 Responsibility for all strategic planning, resourcing, regulatory matters etc. has passed to the IJB, while the Council has retained the statutory responsibility for the various functions. The Council is responsible for the operation, delivery and implementation of the integrated services which should be conducted in accordance with the Council's own governance arrangements.
- 6.5 IJBs are now responsible for planning and commissioning services, while the Council and the Health Board are responsible for delivering those services. Part of the IJB's remit is to monitor the delivery of the directions referred to above in order to ensure that the Strategic Plan is met. As such, even though the Council no longer has a strategic planning/policy role, it still requires to have oversight and responsibility for operational matters to ensure that the functions are being carried out appropriately, in line with the Strategic Plan, in accordance with legislation and within its allocated budget. The Council also requires to ensure that the directions from the IJB are being met and that the resources in relation to those directions are adequate and well managed.

7.0 ROLE OF HEALTH AND SOCIAL CARE COMMITTEE

- 7.1 On 19 February 2015, the Council agreed that it was appropriate that the function of overseeing and scrutinising the IJB's activities be carried out by the Health & Social Care Committee and that this new function be reviewed after a period of 12 months.
- 7.2 In relation to those functions now delegated to the IJB, the Health & Social Care Committee is now considering policy and standards and monitoring operational performance in the context of the Council now being classed as a commissioned provider of the services by virtue of the directions from the IJB. The IJB sets the strategic policy direction through the Strategic Plan. The Chief Officer of the IJB is responsible for delivering the operational services in accordance with the Strategic Plan. As the IJB does not employ staff, the Council continues to provide the workforce and as such, the Health & Social Care Committee continues to be responsible for setting and providing assurance as to workforce and operational policy, quality and improvement standards and for monitoring operational performance.
- 7.3 Budget monitoring will continue in the usual manner, in that the Health & Social Care Committee and the Council's Chief Financial Officer continue to be responsible for providing assurance as to the financial management of the budget allocated to the Council by the IJB for the delivery of the services.
- 7.4 The IJB is also subject to external scrutiny and review by a number of scrutiny bodies as follows:-
- The Care Inspectorate
 - Health Care Improvement Scotland
 - The Accounts Commission
 - The Auditor General for Scotland

This will also provide assurance to the Council of the IJB's performance in terms of approving on the national outcomes and achieving Best Value.

- 7.5 The Chief Officer of the IJB is very much aware of the need for agenda management to support the different and distinct roles of the IJB and the Health and Social Care Committee and is continuing to ensure that any unnecessary duplication of reports to both bodies is avoided.
- 7.6 It is recommended that the scrutiny role of the Health & Social Care Committee continues as set out above. The terms of reference of the Health & Social Care Committee have been expanded and clarified in terms of the Council's governance review, which has been considered as a separate agenda item.

8.0 ROLE OF ELECTED MEMBERS

- 8.1 In order to address a specific action point contained in the Annual Audit Report to Members, consideration of the role and remit of those Members who are Members of both the IJB and the Health and Social Care Committee has been undertaken by the Chief Officer, the Council's Monitoring Officer and the IJB Standards Officer, with particular emphasis on the review of the potential for conflicts of interest. These officers are firmly of the view that no conflict of interest arises as regards the Council's relationship with the IJB.
- 8.2 It has been continually recognised by Members that the IJB is a separate legal entity and that while serving on the IJB, its Members carry out their functions under the 2014 Act and associated regulations on behalf of the IJB itself, and not as delegates of the Council. Guidance provided to IJB Members also makes it clear that the duties of IJB Members are independent of the responsibilities that they may have by virtue of other posts. This is especially clear in the requirement on IJB Members to subscribe to the IJB's Code of Conduct and the appointment of an IJB Standards Officer who has an explicit duty to provide advice to the IJB on standards, conduct and declarations of interest.
- 8.3 It is also recognised that Members are well versed in fulfilling a number of distinct and separate

roles through their membership of the Council. All Members of the Health and Social Care Committee have been written to in order to identify any specific issues which may have caused concern over the course of the past year's operation of the IJB and Health and Social Care Committee.

- 8.4 Members are reminded of the specific dispensation issued by the Standards Commission, which allows Members who are also Members of the IJB, to take part in Council meetings when IJB matters are being discussed. This dispensation was granted by the Standards Commission under the Councillors' Code of Conduct following consideration of a specific request. Members, as voting members of the IJB, do not have to declare their interest when discussions on general health and social care issues arise and can participate in discussions and voting on these issues. Members are still required to declare other interests, in terms of Section 5 of the Councillors' Code of Conduct. This dispensation is external recognition of the distinct roles that Members have in connection with the IJB.

9.0 PROPOSALS

- 9.1 It is recommended that the Council notes the progress made by the IJB in establishing its governance arrangements and notes the role of the Health & Social Care Committee in governing the Council's relationship with the IJB.

10.0 IMPLICATIONS

Finance

- 10.1 None.

Financial Implications:

One Off Costs

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

Annually Recurring Costs/ (Savings)

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

Legal

- 10.2 The Council's governance relationship with the IJB will be reviewed as integration develops and in response to any particular issues raised by Members.

Human Resources

- 10.3 None.

Equalities

- 10.4 There are no equalities implications at this time.

Repopulation

- 10.5 Health and Social Care Integration is a critical function to support all of Inverclyde's localities.

11.0 CONSULTATIONS

- 11.1 The Corporate Director (Chief Officer), Inverclyde Health & Social Care Partnership, the Council's Chief Financial Officer and the IJB's Chief Financial Officer have been consulted in the preparation of this report.

12.0 LIST OF BACKGROUND PAPERS

- 12.1 Not applicable.

APPENDIX 1 (a)

INTEGRATION JOINT BOARD – LEGAL FRAMEWORK

1. The role and remit of the IJB is prescribed by the Public Bodies (Joint Working) (Scotland) Act 2014 (the 2014 Act).
2. The relationship between the IJB and the Council and Greater Glasgow and Clyde NHS Board (the NHS Board) is governed by the Integration Scheme.
3. The IJB discharges all of its statutory responsibilities through its Chief Officer.
4. The IJB commissions the Council and/or the NHS Board to deliver the relevant operational services required to discharge the integrated functions by way of written Directions under Section 26 of the Act, to include
 - how the function is to be delivered; and
 - the amount of and method of determining the payment to be made for the operational delivery of that function
5. The Council and the NHS Board have dual roles in terms of the delegated functions:-
 - each determines the budget to be delegated to the IJB in accordance with the provisions of the Integration Scheme and their respective budget setting frameworks for the integrated functions ; and
 - are by virtue of IJB Directions a commissioned provider of operational services.
6. The Chief Officer has a dual role:-
 - He is directly accountable to the IJB for the discharge of all of its statutory responsibilities. These include: strategic planning, performance reporting, ensuring that IJB directions are being implemented, reviewing and recommending changes to the Strategic Plan and ensuring IJB compliance with other legislative requirements (e.g. Data Protection, Freedom of Information, Equalities and Public Records etc.); and
 - By virtue of the Integration Scheme, he is also responsible for the operational management and performance of the delegated functions, (with the exception of the delegated aspects of Acute Hospital Services - essentially those services associated with the “emergency care pathway” which result in a predominance in unplanned hospital admissions).
7. In terms of his operational role, the Chief Officer is directly accountable to the Chief Executives of the Council and the NHS Board. He is a member of each of their senior

management teams and as such will be subject to the usual lines of accountability in terms of operational performance and financial management.

8. The Council's Section 95 Officer also has a dual role :-
 - establishing the budget to be delegated to the IJB as part of the budget setting process, in accordance with the terms of the Integration Scheme and statutory guidance ;
 - responsible for the financial management of the resources that are then re-allocated back to the Council by the IJB in support of the Directions for operational delivery.

9. The Chief Finance Officer to the IJB is responsible for the due diligence and the financial governance in respect of the delegated budget. This includes:
 - establishing financial governance systems for the proper use of the delegated resources including financial management, monitoring and reporting ;
 - ensuring that the Strategic Plan meets the requirement for best value in the use of the Integration Joint Board's resources; and
 - ensuring that IJB directions provide that the spending of the resources is in accordance with the Strategic Plan and responsibilities in terms of "following the public pound".

10. These dual roles add particular complexity to the governance framework for the delivery of integrated health and social care services.

APPENDIX 1(b)

INTEGRATION JOINT BOARD – GOVERNANCE

The main features of the IJB Governance Framework put in place since 2015 are summarised as follows:

Corporate Governance

The Integration Scheme was approved by the Scottish Ministers in June 2015.

The IJB was formally established at its first meeting on 10 August 2015 at which:-

- Membership of the IJB in accordance with the relevant regulations was formally agreed;
- Standing Orders for the IJB and its Committees were approved (and reviewed in May 2015); and
- the Chief Officer and Chief Financial Officer of the IJB were appointed.

The IJB's Strategic Plan 2016-2019 was approved by the IJB on 14 March 2016 with 1 April 2016 being set as the date from which the IJB took on the functions delegated to it by the Council and the NHS Board as set out in the Integration Scheme.

A revised model Code of Conduct for Members of Devolved Public Bodies (drafted specifically to cover IJBs) was adopted by the IJB and in line with the model code, the IJB appointed the Legal Services Manager (Procurement/Conveyancing) as its Standards Officer.

Directions have been formally issued to the Council and NHS Board to carry out the delegated functions.

A Performance Management Strategy has been agreed with regular reporting to IJB members.

Regular development sessions have been held for IJB members.

Development programmes are also in place for the senior management team and senior managers across the HSCP.

Financial Governance

Financial Regulations have been agreed which detail the responsibilities of the IJB for its own financial affairs.

A reserves strategy has been approved.

The annual accounts closure process for 2015/16 is complete with the annual report being presented to the IJB on 16 September 2016.

The 2016/17 budget has been approved with supporting due diligence report.

An Audit Committee has been established with agreed membership and terms of reference.

The Council's Chief Internal Auditor has been appointed as Chief Internal Auditor for the IJB.

A risk management policy and strategy has been approved by the IJB.

The IJB is a member of the Clinical Negligence and Other Risks Indemnity Scheme (CNORIS) to ensure appropriate liability and indemnity cover for the IJB should any significant claims be made against it.

Clinical and Care Governance

The Clinical and Care Governance structure has been approved by the IJB, including the establishment of a Clinical and Care Governance Group.

Information Governance

Freedom of Information – the IJB has adopted the Scottish Information Commissioner's Model Publication Scheme.

Complaints – an integrated Complaints Procedure has been approved by the IJB.

Equalities – the IJB's Equalities Mainstreaming and Outcomes reports and the Equalities Impact Assessment of the Strategic Plan have been produced and published.

Planned Developments in 2016

A Scheme of Delegation is to be developed and considered by the IJB, taking into account the Council's revised governance arrangements as a result of the recent governance review.

Development of a Service Level Agreement in respect of corporate support service arrangements to cover a number of functions which support the IJB at a sufficient level to enable the IJB to successfully deliver the Strategic Plan is ongoing.

An initial IJB Risk Register was developed at the September IJB Development session and will be brought to a future IJB meeting for formal approval.

The Financial Regulations are to be revised to reflect ongoing local and national work and developments in respect of a number of areas since the IJB was established.

Further development in respect of information governance is ongoing including - the development of Freedom of Information policies and procedures; data protection matters; relevant Information Sharing Protocols and the development of a Records Management Plan to comply with the Public Records (Scotland) Act 2011.

Annex 2

Part 1

Functions Delegated by the Council to the Integration Joint Board

Column A Enactment conferring function	Column B Limitation
National Assistance Act 1948	
Section 45 (Recovery in cases of misrepresentation or non-disclosure)	
Section 48 (Duty of councils to provide temporary protection for property of persons admitted to hospitals etc.)	
Disabled Persons (Employment) Act 1958	
Section 3 (Provision of sheltered employment by local authorities)	
Matrimonial Proceedings (Children) Act 1958	
Section 11 (Reports as to arrangements for future care and upbringing of children)	
Social Work (Scotland) Act 1968	
Section 1 (Local authorities for the administration of the Act.)	So far as it is exercisable in relation to another integration function.
Section 4 (Provisions relating to performance of functions by local authorities.)	So far as it is exercisable in relation to another integration function.
Section 6B (Local authority inquiries into matters affecting children)	
Section 8 (Research.)	So far as it is exercisable in relation to another integration function.
Section 10 (Financial and other assistance to voluntary organisations etc. for social work.)	So far as it is exercisable in relation to another integration function.
Section 12 (General social welfare services of local authorities.)	Except in so far as it is exercisable in relation to the provision of housing support services.
Section 12A (Duty of local authorities to assess needs.)	So far as it is exercisable in relation to another integration function.

Column A Enactment conferring function	Column B Limitation
Section 12AZA (Assessments under section 12A - assistance)	So far as it is exercisable in relation to another integration function.
Section 12AA (Assessment of ability to provide care.)	
Section 12AB (Duty of local authority to provide information to carer.)	
Section 13 (Power of local authorities to assist persons in need in disposal of produce of their work.)	
Section 13ZA (Provision of services to incapable adults.)	So far as it is exercisable in relation to another integration function.
Section 13A (Residential accommodation with nursing.)	
Section 13B (Provision of care or aftercare.)	
Section 14 (Home help and laundry facilities.)	
Section 27 (supervision and care of persons put on probation or released from prison etc.)	
Section 27 ZA (advice, guidance and assistance to persons arrested or on whom sentence deferred)	
Section 28 (Burial or cremation of the dead.)	So far as it is exercisable in relation to persons cared for or assisted under another integration function.
Section 29 (Power of local authority to defray expenses of parent, etc., visiting persons or attending funerals.)	
Section 59 (Provision of residential and other establishments by local authorities and maximum period for repayment of sums borrowed for such provision.)	So far as it is exercisable in relation to another integration function.
Section 78A (Recovery of contributions).	
Section 80 (Enforcement of duty to make contributions.)	
Section 81 (Provisions as to decrees for aliment)	
Section 83 (Variation of trusts)	
Section 86 (Recovery of expenditure incurred in the provisions of accommodation, services, facilities or payments for persons ordinarily resident in the area of another local	

Column A Enactment conferring function	Column B Limitation
authority from the other local authority)	
Children Act 1975	
Section 34 (Access and maintenance)	
Section 39 (Reports by local authorities and probation officers.)	
Section 40 (Notice of application to be given to local authority)	
Section 50 (Payments towards maintenance of children)	
The Local Government and Planning (Scotland) Act 1982	
Section 24(1) (The provision of gardening assistance for the disabled and the elderly.)	
Health and Social Services and Social Security Adjudications Act 1983	
Section 21 (Recovery of sums due to local authority where persons in residential accommodation have disposed of assets)	
Section 22 (Arrears of contributions charged on interest in land in England and Wales)	
Section 23 (Arrears of contributions secured over interest in land in Scotland)	
Foster Children (Scotland) Act 1984	
Section 3 (Local authorities to ensure well-being of and to visit foster children)	
Section 5 (Notification by persons maintaining or proposing to maintain foster children)	
Section 6 (Notification by persons ceasing to maintain foster children)	
Section 8 (Power to inspect premises)	

Column A Enactment conferring function	Column B Limitation
Section 9 (Power to impose requirements as to the keeping of foster children)	
Section 10 (Power to prohibit the keeping of foster children)	
Disabled Persons (Services, Consultation and Representation) Act 1986	
Section 2 (Rights of authorised representatives of disabled persons.)	
Section 3 (Assessment by local authorities of needs of disabled persons.)	
Section 7 (Persons discharged from hospital.)	In respect of the assessment of need for any services provided under functions contained in welfare enactments within the meaning of section 16 and which are integration functions
Section 8 (Duty of local authority to take into account abilities of carer.)	In respect of the assessment of need for any services provided under functions contained in welfare enactments (within the meaning set out in section 16 of that Act) which are integration functions.
Housing (Scotland) Act 2001	
Section 1 (Homelessness strategies)	
Section 2 (Advice on homelessness etc.)	
Section 5 (Duty of registered social landlord to provide accommodation)	
Section 6 (Duty of registered social landlord: further provision)	
Section 8 (Common housing registers)	
Section 92 (Assistance for Housing Purposes)	Only in so far as it relates to an aid or adaptation.

Housing (Scotland) Act 2006

Section 71(1)(b)
(Assistance for housing purposes)

Only in so far as it relates to an aid or adaptation as defined at Section 1(2) of the Public Bodies (Joint Working) (Prescribed Local Authority Functions) (Scotland) Regulations 2014.

Children (Scotland) Act 1995

Section 17
(Duty of local authority to child looked after by them)

Sections 19
(Local authority plans for services for children).

Section 20
(Publication of information about services for children)

Section 21
(Co-operation between authorities)

Section 22
(Promotion of welfare of children in need)

Section 23
(Children affected by disability)

Section 24
(Assessment of ability of carers to provide care for disabled children)

Section 24A
(Duty of local authority to provide information to carer of disabled child)

Section 25
(Provision of accommodation for children etc.)

Section 26
(Manner of provision of accommodation to children looked after by local authority)

Section 27
(Day care for pre-school and other children)

Section 29
(After-care)

Section 30
(Financial assistance towards expenses of education or training)

Section 31
(Review of case of child looked after by local authority)

Section 32
(Removal of child from residential establishment)

Section 36
(Welfare of certain children in hospitals and nursing homes etc.)

Section 38
(Short-term refuges for children at risk of harm)

Section 76
(Exclusion orders)

Criminal Procedure (Scotland) Act 1995

Section 51
(Remand and committal of children and young persons).

Section 203
(Reports)

Section 234B
(Drug treatment and testing order).

Section 245A
(Restriction of liberty orders).

Adults with Incapacity (Scotland) Act 2000

Section 10
(Functions of local authorities.)

Section 12
(Investigations.)

Section 37
(Residents whose affairs may be managed.)

Only in relation to residents of establishments which are managed under integration functions.

Section 39
(Matters which may be managed.)

Only in relation to residents of establishments which are managed under integration functions.

Section 40
(Supervisory bodies)

Only in relation to residents of establishments which are managed under integration functions.

Section 41
(Duties and functions of managers of authorised establishment.)

Only in relation to residents of establishments which are managed under integration functions.

Section 42
(Authorisation of named manager to withdraw from resident's account.)

Only in relation to residents of establishments which are managed under integration functions.

Section 43
(Statement of resident's affairs.)

Only in relation to residents of establishments which are managed under integration functions.

Section 44
(Resident ceasing to be resident of authorised establishment.)

Only in relation to residents of establishments which are managed under integration functions.

Section 45
(Appeal, revocation etc.)

Only in relation to residents of establishments
which are managed under integration functions.

Community Care and Health (Scotland) Act 2002

Section 4
(The functions conferred by Regulation 2 of the
Community Care (Additional Payments) (Scotland)
Regulations 2002)

Section 5
(Local authority arrangements for residential
accommodation out with Scotland.)

Section 6
(Deferred payment of accommodation costs)

Section 14
(Payments by local authorities towards expenditure by
NHS bodies on prescribed functions.)

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

Section 17
(Duties of Scottish Ministers, local authorities and
others as respects Commission.)

Section 25
(Care and support services etc.)

Except in so far as it is exercisable in relation to
the provision of housing support services.

Section 26
(Services designed to promote well-being and social
development.)

Except in so far as it is exercisable in relation to
the provision of housing support services.

Section 27
(Assistance with travel.)

Except in so far as it is exercisable in relation to
the provision of housing support services.

Section 33
(Duty to inquire.)

Section 34
(Inquiries under section 33: Co-operation.)

Section 228
(Request for assessment of needs: duty on local
authorities and Health Boards.)

Section 259
(Advocacy.)

Management of Offenders etc. (Scotland) Act 2005

Section 10
(Arrangements for assessing and managing risks
posed by certain offenders)

Section 11
(Review of arrangements)

Adoption and Children (Scotland) Act 2007

Section 1
(Duty of local authority to provide adoption service)

Section 4
(Local authority plans)

Section 5
(Guidance)

Section 6
(Assistance in carrying out functions under sections 1 and 4)

Section 9
(Assessment of needs for adoption support services)

Section 10
(Provision of services)

Section 11
(Urgent provision)

Section 12
(Power to provide payment to person entitled to adoption support service)

Section 19
(Notice under section 18: local authority's duties)

Section 26
(Looked after children: adoption not proceeding)

Section 45
(Adoption support plans)

Section 47
(Family member's right to require review of plan)

Section 48
(Other cases where authority under duty to review plan)

Section 49
(Reassessment of needs for adoption support services)

Section 51
(Guidance)

Section 71
(Adoption allowance schemes)

Section 80
(Permanence Orders)

Section 90
(Precedence of certain other orders)

Section 99
(Duty of local authority to apply for variation or revocation)

Section 101
(Local authority to give notice of certain matters)

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Adult Support and Protection (Scotland) Act 2007

Section 4
(Council's duty to make inquiries.)

Section 5
(Co-operation.)

Section 6
(Duty to consider importance of providing advocacy and other.)

Section 7
(Visits)

Section 8
(Interviews)

Section 9
(Medical examinations)

Section 10
(Examination of records etc)

Section 11
(Assessment Orders.)

Section 14
(Removal orders.)

Section 16
(Right to move adult at risk)

Section 18
(Protection of moved person's property.)

Section 22
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Section 40
(Urgent cases.)

Section 42
(Adult Protection Committees.)

Section 43
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Children’s Hearings (Scotland) Act 2011

Section 35
(Child assessment orders)

Section 37
(Child protection orders)

Section 42
(Parental responsibilities and rights directions)

Section 44
(Obligations of local authority)

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Section 49
(Notice of application for variation or termination)

Section 60
(Local authority's duty to provide information to
Principal Reporter)

Section 131
(Duty of implementation authority to require review)

Section 144
(Implementation of compulsory supervision order:
general duties of implementation authority)

Section 145
(Duty where order requires child to reside in certain
place)

Section 153
(Secure accommodation)

Section 166
(Review of requirement imposed on local authority)

Section 167
(Appeals to Sheriff Principal: Section 166)

Section 180
(Sharing of information: panel members)

Section 183
(Mutual Assistance)

Section 184
(Enforcement of obligations on health board under
Section 183)

**Social Care (Self- Directed Support)(Scotland) Act
2013**

Section 3
(Support for adult carers.)

Only in relation to assessments carried out under
integration functions.

Section 5
(Choice of options: adults.)

Section 6
(Choice of options under section 5: assistances.)

Section 7
(Choice of options: adult carers.)

Section 8
Choice of options: children and family members)

Section 9
(Provision of information about self-directed support.)

Section 11
(Local authority functions.)

Section 12
(Eligibility for direct payment: review.)

Section 13
(Further choice of options on material change of circumstances.)

Only in relation to a choice under section 5 or 7 of the Social Care (Self-directed Support) (Scotland) Act 2013.

Section 16
(Misuse of direct payment: recovery.)

Section 19
(Promotion of options for self-directed support.)

Annex 2

Part 2

Services currently provided by the Local Authority which are to be integrated

Scottish Ministers have set out in guidance that the services set out below must be integrated.

- Social work services for adults and older people
- Services and support for adults with physical disabilities and learning disabilities
- Mental health services
- Drug and alcohol services
- Adult protection and domestic abuse
- Carers support services
- Community care assessment teams
- Support services
- Care home services
- Adult placement services
- Health improvement services
- Aspects of housing support, including aids and adaptations
- Day services
- Local area co-ordination
- Respite provision for adults and young people
- Occupational therapy services
- Re-ablement services, equipment and telecare

In addition Inverclyde Council will delegate:

- Criminal Justice Services
 - Criminal Justice Social Work
 - Prison Based Social Work
 - Unpaid Work
 - MAPP
- Children & Families Social Work Services
 - Child Protection
 - Fieldwork Social Work Services for Children and Families
 - Residential Child Care including Children's Homes
 - Looked After & Accommodated Children

- Adoption & Fostering
 - Kinship Care
 - Services for Children with Additional Needs
 - Throughcare
 - Youth Support / Youth Justice
 - Young Carers
-
- Services for People affected by Homelessness
-
- Advice Services
-
- Strategic & Support Services
 - Health Improvement & Inequalities
 - Quality & Development (including training and practise development, contract monitoring and strategic planning)
 - Business Support

INVERCLYDE INTEGRATION JOINT BOARD

DIRECTION

ISSUED UNDER S26-28 OF THE PUBLIC BODIES (JOINT WORKING)
(SCOTLAND) ACT 2014

THE INVERCLYDE COUNCIL is hereby directed to deliver for the Inverclyde Integration Joint Board (the IJB), the services noted below in pursuance of the functions noted below and within the associated budget noted below.

Services will be provided in line with the IJB's Strategic Plan and existing operational arrangements pending future directions from the IJB.

Services: All services listed in Annex 2, Part 2 of the Inverclyde Health and Social Care Partnership Integration Scheme.

Functions: All functions listed in Annex 2, Part 1 of the Inverclyde Health and Social Care Partnership Integration Scheme.

Associated Budget:

SUBJECTIVE ANALYSIS	Budget 2016/17 £000
SOCIAL WORK	
Employee Costs	25,865
Property costs	1,170
Supplies and Services	729
Transport and Plant	380
Administration Costs	659
Payments to Other Bodies	37,459
Income	(14,533)
Contribution to Earmarked Reserves	0
SOCIAL WORK NET EXPENDITURE	51,728

OBJECTIVE ANALYSIS	Budget 2016/17 £000
SOCIAL WORK	
Planning, Health Improvement & Commissioning	1,730
Older Persons	23,243
Learning Disabilities	6,996
Mental Health	1,254
Children & Families	10,691
Physical & Sensory	2,227
Addiction / Substance Misuse	1,040
Business Support	2,180
Assessment & Care Management	1,562
Criminal Justice / Scottish Prison Service	0
Change Fund	0
Homelessness	806
SOCIAL WORK NET EXPENDITURE	51,728

This direction is effective from 16 September 2016.

Report To:	Inverclyde Council	Date:	29 September 2016
Report By:	Head of Legal & Property Services	Report No:	GM/LP/117/16
Contact Officer:	Gerard Malone	Contact No:	01475 712710
Subject:	Governance Review		

1.0 PURPOSE

1.1 The purpose of this report is to seek approval of the revised Standing Orders & Scheme of Administration, Standing Orders relating to Contracts, Scheme of Delegation and Financial Regulations.

2.0 SUMMARY

2.1 At its meeting on 10 December 2015, the CMT approved the review of the Council's Standing Orders and Scheme of Administration, the Standing Orders relating to Contracts and the Scheme of Delegation together with, separately, the Financial Regulations.

2.2 These key documents are critical elements for the Council's governance and the CMT has the role of providing corporate oversight of these to ensure that they are refreshed and reviewed to take account of any changes at a strategic level. The Council's Local Code of Governance was previously approved by the Audit Committee in 2013 and, as part of the preparation for the Annual Governance Statement, progress on the Local Code is reviewed annually with relevant officers. The present governance review is a wholesale refresh of these key documents.

2.3 The proposed Standing Orders relating to Contracts and Financial Regulations require submission to the Audit Committee for review prior to submission to the Council for approval. At its meeting on 23 August 2016, the Audit Committee decided, inter alia, that the revised Standing Orders relating to Contracts be submitted to the Inverclyde Council for approval and that the Financial Regulations be submitted to the Inverclyde Council for approval.

3.0 RECOMMENDATION

3.1 That the Council:

- (1) Consider and approve the revised Standing Orders & Scheme of Administration, Standing Orders relating to Contracts, Scheme of Delegation and Financial Regulations appended to the report; and
- (2) As a consequence of approval of the Standing Orders & Scheme of Administration, appoint an additional 6 Members to the Local Review Body, increasing membership from 5 to 11, and appoint the Members of the Planning Board as the Members of the Local Review Body.

Gerard Malone
Head of Legal & Property Services

4.0 BACKGROUND

- 4.1 The Council has adopted a Local Code of Governance which is consistent with the principles of CIPFA and the Society of Local Authority Chief Executives (SOLACE) Framework. The CMT has the responsibility for conducting, at least annually, a review of the effectiveness of its Governance Framework including systems of internal control and this is done through the Annual Governance Statement.
- 4.2 The key corporate documentation for the Council comprises the:
- Standing Orders and Scheme of Administration;
 - Standing Orders relating to Contracts;
 - Scheme of Delegation; and
 - Financial Regulations.
- 4.3 In order to keep these documents up to date to take account of any changes at a strategic level, it is necessary to review periodically this key documentation.

5.0 STANDING ORDERS AND SCHEME OF ADMINISTRATION

- 5.1 The Council's Standing Orders and the Scheme of Administration have been the subject of substantial revision. The key principles of the review are to (1) modernise and simplify; (2) remove anomalies and contradictions and to standardise language and format; and (3) to address operational issues that have arisen over the period since their last review.
- 5.2 A copy of the revised Standing Orders and Scheme of Administration is attached as Appendix 1.

6.0 STANDING ORDERS RELATING TO CONTRACTS

- 6.1 It is presently within the remit of the Audit Committee to consider any changes to Standing Orders relating to Contracts (and Financial Regulations). At its meeting on 23 August 2016, the Audit Committee decided, inter alia, that the revised Standing Orders relating to Contracts be submitted to the Inverclyde Council for approval.
- 6.2 The key principles of this review are to streamline Officer and Member time, reflect the latest national and European Procurement requirements and support the Council's objectives in promoting a sustainable economy within the relevant contract guidelines.
- 6.3 A copy of the revised Standing Orders relating to Contracts is attached as Appendix 2 for consideration.

7.0 SCHEME OF DELEGATION

- 7.1 The Scheme of Delegation has also been subject to the same processes as above.
- 7.2 The key principles of this review are to reflect existing Council structures and to ensure that Officers can expedite all appropriate actions within a clear framework of responsibilities and awareness.
- 7.3 A copy of the revised Scheme of Delegation is attached as Appendix 3 for consideration.

8.0 FINANCIAL REGULATIONS

- 8.1 The revised Financial Regulations require to be submitted to the Audit Committee for review prior to submission to the Council for approval and at its meeting on 23 August 2016, the Audit Committee approved the revised Financial Regulations and that these be submitted to the Inverclyde Council for approval. The changes can be categorised into three main areas as follows:

- a) Tidy up of job titles/designations;
- b) Review of limits in relation to virement, capital reporting and hospitality;
- c) Other issues including IJB, travel outwith the United Kingdom by employees, post project evaluations and disposal of land/property.

8.2 A copy of the revised Financial Regulations is attached as Appendix 4 for consideration.

9.0 IMPLICATIONS

Finance

9.1 There are no direct financial implications.

Financial Implications:

One Off Costs

Cost Centre	Budget Heading	Budget Years	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

9.2 The governance documents are crucial for safeguarding the interests of the Council and this review ensures they meet and support the strategic aims of the Council. This report is consistent with the corporate oversight by the CMT of this key documentation.

Human Resources

9.3 There are no direct Human Resources implications arising from this report.

Equalities

9.4 The corporate documentation assists the Council in meeting its responsibilities in terms of equalities legislation.

Repopulation

9.5 There are no direct repopulation implications arising from this report but the governance documents all support and strengthen the Council's actions.

10.0 CONSULTATIONS

10.1 There has been direct consultation with all Heads of Service and the CMT and ECMT, the corporate Procurement Manager, Finance Managers, Chief Internal Auditor and Property Services Manager in relation to the drafting of these documents.

11.0 BACKGROUND PAPERS

11.1 None.

Inverclyde Council

STANDING ORDERS AND SCHEME OF ADMINISTRATION

Approved -

INVERCLYDE COUNCIL

STANDING ORDERS AND SCHEME OF ADMINISTRATION

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STANDING ORDERS OF INVERCLYDE COUNCIL

Definitions

1. In these Standing Orders, unless the context otherwise requires, the following words and expressions shall have the following meanings:

"the 1973 Act" means the Local Government (Scotland) Act 1973;

"the 1994 Act" means the Local Government etc. (Scotland) Act 1994;

"the 2004 Act" means the Local Governance (Scotland) Act 2004;

"the Council" means The Inverclyde Council incorporated in terms of the 1994 Act;

"Statutory Meeting" means the meeting which, in terms of the relevant legislation, the Council is required to hold within 21 days of the date of the election in an ordinary election year;

"Provost" means the Convener of the Council elected under Section 4 of the 1994 Act;

"Chair" means the person at any time presiding at a meeting of the Council or a Committee;

"Convener" and "Vice Convener" of a Committee mean the Members appointed to those offices by the Council;

"Member" means a Councillor for the Council elected in accordance with the 2004 Act;

"Proper Officer" means the person designated as such and for the purpose specified by the Council in the Council's Scheme of Delegation;

"clear days" shall be interpreted to not include the day of receipt of any relevant notice and the day of the meeting;

"written request" and "in writing" mean a letter signed by the author(s) delivered to the Proper Officer or a scanned copy of that letter delivered to the Proper Officer by electronic means;

any reference to a "Committee" shall, unless the context otherwise requires, include reference to a Sub-Committee, Board, the Local Review Body and any Committees acting in a quasi-judicial capacity;

unless the context otherwise requires, words imparting the singular shall include the plural and vice versa.

Meetings of the Council

2. The Council shall meet at 4 p.m. on the following days:

- (a) A Statutory Meeting of the Council shall be held in the year of the elections to the Council under the relevant legislation within 21 days from the date of that election;
 - (b) Ordinary Meetings shall be held on the Thursday of the final week of each cycle of meetings set by the Council and, in any event, at intervals of no more than 16 weeks between each meeting, unless otherwise agreed in terms of **Standing Order 3**.
3. Special Meetings may be called at any time by the Proper Officer on being required to do so by (a) the Provost or (b) a written request for that purpose, signed by at least 7 Members, which meeting shall be held within 7 clear days. The request shall specify the business proposed to be transacted at the meeting.
 4. All meetings of the Council shall be held within the Municipal Buildings, Greenock, or such other place as the Council or the Proper Officer in consultation with the Provost may specify. Subject to prior agreement by the Provost, any Member who cannot reasonably attend a meeting in person may request that provision be made within alternative, suitable Council premises for video conferencing participation in the meeting, if practicable with regard to advance notice, technical feasibility and cost, provided that the Proper Officer is satisfied as to the necessary arrangements securing any required propriety and confidentiality of Council business.
 5. Subject to the terms of Sections 50A and 50E of the 1973 Act, all meetings of the Council shall be open to the public.
 6. No Member or member of the public may photograph, broadcast, transmit or record any Council meeting without prior written approval from the Council. The use of mobile electronic devices by Members during meetings is permitted only for their access to Council agendas, notes or diary entries and not for any external purpose.

Notice of Meetings

7. Notice of all Council meetings is published on the Council's website.
8. All meetings of the Council shall be convened by:
 - (a) a Notice being published by the Proper Officer at least 3 clear days before the meeting which shall specify the date, time and place of the meeting; and
 - (b) a summons to attend the meeting specifying the business to be transacted being sent by post to the usual place of residence of every Member, or to such other address as any Member may notify, not later than 3 clear days before the date of the meeting.
9. If a meeting is convened at shorter notice than 3 clear days by reason of urgency, the Notice and summons referred to above shall be published and posted as soon as the meeting is convened.
10. Want of service of a summons on any Member shall not affect the validity of a meeting of the Council, only if good reason is shown for failure to send such a summons as may be decided upon by the Provost.

Quorum

11. The quorum for the Council is 7. No business may be transacted at any meeting unless a quorum is present.
 - (a) If, 10 minutes after the time stated in the summons to attend a meeting, a quorum is not present, the meeting shall stand adjourned until such time and date as may be determined by the Proper Officer in consultation with the Provost. The Proper Officer shall minute the reason for the adjournment of the meeting.
 - (b) If after a meeting has started, the number of Members present falls below the quorum and after a period of 5 minutes (during which time no business shall be considered or transacted), a quorum cannot be found, the meeting shall be adjourned until such time and date as may be determined by the Proper Officer in consultation with the Provost. The Proper Officer shall minute the reason for the adjournment of the meeting.
 - (c) Any Member who has declared an interest in an item of business at the meeting and who leaves the meeting for that purpose may not be counted in the quorum for that item of business. If less than a quorum of the Council results from the Member leaving the meeting, then that item of business cannot be considered at the meeting.

Sederunt and Apologies

12. The names of the Members present at a meeting of the Council shall be recorded by the Proper Officer. Members who intimate to the Proper Officer apologies for non-attendance at a meeting of the Council shall have their apologies recorded in the Minute.

Failure to Attend Meetings

13. Subject to the provisions of Section 35 of the 1973 Act, if a Member fails throughout a period of 6 consecutive months to attend any meetings of the Council or a Committee, he or she shall, unless the failure was due to some reason approved by the Council, cease to be a Member.

Convener

14.
 - (a) The Convener of the Council, upon being elected, shall be known as the Provost and shall subject to the provisions of Paragraph 7 of Schedule 2 to the 1994 Act, hold office until the next ordinary election or until ceasing to be a Councillor, whichever is the earlier. Notwithstanding the foregoing, the Council may specify a shorter period for the term of office of Convener at the time of that election;
 - (b) At a meeting of the Council, the Provost or, in his or her absence, the Depute Provost shall preside. If the Provost and the Depute Provost are both absent from a meeting, another Member of the Council chosen by the Members present will chair the meeting.
15. Subject to the provisions of **Standing Order 14** the Council may at any time agree to remove the Provost from office with immediate effect provided that:

- (a) a Notice of Motion in terms of **Standing Order 22** to that effect is given at one meeting of the Council and on the basis that the matter is to be considered at the next ordinary meeting of the Council; or
- (b) where no such prior Notice of Motion is given, not less than two thirds of Members present and entitled to vote at the meeting agree that the early removal from office of the Provost be considered at that meeting.

Role of Provost

16. The Provost shall:

- (a) preserve order and ensure fairness in debate;
- (b) ensure the agenda of business is properly dealt with and clear decisions are reached;
- (c) decide on all points of order and matters of competence and relevance;
- (d) with the assistance of the Proper Officer, ensure that Standing Orders are observed;
- (e) decide on all questions of procedure for which no express provision is made in Standing Orders; and
- (f) order the exclusion of any member of the public to prevent or remove disorderly conduct or any other behaviour which disrupts the business of the meeting.

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

When the Provost speaks the Member, if any, who is addressing the meeting, shall cease to speak. The Provost shall be entitled, in the event of disorder occurring, to adjourn the meeting to a time he or she may then or thereafter determine.

Restriction on Business

18. No business other than that set out in the notice of meeting may be dealt with unless it is brought before the Council as a matter of urgency. The Provost must rule that it is a matter of urgency and give the reasons for the ruling, to be noted in the Minute. The item must be made known at the start of the meeting when the order of business is decided. If the Provost rules that the matter is not urgent, it will be included as an item for the next ordinary meeting of the Council, unless dealt with earlier.

Order of Business

19. (a) At the first meeting of the Council after an ordinary election, the Council shall deal with the business in the following order:

note the election of Members;

take the sederunt, noting which Members have executed the declaration of acceptance of office;

elect the Provost;

elect the Depute Provost;

appoint Leader, Depute Leader and Leader of the Minority Group(s);

appoint Members to Committees;

appoint Conveners and Vice-Conveners of Committees;

appoint Members to the Licensing Board;

appoint representatives to outside bodies;

consider arrangements for a timetable of scheduled meetings and any administrative arrangements.

(b) At all other meetings of the Council, business shall be dealt with in the following order:

note apologies for absence;

note the appointment of substitutes by Members;

consider notice of any urgent business;

note declarations of interest;

approve minutes of meetings of the Council and Committees;

ask questions on the minutes;

consider Notices of Motions;

consider other motions on the agenda;

consider reports;

consider business in the appendix.

(c) The order of business may be altered by the Provost upon his or her discretion.

Minutes

20. Minutes of Council meetings shall be prepared by the Proper Officer. Subject to approval or correction as the case may be, the Minute shall be signed at the next suitable meeting of the Council by the person then presiding.

21. At the Council meeting, the Member presiding at a Committee meeting shall move acceptance of the Minute of that Committee meeting, as a correct record insofar as any such corrections of the Minute do not conflict with the proper exercise of powers delegated to the Committee. In the absence of the Member presiding at the Committee, another Member may move acceptance of the Minute of that meeting as a

correct record. Any correction proposed by the presiding Member requires a seconder.

Any item in the Minute subject to referral from a Committee will require to be moved and seconded and subject to debate thereafter.

Procedure for Notice of Motion

22. A Member may submit a Notice of Motion for consideration at any meeting of the Council. Such Notice of Motion shall be in writing and shall be countersigned by at least one other Member and delivered to the Proper Officer at least 7 clear days prior to the meeting of the Council at which the Motion is to be considered. The Notice of Motion shall be printed in the Agenda of the meeting of the Council without prejudice to the right of the Provost to rule as to its competency.
23. A Notice of Motion submitted under **Standing Order 22** may be moved by the Member who submitted the Notice of Motion or by another Member present. If it is not so moved, it shall, unless postponed by decision of the Council, be considered as withdrawn.

Motions and Amendments

24. Any Member proposing a motion or amendment relating to any item of business at a meeting shall state precisely the terms of his or her motion or amendment to enable the Provost to rule as to its competency.
25. Before any vote takes place, a motion or amendment must be duly seconded.
26. Any motion or amendment which is not seconded shall fall and will not be recorded in the Minute.
27. Only a Member who has not abstained and has taken part in a vote or who has moved a motion or amendment but failed to find a seconder may, if he or she so requests, have his or her dissent to the relevant decision recorded in the Minute.
28. The Provost may require that any motion or amendment shall be put in writing by the Member so proposing or amending. When required by the Provost, the Proper Officer will read any motion or amendment prior to it being put to the meeting.
29. No Member shall move or second more than one motion or amendment on an item of business. A Member who has moved or seconded a motion or amendment shall be entitled to move or second a new motion or amendment if the original motion or amendment is withdrawn in terms of **Standing Order 30**.
30. A motion or amendment which has been moved and seconded shall not be altered or withdrawn without the consent of the mover and the seconder.
31. A motion or amendment contrary to a decision of the Council shall not be competent within 6 months of that decision unless, in the opinion of the Provost, material information is introduced which had not previously been available or some other material change of circumstances has taken place.

Speeches

32. Except with the permission of the Provost, the mover and seconder of a motion or an amendment shall not speak for more than 15 minutes. Others speaking in the debate shall not speak for more than 10 minutes. No Member other than the mover of a motion shall speak more than once in the same debate unless to call attention to a point of order or, with the permission of the Provost, to make an explanation. The mover of the motion shall have the right to speak for up to 5 minutes in reply to the points raised in the debate and will strictly confine himself or herself to answering previous speakers and will not introduce any new matter. Thereafter, the question shall be put by the Provost.
33. Members shall address the Provost. Each Member shall confine his or her speech to the item being debated.
34. Except with the consent of the Provost, it shall not be competent for any Member to read a written or printed speech to the meeting but a Member shall be entitled to refer to notes.

Points of Order

35. Any Member may raise a point of order at any time during a meeting. Any Member who is addressing the meeting when a point of order is raised will resume his or her seat until the point of order has been decided upon by the Provost. No other Member may speak to the point of order unless with the permission of the Provost. The decision of the Provost will be final and cannot be debated.

Closure of Debate

36. At the conclusion of any speech, a Member who has not spoken on the item being debated may move "that the question be now put". If such a motion is moved and seconded and the Provost is of the opinion that the item has been sufficiently debated, there shall be no further debate and the vote shall be taken immediately "for" or "against" the motion "that the question be now put." If the motion "that the question be now put" is agreed, the mover of the substantive motion shall have the right to speak for not more than 5 minutes in reply to the points raised in the debate and will confine himself or herself to answering previous speakers and will not introduce any new matter. Thereafter, a vote shall be taken immediately on the substantive motion.

Adjournment

37. At the conclusion of any speech, any Member may move that the meeting be adjourned. If such a motion is moved and seconded there will be no further debate and the vote shall be taken immediately to "adjourn" or "not adjourn". If the motion to adjourn is agreed then, unless the time is specified in the motion, the adjournment shall take effect immediately and the meeting shall be adjourned until such time as decided by the Provost. If the motion to adjourn is not agreed, it shall not be competent to repeat such a motion for a further 30 minutes, unless moved by the Provost.
38. A motion to adjourn shall take precedence over all other motions.

Voting

39. Except where otherwise provided by these Standing Orders, when a motion and amendment are considered by the Council, the proposal receiving the support of the majority of the Members present and voting will be declared to be the decision of the Council.
40. Voting shall be by a show of hands. For purposes of accountability, the names of all Members voting or abstaining relative to any motion or amendment shall be recorded in the Minute. If at least one quarter of the Members present require a roll call vote, the vote shall be taken by calling the roll.
41. In addition to a deliberative vote, in the case of an equality of votes, the Provost, should he or she so wish, shall have a casting vote except where the matter relates to the appointment of a Member to any particular office or Committee (but not to outside bodies), in which case the decision shall be by lot.
42. When a motion and 2 or more amendments have been moved and seconded, the vote shall be taken in the first instance between the amendment last proposed and the amendment second last proposed. The successful proposal from that vote shall be taken against the amendment third last proposed and so on until there remains only one amendment to be taken against the motion and whichever of those is carried shall be the decision of the Council.
43. When a vote has been taken and the accuracy of the count is immediately challenged, it shall be at the discretion of the Provost to call for a recount.

Disregarding the Authority of the Provost

44. If any Member disregards the authority of the Provost or behaves obstructively or offensively, a motion may then be moved and seconded to suspend the Member for the rest or any part of the meeting. The motion shall be put without discussion. If it is carried, the Council Officer shall act on any orders given by the Provost to carry out such a decision.

Questions and Agenda Items

45. (a) Any Member may put a question to the Provost or to any Convener at any meeting of the Council concerning relevant and competent business on the Agenda. If the Provost decides that the question is relevant and competent, the Provost shall answer it or direct that it shall be answered;
- (b) If any Member wishes to give formal notice of a detailed question arising from the business on the Agenda, that Member can submit that question in writing to the Proper Officer by 10am on the day preceding the Council meeting. The Proper Officer shall liaise with the Provost on this at the earliest opportunity;
- (c) Any Member may submit in writing to the Proper Officer an item of business for consideration at any meeting of the Council not less than 7 clear days preceding the meeting. The Proper Officer shall place the item on the Agenda notwithstanding the Provost's entitlement to rule on its competency.

If the Member considers the item to be urgent, the reasons for this must be specified by the Member in the written submission. In such circumstances, the

Proper Officer may place the item on the Agenda even though less than 7 clear days' notice has been given, notwithstanding the Provost's discretion to decide on its urgency or otherwise and on its competency for the meeting. Failing this, the item shall not be included on the Agenda as it has not been raised within the proper timescale.

Interests of Members

46. Any Member who has an interest in any matter which, in terms of the Councillors' Code of Conduct issued under the Ethical Standards in Public Life etc. (Scotland) Act 2000, requires to be declared and is available to participate at a meeting at which such a matter is the subject of consideration, shall declare that interest as soon as practicable at the meeting where the interest arises. The declaration shall be sufficient to enable the meeting to understand the nature of the interest and shall be recorded in the Minute.

If, in terms of the Code, the nature of the interest means that the Member cannot participate in discussion and voting on the matter, the Member shall retire from the meeting and leave the meeting room until the business concerning that matter is concluded.

Suspension of Standing Orders

47. On a motion made at any time during a meeting, the Council shall be entitled to suspend one or more of these Standing Orders so far as regards any business, but only if two-thirds of the Members present and voting for that purpose shall so decide. There shall be no discussion on such a motion.

Variation and Revocation of Standing Orders

48. The Council may vary or revoke any of these Standing Orders. Any such decision will, if voted upon, be approved by a majority of Members present and voting.

Decisions of the Council

49. No decision made by the Council shall be subject to review by any Committee unless such review is specifically authorised by the Council.
50. Without prejudice to any decision taken by a Committee, in exercise of delegated powers, the Council may at any time deal with any matter included in a delegation to a Committee, notwithstanding that no report from such Committee is before it. The Council may deal with any item of business included in the delegation to a Committee even if there is no report from that Committee on the item.

Contracts and Delegation

51. The Council shall have Standing Orders Relating to Contracts, a Scheme of Delegation to Officers and Financial Regulations.

Committees

52. The Council shall establish such Committees, Sub-Committees and Boards as may be considered necessary from time to time and shall have a Scheme of Administration on

the terms of reference and delegations to Committees, Sub-Committees and Boards for the purpose of arranging for the discharge of the functions of the Council.

53. The Council shall appoint Conveners, Vice-Conveners and Members to such Committees, Sub-Committees and Boards as it establishes in terms of **Standing Order 52** at the statutory meeting of the Council and otherwise as it considers necessary from time to time.

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COMMITTEES

Committee Business

54. In making appointments to Committees and outside bodies (but in the latter instance only where more than 2 representatives of the Council to an outside body are required), the Council shall ensure that such appointments reflect, as far as practicable, the balance of political representation on the Council.
55. Any business requiring consideration by the Council shall, unless considerations of time otherwise dictate, be placed before the appropriate Committee.
56. Committees shall meet as the Council may from time to time set. Special meetings may be convened as follows:-
 - (a) by the Committee at any ordinary meeting; or
 - (b) by a written request from the Convener submitted to the Proper Officer and specifying the business proposed to be transacted at the meeting; or
 - (c) by a written request signed by at least one quarter of the Members of the Committee submitted to the Proper Officer specifying the business proposed to be transacted at the meeting.

If the Proper Officer receives a request as set out in (b) or (c) above, such meeting shall be held within 14 clear days of receipt.

57. At any time prior to the issue of a notice calling a meeting of a Committee, the Proper Officer, after consultation with the Convener, may determine that such meeting be cancelled or postponed to such date and time as the Convener shall determine. In which event, the Proper Officer shall, forthwith, issue a notice intimating the cancellation or adjournment of the meeting.
58. All meetings of a Committee shall be convened by:
 - (a) a Notice being published by the Proper Officer at least 3 clear days before the meeting which shall specify the date, time and place of the meeting; and
 - (b) a summons to attend the meeting specifying the business to be transacted being sent by post to the usual place of residence of every Member, or to such other address as any Member may notify, not later than 3 clear days before the date of the meeting.

Application of Standing Orders to Committees

59. The following Standing Orders of the Council shall not apply to Committees:

Standing Order 2	-	Meetings of the Council
Standing Order 3	-	Special Meetings
Standing Order 8	-	Notice of Meetings
Standing Order 11	-	Quorum
Standing Order 20	-	Approval of Committee Minutes
Standing Order 25	-	Need for Secunder for Motions and Amendments
Standing Order 32	-	Speeches

For Committees the following Standing Orders shall be amended to the extent detailed below:

Standing Order 4

All meetings of Committees shall be held at the Municipal Buildings, Greenock or such other place as the Committee may determine.

Standing Order 14

- (a) At a meeting of a Committee, the Convener, if present, shall preside;
- (b) If the Convener is absent from a meeting, the Vice-Convener shall preside; and
- (c) If the Convener and the Vice-Convener are absent from a meeting, another Member of the Committee, chosen by the Members present, shall preside.

Standing Order 19(b)

There is no requirement to approve minutes or ask questions thereon.

Standing Order 36

When any item is the subject of debate at a Committee, at any point in that debate, if the Convener is of the opinion that the item has been sufficiently debated, the Convener shall be entitled to close the debate and to decide that the question be now put to the Committee for decision. There shall be no further debate on the item and the Committee shall proceed to decide, whether by vote or otherwise, on the item.

The following additional Standing Orders shall apply to Committees:

Participation of Members not on a Committee

- 60. (a) Any Member who is not a Member of a Committee and who wishes to have an item considered at that Committee shall give written intimation to the Proper Officer of that item. Such intimation shall be referred to the Convener of the relevant Committee and Corporate Director. That Corporate Director shall be responsible for responding to the Member. In the event that the Member is not satisfied with the response, the Member shall be entitled to have the item considered by the Committee by giving written intimation to the Proper Officer to that effect at least 14 clear days prior to the date of the next ordinary meeting. On receipt of such written intimation, the item shall be placed on the agenda for the Committee, without prejudice to the entitlement of the Convener to rule as to its competency, it being understood that if the subject matter is within the remit of the Committee and has been raised within the time limits, it shall be deemed competent;
- (b) Any Member who is not a Member of a Committee who submits an item in terms of (a) above, shall be entitled to attend the meeting of that Committee at which that item is being considered. That Member shall be entitled to participate in the debate on that item but shall not be entitled to vote;
- (c) A Member who is not a Member of a Committee shall be entitled to attend a meeting of that Committee while there is under consideration any item in which

the Member has a specific ward-based interest as a Member. Except where a Committee is considering items in its quasi-judicial capacity, the Member shall, with the consent of the Convener, be entitled to participate in the debate of the item but shall not be entitled to vote. Where the consideration of an item is of a quasi-judicial nature, a Member who is not a Member of the Committee shall not be entitled to participate in debate on the item and shall not be entitled to vote;

- (d) Any Member who is not a Member of a Committee who wishes to ask a specific question in relation to an item on the Agenda of that Committee, shall give at least 2 clear days' written notice to the Proper Officer, specifying the question. The Proper Officer shall liaise with the Convener on this at the earliest opportunity. If the Member so notifies the Proper Officer, that Member shall be entitled to attend the meeting of that Committee to ask that question on that item but shall not be entitled to ask any supplementary questions, participate in any debate or to vote thereon. This is without prejudice to the Convener's entitlement to rule on the competency of the question.

Scheme of Administration

- 61. (a) The arrangements for meetings of Committees and their functions shall be regulated in accordance with the Scheme of Administration;
- (b) Where a Committee makes a decision within its delegated powers, it shall be competent for at least 4 of the Members present and voting at a Committee and 2 of the Members present and voting at a Sub-Committee to require that the delegated power be not exercised and that the decision be referred for determination to the Council. This referral procedure cannot be used if the Committee is considering an item in its quasi-judicial capacity, in which case the decision taken shall be final;

Any referral must specify an alternative to the proposal so referred.

- (c) In addition to the detailed provisions of the Scheme of Administration:
 - (i) the Council may delegate on an ad hoc basis to a Committee the discharge of any function; and
 - (ii) a Committee may delegate on an ad hoc basis to a Sub-Committee the discharge of any function in respect of which that Committee has delegated powers.

Quorum of Committees, Sub-Committees, Boards and Local Review Body

- 62. (a) The quorum of all Committees (except the Petitions Committee), the General Purposes Board, the Planning Board and the Local Review Body shall be 6;
- (b) The quorum of the Petitions Committee shall be 4;
- (c) The quorum of all Sub-Committees shall be 4, or the membership of the Sub-Committee, whichever is the lesser;
- (d) The quorum of the Human Resources Appeals Board shall be 3.

Committees Acting in Quasi-Judicial Capacity

63. Where a Committee is dealing with an item of business in a quasi-judicial capacity, a Member shall not be entitled to take part in debate, move a motion or amendment or vote on a motion or amendment unless that Member has been present throughout consideration of that item of business, any continuation of that item of business or any site visits.

Petitions Committee Protocol

64. The Petitions Committee shall from time to time consider and approve its protocol and procedures for submitting petitions and determining its actions, which shall include provisions for persons or deputations making representation to that Committee.

Remits Between Committees

65. Any decision by a Committee to remit consideration of a matter to another Committee shall, where practicable, be considered at the next meeting of the Committee.

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INVERCLYDE COUNCIL

1. SCHEME OF ADMINISTRATION

1.1 This Scheme of Administration is within the Council's Standing Orders.

2. PURPOSE OF SCHEME

2.1 These terms of reference and delegated functions (Scheme of Administration) set out the powers delegated by the Council to its Committees, Sub-Committees and Boards in terms of the Local Government (Scotland) Act 1973 and shall regulate:

- (a) the allocation of the functions of the Council to the Committees, Sub-Committees and Boards of the Council; and
- (b) the delegation to Committees, Sub-Committees and Boards, where appropriate, of authority to exercise the functions of the Council.

2.2 The Scheme of Administration is to be read with the Council's Standing Orders, Standing Orders Relating to Contracts and Financial Regulations.

3. PROVISIONS APPLICABLE TO ALL COMMITTEES

3.1 Committees shall consider only matters within their terms of reference.

3.2 Where the Council has delegated any class of functions to a Committee, it shall retain the power to delegate any one of those functions to another Committee on a particular occasion when, by reason of the nature of the matter, in the opinion of the Council, it ought to be so referred.

3.3 All functions listed as delegated functions and any further additional such functions which may be delegated by the Council are also delegated to the respective Committee.

4. DELEGATED FUNCTIONS

4.1 The following functions shall be delegated to Committees:

- (a) The powers required to carry out their functions provided that the decisions made by any Committee shall comply with the terms of policy and budget approved by the Council.
- (b) All Boards and the Local Review Body, being quasi-judicial bodies, shall have full powers and no decisions taken shall be referred to the Council except in the case of the Planning Board relative to those applications for major and national developments which are statutorily subject to pre-determination hearings.

5. GENERAL PROVISIONS

5.1 The following general provisions shall apply:

- (a) A Committee may further delegate authority to an officer of the Council to undertake or discharge any function which is delegated to that Committee. The

Local Review Body may delegate authority to an officer of the Council to undertake or discharge any function delegated to it, where it is so enabled by the Town and Country Planning (Schemes of Delegation and Local Review Bodies) (Scotland) Regulations 2013;

- (b) Any decision proposed to be taken by a Committee under delegated powers which conflicts with or potentially conflicts with a decision of another Committee shall be referred to the Council.

5.2 There shall be the following Committees, Sub-Committees and Boards:

Committees

Policy and Resources Committee	(11 Members)
Audit Committee	(11 Members)
Environment and Regeneration Committee	(11 Members)
Education and Communities Committee	(11 Council Members)
Health and Social Care Committee	(11 Members)
Petitions Committee	(6 Members)

Sub-Committees

Policy and Resources Executive Sub-Committee	(6 Members)
Local Police and Fire Scrutiny Sub-Committee	(11 Members)
Grants Sub-Committee	(6 Members)

Boards

General Purposes Board	(11 Members)
Human Resources Appeals Board	(5 Members)
Planning Board	(11 Members)
Local Review Body	(11 Members)
Appointment Panels	(Membership per Scheme)

5.3 With the exception of the Petitions Committee, all Committees as set out in paragraph 5.2 above shall have the power to establish a Sub-Committee but for a specific purpose only and shall appoint Members, Conveners and Vice-Conveners thereof. The establishing of any such Sub-Committee shall be subject to review by the Committee at least every 12 months.

5.4 The selection process for the Chief Executive and the selection and appointment processes for all other Chief Officers shall be dealt with by formal Committees set up as Appointment Panels according to Schemes approved by the Council.

5.5(a) Where a Member of any Committee is unable to attend a meeting, that Member may make arrangements with another Member who is not a Member of that Committee to attend that meeting as his or her substitute with powers to act in his or her stead and shall ensure that the substitute has or will receive the appropriate meeting papers;

5.5(b) The Member who is unable to attend and who is appointing a substitute must inform the Proper Officer as soon as possible of the appointment of the substitute.

When a substitute attends, the substitution applies throughout the duration of the meeting including any adjournment to a time later the same day and the appointing Member shall not be entitled to revoke the substitution or vote at the meeting or its same day adjournment. Only the substitute intimated by the appointing Member to the Proper Officer prior to the commencement of the meeting is entitled to attend and vote. The appointment of a substitute can be revoked by the appointing Member only prior to the commencement of the meeting.

6. FUNCTIONS RETAINED BY THE COUNCIL

6.1 The Council has overall responsibility for the Council Budget, the Chief Officer Management Structure and oversight of all political decision-making processes.

6.2 The following are reserved to the Council:

- (a) All functions reserved by law to the Council;
- (b) The determination of the strategic objectives of the Council;
- (c) The annual review of the revenue budget and the fixing of Council Tax;
- (d) The annual review of the Capital Programme and the approval of annual budgets of capital and revenue expenditure;
- (e) Approval of the Annual Treasury Strategy and Annual Report;
- (f) The consideration of the Annual Report to Members by the Council's External Auditors;
- (g) The making of Standing Orders and a Scheme of Administration, Standing Orders Relating to Contracts, a Scheme of Delegation to Officers and Financial Regulations;
- (h) The making of an order for the compulsory acquisition of any land or interest in land;
- (i) The making of any formal resolution to co-operate or combine with other local authorities in the provision of services;
- (j) The appointment of the Provost and Depute Provost of the Council;
- (k) The establishment of Committees of the Council and their terms of reference and the delegations of function thereto;
- (l) The appointment of Members to Committees and the appointment of Conveners and Vice-Conveners;
- (m) The appointment of Members of the Council to Joint Committees, Joint Boards and outside bodies;
- (n) The approval of Schemes for the establishment of Community Councils;
- (o) The approval of Polling Schemes for elections and referendums;
- (p) The promoting or the opposing of the making of private legislation;

- (q) The promotion of byelaws, management rules and any necessary orders;
- (r) The appointment of the Chief Executive and all matters relating to disciplinary procedures for the Chief Executive;
- (s) The making of resolutions for Housing Renewal Areas;
- (t) The consideration of Members' remuneration;
- (u) The formal adoption of the Local Plan;
- (v) The determination of an application for planning permission for a development of a class specified in Section 38A(1) of the Town & Country Planning (Scotland) Act 1997.

7. FUNCTIONS DELEGATED TO COMMITTEES

7.1 POLICY AND RESOURCES COMMITTEE

7.1.1 Power is delegated to the Policy and Resources Committee:

- (a) To advise the Council on outcomes, strategic objectives and key priorities;
- (b) To develop and approve Council policies, including community planning and partnership working;
- (c) To adopt and implement the management framework for planning, implementing, reporting and reviewing corporate service delivery;
- (d) To ensure the Council meets its statutory responsibilities in terms of best value;
- (e) To monitor implementation of the Council's Corporate Statement;
- (f) To facilitate and encourage any public consultation, engagement and participation with the community, partners and key stakeholders;
- (g) To instruct such performance information as the Committee requires to fulfil its remit and monitor overall performance in the delivery of services and the Council's financial performance;
- (h) To determine any reviews of community asset transfer requests;
- (i) To take all decisions which are not reserved to the Council or delegated to another Committee of the Council;
- (j) To have responsibility for the directorate planning, performance management reporting and financial monitoring for the following service areas:
 - Chief Executive's Office
 - Finance
 - Organisational Development, Human Resources and Corporate Communications
 - Legal and Property Services
 - Performance Management
- (k) To guide the Council in the formulation of its policy objectives and priorities, to consider the broad social and economic needs of the Council and matters of

importance to its area, to advise the Council generally as to its financial and economic policies, to monitor and control the Council's Revenue Budgets and Capital Programme;

- (l) To consider new policies or changes in policy formulated by Committees where those policies or changes in policy may have significant impact upon the existing policies or the resources of the Council and to consider new policies not falling within the terms of reference of any other Committee;
- (m) To consider all aspects of the Council's Public Reporting Framework;
- (n) To ensure that the organisational and management processes of the Council are designed to make the most effective contribution to the achievement of the Council's objectives;
- (o) To keep organisation and management processes under review and make recommendations as necessary for any change in the structure of Committees or Services or the allocation of functions and responsibilities;
- (p) To appoint the Returning Officer;
- (q) To be responsible for formulation and delivery of the Council's Procurement Strategy;
- (r) To have overall responsibility for information governance and to arrange for compliance with the provisions of the Data Protection and Freedom of Information legislation.

7.1.2 The Committee has service responsibilities as follows:

Finance

- (a) To regulate and manage the proper administration of the Council's financial affairs;
- (b) To deal with the administration of the levy, collection, payment and recovery of all income to the Council;
- (c) To arrange for all borrowing, lending and investing of money by the Council;
- (d) To oversee superannuation and pensions;
- (e) To keep accounts and proper records of all transactions of the Council;
- (f) To oversee banking arrangements;
- (g) To oversee insurances;
- (h) To be responsible for the administration of all matters relating to Housing Benefits;
- (i) To be responsible for the formulation and delivery of the Council's Customer Services Strategy;
- (j) To ensure effective provision of all information technology and communication services, ICT and digital access strategy;

- (k) To exercise the powers and duties of the Council relative to registration of births, marriages and deaths.

Organisational Development, Human Resources and Corporate Communications

- (a) To advise on the overall planning required to ensure the most effective, efficient and economic use of the Council's human resources;
- (b) To oversee all matters relating to:
 - (i) Council policies and practices in relation to Council employees including the recruitment, training, salaries, wages and conditions of service of all employees of the Council;
 - (ii) service structures, establishments and job evaluation gradings;
 - (iii) the training and development, health, safety and welfare of all Council employees;
 - (iv) the ongoing maintenance of job evaluation, organisational development, strategy, planning and other such related matters;
 - (v) negotiations with the Trades Unions on matters affecting employees;
 - (vi) securing the development and effective implementation of the Council's Equal Opportunities in Employment policies;
 - (vii) co-ordinating the performance of the Council's responsibilities as an employer under the appropriate equalities legislation;
 - (viii) the promotion of good employment relations between the Council and its employees;
 - (ix) the formulation and delivery of the Council's Corporate Communications Strategy.

Legal and Property Services

- (a) To ensure effective provision of legal services;
- (b) To ensure effective administrative support for Members and Committees;
- (c) To ensure effective provision and support for elections and referendums;
- (d) To ensure effective provision of internal audit services.

Performance Management

To be responsible for the effective delivery of performance management, procurement and customer consultation.

To exercise all of the functions delegated to the Policy and Resources Committee or other Committees in any circumstances of urgency or where a decision is required outwith the ordinary cycle of meetings subject to consultation with the Convener and Vice-Convener of the relevant Committee, where appropriate.

7.1.3 Relationships with Key Partnerships

To oversee the Council's relationships with the following agencies and partnerships:

- Inverclyde Alliance
- Scotland Excel
- Renfrewshire Valuation Joint Board

7.2 POLICY AND RESOURCES EXECUTIVE SUB-COMMITTEE

7.2.1 Power is delegated to the Policy and Resources Executive Sub-Committee:

7.3 AUDIT COMMITTEE

7.3.1 Power is delegated to the Audit Committee:

- (a) To consider reports on the Council's audit plan and on arrangements for implementing best value;
- (b) To consider reports relating to Annual Accounts, subject to the Council's approval thereof, and Financial Accounting issues;
- (c) To monitor the financial performance of the Council, the effectiveness of the Council's audit and inspection, risk management and governance arrangements and of the control environment of the Council and associated anti-fraud and anti-corruption arrangements;
- (d) To review the adequacy of internal control systems and policies;
- (e) To review all reports from the Council's External Auditors;
- (f) To monitor the Annual Audit Plan and review all Council audit and inspection work against that Plan;
- (g) To oversee the performance of the Council's Internal Audit function;
- (h) To approve changes in Accounting Policies;
- (i) To review the Council's Risk Management Policy;
- (j) To monitor and review action taken on recommendations arising from internal and external audits;
- (k) To oversee the performance of the Council with respect to the Corporate Governance Framework;
- (l) To scrutinise and comment on the Council's key governance documents.

7.3.2 Relationships with Key Partnerships

To oversee the Council's relationships with the following agencies and partnerships:

- Audit Scotland
- The Accounts Commission
- The Council's External Auditors

7.4 HEALTH AND SOCIAL CARE COMMITTEE

7.4.1 Power is delegated to the Health and Social Care Committee:

- (a) To oversee the Council's relationship with the Inverclyde Integration Joint Board;
- (b) To oversee the effective deployment of Council resources to support the strategic priorities of the Inverclyde Integration Joint Board;
- (c) To consider recommendations arising from the findings of the Social Work Complaints Review Committee.

7.5 ENVIRONMENT AND REGENERATION COMMITTEE

7.5.1 Power is delegated to the Environment and Regeneration Committee:

To have responsibility for the directorate planning, performance management reporting and financial monitoring for the following service areas:

- Regeneration and Planning
- Asset Management and Property Estates
- Environmental and Commercial Services

7.5.2 The Committee has service responsibilities as follows:

Regeneration and Planning

- (a) To promote the economic development and urban regeneration of Inverclyde;
- (b) To promote competitiveness, employment growth, the physical environment and planning and quality of life;
- (c) To promote marketing and inward investment, business development and support schemes, tourism and related activities, training initiatives, labour market activities, the marketing, management and development of industrial and commercial property and to participate and engage in effective partnership activities to support all of the above;
- (d) To encourage and stimulate economic development by the exercise of the Council's powers through providing assistance to third parties by way of services, suitable premises or financial assistance (including grants, loans and purchase of share and loan capital);
- (e) To carry out the strategic planning functions of the Council;

- (f) To develop and review procedures in respect of development control and building standards;
- (g) To develop and review effective policies in connection with strategic planning and land use issues.

Asset Management and Property Estates

- (a) To ensure effective provision of all estate and property management services and architectural and technical services;
- (b) To acquire, dispose and market property;
- (c) To manage the repair and maintenance, improvement and preservation of all property assets within the Council's ownership or management.

Environmental and Commercial Services

- (a) To develop and review strategies in respect of:
 - burial grounds
 - street cleansing
 - refuse collection, recycling and disposal
 - sanitation services
 - protection of the environment
 - public conveniences
- (b) To discharge all powers and duties of the Council for the maintenance of the following:
 - open spaces
 - parks
 - horticultural nurseries
 - golf courses
 - playgrounds
 - playing fields
 - allotments
 - war memorials
- (c) To be the Roads Authority and deal with all roads and lighting in the Council's control;
- (d) To develop and review effective policies for all matters relating to the relevant legislation for public transport;
- (e) To consider and determine Traffic Management Orders and Traffic Regulation Orders promoted by the Council;
- (f) To deal with all matters arising from the Council's membership of Strathclyde Partnership for Transport with the exception of the Concessionary Travel Fares Scheme;
- (g) To carry out the functions of the Waste Disposal Authority.

7.5.3 Relationships with Key Partnerships

To oversee the Council's relationships with the following agencies and partnerships:

- Scottish Enterprise Renfrewshire
- Riverside Inverclyde
- Strathclyde Partnership for Transport
- Glasgow City Deal

7.6 EDUCATION AND COMMUNITIES COMMITTEE

7.6.1 Power is delegated to the Education and Communities Committee:

(a) To have the corporate responsibility for:

- Equalities
- Schools Estate Strategy
- Strategic Housing
- Community Safety and Anti-Social Behaviour
- Emergency Planning

(b) To have responsibility for the directorate planning, performance management reporting and financial monitoring for the following service areas:

- Schools
- Early Learning and Childcare and Specialist Education Services
- Lifelong Learning
- Education Support and Development
- Strategic Housing
- Private Sector Housing
- Safer Communities

7.6.2 The Committee has service responsibilities as follows:

General Functions

- (a) To undertake and discharge all the functions of the Council as an Education Authority in terms of the relevant legislation;
- (b) To undertake and discharge all of the functions of the Council relative to Early Learning and Childcare Services and provision therefor in terms of the relevant legislation.

Management of Education Services

- (a) To consider and approve catchment areas for schools and make provision for schools sufficient to meet the needs of pupils;
- (b) To oversee curriculum development and continued professional learning;
- (c) To oversee the quality of educational provision provided by schools;
- (d) To oversee the Council's input to supporting sustained and positive destinations for pupils;

- (e) To oversee the Council's policy on Further Education Education Maintenance Allowances;
- (f) To discharge the power to determine appeals relating to Further Education Education Maintenance Allowances, grants and similar support;
- (g) To manage arrangements for the programme of school asset management planning;
- (h) To ensure the provision of adequate health and welfare services in all educational establishments;
- (i) To co-ordinate control of the specification of tenders, assess and authorise acceptance of such tenders, co-ordinate and monitor performance of contracts and authorise the termination of any contracts for the provision of a school meals service;
- (j) To co-ordinate control of the specification of tenders, assess and authorise acceptance of such tenders, co-ordinate and monitor performance of contracts and authorise the termination of any contracts for the provision of school transport services for pupils;
- (k) To formulate policy in respect of attendance of pupils at schools.

Early Learning and Childcare and Specialist Education Services

- (a) To guide the Council in the formulation of its policy objectives and priorities in all appropriate matters relating to pre-school children and their parents;
- (b) To advise and make recommendations to any Committee of the Council on statutory functions relating to pre-school children and their parents;
- (c) To consider recommendations and make decisions relative to the management and development of services which provide activities of a kind suitable for pre-school children;
- (d) To consider recommendations and make decisions relative to training matters (including the arrangements for training staff) relating to establishments which provide activities of a kind suitable for pre-school children;
- (e) To consider recommendations and make decisions relative to the allocation and control of financial resources relating to services to pre-5 children and their parents and, where necessary, to advise and make recommendations in respect thereof to any relevant Committee;
- (f) To promote on the Council's behalf the interests of pre-5 children and their parents with all appropriate agencies on matters affecting these interests;
- (g) To oversee the Council's policy and practice with regard to the provision of out of school care and, in particular, the use of the grants budget;
- (h) To oversee the provision of a psychological service and arrangements to meet additional support needs;

Strategic Housing

To be responsible for the overall strategy for the provision of housing within Inverclyde whether within the public or the private sectors, including the assessment of housing need but excluding the discharge of the Council's statutory responsibility in dealing with homeless persons.

Private Sector Housing

- (a) To be responsible for assessing and maintaining the condition and supply of housing within the private sector;
- (b) To be responsible for:
 - (i) the administration of grant and loan assistance to owners of housing within the private sector; and
 - (ii) the promotion and development of improvements in the overall condition of the private sector housing stock with the use of the Council's powers as housing authority, where such use is considered appropriate.

Environmental Health and Trading Standards

- (a) To exercise the powers and duties of the Council relative to food safety, food standards and labelling, health and safety at work, public health, pollution and environmental protection legislation;
- (b) To undertake and discharge the requirements of all legislation which imposes administrative duties and which confers enforcement powers upon the Council and its officers for Consumer Protection and Trading Standards;
- (c) To undertake and discharge the requirements of all legislation, whether of a civil law nature or of a criminal nature, which affects the work of the Consumer Protection and Trading Standards Service;
- (d) To consider and approve the Annual Report submitted by the Chief Inspector of Weights and Measures in terms of the relevant legislation.

Community Safety

- (a) To deal with anti-social behaviour and all aspects of Community Safety;
- (b) To carry out the emergency planning function of the Council.

Community and Lifelong Learning

To be responsible for the management and delivery of community and lifelong learning services.

Libraries, Museums and Arts Facilities

To assess, monitor and review the need for libraries, museums and arts facilities and cultural services and to provide and manage these facilities and services.

Leisure and Community Support Services

- (a) To discharge all powers and duties of the Council for the provision and management of sporting, leisure, recreational and allied activities, public entertainment, public halls, community centres and swimming pools;
- (b) To discharge all powers and duties of the Council for sports development, community health and fitness, play, conservation, landscaping, the local Sports Council and play forums;
- (c) To determine policy for the giving of grants to voluntary organisations.

7.6.3 Relationships with Key Partnerships

To oversee the Council's relationships with the following agencies and partnerships:

- Further Education Bodies, in particular West College Scotland
- River Clyde Homes
- Inverclyde Leisure
- Clyde Muirshiel Park Authority Joint Committee

7.7 GENERAL PURPOSES BOARD

7.7.1 Power is delegated to the General Purposes Board to undertake and discharge all of the licensing functions of the Council which are not otherwise reserved to the Council or its officers or which are delegated to any other Committee and more specifically as follows:

- (a) To exercise the functions of the Council as licensing authority in terms of the Civic Government (Scotland) Act 1982, provided such civic licensing has not been specifically remitted to any other Committee;
- (b) To determine individual applications for registration and licences under the Civic Government (Scotland) Act 1982 and other statutory provisions which are not delegated to officers, in accordance with approved policies;
- (c) To exercise the functions of the Council in respect of the Explosives Acts 1875-1976;
- (d) To exercise the functions of the Council in respect of the Pharmacy and Poisons Act 1933 and Poisons Act 1972;
- (e) To exercise the functions of the Council in respect of permits in terms of Section 19 of the Transport Act 1985 (minibus permits);
- (f) To exercise the functions of the Council in respect of the Radioactive Substances Act 1993;
- (g) To exercise the functions of the Council in respect of the legislation relating to the control of diseases of animals;
- (h) To exercise the functions of the Council in respect of the safety of sports grounds;

- (i) To approve charges as required by statute and determine licence fees;
- (j) To exercise the Council's functions regarding notification of parades and processions insofar as not delegated to officers.

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7.8 HUMAN RESOURCES APPEALS BOARD

7.8.1 Power is delegated to the Human Resources Appeal Board to be the internal Council appeal body for the purposes of the Council's role as an employer, in relation to workforce matters;

- (a) To hear and decide disciplinary appeals and grievances by employees on their conditions of employment and working arrangements;
- (b) To hear and decide appeals from teaching staff in regard to the application and interpretation of Schemes and Conditions of Service for Education staff.

7.9 PLANNING BOARD

7.9.1 Power is delegated to the Planning Board:

To undertake and discharge the development control and building standards functions of the Council as Planning Authority, Buildings Authority and as Verifier and Enforcer in terms of the relevant legislation.

7.10 LOCAL REVIEW BODY

7.10.1 Power is delegated to the Local Review Body:

- (a) To review applications for planning permission or for consent, agreement or approval which have been refused, granted subject to conditions or which have not been determined within the prescribed period by the appointed officer under the Scheme of Delegation prepared in terms of the relevant legislation;
- (b) To carry out all other functions as a Local Review Body, as described in the relevant legislation.

7.11 GRANTS SUB-COMMITTEE

7.11.1 Power is delegated to the Grants Sub-Committee:

To consider applications for funding received from voluntary organisations and to award grants to such organisations from the Grants to Voluntary Organisations Budget.

7.12 LOCAL POLICE AND FIRE SCRUTINY SUB-COMMITTEE

7.12.1 Power is delegated to the Local Police and Fire Scrutiny Sub-Committee:

- (a) To consider and recommend improvements in local Police and Fire and Rescue services;
- (b) To recommend priorities and objectives for the policing of the local area;
- (c) To recommend priorities and objectives for Fire and Rescue services in the local area;
- (d) To agree the Police and Fire and Rescue local plans;

- (e) To scrutinise and review the outcomes, priorities and objectives set out in the Police and Fire and Rescue local plans;
- (f) To provide comments in response to consultations on Police and Fire and Rescue services;
- (g) To promote engagement with all interested parties including community planning partners and neighbourhood partnerships;
- (h) To make representations to the national authorities, as required, in relation to wider scrutiny issues and concerns.

7.13 **PETITIONS COMMITTEE**

7.13.1 Power is delegated to the Petitions Committee:

To consider petitions addressed to Inverclyde Council in accordance with the Council's approved petitions procedure and determine the appropriate action to be taken within the terms of the procedure.

7.13.2 The Petitions Committee is unable to consider petitions that relate to:

- (a) Any planning, licensing or other such matters where objections and appeals against decisions are dealt with by another, existing process;
- (b) Matters already being considered or scheduled to be considered by the Council or one of its Committees;
- (c) Decisions of the Council or one of its Committees during the previous 6 month period;
- (d) Matters that are commercially sensitive, confidential or which could cause personal distress or financial loss in any way;
- (e) Matters that are directed at a specific person or groups of persons with names or details that can be used to identify such persons;
- (f) The same or similar petitions considered within the past 24 months; and
- (g) Matters not within the Council's power and remit or functional areas of responsibility.

The Council will not accept a petition that contains:

- (a) Any false or potentially defamatory statement as may be considered by the Council;
- (b) Any details that might damage a person's reputation or which may discriminate against them in any way;
- (c) Offensive or inappropriate language;
- (d) Information protected by a court order or relating to an ongoing court or tribunal or quasi-judicial tribunal process or which would otherwise be considered sub-judice.

Inverclyde Council

STANDING ORDERS RELATING TO CONTRACTS

Approved
February 2013
Under revision 29 July 2016

STANDING ORDERS RELATING TO CONTRACTS

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1.0 DEFINITIONS

1.1 In these Standing Orders relating to Contracts the following definitions and provisions shall apply:

- (i) "Corporate Directors" shall include the Chief Executive and the Chief Officer of the Integration Joint Board;
- (ii) "appropriate committee" shall mean the committee to which the procuring Service reports in terms of the Council's Scheme of Administration;
- (iii) the values specified herein are exclusive of any Value Added Tax that may be levied;
- (iv) "emergency" shall be deemed to mean an actual or potential event involving or likely to involve any of the following:
 - (a) danger to life or health;
 - (b) serious damage or destruction of property;
 - (c) major financial penalties; or
 - (d) significant unforeseen and unplanned financial consequences;
- (v) "the European and National Procurement Rules" mean the various directives, regulations, statutory guidance, formal guidance notes, policy notes, interpretative communications and precedents which together form the legal and procedural framework and any codification or revision thereof relating to public sector procurement for public works, the supply of goods and materials and the supply of services;
- (vi) "health and social care services" means any of the services listed in the Schedule to the Procurement (Scotland) Regulations 2016 relating to social work services, children's services and mental health care and treatment services; and
- (vii) "other Specific Services" means the services listed in Schedule 3 to the Public Contract (Scotland) Regulations 2015 excluding health and social care services.

1.2 The title of every officer referred to in the Standing Orders relating to Contracts shall be read to include any alternative title which the Council may from time to time ascribe to that officer. Further, in the event that functions ascribed at the date hereof to a particular officer are re-ascribed, the relevant provisions herein shall transfer to that other officer(s).

2.0 PRELIMINARY MATTERS

2.1 These Standing Orders relating to Contracts shall apply, unless otherwise stated, to the making by the Council or on its behalf or on behalf of other persons/parties as part of a collaborative purchasing arrangement to all contracts for the supply of goods or materials, the provision of services or for the execution of works. Any power exercisable by Elected Members and officers in terms of these Standing Orders relating to Contracts shall be subject to the provision of the Council's Scheme of Delegation whether or not referred to therein.

2.2 Officers shall have regard to the following:-

- (i) the Council's Financial Regulations;
- (ii) the Corporate Procurement Manual and the guidance on the European and National Procurement Rules and procedural requirements contained therein issued from time to time by the Corporate Procurement Manager; and
- (iii) Rules of Procedure for National Contracts set up by Scotland Excel and Procurement Scotland.

2.3 These Standing Orders relating to Contracts shall also apply to all contracts which are subject to the European and/or National Procurement Rules provided that, where there is any conflict between these Standing Orders relating to Contracts and such legislation or rules, the legislation and rules shall take precedence.

2.4 Where any tender is likely to:-

- (i) equal or exceed the thresholds for the application of the European Procurement Rules from time to time¹; or
- (ii) equal or exceed the thresholds for the application of the National Procurement Rules²,

the Corporate Director and relative Head of Service will remain responsible for complying with the requirements of the European and National Procurement Rules but will consult fully with the Corporate Procurement Manager and the Head of Legal & Property Services to ensure that (a) the various requirements of the European and/or National Procurement Rules are fully complied with and (b) where the European Rules apply, to determine the appropriate procurement route: open; restricted; negotiation; competitive procedure with negotiation; or, competitive dialogue.

3.0 VARIATION AND REVOCATION

3.1 These Standing Orders relating to Contracts may from time to time be varied or revoked by the Council.

3.2 The Corporate Procurement Manual may from time to time be varied or revoked by the Corporate Procurement Manager in consultation with the Head of Legal & Property Services and the Chief Financial Officer.

4:0 SUSPENSION

4.1 The appropriate committee, on receiving a joint recommendation from the relevant Corporate Director, the Head of Legal & Property Services and the Chief Financial Officer that there are special circumstances justifying suspension of one or more provisions of these Standing Orders relating to Contracts and that it is in the interests and within the powers of the Council to do so, may suspend the application of such provision(s) to any contract.

¹ From 1 January 2016, the prescribed EU threshold values are £164,176 for goods and services and £4,104,394 for works contracts.

² The National Procurement Rules apply to any goods or services contract which is equal to or greater than £50,000 (excluding health and social care services contracts) and any works contract equal to or greater than £2million.

4.2 The Chief Executive, in terms of the specific delegation to him by the Council to deal with matters of urgency and following appropriate consultation, may authorise action which otherwise would require suspension of one or more provisions of these Standing Orders relating to Contracts.

5.0 REVIEW

5.1 These Standing Orders relating to Contracts shall be reviewed at least every three years by the Head of Legal & Property Services.

6.0 EXCLUDED CONTRACTS

Below Threshold Contracts

6.1 Contracts for the supply of goods or materials, the provision of services or for the execution of works are excluded from the application of the Standing Orders relating to Contracts where the estimated price of the contract is less than:

Supply of Goods or Materials:	£25,000
Provision of Services	£25,000
Execution of Works	£100,000

6.2 Competitive quotes must still be sought for the excluded contracts referred to at Standing Order 6.1 above.

6.3 Officers must not contrive or deliberately divide any procurement exercise into two or more contracts to avoid the application of the financial thresholds referred to at Standing Order 6.1 or those specified in the European or National Procurement Rules.

Specific Exclusions

6.4 The following specific contracts are excluded from the application of the Standing Orders relating to Contracts:-

- (i) any contract for the supply of goods or materials, the provision of services or for the execution of works which, in the opinion of the Chief Executive, in consultation with the relevant Corporate Director, Head of Legal & Property Services and the Chief Financial Officer, are urgently required for the prevention of damage to life or property or which the Chief Executive believes would avert, alleviate or eradicate the effects or potential of an emergency. Any such contracts, and the relevant circumstances, shall be reported by the relevant Corporate Director to the appropriate committee as soon as possible after the event;
- (ii) a contract which has been extended for a period of up to six months in terms of the Council's Scheme of Delegation (Officers);
- (iii) contracts of employment;
- (iv) the appointment of legal agents or legal counsel except where the appointment exceeds the thresholds for the application of the European or National Procurement Rules in which circumstances the appointment must be made in accordance with the relevant Rules;

- (v) the allocation of direct payments or personal budgets under options 1, 2 or 4 of the Social Care (Self Directed Support) (Scotland) Act 2013;
- (vi) appointed guardians or legal services instructed by a court or tribunal from the panel of persons appointed by the Council under The Curators ad Litem and Reporting Officers (Panels) Scotland Regulations 2001 and the appointment of board members required by statute; and
- (vii) any contract relating to heritable property (which shall be subject to separate procedures contained within the Corporate Procurement Manual).

Contracts for Health and Social Care Services

- 6.5 Contracts for health and social care services are excluded from the application of the Standing Orders Relating to Contracts. The Rules of Procedure for Social Care Contracts contained within the Corporate Procurement Manual shall apply to the procurement of health and social care contracts.

Framework and Exempt Collaborative Agreements

- 6.6 Frameworks and Collaborative Agreements are excluded from the application of the Standing Orders relating to Contracts where the contract is for the supply of goods or materials, the provision of services or for the execution of works made on behalf of the Council by Scotland Excel, Procurement Scotland, the Government Procurement Service, Strathclyde Partnership for Transport or hub West Scotland or any successor body or bodies for whom the Council has approved its membership or participation in furtherance of collaborative purchasing or admission to contractual arrangements providing Best Value to the Council. For the avoidance of doubt, Standing Order 23 shall apply in all other cases.
- 6.7 Any participation contract required to secure the Council's right to participate in a particular collaborative purchasing contract set up by a body listed at Clause 6.6, shall, irrespective of value, be signed on behalf of the Council by the Corporate Procurement Manager.
- 6.8 Where arrangements for participation have been established under Standing Order 6.6, subject to Standing Order 6.9 below, the appropriate Corporate Director or relative Head of Service shall not separately seek tenders for the supply of goods or materials, the provision of services or for the execution of works.
- 6.9 If the appropriate Corporate Director or relative Head of Service believes that such collaborative purchasing is not achieving Best Value the Corporate Director or Head of Service must obtain the prior approval of the Corporate Procurement Manager in consultation with the Head of Legal & Property Services and the Chief Financial Officer for any alternative procurement route.
- 6.10 Any matter relating to the Council's membership of the bodies listed at Standing Order 6.6 shall be referred to the Council's Policy & Resources Committee or its equivalent from time to time.

Other Specific Services

- 6.11 Where the European Procurement Rules apply, other Specific Services shall be procured in accordance with those Rules as explained in the Corporate Procurement Manual.

7.0 ESTIMATES OF COST

- 7.1 No tender shall be invited or offer made or accepted for any contract for the supply of goods or materials, the provision of services or for the execution of works unless there is sufficient financial provision within approved budgets for the net estimated expenditure.
- 7.2 The values stated in these Standing Orders relating to Contracts are the total estimated values of the contract concerned for the duration of the contract and not the estimated annual value of the contract.
- 7.3 Where it is likely that a supply of goods or services or execution of works will be required on a continuing basis for a number of years the anticipated duration of the continuing supply shall be taken into account when estimating the value of the contract for the purposes of these Standing Orders relating to Contracts.
- 7.4 For purposes of any financial checks of tenders, the amount of the annual value shall be a sufficient and appropriate basis of assessment.

8.0 TENDERING PROCEDURES - GENERAL

- 8.1. All contracts over the values specified in Order 6.1 require to be advertised in a sufficiently open manner to ensure that the principles of openness, transparency and equality are fully met.
- 8.2 Public Notice shall be given of all contracts over the values specified in Order 6.1 on the Public Contract Scotland Portal. Where, in particular circumstances, the Head of Service considers it necessary, Public Notice may also be given in appropriate trade journals or newspapers.
- 8.3 Tenders must be invited by advertising the contract opportunity on the Public Contracts Scotland Portal. No tender shall be considered unless it is submitted electronically through the Portal, unless prior to such advertising, the approval of the Corporate Procurement Manager is given to use the procedure set out at Standing Order 8.4 below.
- 8.4 Subject to Standing Order 8.3 above, no tender shall be considered unless it is contained within a plain envelope securely sealed and bearing the word 'Tender.....' followed by the subject matter to which the tender relates. The envelope shall not bear any mark that identifies the tenderer.

9.0 SUSTAINABILITY

- 9.1 The National Procurement Rules require that prior to procuring any contract for the supply of goods or materials or for the provision of services equal to or greater than £50,000 or procuring any contract for the execution of works equal to or greater than £2million, the Council must, in line with the sustainable procurement duty consider:

- (i) how its actions can improve the social, environmental and economic wellbeing of the Inverclyde Council area, focusing particularly on inequality and then procure in a manner which secures those identified improvements; and
- (ii) seek to facilitate the involvement of SMEs, third sector bodies and supported businesses and support innovation in its procurement processes.

9.2 Advice must be sought from the Corporate Procurement Manager on the requirements set out at Standing Order 9.1 prior to issuing a tender.

10.0 AWARDING CONTRACTS IN LOTS

10.1 Where the European Procurement Rules apply, a contract may be awarded in the form of separate lots. Where the decision is taken not to award in the form of separate lots the main reason(s) for this must be explained in the contract documents.

10.2 Where the European or National Procurement laws apply, prior to issuing a tender, advice must be sought from the Corporate Procurement Manager on whether or not it is possible to lot the contract.

11.0 RESTRICTING TENDERS TO SUPPORTED BUSINESSES

11.1 The Council can restrict participation in a tendering procedure to providers operating supported businesses, supported employment programmes or supported factories where more than 30% of the workers are disabled or disadvantaged persons in accordance with the European Procurement Rules.

11.2 The right set out in Standing Order 11.1 must be advertised in the Public Notice specified at Standing Order 8.2 above. Prior to exercising this right, advice must be sought from the Corporate Procurement Manager in consultation with the Head of Legal & Property Services and the Chief Financial Officer.

12.0 FAIR WORK PRACTICES AND COMMUNITY BENEFITS

12.1 All procurement planning and tendering procedures and contractual arrangements entered into shall, in accordance with Council policy and guidance, encourage fair working practices and payment of the Living Wage and, where appropriate, shall include the use of community benefit clauses.

12.2 Advice must be sought from the Corporate Procurement Manager on the requirement set out at Standing Order 12.1 prior to issuing a tender.

13.0 TENDER EVALUATION

13.1 The evaluation methodology of tenders shall be transparent, fair, proportionate, comply with Council guidance on evaluation criteria contained within the Corporate Procurement Manual and shall be fully disclosed to prospective tenderers in the tender documentation.

13.2 Unless otherwise provided for in the Corporate Procurement Manual, each and every contract must be awarded to the 'most economically advantageous tender' and the balance between cost/quality must not fall below 60/40, where 60 represents cost and 40 represents quality.

- 13.3 Where the relevant Corporate Director is of the opinion that the ratio specified at Standing Order 13.2 requires to be varied to the extent that cost represents a smaller percentage of the overall total, then prior to commencing the procurement process, the Corporate Director shall prepare a report for the approval of the appropriate committee. Any such report shall be prepared in consultation with the Corporate Procurement Manger, the Head of Legal & Property Services and the Chief Finance Officer.

14.0 CONTRACT TERMS AND CONDITIONS

- 14.1 Officers shall procure using current standard industry form terms and conditions and/or current framework terms and conditions. Where no such terms are available, officers shall procure using the Council's current Standard Terms and Conditions of Purchase.
- 14.2 Officers shall give specific consideration to the inclusion of an arbitration clause in the terms and conditions of a contract if such a clause is not already included in the applicable terms.

15.0 LATE TENDERS

- 15.1 No tenders received after the closing date and time for submission shall be considered and arrangements shall be made for their rejection and return to the tenderer without further consideration. Tenderers shall be advised of this provision in the invitation to tender.
- 15.2 The Council expressly reserves the right to require any tenderer to provide additional written information supplementing or clarifying any of the information provided by that tenderer in response to requests for information or questions contained in the pre-qualification questionnaire, the European Single Procurement Document or invitation to tender.

16.0 OPENING OF TENDERS

- 16.1 All tenders relating to a specific project shall be opened at the one time.
- 16.2 Tenders shall be opened in the presence of an officer within or acting on behalf of the procuring service and an officer within Legal & Property Services.

17.0 ACCEPTANCE OF TENDERS

- 17.1 Except as hereinafter provided, the most economically advantageous tender shall be accepted.
- 17.2 The lowest price shall only be accepted if lowest price is permitted in terms of the Corporate Procurement Manual.
- 17.3 Tenders may only be accepted on behalf of the Council:-
- (i) in the case of tenders where the total estimated value or the amount does not exceed £500,000 by the Head of Legal & Property Services;
 - (ii) in the case of contracts where the total estimated value or amount exceeds £500,000 by the Head of Legal & Property Services with authority from the appropriate committee; and

- (iii) in any case, regardless of value, where the tender recommended for acceptance is not the most economically advantageous by the Head of Legal & Property Services only with authority from the appropriate committee.

17.4 The Head of Legal & Property Services shall, on a bi-annual basis, submit a report for noting to the appropriate committee detailing all contracts which have been accepted in terms of Standing Order 17.3 (i) and all collaborative purchases made under Standing Order 6.6.

17.5 If the appropriate Corporate Director or Head of Service recommends that none of the tenders submitted should be accepted, the Head of Legal & Property Services or his/her authorised representative shall notify all tenderers accordingly.

17.6 No tender shall be accepted unless the appropriate Corporate Director or Head of Service and the Chief Financial Officer respectively are or have been satisfied as to the technical capability and professional fitness and financial standing of the tenderer.

18.0 PROCUREMENT STRATEGY AND REPORTING

Procurement Strategy

18.1 The Corporate Procurement Manager shall, in consultation with the Head of Legal & Property Services and the Chief Financial Officer, prepare and publish a procurement strategy setting out how the Council intends to carry out procurements regulated by the National Procurement Rules.

Annual Procurement Report

18.2 The Corporate Procurement Manager shall, in consultation with the Head of Legal & Property Services and the Chief Financial Officer, in relation to any financial year, prepare and publish an annual procurement report on procurements regulated by the National Procurement Rules as soon as reasonably practicable after the end of the relevant financial year.

Register of Tenders

18.3 The Head of Legal & Property Services shall keep and maintain a register of all tenders received which register shall be made available for inspection at any time, and in which shall be entered, in respect of each tender:

- (i) the number of tenders received in respect of each contract;
- (ii) the date and time of opening of each tender; and
- (iii) the name and address of each tenderer, the value or amount of each tender and a statement as to the acceptance or otherwise of the tender.

18.4 Standing Order 18.3 shall not apply to health and social care service contracts. The relevant Head of Service shall keep and maintain a register of tenders relating to health and social care services containing the information (where relevant) outlined in (i) – (iii) above.

19.0 DIRECT CONTRACT AWARDS

- 19.1 Where the European or National Procurement Rules apply, a contract can only be awarded directly without competition if the direct award can be justified under the relevant Rules determined in accordance with Standing Order 2.3.
- 19.2 In exceptional cases and provided the proposed spend falls below the thresholds for the application of the European and National Procurement Rules, if the Corporate Director or Head of Service considers on the application of Best Value principles that a contract can be directly awarded without competition, the Corporate Director shall obtain the prior approval of the appropriate committee.
- 19.3 Any report required in terms of Standing Order 19.2 shall confirm the identity of the party to which the contract is to be directly awarded and the proposed contract terms.
- 19.4 Advice must be obtained from the Corporate Procurement Manager in consultation with the Head of Legal & Property Services and the Chief Financial Officer before submitting a report to the appropriate committee as explained at Standing Order 19.2 or making any direct award.

20.0 CONTRACT EXTENSIONS

- 20.1 A contract extension affects the duration of the contract.
- 20.2 A contract can only be extended in certain defined circumstances:
- (i) the right to extend must have been referred to in the initial procurement advert for the contract and the terms and conditions of the contract must authorise such an extension; or
 - (ii) the extension constitutes a permissible and justifiable direct award under Standing Order 19.

In all other cases a contract extension is not permitted.

- 20.3 This Standing Order does not apply to contracts for the execution of works where extensions of time are expressly contained in standard industry form terms and conditions of contract.
- 20.4 The relevant Head of Service must obtain advice from the Corporate Procurement Manager in consultation with the Head of Legal & Property Services and the Chief Financial Officer prior to extending any contract.

21.0 CONTRACT MODIFICATIONS

- 21.1 A contract modification affects the scope of the contract.
- 21.2 Examples of when a contract modification may be required include circumstances where there is a need for additional works, services, goods or materials which were not specified in the initial procurement or where a new contractor replaces the contractor to whom the contract was initially awarded.
- 21.3 The European and National Procurement Rules set out when it is permissible to modify a contract to which the Rules apply. Where it is not possible to modify a contract, the contract must be re-tendered unless the modification constitutes a permissible and justifiable direct award under Standing Order 19.

21.4 The relevant Head of Service must obtain advice from the Corporate Procurement Manager in consultation with the Head of Legal & Property Services and the Chief Financial Officer prior to modifying any contract.

22.0 EARLY TERMINATION OF A CONTRACT

22.1 All tender documents must include an early termination clause to permit effect to be given to Regulation 73 of the European Procurement Rules namely the Council must have the right to terminate the contract or framework early where:

- (i) the contract or framework has been subject to such substantial modification that a new procurement exercise is required;
- (ii) the tenderer has been in a situation which constitutes a ground for exclusion at the time the contract was awarded and should therefore have been excluded from the procurement process; and
- (iii) the European Court of Justice has declared that a contract or framework should not have been awarded due to a serious breach of the European Procurement Rules.

22.2 If the relevant Head of Service decides that an operational contract which has no significant implications for the Council and no significant unplanned budgetary impact, including a contract falling within the scope of Standing Order 22.1, requires to be terminated prior to the expiry date, the Head of Service must explain the circumstances and obtain the prior written approval for the early termination from the Corporate Procurement Manager in consultation with the Head of Legal & Property Services and the Chief Financial Officer.

22.3 In all other cases where the relevant Head of Service decides that a contract requires to be terminated prior to the expiry date, including a contract falling within the scope of Standing Order 22.1, the Head of Service must, in consultation with the Corporate Procurement Manager, Head of Legal & Property Services and the Chief Financial Officer, submit a report explaining the circumstances and implications for the Council and seeking the approval of the appropriate committee.

23.0 FRAMEWORK AND NON-EXEMPT COLLABORATIVE AGREEMENTS

23.1 The Corporate Procurement Manager may seek the approval of the appropriate committee to participate in framework or non-exempt collaborative agreements with a body or organisation which is not listed at Standing Order 6.6 for a maximum period of 3 years provided the Corporate Procurement Manager is satisfied that any such framework or non-exempt collaborative agreement:

- (i) has been established in accordance with the European or National Procurement Rules; and
- (ii) is achieving Best Value.

23.2 No further committee approval will be required to purchase from a framework or non-exempt collaborative agreement approved in terms of Standing Order 23.1 unless the total estimated value or amount of the contract exceeds £500,000 in which circumstances Standing Order 17.3(ii) will apply.

- 23.3 Where a Corporate Director or Head of Service deems it best value, they may enter into or participate in a framework or non-exempt collaborative agreement which has not been approved in terms of Standing Order 23.1 provided the Corporate Director or Head of Service has obtained the prior approval of the appropriate committee for the participation and level of spend. Before doing so, the Corporate Director or Head of Service shall consult fully with the Corporate Procurement Manager, the Head of Legal & Property Services and the Chief Financial Officer.
- 23.4 Any participation, membership or similar agreement required to secure the Council's right to participate in collaborative purchasing contracts duly approved under Standing Orders 23.1 or 23.3 shall be signed by the the Head of Legal & Property Services in consultation with the Chief Financial Officer and the Corporate Procurement Manager.

24.0 POST TENDER CLARIFICATION

Errors in computation

- 24.1 Where examination of tenders received reveals obvious errors in the computation of the offer which would affect the tender figures, these errors will be dealt with in the following manner:-
- (i) any obvious arithmetical errors will be rectified by the appropriate officer checking the tenders and the amount of tender shall be held to be the amount of the documents so rectified and the tenderer informed in writing of the corrected amount; and
 - (ii) where there is an obvious and genuine error in rates occurring, the tenderer will be given the opportunity of either (a) confirming that they agree to their tender being considered with the error remaining, (b) correcting the error, or (c) withdrawing their tender. This procedure must be undertaken in writing. Should the tenderer decide to withdraw their tender, it will not be considered for acceptance. The tenderer must be permitted only to amend the obvious or genuine error and must not be given the opportunity to amend any other part of their tender.

Requests for clarification

- 24.2 A full written record shall be kept by the appropriate Corporate Director of all contracts where post tender clarification has been used and the written record will be retained with the original tender. The written record will include the justification for authorising post tender clarification, the nature of the clarification undertaken, the outcome of such clarification and shall detail any additional terms agreed by the Council.

25.0 CONSULTANTS AND SPECIALIST SERVICE PROVIDERS

- 25.1 Where appropriate, it shall be a condition of engagement of consultants and specialist service providers that:-
- (i) they shall comply with these Standing Orders relating to Contracts as though they were officers of the Council;

- (ii) at any time during the performance of the contract, the consultant/specialist service provider shall, on a request by the relevant Head of Service, produce all records maintained by them in relation to the contract and on completion of the contract, transmit all such records to the Council, if so required; and
- (iii) copyright and intellectual property rights in and to all documentation produced by or on behalf of the consultant/specialist service provider exclusively for the Council in the course of providing the services shall vest and remain vested in the Council.

25.2 In the event that a Head of Service wishes to depart from the requirements of Standing Order 25.1, the Head of Service shall only do so with the prior agreement of the Corporate Procurement Manager in consultation with the Head of Legal & Property Services and the Chief Financial Officer.

26.0 FORM OF CONTRACT

26.1 Except where otherwise agreed between the appropriate Corporate Director and the Head of Legal & Property Services, every contract shall be in writing and in the name of the Council, shall be signed by the Head of Legal & Property Services or other officer(s) designated by him/her and shall be subject to the Laws of Scotland.

27.0 PERFORMANCE BONDS

27.1 A contract guarantee bond must be obtained from a building contractor for capital and infrastructure projects in the following circumstances:

- (i) where the total contract sum for the project exceeds £500,000; or
- (ii) where the Council as funder contributes more than £250,000 to the project.

27.2 The contract guarantee bond must have a minimum value of 10% of the total contract sum and must be based on the standard Association of British Insurers Model Form of Guarantee Bond duly amended to include the insolvency of the building contractor as a default.

28.0 COLLATERAL WARRANTIES

28.1 A collateral warranty may be required where goods or materials, services or works are provided by a party which is not a party to the Council's main contract. A collateral warranty enables the Council to raise a contractual claim directly against the party which is not a party to the main contract.

28.2 Collateral warranties may also require to be provided in associated but separate or phased tender exercises. For example, a building contractor appointed by the Council may require a collateral warranty to be provided by a specialist consultant appointed by the Council to provide a specialist structural report. In such circumstances, the contractual terms of the original specialist consultant appointment must oblige the original specialist consultant to provide collateral warranties where required by other parties to the project.

28.3 Officers shall consider whether it is appropriate to obtain a collateral warranty or warranties including whether a collateral warranty or warranties may require to be provided as part of an associated but separate or phased tender approach.

28.4 Advice must be sought from the Corporate Procurement Manager in consultation with the Head of Legal & Property Services prior to issuing any tender or contract if collateral warranties may be required by the Council or another party.

29.0 FREEDOM OF INFORMATION

29.1 All tender documents shall clearly state that the Council is a body to whom the Freedom of Information (Scotland) Act 2002 applies in accordance with the procedure detailed in the Corporate Procurement Manual.

30.0 TECHNICAL STANDARDS

30.1 All tenders for the supply of goods or materials or for the execution of works shall be based on a defined specification except where the Council otherwise decides.

30.2 Where there is an appropriate European Standard current at the date of tender, every contract shall require, as the case may be, that all goods, materials used or supplied, services provided and all workmanship shall at least meet the requirements of that European Standard.

30.3 Where there is no such European Standard, if there is an equivalent International Standard, that shall be used.

30.4 In the absence of either European or International Standard an appropriate British Standard "or equivalent" shall be used, where available.

31.0 EQUALITIES & PREVENTION OF DISCRIMINATION

31.1 No contract shall be awarded without the relevant Head of Service having obtained from the tenderer confirmation in writing that, to the best of the tenderer's knowledge and belief, the tenderer-

- (i) has complied with all statutory requirements relating to equal opportunities in employment; and
- (ii) is not unlawfully discriminating within the meaning and scope of the Equality Act 2010 (or any statutory modification or re-enactment thereof).

31.2 No contract shall be awarded unless the relevant Head of Service has obtained satisfactory information from the tenderer in relation to their statutory obligations under the said Equality Act 2010.

32.0 ETHICS AND STANDARDS

32.1 Dealings with suppliers and tenderers must at all times be transparent, honest and fair.

32.2 Any conflict of interest which arises in relation to an officer's official duty and their personal interest must be resolved so that any conflicted individual is not in a position to influence decisions made.

32.3 The actions of officers should not be, nor give the impression that they have or may have been, influenced by a gift or consideration to show favour or disfavour to any person or organisation.

32.4 Officers must be aware of their responsibilities when procuring and that there are criminal penalties for offences which are specified in the Bribery Act 2010.

32.5 Officers must keep sufficient records to establish an audit trail to demonstrate that ethical standards have been observed throughout any procurement process.

33.0 ASSIGNATION/NOVATION

33.1 Except where otherwise provided in the contract, a contractor shall not assign, novate or sub-let a contract or any part thereof without the previous written consent of the Council.

Inverclyde Council

SCHEME OF DELEGATION (OFFICERS)

September 2016

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SCHEME OF DELEGATION (OFFICERS)

A. GENERAL PROVISIONS

- 1 There will stand delegated to officers of the Council the matters specified in this Scheme relative to each officer. Such delegations are additional to the powers of a Corporate Director or Head of Service to deal with routine and operational matters within the scope of their respective service responsibilities.
- 2 Officers to whom powers are delegated will ensure that in exercising such powers they :-
 - (a) act in accordance with the Council's Standing Orders and Scheme of Administration, Standing Orders Relating to Contracts, Corporate Procurement Manual, Financial Regulations, all relevant statutory provisions, and relevant Council Policies;
 - (b) have regard to approved budgets;
 - (c) consult the relevant Elected Members where it appears that a proposed decision or action is likely to affect directly and particularly the ward interests of an Elected Member;
 - (d) consult the Chief Executive, Chief Financial Officer and/or Head of Legal & Property Services as appropriate, in respect of all matters where the officer considers that legal or financial guidance is necessary, or otherwise where the officer considers it appropriate to consult; and
 - (e) consult the Convener, or in his/her absence, Vice-Convener, of the appropriate Committee in respect of all matters which the officer considers to be sensitive or complex, or otherwise where consultation appears to the officer to be appropriate;
- 3 Except where prohibited by law or otherwise prohibited by the Council, any officer to whom delegated powers have been granted may make such arrangements within his/her Service for the exercise of the delegated powers as he/she shall deem appropriate. Details of such arrangements shall be recorded in writing.
- 4 The Council agrees to indemnify the respective Chief Officers against any damages and expenses incurred as a result of any action brought against them in the discharge or purported discharge of the functions delegated to them, provided such Chief Officers believe both that the acts complained of were carried out in the reasonable discharge of their functions and that their duty entitled them so to do.
- 5 For the avoidance of doubt, it is declared that:-
 - (a) where a statutory provision reserves the exercise of a function to the Council alone, an officer or Committee is prohibited from exercising any delegated power in that regard;
 - (b) the title of every officer referred to in this Scheme shall be read to include any alternative title which the Council may from time to time ascribe to that officer. Further, in the event that functions ascribed hereby to a particular officer are reallocated to another officer, the relevant powers delegated herein shall stand delegated to that other officer;
- 6 Any reference to an Act of Parliament or other statutory provision shall include any amendment, replacement or re-enactment thereof for the time being in force;

- 7 This Scheme of Delegation will be subject to a formal review every four years but between approval and the following four yearly review, it may be varied or revoked by the Council if requested so to do by the Chief Executive or the Head of Legal & Property Services.

B GENERAL DELEGATION TO CHIEF EXECUTIVE, CORPORATE DIRECTORS AND HEADS OF SERVICE

1 Contracts

- 1.1 Authorised to award contracts to the lowest or most economically advantageous tenderer in accordance with the Council's Standing Orders Relating to Contracts, Financial Regulations and the Corporate Procurement Manual (and any delegation flowing therefrom);
- 1.2 Corporate Directors are authorised, in situations where it is necessary to ensure the continued delivery of essential services and with the explicit agreement of the Head of Legal & Property Services and the Chief Financial Officer, to renew a contract with an existing contractor or to negotiate a contract for a period of up to 6 months, subject to the following provisos:-
- (a) this power may only be exercised in situations where a contract is coming to an end and where, for reasons beyond the control of the Council, an existing contract is due to expire without a replacement contract having been concluded;
 - (b) the prices to be paid represent value for money; and
 - (c) the arrangement does not breach the European Procurement Framework.

2 Human Resources Matters

- 2.1 Authorised to appoint employees within the approved establishment up to, but excluding, Chief Officer level;
- 2.2 Authorised to amend and adjust approved establishment up to and including posts of Managers (Grade M) but excluding Chief Officer level, subject to the approval of the Chief Executive, Chief Financial Officer and Head of Organisational Development, HR and Communications. Salary grades shall be set in accordance with the Council's approved Job Evaluation Scheme and any amendments thereto shall be made by means of an appropriate re-evaluation carried out by the Head of Organisational Development, HR & Communications;
- 2.3 Authorised to conduct disciplinary procedures in respect of employees within the terms of the Council's approved disciplinary procedure;
- 2.4 Authorised to approve attendance at further education subject to the agreement of the Head of Organisational Development, HR and Communications;
- 2.5 Authorised:-
- (a) to pay valid claims for damage to, or loss of, personal property of employees in his or her Service occurring during the course of their employment, up to a limit of £500 per claim in respect of any one incident, and
 - (b) to pay claims in excess of £500 in respect of any of the aforesaid occurrences after consultation with the Head of Organisational Development, HR & Communications.

In all cases, the Council's Insurance Section shall be advised of any payment made in pursuance of this paragraph;

- 2.6 The Chief Executive and Corporate Directors are authorised to sanction the payment of overtime in exceptional circumstances to officers who are paid above Grade J.

3 **Property**

- 3.1 In consultation with the Head of Legal & Property Services, authorised to approve terms and conditions for projects relating to his/her service contained within the approved Capital Programme;
- 3.2 Authorised to grant the use of Council accommodation to outside bodies for the purpose of holding meetings and functions etc., providing same complies with the Council's policies and is within the scope of any relevant approved scheme;

4 **Charging of Fees**

- 4.1 Authorised in appropriate circumstances and where not contrary to law or Council Policy, to charge fees to third parties with respect to services rendered to said third parties.
- 4.2 Authorised to waive fees in appropriate circumstances in accordance with Council policy and/or procedures.

5 **Matters Requiring Urgent Action**

- 5.1 Where, in the opinion of a Head of Service, a matter which would normally require prior approval by a Committee requires to be dealt with as a matter of urgency, that Head of Service shall be entitled to refer the matter for deliberation by the Convener and Vice-Convener of the Committee, a Member not having the same political affiliation as the Convener and Vice-Convener and the Chief Executive. In any instance where the Chief Executive is not available, the person duly authorised on his or her behalf shall be entitled to act in his or her stead and where the Convener or Vice-Convener of the Committee is not available for consultation with the Head of Service, the Convener of the Policy & Resources Committee shall be entitled to act in his or her stead. If the Convener, Vice-Convener, the said Member and the Chief Executive concur on the appropriate course of action to be followed, the Chief Executive shall have the power to authorise the said Head of Service to deal with the matter in such a manner as may have been agreed with the three members. Following the use of any authority provided under this procedure, the said Head of Service shall report on any such action taken and the specific circumstances and reasons which gave rise to the need for the use of this procedure to the next meeting of the Committee. Where the use of emergency powers requires a financial commitment by the Council, the requirements of the Financial Regulations relating to emergency authority must be observed.
- 5.2 Where, in the opinion of the Chief Executive following consultation with the Chief Financial Officer, a matter which would result in a material financial benefit or saving of expenditure for the Council and would normally require the suspension of Standing Orders by the Council to allow it to proceed, requires to be dealt with as a matter of urgency, the Chief Executive shall be entitled to refer the matter for deliberation by the Convener and Vice-Convener of the Policy and Resources Committee and the Leader of the Minority Group(s). Where they concur on the appropriate course of action to be followed, the Chief Executive shall have the power to approve the required suspension of Standing Orders to deal with the matter to allow the decision to be implemented. Following the use of any authority provided under this procedure the Chief Executive shall report on any such action taken and the specific circumstances and reasons which gave rise to the need for the use of this procedure to the next meeting of the Council.

6 **Health & Safety**

- 6.1 Authorised in terms of the Health & Safety at Work Act 1974 to carry out all duties set out in the Statements of the Council's Health & Safety Policies.

7 **Regulation of Investigatory Powers (Scotland) Act 2000**

There stands delegated to the following Officers:-

Chief Executive;
Corporate Director Education, Communities and Organisational Development;
Head of Legal & Property Services and Monitoring Officer; and
Head of Safer & Inclusive Communities

the power to grant authorisations for directed (covert) surveillance permitted under Sections 6 and 7 of the Regulation of Investigatory Powers (Scotland) Act 2000.

8 **Consultation Documents**

Authorised to submit responses to consultation documents which concern operational issues.

C SPECIFIC DELEGATION TO OFFICERS

Officer : Chief Executive

Delegation :

- 1 Authorised in an emergency or in cases of urgency to instruct executive action on a report from the appropriate Officer on any matter delegated or referred to a Committee, after consultation with the Convener or, in his/her absence, Vice-Convener of the appropriate Committee. In the absence of the Chief Executive, the person duly authorised to act on his/her behalf may exercise this power. Where the action has financial implications, the Chief Financial Officer shall be consulted before any action is taken, and where there are legal or governance issues, the Head of Legal & Property Services shall be consulted before any action is taken;
- 2 In cases of civil emergencies, the Chief Executive, or in his/her absence, the person duly authorised to act on his/her stead, is authorised to take any and all actions necessary, within the powers of the Council;
- 3 Authorised to direct, in circumstances he/she deems appropriate, that an Officer shall not exercise a delegated function;
- 4 Authorised, in appropriate circumstances, to approve applications by employees charged in the course of their employment with offences under the Health and Safety at Work Act 1974, the Factories Act 1961, the Offices, Shops and Railway Premises Act 1963, or similar legislation, for assistance with legal expenses in connection with their defence, subject to the right of an employee aggrieved by any decision of the Chief Executive to appeal to the HR Appeals Board;
- 5 Authorised, in appropriate circumstances, to approve applications by employees convicted and fined under the aforesaid legislation, for offences committed whilst acting in the course of their employment, for payment of the fine imposed, subject to the right of an employee aggrieved by a decision of the Chief Executive to appeal to the HR Appeals Board;
- 6 Authorised to act as the Proper Officer in terms of Section 194 (1) of the Local Government (Scotland) Act 1973 and to sign all deeds and other documents which require to be sealed with the Common Seal of the Council other than Stock Certificates, Bonds and Mortgages;
- 7 Authorised to sign contracts, missives and similar documents binding the Council except where otherwise provided for in this Scheme;
- 8 Authorised to issue and/or review licences in respect of all licensing matters not specifically delegated to other Officers or Council Services;
- 9 Authorised to act as the Proper Officer in terms of Section 190 of the Local Government (Scotland) Act 1973, for the receipt of notices of any legal proceedings served on the Council and for the receipt of any notice, order or other document required or authorised by any Act to be sent, delivered or served to or upon the Council and to the Proper Officer thereof;
- 10 Authorised to act as the Proper Officer in terms of the Local Government (Access to Information) Act 1985 for the purpose of determining prior to a meeting whether documents should be made available to the public;
- 11 Authorised to make suitable arrangements for the recruitment and appointment of Chief Officers within the approved establishment;

- 12 Authorised to approve, in appropriate circumstances, applications from employees for reimbursement of reasonable legal expenses incurred in defending Court Actions raised personally against them, providing such Court Actions relate to acts carried out (a) within the course of their employment; (b) in accordance with Service procedures; and, (c) in good faith;
- 13 Authorised in exceptional circumstances where he/she deems it appropriate, and following consultation with the Chief Financial Officer and the Head of Legal & Property Services, to make ex gratia payments up to a limit of £500 to those in receipt of services from the Council and/or who reside in the area;
- 14 Authorised to approve, in consultation with the Chief Financial Officer and the Head of Organisational Development, HR and Communications, the release of employees under the Council's Voluntary Severance Scheme where a value for money test has been satisfied and the release relates to an approved Committee/Council decision;
- 15 In consultation with the Head of Organisational Development, HR and Communications to exercise all discretions available to the Council in terms of The Local Government Pension Scheme (Administration) (Scotland) Regulations 2008, The Local Government Pension Scheme (Benefits, Membership and Contributions) (Scotland) Regulations 2008, The Local Government Pension Scheme (Transitional Provisions) (Scotland) Regulations 2008 and The Local Government (Discretionary Payments and Injury Benefits) (Scotland) Regulations 1998;
- 16 Appointed to act as the Returning Officer for all elections in terms of Sections 25 and 41 of the Representation of the People Act 1983 (as amended);
- 17 Authorised to take all steps necessary in relation to the administration of national and local elections, referendums and all other electoral processes.

Directorate Education, Communities & Organisational Development

Officer: **Head of Education**

Delegation:

- 1 Authorised to amend the levels of tuition fees, examination expenses, dependant's allowances, maintenance allowances and contribution scales;
- 2 Authorised to make grants up to £2000 to pupils to enable them to attend courses and conferences and to undertake educational visits and excursions at home and abroad;
- 3 Authorised to approve or refuse applications received from schools for arrangements to be made for visits during school terms in accordance with approved policy;
- 4 Authorised to provide courses in education training as requested by outside agencies and to negotiate appropriate charges for these services;
- 5 Authorised to ensure that requisite provision is made for any pupil entitled in terms of Section 53 (3) of the Education (Scotland) Act 1980 to receive refreshment in the middle of the day;
- 6 Authorised to consider and determine all placing requests under Section 28 of the Education (Scotland) Act 1980 in accordance with the guidelines formulated by the Council, taking into account the requirement imposed on the Council by Section 2 (2) of the Standards in Schools etc. Act 2000;
- 7 Authorised to accept placing requests in terms of the Education (Scotland) Act 1980 and to make whatever transport arrangements are deemed to be appropriate in individual cases brought to his/her attention, where supporting documentation satisfies him/her that the child concerned has serious emotional or psychological problems;
- 8 Authorised to grant, in consultation with the Head of Organisational Development, HR & Communications, unpaid leave of absence up to a maximum of two years to enable teachers to undertake voluntary service;
- 9 Authorised to determine the dates of local school holidays after appropriate consultation;
- 10 Authorised to accept and administer all existing Trusts and endowments as well as any new Trusts or small endowments which may be offered to the Council for schools or for educational purposes in their area;
- 11 Authorised to exercise the functions of the Council in terms of Section 50 of the Education (Scotland) Act 1980 (provision of travelling facilities and accommodation in exceptional circumstances);
- 12 Authorised to make payment of reasonable daily travel expenses subject to the relevant provisions of the conditions of service for teachers in schools who have been compulsorily transferred;
- 13 Authorised to appoint and supervise staff contracted in accordance with the service conditions set by the Scottish Negotiating Committee for Teachers (SNCT) and in terms of any local agreement entered into with the Council's Local Negotiating Committee (LNCT) within the complements approved by the Council;
- 14 Authorised to transfer teachers within the Council's policy and where appropriate to pay transfer expenses;
- 15 Authorised to review staffing levels to ensure compliance with national and local priorities for education, establish posts for staff employed in terms of the conditions of service for Local Government employees subject to available budgets;

- 16 Authorised to exercise discretionary power available in implementation of conditions of service in relation to teachers in the Council's employment, following consultation with the Head of Organisational Development, HR and Communications;
- 17 Authorised, in consultation with the Head of Organisational Development, HR & Communications, to grant paid leave of absence to enable teachers to undertake part-time or full-time courses approved by him/her, provided such leave of absence does not give rise to or increase the incidence of part-time education in schools;

Directorate **Education, Communities & Organisational Development**

Officer: **Head of Inclusive Education, Culture & Corporate Policy**

Delegation:

- 1 Authorised to determine applications for the provision of footwear and clothing for pupils at public schools, in terms of Section 54 of the Education (Scotland) Act 1980 outwith the guidelines approved by the authority;
- 2 Authorised to carry out the functions of the Council as Education Authority in relation to the provision of education for recorded children in terms of Sections 1 and 60 of the Education (Scotland) Act 1980 including placement in day and residential schools and to make provision for non-recorded pupils with special needs, including placement in day and residential schools and other appropriate establishments;
- 3 Authorised to exercise the power to disregard parental income, in part or in total, where the parents of the students are divorced or living apart;
- 4 Authorised to amend the levels of tuition fees, examination expenses, dependant's allowances, maintenance allowances and contribution scales;
- 5 Authorised to issue licences in terms of the Children (Performances) Regulations 1968;
- 6 Authorised to make grants to pupils from schools within the Council area or who are normally resident within the Council area, who are elected to join worthy musical organisations, in respect of fees for attendance at courses related to their membership of the organisation;
- 7 Authorised to increase, in cases of hardship and at his/her discretion, the amount of grant awarded to school pupils attending any part-time approved arts activities courses, all in accordance with current Council Policy;
- 8 Authorised to satisfy himself/herself that dance and drama courses are at an establishment accredited by the approved material body and that support for them is reasonable. Grants to be awarded to pupils attending such courses shall be in accordance with current Council Policy;
- 9 Authorised to exercise at his/her discretion the powers available to the Council as Education Authority, in terms of Section 23 of the Education (Scotland) Act 1980 and to pay the agreed fees for the placement of pupils normally resident in the area of the Council into schools operated by other education authorities;
- 10 Authorised to incur costs and pay fees for the transport of pupils placed by the Council:-
 - (a) in schools outwith the area;
 - (b) for pupils attending all special schools, units and establishments in the Council's area; and
 - (c) for pupils where there is a medical or special educational need who attend any school operated by the Council.
- 11 Authorised to exercise, at his/her discretion, the powers available to the Council as Education Authority in relation to the exclusion of pupils from schools;
- 12 Authorised to exercise discretionary powers in terms of Section 37 of the Standards in Schools etc. Act 2000 to provide transport for children receiving pre-school education;

- 13 Authorised to exercise the functions of the Council in terms of Section 51 (1) of the Education (Scotland) Act 1980 to make such arrangements as considered necessary to fulfil the statutory obligation for the provision of free school transport;
- 14 Authorised to grant or refuse requests for access to and amendment of records in terms of the School Pupil Records (Scotland) Regulations 1990 and the Further Education Student Records (Scotland) Regulations 1990, subject to the requirement of the Data Protection Act 1998;
- 15 Authorised to exercise the functions of the Education Authority in relation to the irregular attendance of pupils at schools under the Authority's management all in terms of Sections 36 to 41 of the Education (Scotland) Act 1980, after appropriate consultation;
- 16 Authorised to make payments for the education provision of children attending residential establishments who are looked after in terms of the Children (Scotland) Act 1995;
- 17 Authorised to pay appropriate fees for the education provision of children normally resident in the Council's area placed in residential establishments under a supervision order made by a children's hearing.

Directorate Education, Communities & Organisational Development

Officer: Head Teachers

Delegation:

- 1 Authorised to carry out the specific functions and responsibilities delegated to them in terms of the DMR Scheme approved by Inverclyde Council and the Scottish Ministers;
- 2 Authorised to carry out the function delegated to them by the Scottish Ministers in accordance with duties outlined in the document “A Teaching Profession for the 21st Century” and conditions of service;
- 3 Authorised to exclude pupils in terms of the Council’s policy and in accordance with the relevant statutory provisions;

Directorate Education, Communities & Organisational Development

Officer: **Head of Safer and Inclusive Communities**

Delegation:

- 1 Authorised to make grants to Voluntary Organisations, up to a limit of £10,000;
- 2 Authorised to implement, apply and enforce Management Rules relating to Sports Centres, Leisure Complexes, Swimming Pools, Athletic Stadiums, Tennis Courts, Golf Courses, Bowling Greens, Community Centres, Tenants' Halls and all other facilities within the remit of the Corporate Director;
- 3 Authorised to act as Lead Officer for the Council in all aspects of the Joint Management of Clyde Muirshiel Regional Park;
- 4 Authorised under Section 27 of the Food Safety Act 1990, to appoint and authorise a suitably qualified public analyst/s and food examiner/s to act for the Council for the purposes of the said Act;
- 5 Appointed as an authorised officer under Regulations 4 and 5 of the Public Health (Ships) (Scotland) Regulations 1971 (as amended) and authorised to carry out the duties required to ensure enforcement of the said Regulations;
- 6 Authorised to appoint and authorise suitably qualified inspectors for securing the proper exercise of those functions required of the Council in terms of the Public Health (Ships) (Scotland) Regulations 1971 (as amended), including the issue of Ships' Sanitation Certificates;
- 7 Authorised to act and appoint suitably qualified officers as Local Authority Competent Persons under the Public Health etc. (Scotland) Act 2008;
- 8 Authorised to appoint a suitably qualified and experienced Officer to act as Chief Inspector of Weights and Measures for the purposes of the Weights and Measures Act 1985;
- 9 Authorised to issue and/or renew licences under the Petroleum Acts and to issue and/or renew licences and certificates of registration and keep registers in respect of such legislation as may, from time to time, be delegated to him/her by the Council, in accordance with approved codes of practice and the statutory provisions relating thereto;
- 10 Authorised to appoint an Inspector and authorised Officers to exercise the powers and duties (including the powers of entry, inspection, sampling, purchase of goods and services, opening containers, seizure and initiating prosecutions, where appropriate) under such legislation as may from time to time be referred to him/her by the relevant Committee of the Council;
- 11 Authorised to appoint as Inspectors and authorised Officers for the purposes of the administration and enforcement of legislation referred to him/her by the relevant Committee of the Council such as he/she may deem necessary and appropriate;
- 12 Authorised to discharge the Council's functions under Section 19 of the Health & Safety at Work Act 1974 for the purposes of the enforcement of the Explosives Acts 1875 and 1923 (as amended) with respect to the licensing, registration and regulation of stores or registered premises where mixed explosives, including fireworks, are stored for sale;
- 13 Authorised to sign Suspension Notices under Section 14 of the Consumer Protection Act 1987;
- 14 Authorised to sign Notices under Section 94 of the Civic Government (Scotland) Act 1982;

- 15 Authorised to determine applications in respect of fireworks and mixed explosives licences under the Explosives Acts 1875 and 1923, where no objections have been lodged and there are no unusual features about the application;
- 16 Authorised to carry out the Council's powers, duties and obligations in relation to Decriminalised Parking Enforcement;
- 17 Authorised to carry out the Council's powers, duties and obligations, including the powers of entry, inspection, sampling, service of notices, seizure and/or purchase of goods, gathering of information, taking of samples etc. in terms of the following Acts and regulations made thereunder and to appoint and authorise suitably qualified officers and inspectors to carry into effect the relevant statutory provisions contained within the said Acts and Regulations

Agriculture (Miscellaneous Provisions) Act 1968;
 Air Weapons and Licensing (Scotland) Act 2015
 Animal Boarding Establishments Act 1963;
 Animal Health Act 1981;
 Animal Health and Welfare (Scotland) Act 2006;
 Animal Health and Welfare Act 1984;
 Antisocial Behaviour etc. (Scotland) Act 2004;
 Breeding of Dogs Act 1973;
 Breeding of Dogs Act 1991;
 Building (Scotland) Act 2003;
 Business Names Act 1985;
 Cancer Act 1939;
 Caravan Sites and Control of Development Act 1960;
 Children and Young Persons (Protection from Tobacco) Act 1991;
 Chronically Sick and Disabled Persons Act 1970;
 Civic Government (Scotland) Act 1982;
 Clean Air Act 1993;
 Climate Change (Scotland) Act 2009;
 Companies Act 1985;
 Consumer Credit Act 1974 (as amended);
 Consumer Credit Act 2006;
 Consumer Protection Act 1987;
 Consumer Rights Act 2015;
 Consumers, Estate Agents and Redress Act 2007;
 Control of Dogs (Scotland) Act 2010
 Control of Pollution Act 1974;
 Copyright, Designs and Patents Act 1988;
 Customs and Excise Management Act 1979
 Dangerous Dogs Act 1991;
 Dangerous Wild Animals Act 1976;
 Decriminalised Parking Enforcement Regime;
 Development of Tourism Act 1969;
 Dog Fouling (Scotland) Act 2003;

Dogs Act 1871;
Education Reform Act 1988;
Enterprise Act 2002;
Environment Act 1995;
Environmental Protection Act 1990;
Estate Agents Act 1979;
European Communities Act 1972;
Explosives Acts 1875 and 1923;
Factories Act 1961;
Fair Trading Act 1973;
Farm and Garden Chemicals Act 1967;
Fireworks Act 2003;
Food and Environment Protection Act 1985;
Food Safety Act 1990;
Forgery and Counterfeiting Act 1981;
Guard Dogs Act 1975;
Hallmarking Act 1973;
Health and Safety at Work etc. Act 1974;
Housing (Scotland) Act 1987;
Housing (Scotland) Act 2006;
Knives Act 1997;
Licensing (Scotland) Act 2005;
Medicines Act 1968;
Motor Cycle Noise Act 1987;
Motor Vehicles (Safety Equipment for Children) Act 1991;
National Lottery etc. Act 1993;
Nurses (Scotland) Act 1953;
Olympic Symbol etc. (Protection) Act 1995;
Performing Animals (Reg.) Act 1925;
Pet Animals Act 1951;
Petroleum (Consolidation) Act 1928;
Petroleum (Transfer of Licences) Act 1936;
Poisons Act 1972;
Prevention of Damage by Pests Act 1949;
Prices Acts 1974 and 1975;
Property Misdescriptions Act 1991;
Public Health etc. (Scotland) Act 2008;
Refuse Disposal (Amenity) Act 1978;
Registered Designs Act 1949
Sewerage (Scotland) Act 1968;
Smoking, Health & Social Care (Scotland) Act 2005;
Telecommunications Act 1984;
Tobacco Advertising and Promotion Act 2002;
Tobacco and Primary Medical Services (Scotland) Act 2010;
Tobacco Products Duty Act 1979;
Trade Descriptions Act 1968;
Trade Marks Act 1994;
Trading Representations (Disabled Persons) Acts 1958 and 1972;
Unsolicited Goods and Services Acts 1971 and 1975;

Video Recordings Acts 1984 and 1993;
Water (Scotland) Act 1980;
Water Services etc. (Scotland) Act 2005;
Weights and Measures Act 1985;
Weights and Measures Etc. Act 1976;
Zoo Licensing Act 1981.

Directorate Education, Communities & Organisational Development

Officer : **Head of Organisational Development, HR & Communications**

Delegation:

- 1 Authorised to instruct the immediate implementation of any Circular from any officially recognised body which allows no discretion to the Council;
- 2 Authorised, subject to the approval of the Chief Executive, to approve appointments of temporary staff where considered necessary, subject to six monthly review;
- 3 Authorised, subject to the approval of the Chief Executive and after consultation with the Chief Financial Officer, to approve requests by the Chief Executive, Corporate Directors or Heads of Service for the establishment of temporary posts, up to Chief Officer level and to establish Chief Officer posts after consultation with the appropriate convener;
- 4 Authorised, subject to the approval of the Chief Executive, to approve requests by the Chief Executive, Corporate Directors or Heads of Service for the secondment of employees to external agencies where the cost of the secondment is recoverable from the external agency and to approve the appointment where necessary of a temporary replacement for the duration of the secondment;
- 5 Authorised to consider and determine applications for extension of leave for overseas visits from employees who have not completed the necessary period of continuous service in terms of the Council's Conditions of Service;
- 6 Authorised to approve, in conjunction with the appropriate Head of Service, special leave with or without pay where the period of leave is in excess of the provisions of the Council's Conditions of Service;
- 7 Authorised to approve, in conjunction with the appropriate Head of Service, unpaid leave of absence for employees to undertake courses of further education and to approve where necessary, temporary replacements for the duration of the absences;
- 8 Authorised to grant, in accordance with the guidelines approved by the Policy & Resources Committee, unpaid leave of absence, up to a maximum of two years, to enable employees to undertake voluntary service with a voluntary organisation and to approve where necessary, temporary replacements for the duration of the absence;
- 9 Authorised in exceptional cases where the five years' service rule is not met, to approve, at the request of a Corporate Director or Head of Service, an extension to a holiday period but without pay;
- 10 Authorised to approve changes in post designations, with the exception of Chief Officer posts, where there is no change in salary grade, in consultation with the appropriate Head of Service;
- 11 Authorised in consultation with the appropriate Chief Officer :-
 - (a) to approve initial placing within approved salary grades; and
 - (b) to review salary placing in appropriate circumstances, within approved salary grades in conformity with accepted practice;
- 12 Authorised to exercise the discretionary powers available in implementation of the conditions of service in respect of all employees in the employment of the Council;

- 13 Authorised, after consulting with the Chief Financial Officer and the Head of Legal & Property Services, to approve ex gratia payments or advance of salary to employees where the circumstances are not covered by the Council's Scheme of Conditions of Service;
- 14 Authorised, subject to the approval of the Chief Executive and after consultation with the Chief Financial Officer, to establish posts and to set and amend the grades of jobs, up to and including Grade M, that are covered by the single status agreement in terms of the Scottish Joint Council (SJC) National Job Evaluation Scheme and with the procedures agreed by the Council up to but not including Chief Officer level;
- 15 Authorised, subject to the approval of the Chief Executive and after consultation with the Chief Financial Officer and the Head of Legal & Property Services, to compromise Employment Appeal settlements where the interests of the Council and the requirements of best value can be demonstrated;
- 16 Authorised to approve and apply all matters which conform to the national conditions of service and local conditions of service of all categories of employees of the Council;
- 17 Authorised to apply national agreements and legislative requirements and where appropriate the amendment of local conditions of service and contracts of employment of employees unless there exists opposition to such changes from management, employees or trades unions or where such changes involve matters of principle or policy;
- 18 Authorised to pay salary and wages and to make associated arrangements for payment of Council paid employees;
- 19 In consultation with the Chief Executive and the Chief Financial Officer, to determine requests to introduce a Spend to Save scheme to 'buy out' inherited conditions and personal preservations.

Directorate Health & Social Care Partnership

Officer : **Chief Social Work Officer**

Delegation :

- 1 Authorised to act as the proper officer in terms of Section 3 of the Social Work (Scotland) Act 1968;
- 2 Authorised to carry out the functions of the Council under the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 and subsequent legislation;
- 3 Authorised to carry out the functions of the Council in terms of the following sections of the Social Work (Scotland) Act 1968:-
 - (a) Section 12, under which the Council is required to promote social welfare by making available advice, guidance and assistance on such a scale as may be appropriate for its area, including authority to (i) make grants in accordance with the Policy approved by the Council up to a limit of £300 in any one month in respect of any one family, and (ii) give any other appropriate assistance, including provision for the storage of furniture in cases of emergency;

 In calculating the amount given or loaned for the purposes of this provision, account shall be taken of any additional payment made in terms of Section 12, otherwise authorised by the Council. Further, with respect to such grants, the Head of Social Work is empowered to abate or waive loan repayments to avoid hardship according to personal and financial circumstances of the client in accordance with guidelines agreed with the Chief Financial Officer;
 - (b) Section 13, under which the Council may assist in the disposal of the produce of work undertaken by persons in need;
 - (c) Section 14, under which the Council is required to provide home help and laundry facilities for persons in need, etc. Any charge for the provision of such facilities shall be recovered by the Chief Social Work Officer on the appropriate scale as may be determined by the Council;
 - (d) Section 28, which empowers the Council to make arrangements for the burial or cremation of any person who was in the care of or was a child being looked after by, or was receiving assistance from, the Council at their date of death and to recover where appropriate any expenses so incurred which are not recoverable under the National Insurance Act 1965;
 - (e) Section 29, which empowers the Council to pay the expenses incurred by a parent, relative or other person visiting a person in the care of the Council, or incurred in attending the funeral of a person who was in the care of, or was receiving assistance from the Council, if it appears that the parent or relative or other person would otherwise be caused unnecessary hardship in making the visit and that the circumstances warrant the making of the payment;
 - (f) Section 80, with respect to contribution orders relating to any maintainable child looked after by the Council;
- 4 Authorised to arrange or assist in arranging holidays, including holidays abroad or other temporary absences from the area, of any child being looked after by the Council, except in those cases where the cost to the Council is in excess of £1,000;
- 5 Authorised to carry out the functions of the Council under Section 48 of the National Assistance Act 1948 in relation to the temporary storage of furniture in certain circumstances on behalf of certain persons;

6 Authorised (i) to appoint a sufficient number of Mental Health Officers in terms of Section 32 of the Mental Health (Care and Treatment) (Scotland) Act 2003, and (ii) to carry out the functions of the Council under the said Act;

7 Authorised to carry out the functions of the Council in relation to the following sections of the Children (Scotland) Act 1995:-

(a) Section 31, which places a duty on the Council to review the cases of looked after children within the recommended statutory intervals;

(b) Section 38 which empowers the Council to provide refuge for a relevant period in a residential establishment or a designated household for a child or young person who appears to be at risk of harm and who has made such a request;

(c) Section 36 which places a duty on the Council to consider the welfare of children in hospitals and nursing homes where the child has had no parental contact for 3 months or more;

(d) Section 17, which places a duty on the Council, where a child is looked after by the Council:-

(i) to safeguard and promote the child's welfare (which in the exercise of this duty shall be the Council's paramount concern);

(ii) to make such use of services available for children cared for by their own parents as appear to the Council to be reasonable;

(iii) to take steps to promote contact on a regular basis between the child and any person having parental responsibilities for the child;

(iv) to provide advice and assistance to a looked after child to prepare the child for when he/she is no longer looked after by the Council;

(v) in making any decision in relation to a child, to ascertain and have regard to the views of the child, the child's parents, any person having parental responsibilities and any other person whose views the Council considers relevant; and

(vi) to have regard to the child's religious persuasion, racial origin and cultural and linguistic background;

(e) Section 22, which imposes a duty on the Council to safeguard and promote the welfare of children in their area who are in need and so far as is consistent with that duty, to promote the upbringing of such children by their families by providing a range and level of services appropriate to the child's needs, including authority to:-

(i) make grants in accordance with the Policy approved by the Council up to a limit of £300 in any one month in respect of any one family;

(ii) give any other appropriate assistance;

In calculating the amount given for the purposes of this provision, account shall be taken of any additional payment made in terms of Section 22, otherwise authorised by the Council;

(f) Section 23, which places a duty on the Council to ensure that services provided by the Council minimise the effects of disability on any disabled child who is within the Council's area and similarly with any child who is adversely affected by the disability of any other person in his/her family, and also imposes a duty on the Council to carry out an assessment of the child to identify his/her needs;

- (g) Section 24, which places a duty on the Council to carry out an assessment on a carer of a child who has a disability;
 - (h) Section 25, which imposes a duty on the Council to look after and accommodate, in certain circumstances, any child in need within their area;
 - (i) Section 26, which imposes a duty on the Council to provide accommodation and maintenance for a child who is looked after by boarding him/her out or maintaining him/her in a residential establishment, or making such other arrangements which appear to be appropriate;
 - (j) Section 29(1), which imposes a duty of after care in respect of any child over school leaving age but not yet 19 years of age who was in the care or looked after at the time when he/she ceased to be of school age or any subsequent time but is no longer looked after. This function is only exercisable in accordance with Notes of Guidance approved by the Council;
 - (k) Section 30, which empowers the Council to grant financial assistance to persons over school age but under 21 who are now, or at any time since ceasing to be of school age have been, in the care of or looked after by the Council, to enable them to meet expenses in connection with their education or training. This function is exercisable only in accordance with Notes of Guidance approved by the Council;
 - (l) Section 32, which empowers the Council to remove any child from a residential establishment;
 - (m) Section 53 (1), which places a duty on the Council to make enquiries and provide the Principal Reporter with information where he/she believes that compulsory measures of supervision may be necessary;
 - (n) Section 57, which empowers the Council to make application to the Sheriff for orders to protect a child where they have reasonable grounds to believe that a child is suffering or will suffer significant harm;
 - (o) Section 71(1), which requires the Council to give effect to a supervision requirement made by a Children's Hearing for its area;
 - (p) Section 72(1), which outlines the responsibility of the Council to transfer a child subject to a supervision requirement in cases of necessity;
 - (q) Section 73(1), which requires the Council to seek review by a Children's Hearing of a supervision requirement in certain circumstances;
 - (r) Section 73(4), which requires the Council to seek review by a Children's Hearing when the Council so recommends;
 - (s) Section 76(1), which allows the Council to make application to exclude any named person from the child's household where it is believed that the child has suffered or is suffering or is likely to suffer significant harm;
- 8 Authorised to carry out the relevant functions of the Council in relation to the adoption of children in terms of the Adoption and Children (Scotland) Act 2007;
- 9 Authorised to carry out the functions of the Council in relation to the fostering of children in terms of any regulations promoted under Section 5(2) to 5(4) of the Social Work (Scotland) Act 1968, Sections 17(2) and (3), 31 and 103(2) and (3) of the Children (Scotland) Act 1995 and Sections 110 and 117 of the Adoption and Children (Scotland) Act 2007;

- 10 Authorised, following the appointment to the Council of a Foster Panel in terms of Paragraph 17 of the Looked After Children (Scotland) Regulations 2009 to carry out the remaining functions of the Council as the local authority under the Regulations;
- 11 Authorised, following the appointment of an Adoption Panel in terms of Paragraph 3 of the Adoption Agencies (Scotland) Regulations 2009, to carry out the remaining functions of the Council as the local authority under the Regulations;
- 12 Authorised to consider and determine recommendations by the Adoption and Foster Review Panels in reviewing original decisions made in connection with fostering and adoption matters;
- 13 Authorised to consider and determine recommendations by the Adoption Panel for assistance with legal fees (up to an amount considered reasonable by the Head of Legal and Property Services) and medical expenses;
- 14 Authorised, after consultation with the Convener and Vice Convener of the Health & Social Care Committee and a member of the Minority Groups, to make payment to foster carers, in terms of Section 26 of the Children (Scotland) Act 1995, of special fostering allowances up to a maximum of double the ordinary allowance, considered necessary to avoid hardship to a family in financing the construction of additional accommodation required to provide for the foster child/ren concerned;
- 15 Authorised to exercise the powers conferred on the Council by the Curators ad Litem and Reporting Officers (Panels) (Scotland) Regulations 2001 with regard to the appointment of persons to Panels of Curators ad Litem and Reporting Officers in connection with proceedings under the Adoption and Children (Scotland) Act 2007;
- 16 Authorised to carry out the relevant functions of the Council in relation to the Adults with Incapacity (Scotland) Act 2000;
- 17 Authorised to carry out the relevant functions of the Adult Support and Protection (Scotland) Act 2007.

Directorate Environment, Regeneration & Resources

Officer : Chief Financial Officer (Section 95 Officer)

Delegation :

- 1 Authorised to act as the Proper Officer in terms of the Local Government (Scotland) Act 1973, responsible for the administration of the financial affairs of the Council;
- 2 Authorised to act as the Proper Officer in terms of the Local Government (Scotland) Acts 1973 and 1975, the Abolition of Domestic Rates etc. (Scotland) Act 1987, the Local Government Finance Act 1992 and associated delegated legislation for all administrative functions including the preparation and issue of non-domestic rates notices, collection of non-domestic rates, receiving and settling claims for exemption from non-domestic rates, handling objections to non-domestic rates levels and the abatement, remission or repayment of non-domestic rates under the relevant rating provisions;
- 3 Authorised to act as the Proper Officer in terms of the Local Government Finance Act 1992 and associated delegated legislation for all administrative functions including the preparation and issue of Council Tax Notices, the collection of Council Tax, the handling of objections to assessments and the exemption, abatements or remission of charges;
- 4 Authorised to act as the Proper Officer for the completion of certificates in terms of Section 92 of the Local Government (Scotland) Act 1973 (transfer of securities);
- 5 Authorised to make the necessary arrangements for duly authorised borrowing by all means specified in Schedule 3 of the Local Government (Scotland) Act 1975, subject to any and all statutory limitations;
- 6 Authorised to apply for the necessary consents for the issue of Stock and Foreign borrowing in terms of the Local Government (Scotland) Acts 1973 and 1975 and any and all regulations made thereunder;
- 7 Authorised to ensure a placing with the Bank of England relative to Negotiable Bonds;
- 8 Authorised to act as Registrar of Stocks, Bonds and Mortgages, except for Negotiable Bonds and to appoint, if required, any United Kingdom or foreign bank as Registrar of Stocks, Bonds and Mortgages raised either within or without the United Kingdom and whether in sterling or a foreign currency;
- 9 Authorised to authorise the signature of cheques on behalf of the Council;
- 10 Authorised to carry out temporary investment of surplus funds by making deposits with organisations approved by the Council;
- 11 Authorised to enquire into the financial standing of any tenderer, prospective tenderer or provider of services to the Council;
- 12 Authorised to take out and maintain at an appropriate and adequate level any and all insurances necessary to protect the interests of the Council;
- 13 Authorised to make arrangements with insurance companies concerning the settlement of claims;
- 14 Authorised to exercise the Council's option to tax, under and in accordance with the Value Added Tax (VAT) law in relation to supplies of land and property;
- 15 Authorised to lodge objections on behalf of the Council with respect to applications for licences in terms of the Licensing (Scotland) Act 1976 and Civic Government (Scotland) Act 1982;

- 16 Authorised to approve car loans, in line with the Council's approved scheme, up to a maximum limit of £10,000;
- 17 Authorised to make appropriate changes to Treasury Management Practices to reflect changes in organisational structures, bankers, treasury consultants, technology or credit worthiness selection methodology;
- 18 Authorised to execute letters of grant from outside bodies and agencies on behalf of the Council, in consultation, where appropriate, with the Head of Legal & Property Services;
- 19 Authorised to support the Council's Data Protection Officer through ICT provision and review;
- 20 Authorised, subject to the Council's Standing Orders Relating to Contracts and the Council's Financial Regulations, to support the Council's ICT provision and where necessary to enter into agreements with the appropriate bodies for the provision of facilities from external organisations;
- 21 Authorised to carry out the Council's functions in relation to the Marriage (Scotland) Act 2002 with respect to the approval of places in which civil marriages may be solemnised.

Directorate Environment, Regeneration & Resources

Officer: **Head of Legal & Property Services (Monitoring Officer)**

Delegation:

- 1 Authorised to act as the Monitoring Officer in terms of Section 5 of the Local Government and Housing Act 1989;
- 2 Authorised to act as the Council's Data Protection Officer;
- 3 Authorised to act as the Proper Officer in terms of Section 235(3) of the Local Government (Scotland) Act 1973 and to sign all deeds, and other documents which require to be sealed with the Common Seal of the Council in terms of Section 235(3) of the Local Government (Scotland) Act 1973, other than Stock Certificates, Bonds and Mortgages;
- 4 Authorised to sign missives, contracts and similar documents, binding the Council;
- 5 Authorised to engage private legal firms to carry out legal work on behalf of the Council, in appropriate instances;
- 6 Authorised to appoint Counsel to act for the Council in appropriate instances and to seek Counsel's Opinion;
- 7 Authorised to appoint Parliamentary Agents;
- 8 Authorised to discharge the Council's functions in relation to any type of judicial and quasi-judicial proceedings and in that regard, to initiate, enter, defend, settle and withdraw from such proceedings;
- 9 Authorised, after consultation with the Chief Social Work Officer, to seek leave to enter and oppose applications to the Sheriff under Section 11 of the Children (Scotland) Act 1995, seeking Parental Rights and Responsibilities, Residence, Contact and other Orders competent under the said section;
- 10 Authorised to make applications to the Sheriff under Section 55 of the Children (Scotland) Act 1995 seeking Child Assessment Orders;
- 11 Authorised to make applications to the Sheriff under Section 57 of the Children (Scotland) Act 1995 seeking a Child Protection Order;
- 12 Authorised to make applications to the Sheriff under Section 76 of the Children (Scotland) Act 1995 seeking Exclusion Orders;
- 13 Authorised to carry out the Council's functions in terms of Sections 80 & 81 of the Social Work (Scotland) Act 1968, as amended, relating to the raising and enforcing of actions for aliment with respect to any maintainable child looked after by the Council for whom an affiliation order has been made;
- 14 Authorised to carry out the Council's functions in terms of Section 82 of the Social Work (Scotland) Act 1968, as amended, regarding the recovery of arrears of contributions due in terms of Sections 80 and 81 of the said Act;
- 15 Authorised to make applications to the Sheriff under Sections 53, 57 and 60 of the Adults with Incapacity (Scotland) Act 2000 seeking Intervention and Guardianship Orders and orders for renewal of same. Also to make application under Section 20 of the Act where appropriate in relation to Attorneys;

- 16 Authorised to make applications to the Sheriff under Section 80 of the Adoption and Children (Scotland) Act 2007, seeking Permanence Orders and Permanence Orders with Authority to Adopt and applications under Sections 92, 93, 98 and 99 seeking to vary, amend and revoke the said orders;
- 17 Authorised to make applications to the Sheriff under Sections 11, 14 and 19 of the Adult Support and Protection (Scotland) Act 2007 for Assessment, Removal and Banning Orders respectively. Also the right to vary or recall said Removal and Banning Orders in terms of Sections 17 and 24 of the said Act;
- 18 Authorised to represent the Council at any Judicial or Quasi-Judicial Hearing under the Mental Health (Care and Treatment) (Scotland) Act 2003;
- 19 Authorised, after consultation with the Head of Regeneration & Planning and the Chief Constable, to make and execute on behalf of the Council, orders under Section 63 of the Civic Government (Scotland) Act 1982, together with the relevant provisions adopted under the Public Order Act 1986 and the Police, Public Order and Criminal Justice (Scotland) Act 2006;
- 20 Authorised to settle claims arising in terms of the Land Compensation (Scotland) Act 1973, in respect of Home Loss and Disturbance Payments following compulsory acquisitions and also to settle any discretionary payments arising from acquisitions by voluntary agreement, providing that the statutory requirements have been met;
- 21 Authorised to act as the Proper Officer in terms of Section 190 of the Local Government (Scotland) Act 1973, for the receipt of notices of any legal proceedings served on the Council and for the receipt of any notice, order or other document required or authorised by any Act to be sent, delivered or served to or upon the Council or to the Proper Officer thereof;
- 22 Authorised to act as the Proper Officer in terms of the Local Government (Access to Information) Act 1985 for the purpose of determining, prior to a meeting, whether documents should be made available to the public;
- 23 Authorised to exercise the following powers relative to the Civic Government (Scotland) Act 1982 :-
 - (a) To determine all applications (except Temporary Public Entertainment Licences) for licences where no objections have been lodged, there are no unusual features about the application and, in the case of applications for Taxi/Private Hire Car Drivers' Licences, no adverse medical report has been received;
 - (b) With the exception of Taxi Operators' Licences, to accept and deal with all applications for renewal which are lodged late, providing he/she is satisfied that such failure is the result of inadvertence on the part of the applicant;
 - (c) To determine applications for surrender of a Taxi Licence and grant of a new licence to a named third party where (i) no objections have been lodged, (ii) the present licence-holder has consented and (iii) there are no unusual features about the application;
 - (d) To exercise the following discretions:
 - (i) discretion in terms of Paragraph 3(2) of Schedule 1 to the Act;
 - (ii) discretion in terms of Paragraph 8(3) of Schedule 1 to the Act (with respect only to Taxi/Private Hire Car Operators' Licences and licences involving premises);
 - (iii) admission of spent convictions as matters to be considered by the Council in determining applications;

- (e) To determine applications for Temporary Public Entertainment Licences for customary sites (including those to which objections have been lodged) and to impose such conditions as he/she deems appropriate;
 - (f) To appoint authorised officers to inspect and test vehicles intended to be operated or being operated as taxis or private hire cars;
 - (g) To carry out preliminary consultations as necessary with respect to reviewing taxi fare scales and other charges;
 - (h) With respect to licences involving premises, to process requests to vary the identity of the licence-holder of the premises;
 - (i) With respect to Street Traders' Licences, to determine applications for variations relating to the vehicle or range of goods pertaining to the licence;
 - (j) With respect to Boat Hirers' Licences, to determine, in consultation with the Chief Financial Officer, the level of fees for inspection of the vessel or vessels to which the licence pertains;
 - (k) To suspend a licence on a temporary basis following consultation with the Convener and the Vice-Convener of the General Purposes Board and a Member of the Minority Group or the largest Minority Group should there be more than one;
 - (l) To decide, whether on the basis of a formal complaint or not, that a licence-holder be called before the General Purposes Board for consideration, as to whether a licence should be suspended in terms of Paragraph 11 of Schedule 1 to the Act.
- 24 Authorised, with respect to Public Charitable Collections:-
- (a) To grant applications where (i) the Chief Constable has no objection; (ii) the applicant has no convictions; (iii) the dates do not clash with dates already allocated to other organisations; and (iv) there are no unusual features about the application;
 - (b) Where the Chief Constable has lodged an objection or there is some other unusual feature about the application, authorised to determine the application in consultation with the Convener and Vice-Convener of the appropriate Committee and a Member of the Minority Group or the largest Minority Group should there be more than one;
 - (c) Where the date requested by an applicant clashes with dates already allocated, authorised to determine the application;
- 25 Authorised to determine applications for Registration of a Society in terms of the Lotteries and Amusements Act 1976, where no objections have been lodged and there are no unusual features about the application;
- 26 Authorised, except where power is delegated hereunder to another Officer, to execute on behalf of the Council all orders made under the Civic Government (Scotland) Act 1982;
- 27 Authorised to make temporary loans of archival material for submission and research and to accept private archives which may be offered to the Council;
- 28 Authorised, following consultation with the Chief Constable, to determine applications for Public Processions made under the Civic Government (Scotland) Act 1982, and subsequent legislation adopted thereby;

- 29 Authorised to determine applications in respect of minibus permits under the Transport Act 1985;
- 30 In terms of the Safety of Sports Grounds Act 1975, in consultation with the Chief Constable, the Chief Officer, Strathclyde Fire & Rescue, the Head of Regeneration & Planning and the Head of Safer & Inclusive Communities:-
- (a) Authorised, after appropriate consultation, to issue prohibition orders under Section 10(1); and
 - (b) Authorised to exercise the powers of an authorised person under Section 11.
- 31 Authorised to determine applications in respect of Cinema Licences in terms of the Cinemas Act 1985, where no objections have been lodged and there are no unusual features about the application;
- 32 Authorised, after appropriate consultation, to determine applications for consent for the use of Clyde Square, Greenock and other civic spaces;
- 33 Authorised to determine applications for registration in terms of the Performing Animals (Regulation) Act 1925, where no objections have been lodged and there are no unusual features about the application;
- 34 Authorised to conduct reviews in respect of decisions on requests in terms of the Freedom of Information (Scotland) Act 2002;
- 35 Authorised, with respect to houses previously in the ownership of the Council through the former Housing Revenue Account to complete any necessary corrective or remedial conveyancing and, in connection with neighbouring landholdings, to conclude missives in respect of sales of small areas of ground for extensions to gardens or for the construction of garages or similar miscellaneous estates for environmental purposes;
- 36 Authorised to conclude missives in respect of the acquisition of land and/or buildings required for any project in terms approved by the Council, in consultation with the Chief Financial Officer;
- 37 Authorised to make appointments to the Social Work Complaints Review Committee as and when required, from suitably qualified applicants subject to references and satisfactory disclosure checks;
- 38 Authorised to make payment of Home Loss and Disturbance Payments in terms of the Land Compensation (Scotland) Act 1973 (as amended);
- 39 Authorised, in conjunction (where appropriate) with the Head of Environmental & Commercial Services, to carry out the following functions of the Council in terms of the Coast Protection Act 1949:
- (a) Under Section 4, to enter into an agreement with any other person for the carrying out by that person or the Council of any coast protection work which the Council has the power to carry out;
 - (b) Under Section 5, to arrange for the publication of notices relating to proposed works in local newspapers and the serving of like notices on affected harbour and other relevant authorities;
 - (c) Under Section 8, to arrange for the publishing of notices relating to works schemes and the serving of like notices on affected harbour authorities;
 - (d) Under Section 12, to serve notice on owners of land where protection works are required;

- (e) Under Section 25, in relation to the authorisation of persons taking entry to land for the purposes specified therein;
- 40 Authorised to carry out the functions of the Council under the Reservoirs Act 1975;
- 41 Authorised in terms of the Construction (Design & Management) Regulations 2007, in cases where the Council is appointed as client's Agent, Designer, CDM Co-ordinator, Principal Contractor and/or Contractor, to carry out the duties appropriate to each such appointment;
- 42 Authorised, in consultation with the Corporate Director, to allocate and apportion office accommodation between the Council's Services and to arrange for any required alterations or adaptations;
- 43 Authorised (except in the case of office accommodation being, or to be, used for Council purposes) in consultation with the Chief Financial Officer to arrange for any required alterations or adaptations (or scheduled maintenance) for the purpose of realising the service or commercial potential of property owned or leased by the Council;
- 44 Authorised to enter into wayleaves, servitudes and leases to statutory bodies and other providers of utility services who require rights over land for particular purposes;
- 45 Authorised to settle all claims arising from the exercise of the Council's power to enter upon and take land in the discharge of its statutory powers including power to negotiate and settle claims arising in terms of the Land Compensation (Scotland) Acts 1963 and 1973 and to settle any discretionary payments arising;
- 46 Authorised, where land and/or property have been or are declared surplus to the Council's requirements, to agree terms for the disposal of such land and property up to the value of £50,000, subject to the condition that he/she maintains a Register of all transactions so dealt with, which Register shall be available for inspection by Members;
- 47 Authorised to proceed with repairs to commercial and industrial premises;
- 48 Authorised to make arrangements for the implementation and monitoring and review of the Council's Corporate Asset Management Plan in accordance with Council policy;
- 49 Authorised to approve the terms and conditions of and to sign missives of lease in respect of commercial and industrial properties in the ownership of the Council for not exceeding one year, subject to all such transactions being recorded in a Register kept for that purpose by him/her which shall be available for inspection by Members;
- 50 Authorised to grant leases in respect of commercial and industrial properties in the ownership of the Council at market value for periods up to 5 years in respect of property with rentals of up to £25,000 per annum, subject to the condition that he/she maintains a Register of transactions so dealt with, which Register shall be available for inspection by Members;
- 51 Authorised, where arrears of rent have arisen or any other term of the lease has been breached, to enter into and terminate the leases and to take any action necessary to secure possession of property and to recover rent arrears, subject to maintaining a Register of transactions so dealt with, which Register shall be available for inspection;
- 52 Authorised to terminate leases at risk in respect of all commercial and industrial properties and to agree commercial and industrial rental levels at review periods;
- 53 Authorised to conclude missives in respect of assignments of leases for commercial and industrial premises;
- 54 Authorised to proceed with repairs to commercial and industrial premises;

55 Authorised under Section 19 (5), of the Civic Government (Scotland) Act 1982, after consultation with the local Members/s, to approve proposals for taxi stances;

Directorate Environment, Regeneration & Resources

Officer: **Head of Environmental & Commercial Services**

Delegation :

- 1 Authorised to carry out the functions of the Council in terms of the following sections of the Environmental Protection Act 1990:
 - (a) Section 45 – under which (i) the Council is required to collect “controlled waste” and (ii) set reasonable charges for the collection of certain categories of waste;
 - (b) Section 46 – under which the Council has the power to specify the kind, number, size, construction, maintenance and placing of receptacles for the storage of household waste and the charging therefor;
 - (c) Section 47 – under which the Council has the power to specify the kind, number and construction and placing of receptacles for the storage of commercial waste and the charging therefor;
 - (d) Section 48 – relating to the deposit of controlled waste collected by the Council;
 - (e) Section 52 – under which the Council is required to pay recycling credits and/or waste disposal charges;
 - (f) Section 53 – relating to the functions of the Council in respect of (i) the disposal of waste collected by it, and (ii) the provision of civic amenity sites for the disposal of waste;
 - (g) Section 56 – under which the Council can (i) enable waste belonging to the Council to be recycled, or (ii) enable waste belonging to the Council to be used for the production of heat or electricity or both, or (iii) acquire waste for the purpose of its being recycled, or (iv) reuse, sell or dispose of waste belonging to the Council;
 - (h) Section 87 – under which a local authority, with a view to promoting litter abatement, may publicise the offence of littering and the associated level of fine liable on conviction;
 - (i) Section 88 – under which the litter authority may appoint authorised officers to issue fixed penalty notices for littering;
 - (j) Section 90 – under which a litter authority can designate land as a litter control area;
 - (k) Section 92 – under which a litter authority can serve a litter abatement notice; and
 - (l) Section 99 – relating to abandoned trolleys and the exercise of powers to seize, remove, retain and dispose of, or set charges for the return of trolleys in terms of Schedule 4.

- 2 Authorised to carry out the functions of the Council in terms of the Waste Minimisation Act 1998;

- 3 Authorised to carry out the functions of the Council in terms of the following sections of the Refuse Disposal (Amenity) Act 1978:
 - (a) Section 3 – under which the Council has powers to remove abandoned vehicles;

- (b) Section 4 – under which the Council has powers to dispose of any abandoned vehicles;
 - (c) Section 5 – under which the Council can recover reasonable charges in respect of the collection, storage and disposal of abandoned vehicles;
 - (d) Section 6 – under which the Council has powers to remove and dispose of “other refuse”;
 - (e) Section 8 – under which a duly authorised Officer of the Council has powers to enter land in relation to Sections 3 and 6 of the Act.
- 4 Authorised to carry out the following functions of the Council in terms of the Roads (Scotland) Act 1984 :
- (a) Under Section 1(4), in relation to Notices of Intention to add a private road to the List of Public Roads or delete a public road from the List of Public Roads;
 - (b) Under Section 12, in relation to the stopping up or diversion of roads crossing or entering public roads or proposed roads;
 - (c) Under Section 13, in relation to the imposition on frontagers of the requirements to make up and maintain private roads including the service of appropriate notices;
 - (d) Under Section 15, in relation to the completion of necessary work on private roads occasioned by an emergency (other than an emergency constituted by a danger as defined in Section 91);
 - (e) Under Section 16 (1) (b), in relation to the consideration and determination of applications for the adoption of private roads as public;
 - (f) Under Section 18, in relation to the adoption of footpaths associated with development;
 - (g) Under Section 21, in relation to applications for construction consent for new roads built by a person other than the roads authority;
 - (h) Under Section 23, in relation to stopping up or temporarily closing any new road constructed by a person other than the roads authority, without consent or in contravention of or in non-compliance with, a condition imposed by a construction consent;
 - (i) Under Section 30, in relation to the serving of notices subject to Section 31(3) in connection with carrying out works for protecting roads against hazards of nature;
 - (j) Under Section 31 (3), in relation to the service of notices in connection with the drainage of public roads or proposed public roads, on the owner and occupier of the land affected;
 - (k) Under Section 35 (1) and (4), and after giving notice in terms of Section 35 (5) in relation to the provision of road lighting and related structures;
 - (l) Under Section 51, in relation to the authorisation and withdrawal of authorisation for the planting and maintenance of trees, shrubs, grass or other plants by a person other than the roads authority within the boundaries of a public road;
 - (m) Under Section 56, in relation to the authorisation of works and excavation in or under a public road;

- (n) Under Section 57, in relation to the prevention or termination of dangerous works or excavations in or under a public road;
- (o) Under Section 58, in relation to the granting of permission for the deposit of building materials on roads;
- (p) Under Section 59, in relation to the control of obstructions in roads;
- (q) Under Section 60, in relation to the issuing of consent for marking, lighting and fencing of obstructions or roadworks and for shoring buildings requiring protection in similar circumstances;
- (r) Under Section 61, in relation to granting permission to place and thereafter maintain apparatus in or under a public road;
- (s) Under Section 62, after consultation with the Chief Constable and the Chief Executive and after informing the Convener and Vice-Convener of the Environment & Regeneration Committee and the local Members, in relation to the temporary prohibition or restriction of traffic on roads for reasons of public safety or convenience;
- (t) Under Section 63, in relation to the imposition of the requirement to construct new accesses across road verges or footways where appropriate;
- (u) Under Section 64 (2), in relation to the issue of consent to statutory undertakers for work on footways, footpaths or cycle tracks maintainable by the roads authority in connection with their apparatus in terms of Section 64 (1) (b);
- (v) Under Section 66, in relation to enforcing maintenance of vaults, arches, cellars, tunnels and related structures within the vicinity of a road;
- (w) Under Section 67, in relation to enforcing safety provisions countering outward opening doors, gates, windows, window shutters or bars interfering with the safety or convenience of road users;
- (x) Under Section 78 (2), in relation to the service of notices prior to the diversion of waters where necessary in connection with the construction, improvement or protection of a public road;
- (y) Under Section 79, and after consultation with the Chief Financial Officer, to negotiate terms and enter into agreements with bridge owners in relation to future maintenance obligations;
- (z) Under Section 83, in relation to the prevention of obstruction of the view of road users at or near corners, bends and junctions;
- (aa) Under Section 85, in relation to granting permission for the location of builders' skips on roads;
- (bb) Under Section 86, in relation to the removal or repositioning of any builders' skip which is causing or is likely to cause a danger or obstruction;
- (cc) Under Section 87, in relation to the removal from roads of unauthorised structures and the consequent reinstatement of the site;
- (dd) Under Section 88, in relation to the removal of projections interfering with safe or convenient passage along a road;
- (ee) Under Section 89, in relation to the removal of accidental obstructions from roads;

- (ff) Under Section 90, in relation to the granting of consent for fixing or placing over, along or across a road any overhead bridge, beam, rail, pipe, cable, wire or other similar apparatus;
 - (gg) Under Section 91, in relation to the prevention of danger to road users and the prevention of obstructions caused by roadside vegetation, fences or walls;
 - (hh) Under Section 92, in relation to granting consent for planting trees or shrubs within five metres of the edge of the made up carriageway;
 - (ii) Under Section 93, in relation to the protection of road users from dangers near a road;
 - (jj) Under Section 94, in relation to the infill of dangerous ditches adjacent to or lying near a public road;
 - (kk) Under Section 96(1), in relation to the issue of a certificate in respect of extraordinary expenses in repairing roads damaged by heavy vehicles etc.;
 - (ll) Under Section 96 (1), to act as the Proper Officer to issue a certificate as provided in the said Section;
 - (mm) Under Section 97, in relation to the issue of consent for trading;
 - (nn) Under Section 99 (2), in relation to the issue of consent to persons undertaking works or excavations necessary to ensure compliance with Section 99 (1) (prevention of the flow of water, filth, dirt or other offensive matter onto the road);
 - (oo) Under Section 99 (3), in relation to the service of notices on owners or occupiers requiring works or excavations to be undertaken to ensure compliance with Section 99 (1);
 - (pp) Under Section 140, in relation to authorising persons to enter land to take any action or execute any work authorised or required to be taken or executed by the roads authority under the Act;
 - (qq) To exercise the functions of the Council under Section 152 (2) to redetermine the means of exercise of a public right of passage over a road;
- 5 Authorised to carry out the following functions of the Council in terms of the Road Traffic Regulation Act 1984:-
- (a) Under Section 14, in relation to the temporary prohibition or restriction of traffic on roads;
 - (b) Under Section 71 (1), in relation to the power to enter land in connection with the placing, replacing, converting and removing of traffic signs;
- 6 Authorised after consultation with the Chief Constable and the Chief Executive and after informing the Convener and Vice-Convener of the Planning Board, and the local Members to arrange for the advertisement of any proposal for the making, revocation, or variation of Orders and Schemes under Sections 68, 69, 70 and 71 of the Roads (Scotland) Act 1984;
- 7 Authorised to carry out the functions of the Council under the New Roads and Street Works Act 1991 in relation to roads for which the Council is responsible, including but not limited to the issuing of fixed penalty notices in relation to Part IV of the Act;

- 8 Authorised after consultation with the Chief Financial Officer to agree terms for Bridge Agreements with the relevant Railway Body and terms of discharge of the Council's liability for annual maintenance and renewal charges in that connection;
- 9 Authorised, after consultation with the Chief Constable, to consider and, where acceptable in road safety terms, approve locations for advertisements on road safety barriers and similar structures;
- 10 Authorised to make arrangements for the management of piers, harbours, car parks, etc., including, subject to consultation with the Head of Legal and Property Services, granting use of part thereof to other persons or bodies, and following consultation with the Chief Financial Officer, the imposition or waiving of charges for such use;
- 11 Authorised, in conjunction (where appropriate) with the Head of Legal & Property Services, to carry out the following functions of the Council in terms of the Coast Protection Act 1949:
- (a) Under Section 4, to enter into an agreement with any other person for the carrying out by that person or the Council of any coast protection work which the Council has the power to carry out;
 - (b) Under Section 5, to arrange for the publication of notices relating to proposed works in local newspapers and the serving of like notices on affected harbour and other relevant authorities;
 - (c) Under Section 8, to arrange for the publishing of notices relating to a works scheme and the serving of like notices on affected harbour and other relevant authorities;
 - (d) Under Section 12, to serve notice on owners of land where protection works are necessary;
 - (e) Under Section 25, in relation to the authorisation of persons taking entry to land for the purposes specified therein;
- 12 Authorised to carry out the functions of the Council under the following Acts:-
- (a) Reservoirs (Scotland) Act 2011;
 - (b) Flood Prevention & Land Drainage (Scotland) Act 1997;
 - (c) Flood Risk Management (Scotland) Act 2009;
 - (d) The Road Humps and Traffic Calming (Scotland) Amendment Regulations 2002;
 - (e) Transport (Scotland) Act 2005.
- 13 Authorised, in terms of existing contracts and subject to consultation with the Head of Legal & Property Services, to negotiate Service Level Agreements with Scottish Power;
- 14 In terms of the Construction (Design & Management) Regulations 2015 (CDM 2015):
- (a) To act as Client's Agent and appoint Designer, Planning Supervisor, Principal Contractor and/or Contractor;
 - (b) In the case of contracts in which the Council acts as agent of the Scottish Ministers in terms of Section 4 of the Roads (Scotland) Act 1984, to consent to the Council being appointed as Client's Agent;
 - (c) In the case of contracts where the Council is appointed as Client's Agent, Designer, Planning Supervisor, Principal Contractor and/or Contractor to carry out the duties appropriate to each such appointment;
- 15 Authorised to carry out the following functions of the Council in terms of the Roads (Scotland) Act 1984 :-

- (a) Under Sections 36 and 37, after consultation with the Chief Constable and the Chief Executive and after informing the Convener and Vice-Convener of the Planning Board and the local Members in relation to the construction of road humps;
 - (b) Under Section 51, in relation to the authorisation and withdrawal of authorisation for the planting and maintenance of trees, shrubs, grass or other plants by a person other than the roads authority within the boundaries of a public road;
- 16 Authorised to carry out the following functions of the Council in terms of the Road Traffic Regulation Act 1984:-
- (a) Under Section 23, in relation to pedestrian crossings on roads other than trunk roads;
 - (b) Under Section 65, in relation to the placing of traffic signs;
 - (c) Under Section 68, in relation to the placing of traffic signs in connection with the exercise of other powers of the Authority as defined in sub-section (1) thereof;
 - (d) Under Section 69, in relation to the removal of signs;
 - (e) Under Section 71 (1), in relation to the power to enter land in connection with the placing, replacing, converting and removing of traffic signs;
- 17 Authorised to carry out the Council's powers, duties and obligations in relation to the provision and support of the Council's policies for Decriminalised Parking Enforcement through the promotion, review and variation of Traffic Regulation Orders, signage, statutory and other consultation and overall parking policy review;
- 18 Authorised after consultation with the Chief Constable and the Chief Executive and after informing the Convener and Vice-Convener of the Planning Board, and the local Members to arrange for the advertisement of any proposal for the making, revocation, or variation of Orders and Schemes under :-
- (a) The Road Traffic Regulation Act 1984; and
 - (b) Sections 68, 69, 70 and 71 of the Roads (Scotland) Act 1984;
- 19 Authorised to carry out the functions of the Joint Road Safety Officer in conjunction with the Chief Constable;
- 20 Authorised, subject to consultation with the Chief Constable and the authorised representative of Strathclyde Partnership for Transport, to make requests to the Traffic Commissioner to determine and attach to operators' licences, traffic regulation conditions restricting the operations of local services, all in terms of Section 7 of the Transport Act 1985;
- 21 Authorised, after consultation with the Chief Constable, to consider and, where acceptable in road safety terms, approve locations for advertisements on road safety barriers and similar structures;
- 22 Authorised where appropriate, to enter objections on behalf of the Council to applications for Goods Vehicles Operators' Licences, under Section 12 of the Goods, Vehicles (Licensing of Operators) Act 1995;
- 23 Authorised to implement, apply and enforce Management Rules relating to Parks and Open Spaces, in accordance with the Civic Government (Scotland) Act 1982 (as amended).

Directorate Environment, Regeneration & Resources

Officer: **Head of Regeneration & Planning**

Delegation:

- 1 Authorised to award business development grants, within the Council's Policies, up to a limit of £10,000;
- 2 Authorised to award training grants to appropriate organisations and agencies within the Council's Policies, up to a limit of £10,000;
- 3 Authorised to award rent abatement assistance to local companies, within the Council's Policies and following consultation with the Chief Financial Officer;
- 4 Authorised to determine all planning and related decisions within the scope of the Town and Country Planning (Scotland) Act 1997 as amended in relation to:-
 - (a) Part III Control over Development, in particular, but not restricted to, the determination of applications for planning permission and applications for consent, agreement or approval required by a condition imposed on a grant of planning permission;
 - (b) Part VI Enforcement;
 - (c) Part VII Special Controls – Trees, Amenity Notices, Advertisements;
 - (d) Part IX Roads, Footpaths & Rights of Way;
 - (e) Part X Statutory Undertakers;
 - (f) Part XIV Miscellaneous & General Provisions;
- 5 Authorised to determine all planning and related decisions within the scope of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in relation to:-
 - (a) Part I Listed Buildings
 Chapter 1 Sections 3 & 4 Building Preservation Notices;
 Chapter II Authorisation of Works affecting Listed Buildings;
 Chapter IV Enforcement;
 Chapter V Prevention of Deterioration and Damage;
 Sections 49 and 50 – Urgent Preservation;
 Sections 51 and 52 – Grants for Repair and Maintenance;
 Chapter VI - Sections 59 and 60 – Special considerations affecting
 Planning Functions;
 - (b) Part II Conservation Areas
 Section 66 Conservation Area Consent;
 Section 72 Grants for Repairing of Buildings in Town Schemes;
 - (c) Part III General
 Sections 76 – 78 Miscellaneous Provisions;
- 6 Authorised to determine all planning and related decisions within the scope of the Planning (Hazardous Substances) (Scotland) Act 1997;
- 7 To determine applications for heritage fund and town scheme grants within the terms of the relevant Council policies;
- 8 Authorised to determine the street numbering of new properties;

- 9 Authorised to determine applications for a planning certificate in terms of Section 50 of the Licensing (Scotland) Act 2005;
- 10 Authorised to determine all Building Standards matters and related decisions within the scope of the Building (Scotland) Acts 1959 and 2003 in relation to:
- (a) Part 2 - all matters necessary in the assessment and approval of applications for Building Warrant Approval to secure the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings; further the conservation of fuel and power; and further the achievement of sustainable development;
 - (b) Part 2 - all matters necessary in the acceptance and rejection of completion certificate submissions including the requirement for statutory inspections in relation to reasonable enquiry for the above purpose;
 - (c) Part 3 - Compliance and Enforcement;
 - (d) Part 4 - Defective and Dangerous Buildings;
 - (e) Part 5 - General in respect of procedural regulations, reports and information under Section 34 to the Building Standards Division of the Directorate of the Built Environment of the Scottish Government;
 - (f) Part 6 - Supplementary and Miscellaneous Provisions;
- 11 Authorised to issue consents for and carry out inspections on the erection of raised structures in terms of Section 89 of the Civic Government (Scotland) Act 1982;
- 12 Authorised to act as an authorised person under Section 11 of the Safety of Sports Grounds Act 1975 (power to enter and inspect a sports ground);
- 13 Authorised to enter and inspect certified sports grounds for the purposes of the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987 and all related and subordinate legislation;
- 14 Authorised to approve, in consultation with the Head of Legal & Property Services, the amendment of any certificate granted in terms of the safety at sports grounds legislation;
- 15 Authorised to issue prohibition notices in terms of Section 10 of the Safety of Sports Grounds Act 1975 where he/she is of the opinion that the admission to a certified sports ground or any part will involve a risk so serious that, until steps are taken to reduce capacity to a reasonable level, admission of spectators ought to be prohibited;
- 16 Authorised to approve the amendment of any certificate granted in terms of the safety at sports grounds legislation;
- 17 Authorised to approve the transfer of the certificate to another qualified person responsible for the management of a certified sports ground in terms of Section 4 of the Safety of Sports Grounds Act 1975;
- 18 Authorised to approve and record any deviation from the standards set out in the Guide to Safety at Sports Grounds setting out the justification for the deviation;
- 19 Authorised to maintain all records in relation to the annual and other inspections of certified sports grounds carried out by the Head of Regeneration & Planning, the Chief Constable and the Chief Officer, Strathclyde Fire and Rescue;
- 20 Authorised to fix the annual date for the inspection of any certified sports ground;

Exceptions:

The above delegations are subject to the exception of the following categories of application, which are for decision by Elected Members, as follows:

To be determined by the Council:

- (a) national developments as specified in the National Planning Framework;
- (b) major developments which are significantly contrary to the local development plan;

To be determined by a Committee or Board of the Council:

- (a) which the Planning Authority decides to determine which would otherwise fall to be determined by a person appointed to do so under this scheme;
- (b) major developments as set out in the Schedule to the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009;
- (c) listed building consent for demolition of listed buildings and conservation area consent for demolition of a building in a conservation area where officers recommend approval contrary to Council policy;
- (d) advertisement consent where officers recommend approval contrary to Council policy;
- (e) the naming of new streets;
- (f) planning applications for planning permission within the category of local development and (b) applications for consent, agreement or approval required by condition imposed by a grant of planning permission for a development within that category under Section 43A of the Town and Country Planning (Scotland) Act 1997 when:-
 - (i) The approval of an application would be contrary to the approved Development Plan;
 - (ii) The approval of an application is the subject of letters of representation from 6 or more individuals and/or 2 community groups, including formally constituted groups comprising at least 10 members and community councils;
 - (iii) Applications are made by the planning authority;
 - (iv) Applications are made by a Member of the planning authority;
 - (v) Applications relate to land in the ownership of the planning authority or to land in which the planning authority has a financial interest;
 - (vi) Applications are made by employees of the Council's Regeneration and Planning Service.



FINANCIAL REGULATIONS

Revised September 2016

Foreword

- i. The Council positively promotes the principles of sound corporate governance within all areas of the Council's affairs.

Corporate governance is about the structures and processes for decision-making, accountability, controls and behaviour throughout the Council. It is based around the key principles of openness, equality, integrity and accountability.

- ii. The fundamental principles of corporate governance should be reflected in the various dimensions of Council business which should include;

- ◆ Ensuring that a community focus underpins the Council's own vision and priorities;
- ◆ Ensuring the effective delivery of local services on a sustainable basis;
- ◆ Establishing effective management structures and processes which include clearly defined roles and responsibilities for officers;
- ◆ Developing and maintaining effective risk management systems that form part of the Council's strategic decision making process;
- ◆ Ensuring high standards of propriety and probity in the stewardship of the Council's funds and the management of the Council's affairs;
- ◆ Commitment to openness in the Council's affairs and the provision of full, accurate and clear information to all stakeholders.

- iii. These Financial Regulations are an essential component of the corporate governance of the Council.

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1. GENERAL INTERPRETATION

- 1.1 These Regulations are made in terms of Section 95 of the Local Government (Scotland) Act 1973 which requires every Local Authority to make arrangements for the proper administration of its financial affairs and to ensure that the proper officer of the Authority has responsibility for those affairs.

The Chief Financial Officer has been designated as "the proper officer" and shall be responsible for advising the Council on financial matters including the determination of Accounting Policies.

- 1.2 In these regulations unless the context requires otherwise the following expressions shall have the meanings respectively assigned to them, that is to say:-

Council means Inverclyde Council;

Committee means all the Committees of the Council including Sub-Committees;

Chief Officer means the Chief Executive, Corporate Directors and Heads of Service. This also refers to and includes other Officers when the stated duties have been delegated;

Budget Manager is a general term for any employee who has been delegated responsibility for the control of a budget.

- 1.3 These Regulations are designed to facilitate the smooth running of the Council and to protect its interests and the interests of Councillors and Officers. The following regulations are made for the proper administration of the Council's financial affairs, Trading Accounts, Trust Funds, The Common Good and Sundry Accounts.

Head Teachers must comply with the Financial Regulations, with the exception of Virement which is defined within the Delegated Management of Resources (DMR) Scheme.

- 1.4 It shall be the duty of the Chief Financial Officer to ensure that Chief Officers maintain adequate financial and accounting arrangements. Chief Officers must comply with all guidance on accounting matters issued by the Chief Financial Officer and no accounting arrangements shall be introduced, discontinued or amended without the prior agreement of the Chief Financial Officer.

- 1.5 Each Chief Officer shall consult with the Chief Financial Officer on the financial implications of any proposals not provided for under the approved revenue budgets or capital programme before any commitment is made or before reporting thereon to the appropriate Committee of the Council.

- 1.6 Each Chief Officer shall ensure that proper internal controls are developed and maintained within financial and other operating systems of their Service. These controls shall be subject to review from time to time as part of the audit process but day to day monitoring of the adequacy and effectiveness of these controls is the responsibility of the Chief Officer concerned.

- 1.7 Chief Officers shall be responsible for ensuring that these Regulations are complied with in respect of matters falling within their jurisdiction and that all Officers with responsibility for financial matters within their Services are aware of these Regulations and comply with them.
- 1.8 Compliance with the Financial Regulations is compulsory. If any difficulty is encountered in practice with the Financial Regulations or no provision is applicable to a particular circumstance then the matter should be immediately raised with the Chief Financial Officer. Failure to observe the Financial Regulations may lead to disciplinary action being taken against the Officer responsible.
- 1.9 These Regulations should be read alongside the Financial Regulations of the Inverclyde Integrated Joint Board (IJB) when dealing with budgets delegated to the Council by the IJB.
- 1.10 These Regulations have been approved at the Full Council and will be formally reviewed and approved every 4 years.
- 1.11 These Regulations may be jointly varied or revoked by the Chief Financial Officer, Head of Legal & Property Services and the Chief Executive outwith the 4 yearly formal review cycle.
- 1.12 All terms in these Regulations should be considered generic.
- 1.13 All monetary values within these Regulations are stated exclusive of VAT.
- 1.14 In all circumstances where a signature is required an electronic substitute will be considered appropriate within the authorisation procedures of the relevant system.

2. EMERGENCY AUTHORITY

2.1 Where due to an emergency it is not possible to obtain the necessary Committee approvals in terms of the Financial Regulations or Standing Orders prior to committing the Council to expenditure the following action should be taken:-

1. Where there is immediate danger to life and limb and therefore a requirement for the Council to safeguard life and property and the prevention of suffering or severe inconvenience, all necessary steps should be taken to remove the immediate danger. Homologations for action taken should be obtained from the next available Committee.
2. In other emergencies the Chief Executive must be made aware of the following, prior to works being carried out or other appropriate action being taken, and prior to any commitment being entered into:-
 - (a) The nature of the problem;
 - (b) The likely consequences of delay;
 - (c) Approximate costs and timescale involved;
 - (d) Longer term solutions (where appropriate).

The Chief Financial Officer, Council Leader and Committee Convenor must be advised at the earliest opportunity of the above and of the actions taken.

2.2 In all cases the Chief Executive is authorised to approve or not to approve the carrying out of the works. In all such situations quotes shall be obtained if at all possible. A retrospective advisory report must be submitted to Committee at the earliest opportunity.

3. REVENUE BUDGET - PREPARATION AND MONITORING

- 3.1 The detailed form and timetable to be followed in respect of the Revenue Budget process shall be determined by the Chief Financial Officer subject to any direction of the Policy & Resources Committee, and following consultation with the Corporate Management Team.
- 3.2 Estimates of income and expenditure shall be prepared by the Chief Financial Officer in conjunction with the Corporate Management Team. These estimates will be approved by the Council prior to the 31st March and shall constitute the Revenue Budget for the next financial year.
- 3.3 The appropriate Committees and the Chief Financial Officer shall be entitled to receive from any Chief Officer such clarification as is deemed necessary on any item of income and expenditure.
- 3.4 The inclusion of items in the approved Revenue Budget shall constitute authority for the appropriate Chief Officer to incur such expenditure in the year concerned, subject to:-
 - 1) The Council's Standing Orders and these Financial Regulations; and
 - 2) Any prior reporting requirements of the appropriate Committee.
- 3.5 The Chief Financial Officer shall provide Chief Officers with financial statements of income and expenditure compared with the Revenue Budget on a regular basis and Chief Officers shall be entitled to receive any clarification deemed necessary on any item of expenditure or income.
- 3.6 Responsibility for ensuring that Revenue Budget provisions are not exceeded shall rest with the Chief Officer concerned, this responsibility shall not extend to depreciation (the responsibility of the Chief Financial Officer) and those allocations from other Services over which the officer has no control. In these cases responsibility rests with the budget holder of origin.
- 3.7 If it appears that expenditure under any budget head may be exceeded or that an income estimate may not be achieved and if the shortfall cannot be accommodated by the Chief Officer exercising powers of virement in terms of Financial Regulations 4, the Chief Officer, after consultation with the Chief Financial Officer, shall report fully to the Committee concerned. In the event that the Committee is unable to find the amount required elsewhere in its budget, the matter shall be referred to the Corporate Management Team and thereafter the Policy & Resources Committee for consideration.
- 3.8 Any proposal which would involve incurring revenue expenditure which is not allowed for in the Revenue Budget shall be reported to the relevant Committee. The report prepared in consultation with the Chief Financial Officer, shall give reasons why the additional funding is necessary and, where appropriate, make proposals for virement in terms of Financial Regulations 4. Should virement not be possible details of the proposal must be reported to the Corporate Management Team prior to reporting to the relevant Committee and thereafter the Policy & Resources Committee for consideration.

- 3.9 Windfall savings arising from factors outwith the control of the Chief Officer cannot be used to supplement Service budgets without the initial approval of the Corporate Management Team followed by approval by the relevant Committee and thereafter Policy & Resources Committee. For the avoidance of doubt the Chief Financial Officer will determine whether or not a saving is a windfall saving.
- 3.10 The Chief Financial Officer and the relevant Chief Officers, will jointly submit periodic Revenue Budget Monitoring Reports to each Committee detailing expenditure/income incurred and projected for the year and highlighting any relevant matters. Thereafter the Chief Financial Officer shall produce a consolidated position for the Policy & Resources Committee.
- 3.11 Whilst the monitoring report will highlight any relevant matters, all budget variances in excess of £20,000 will be specifically reported to Committee.
- 3.12 Councillors shall be entitled to seek explanations for any figure in the Monitoring Reports and if necessary may refer any matter to the relevant Committee.

4. VIREMENT

4.1 The term virement refers to the transfer of budgetary provision from one budget head to another.

4.2 Subject to limitations referred to in Regulations 4.3 to 4.6, virement may be exercised by Chief Officers, by Service Committees and by the Policy & Resources Committee. Chief Officers must use the on-line virement approval or a Virement Approval Form to smooth administration and provide a clear audit trail.

4.3 Chief Officers may vire unlimited sums within the subjective heading within a Service with the approval of the Chief Financial Officer.

A subjective heading relates to, for example, Supplies and Services, Property Costs, Transport and Plant, Administrative Costs etc.

A Service relates to, for example, within the Environment, Regeneration & Resources Directorate:

- ♦ Finance Services
- ♦ Environmental & Commercial Services
- ♦ Legal & Property Services
- ♦ Regeneration & Planning Services

4.4 Chief Officers may vire between subjective headings within a Service to a maximum of £20,000 with the approval of the Chief Financial Officer. Any virement above £20,000 requires initial approval of the Chief Financial Officer then approval of the relevant Committee.

4.5 Head Teachers are constrained as to their powers of virement as set out in the DMR Scheme.

4.6 Virement affecting budgets delegated to Social Care by the IJB requires to comply with both the requirements of these regulations and, where appropriate, the IJB Financial Regulations.

4.7 Chief Officers may vire between Services within a Directorate with the approval of the Chief Financial Officer and thereafter approval of the relevant Committee(s).

4.8 Chief Officers may vire between Directorates with the agreement of all Chief Officers concerned, the approval of the Chief Financial Officer and thereafter approval of all relevant Committees.

4.9 Where the virement proposed involves a change in Council policy the prior approval of the Policy & Resources Committee is required.

4.10 All virement requested is deemed to be permanent, ie to be carried forward into future Financial Years, unless specifically highlighted as being "one-off" at the time of submitting the virement request.

4.11 Limitations

Virement cannot be used to reinstate an item deleted by the Council during budget considerations unless with the prior approval of the Corporate Management Team and thereafter the Policy & Resources Committee.

5. AUTHORITY TO INCUR EXPENDITURE

- 5.1 Each Chief Officer shall have authority to incur expenditure included in the approved Revenue Budget for the Services for which they are responsible up to the level of the budget provision subject to 5.2 below.
- 5.2 For this purpose a Chief Officer may delegate the processing of expenditure to authorised employees within a Service but the Chief Officer will retain ultimate responsibility for the related budget unless that budget has been formally delegated as part of the Council's Budget Delegation process. Within the Education Service Head Teachers shall be responsible for budgets transferred in terms of the Devolved Management of Resources (DMR) Scheme.
- 5.3 Except where specific arrangements exist within a Service Level Agreement, expenditure on new buildings or on the alteration, repair or maintenance of existing buildings may not be incurred without technical or professional advice having been received from the Head of Legal & Property Services. Professional fees will be charged where appropriate.
- 5.4 Each Chief Officer shall comply with the Standing Orders for Contracts when incurring expenditure.
- 5.5 Each Chief Officer shall furnish the Chief Financial Officer with a list of authorised signatories together with specimen signatures, details of the areas of responsibility and financial limits of authorisation of each employee and shall also promptly advise in writing of any additions to or deletions from the list. An annual review will be undertaken by Finance Services and Chief Officers are required to assist with this exercise.
- 5.6 Each Chief Officer shall also ensure that electronic signature authorisation limits for their employees are approved by them and that additions or deletions are notified promptly to Finance Services. Such authorisation limits will be reviewed annually by Finance Services with the assistance of Chief Officers.
- 5.7 Chief Officers seeking approval to lease non-property assets must obtain advice from the Chief Financial Officer and Head of Legal & Property Services and incorporate such advice into any report presented to a Committee.
- 5.8 Any consultants considered for appointment must have the appropriate Professional Indemnity/Public Liability Insurance which must be evidenced to the Chief Financial Officer before appointment. The Head of Legal & Property Services will issue a letter of appointment which will advise that compliance with the Council's operating procedures and regulations is compulsory.
- 5.9 Expenditure on Council properties repairs, maintenance and jobbing works shall only be authorised when provided by Contractors registered under the terms of the HMRC Construction Industry Scheme.

6. PROCUREMENT AND PURCHASING

- 6.1 All relevant purchases of goods shall be made through such purchasing arrangements as may be approved from time to time by the Council. Centralised contract arrangements must be used where appropriate, and Services must comply with the Procurement Manual and associated guidance issued by the Corporate Procurement Section.
- 6.2 Unless specified within a formal contractual arrangement approved by the Chief Financial Officer and Head of Legal & Property Services no purchases shall be paid for in advance of receipt of goods or services ordered. In general terms, purchases over the Internet or telephone are acceptable using a Council purchasing card but must be in accordance with the approved Purchase Card Policy.
- 6.3 Orders shall be in a format approved by the Chief Financial Officer. All orders shall be approved by an authorised signatory (see paragraph 5.5 & 5.6).
- 6.4 Chief Officers are required to ensure that there is adequate segregation of duties of employees between the ordering of goods and the approval of payment.
- 6.5 All Officers incurring expenditure covered by the exemptions clause in the Standing Orders for Contracts shall ensure that due consideration is given to securing Best Value.
- 6.6 Excepting petty cash and other payments made from Imprest Accounts the method of payment of monies due by the Council shall be by electronic funds. A secondary and more expensive approach is to use cheques or other instrument drawn on the Council's bank account however this requires prior approval by the Chief Financial Officer.
- 6.7 All invoices will be input directly by Finance staff to the Financial Management System from where the certifying officer shall authorise the invoice for payment
- 6.8 Before certifying an account the certifying officer shall be satisfied that:-
1. The works, goods or services to which the account relates have been received, carried out, examined or approved and the relevant expenditure has been properly incurred;
 2. The prices, calculations, trade discounts, other allowances, credits and value added tax are correct;
 3. Appropriate entries have been made on stores records or asset records as required;
 4. The account has not been previously passed for payment and it is a proper liability of the Council.

- 6.9 Chief Officers shall be responsible for procuring works, goods or services in accordance with the Standing Orders Relating to Contracts supported by the Procurement Manual and associated Procurement Guidelines.
- 6.10 Where a Chief Officer wishes to accept a tender with a value of greater than £0.5 million, a report shall be prepared in consultation with the Chief Financial Officer and Head of Legal & Property Services and be submitted to the relevant Committee prior to tender acceptance. The report shall include:-
- (a) Comparison of the tendered costs with the approved available budget.
 - (b) How the tender was evaluated including Price/Quality split.

Where the tender costs cannot be met from within the approved budget, the matter shall be referred back to the Committee and if required, the Policy and Resources Committee to confirm the funding route.

- 6.11 Where the lowest acceptable tender is in an amount which cannot be contained within the approved budget for the project but the excess amount can be contained within any general contingency allowance within the Committee's approved Capital Programme then the tender may be accepted provided the Chief Financial Officer is satisfied the necessary funding is available and the matter is reported to the next meeting of the relevant Committee.
- 6.12 Works may be offered to Council's Services. This is subject to compliance with the Council's Standing Orders Relating to Contracts and the appropriate transparency conditions as laid down in the Local Government in Scotland Act 2003 and the Council's own Best Value protocol.
- 6.13 Payments to contractors shall be made on an approved payment request document authorised by the appropriate Chief Officer. Where contracts provide for payments to be made by instalments, the Chief Officer managing the contract shall ensure that a Contract Register is being properly maintained to show the state of account on each contract between the Council and the Contractors together with any other payments and related professional fees.
- 6.14 All instructions to contractors for variations to approved capital works or major revenue projects shall be instructed by the architect/engineer using an appropriate technical instruction form as relevant to the type of contract.
- 6.15 Claims from contractors in respect of matters not clearly within the terms of any existing contract shall be referred to the Head of Legal & Property Services for consideration of the Council's liability and, where necessary, to the Chief Financial Officer for financial consideration before attempting a resolution.
- 6.16 Where there is an unreasonable delay in completion of a contract, it shall be the duty of the Chief Officer concerned to consult the the relevant Statutory Officers prior to determining any action in respect of claims for liquidate or other damages.
- 6.17 If, during the course of a contract, a variation or accumulation of variations to the contract or other cause will result in the approved cost being exceeded by either £50,000 or 20%, which ever is lower, the Chief Officer concerned shall report to the relevant Committee.

- 6.18 Duly certified accounts must be processed, authorised, coded and passed as soon as possible to the Chief Financial Officer who shall arrange for the examination to the extent that is considered necessary. For this purpose he shall be entitled to make such enquiries and to receive such information and explanations he considers necessary.
- 6.19 Final accounts must be agreed as early as practicable after expiry of the defects liability period.
- 6.20 Payment will only be made on a duplicate or copy invoice when the certifying officer is satisfied that the copy has not previously been paid.
- 6.21 All amendments to payment request vouchers (CRI's) shall be in ink and initialled by the certifying officer. Tax Invoices must be returned to the creditor for alteration.
- 6.22 The Chief Financial Officer shall have authority to pay duly certified accounts/vouchers.
- 6.23 Each Chief Officer shall, after the end of each financial year, notify the Chief Financial Officer of all outstanding expenditure relating to that year in accordance with the year-end guidance notes.

7. CONTROL OF INCOME

- 7.1 The processes for the collection and banking of all monies due to the Council shall be subject to the approval of the Chief Financial Officer. Changes to processes cannot be made without first obtaining the approval of the Chief Financial Officer.
- 7.2 Income due to the Council for work done, goods supplied or services provided and not paid for at the time must be the subject of accounts being rendered, which record the service delivery date. Chief Officers must ensure preparation and issue of such accounts in order to record and collect the amounts correctly. Accounts must be raised no later than 30 days after the last day of service delivery specified on the account. In rendering charges, Chief Officers shall ensure value added tax is applied at the appropriate rate. In particular, transactions involving joint ventures and land sales can be particularly complex and in all such cases advice shall be obtained from the Chief Financial Officer and Head of Legal & Property Services before proceeding.
- 7.3 The Chief Financial Officer shall be notified as soon as is practicable of all monies due to the Council and of all contracts, leases and other arrangements entered into which involves a receipt of money by the Council and the Chief Financial Officer shall have the right to inspect all documents in this connection as may be required.
- 7.4 All receipt forms, books, tickets and other such items shall be designed, ordered, supplied and obtained subject to a consultation with and approval of the Chief Financial Officer. No Officer shall give a receipt on behalf of the Council on any form other than that of an official receipt form or ticket.
- 7.5 All money, cash or otherwise, received by an Officer on behalf of the Council shall without delay be paid to the Chief Financial Officer or as he may direct to the Council's bank account. No deduction may be made from such money save to the extent that the Chief Financial Officer may specifically authorise. Each Officer who directly banks money shall complete a corresponding income analysis sheet and forward it together with the bank pay-in slip and counterfoil to the Chief Financial Officer; alternatively deposits can be made at the Council's Customer Services Centre.
- 7.6 All offices or establishments receiving income by post shall secure appropriate mail opening procedures involving clear separation of duties wherever possible. All cheques and postal orders received shall be suitably crossed. Personal cheques shall not be cashed out of money held on behalf of the Council.
- 7.7 Each transfer of official cash from one employee to another will be evidenced in the records of the Service concerned by the signature of the officer receiving the funds. Arrangements shall be developed at each office to secure all income collected on behalf of the Council until such time as these funds are banked.
- 7.8 Not less frequently than once per year scales of charges or tariffs (not fixed by statute) shall be reviewed for the following year. Any such review to comply with the Council's Budget Strategy and Charging Policy.

- 7.9 The Chief Financial Officer shall maintain a Debt Management Policy to secure effective recovery of all sums due to the Council. This Policy shall be applied for all monies due to the Council for rent or services provided. No debt due to the Council once correctly established shall be discharged otherwise than by payment in full or by write off following the certification of the Chief Financial Officer.
- 7.10 The Chief Financial Officer shall where necessary act on advice from the Head of Legal & Property Services, External Debt Managers and/or Sheriff Officers when determining debts to be written off for accounting purposes. Details of debts written off in terms of this Regulation shall be retained for credit control purposes and to allow the debts to be pursued at any stage until they become time prescribed. A report on Debt Recovery performance for the preceding financial year shall be submitted annually to the Policy & Resources Committee, no later than 31 October.

8. TRAVEL & SUBSISTENCE ALLOWANCES

- 8.1 All payments in respect of employees travel and subsistence allowances shall be at rates determined by the Council from time to time and in accordance with the scheme for payment of travel and subsistence allowances.
- 8.2 All claims for payment of subsistence allowances, travel and incidental expenses shall be submitted in a form approved by the Chief Financial Officer. All claim forms shall be signed by an authorised signatory (see paragraph 5.5 & 5.6).
- 8.3 Certification by or on behalf of the Chief Officer shall be taken to mean that the certifying officer is satisfied that the journeys have been authorised, the expenses properly incurred wholly, necessarily and exclusively for Council purposes and that the allowances are properly payable by the Council.
- 8.4 Claims forms other than those relating to journeys made by the Chief Executive must always be authorised for payment by an officer senior to the claimant. The claims submitted by the Chief Executive must be countersigned by a Corporate Director
- 8.5 Claims shall be submitted promptly, and on a regular basis. Claims applicable to a financial year shall be submitted within one month after 31 March that year.
- 8.6 Requests by Councillors to travel outwith the United Kingdom on Council business (being funded from the Council budget) must be considered and approved by the Chief Executive in consultation with the Leader and Depute Leader prior to the journey taking place. Where such approval is granted it is for the relevant Committee to determine reasonable limits for travel. Subsistence limits for Councillors will be calculated by reference to the Members Salaries and Expenses Scheme.
- 8.7 Requests by employees to travel outwith the United Kingdom on Council business (being funded from the Council budget) must be considered and approved by the relevant Corporate Director in consultation with the Chief Executive, who will advise the Council Leader prior to the journey taking place. Where such approval is granted the Chief Financial Officer shall be consulted on reasonable limits for travel and subsistence payments on an individual journey basis.
- 8.8 Except in cases where a spouse or partner forms part of an approved group or delegation, their travel costs and additional accommodation costs shall not be met by the Council, unless approved by Committee.
- 8.9 Where an advanced payment is required in order to fund expenses which have not yet been incurred e.g. for attendance at an overseas conference, employees may request an advanced payment of expenses. Such a request shall be made to the Chief Financial Officer. Any advance agreed shall not exceed a reasonable estimate of the expenses to be incurred. Where an advance is granted, a claim form detailing actual expenses incurred, together with receipts, must be submitted to the Head of Organisational Development, HR & Communications within one month of the completion of the event.

- 8.10 Advance claims shall be made no later than 5 working days in advance of requirement. Advances will be made by electronic transfer to the employee's Bank Account. No cash advances shall be made unless the requirement is for "foreign currency".
- 8.11 Any failure to account for an advance of expenditure within the timescales indicated above shall result in the advance being recovered from the next available payroll run and employees will be required to sign a mandate authorising such recovery before an advance is made.

9. SALARIES, WAGES AND ESTABLISHMENTS

- 9.1 With the general exception of pensions to former employees the payment of salaries, wages, compensations and other emoluments to all employees of the Council shall be made by the Head of Organisational Development, HR & Communications.
- 9.2 Without the authority of the Council on the recommendation of the Policy & Resources Committee:-
- ♦ No permanent employee at Grade N or above shall be employed in excess of the approved establishment.
 - ♦ Amendments to the permanent establishment below Grade N require approval from the Chief Executive, Head of Organisational Development, HR & Communications, Chief Financial Officer and Corporate Management Team.
 - ♦ Employees shall normally be appointed to the first incremental point of the salary scale of the post. Where there are extenuating factors e.g. experience, existing salary require the placing can be reviewed by the Chief Officer in conjunction with the Head of Organisational Development, HR & Communications with the Chief Executive having the final say in the event that agreement cannot be reached;
 - ♦ The appropriate Conditions of Service shall apply to all employees.
- 9.3 Alterations to rates of wages and salaries and to Conditions of Service for employees agreed by the relevant National Negotiating Bodies, shall be applied from the effective dates specified, subject to the reference to the Council of any matter in which there is a discretion.
- 9.4 Each Chief Officer shall ensure that the Head of Organisational Development, HR & Communications is informed immediately and upon the prescribed form of all matters affecting the payment of such salaries and wages and in particular:-
- ♦ Appointments, resignations, dismissals, suspensions, secondments and transfers;
 - ♦ Changes in remuneration, other than normal increments and pay awards and agreements of general application;
 - ♦ Absences from duty for sickness or other reason, apart from approved leave;
 - ♦ Information necessary to maintain records of service for superannuation, income tax, etc.
- 9.5 Appointments of all employees shall be made in accordance with the regulations of the Council and approved establishments, grades and rates of pay.
- 9.6 All individuals employed by the Council shall be paid through the payroll system and no "self-employed" person shall be appointed without the specific prior written approval of the Chief Executive or relevant Corporate Director.

9.7 All time records or other "pay" documents shall be in a form prescribed or approved by the Head of Organisational Development, HR & Communications and shall be certified in manuscript by or on behalf of the appropriate Chief Officer and returned timeously to the Head of Organisational Development, HR & Communications. The Certifying Officer must be satisfied that:-

- ♦ Hours claimed have been worked;
- ♦ Where applicable, overtime hours have been correctly calculated;
- ♦ Summations are correct.

10. CAPITAL PROGRAMME - PREPARATION AND MONITORING

- 10.1 The Council produces a Capital Programme for the current and a minimum of the next 2 financial years. The resources available over this period are estimated by the Chief Financial Officer.
- 10.2 A report seeking the consideration of a project to be included within the draft Capital Programme shall include the following:-
- (a) Details of the facilities it is proposed to provide.
 - (b) The need for the project and the benefits which will accrue to the Council and Community. The benefit should be quantified wherever possible and linked to the Council's Strategic Objectives.
 - (c) The total estimated Capital Costs of the project including fees, equipment and other ancillary costs.
 - (d) Details of any other proposed funding sources including partner contributions.
 - (e) The estimated future revenue implications (or savings) arising from the project and the proposed source from which any additional costs (excluding loans charges) are to be met.
 - (f) A detailed phasing of Capital costs over financial years on the basis that the project will be approved as part of the next budget round.
- 10.3 The relevant Chief Officer shall submit the report outlined in 10.2 to the Corporate Management Team prior to submission to the relevant Committee. If approved, by Committee the report thereafter requires approval by the Policy & Resources Committee prior to inclusion in the draft Capital Programme.
- 10.4 The Chief Financial Officer shall prepare a draft Capital Programme for consideration by the Council as part of the annual Budget approval process.
- 10.5 For significant Capital Projects an option appraisal prepared in line with Council's approved approach should be incorporated within the report highlighting funding options, risks and sustainability implications.
- 10.6 It shall be the responsibility of each Chief Officer to ensure that approved projects proceed in line with approved timescales and the expenditure does not exceed the sum allocated for each project in the Capital Programme.
- 10.7 Where it appears that the actual cost of projects or group of projects (where a general budget allocation has been agreed) included in the approved Capital Programme is likely to vary from the approved cost, it shall be the duty of the Chief Officer concerned after consultation with the Chief Financial Officer to seek the instructions of the Budget holding Committee as soon as possible.
- 10.8 In line with Council policy, Post Project Evaluations require to be carried out by the Client/Technical Lead Officer for all projects with a contract value in excess of £1 million approximately 12-18 months after completion.

- 10.9 The Chief Financial Officer shall report each cycle to the Policy & Resources Committee updating the financial position of the approved Capital Programme. In addition the Chief Financial Officer and the relevant Corporate Director shall report on the progress of all current Capital Projects to each meeting of the appropriate Committee.

11. SECURITY

- 11.1 Each Chief Officer is responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash etc under his control. The Chief Executive and the Chief Financial Officer must be notified in any case where it is considered that special security arrangements may be needed.
- 11.2 Maximum limits for cash holdings shall be agreed with the Chief Financial Officer and shall not be exceeded without specific written permission.
- 11.3 Keys to safes and similar receptacles are to be kept in the custody of persons with delegated responsibility at all times. The loss of any such keys must be reported to the Chief Financial Officer immediately.
- 11.4 Each Chief Officer shall arrange for registers to be kept of pre numbered accountable stationery e.g. receipt books, tickets, and other such items under their control.

12. POLICY ON VOLUNTARY FUNDS

- 12.1 Many employees within Council establishments are involved in the handling of money for and on behalf of Inverclyde Council. Employees can also be responsible for other monies as a consequence of their employment by the Council either directly (eg.schools, Social Work establishments, etc) or indirectly as treasurer of a representative body relating to Council activities. These other monies are known as voluntary or unofficial funds.
- 12.2 Voluntary funds maintained by or at an establishment can be defined as "any fund other than an official fund of the Council, which is controlled wholly or in part, by an Officer of the Council by reason of his or her employment".
- 12.3 The aims and objectives of these funds are mainly complementary to and sometimes are not easily distinguishable from those of the Council. Thus, to protect the interests of not only the persons to whom the funds belong but also to safeguard the employees who administer and are responsible for them, suitable financial records must be maintained.
- 12.4 These regulations do not prescribe the detailed form and content of records to be maintained but in all cases written records shall be kept to show the nature and value of all receipts and disbursements. These records shall be kept up to date, be accessible to all parties connected with the funds and be subject to annual audit by a suitable independent person.
- 12.5 Advice on the adequacy of any Voluntary Funds arrangement should be sought from the Chief Financial Officer.

13. ASSET REGISTER

- 13.1 An Asset Register for “accounting purposes” shall be compiled by the Chief Financial Officer which records an adequate description of property plus items of equipment, plant and machinery which exceed de minimus thresholds. The extent to which the owned and leased property of the Council shall be recorded and the Asset Register is to be kept in accordance with the recommended Chartered Institute of Public Finance and Accountancy guidance.
- 13.2 Each Chief Officer shall be responsible for maintaining a regular check on all items on the Asset Register for recording and taking action in relation to surpluses or deficiencies and informing the Chief Financial Officer of any amendments to the Asset Register accordingly.
- 13.3 The Corporate Director Environment, Regeneration and Resources shall ensure that a register of all land, properties and structures owned by the Council is maintained, which records the current user, the purpose for which held, the location, the extent, purchase price and rents payable and particulars of tenancies granted.
- 13.4 The Head of Legal & Property Services shall ensure custody of all title deeds under secure arrangements.
- 13.5 It is the responsibility of the Corporate Director Environment, Regeneration & Resources to ensure a five year rolling revaluation programme of property assets is adhered to.
- 13.6 The Head of Legal & Property Services is responsible for maintaining the register of heritable and moveable assets subject of a leasing arrangement.
- 13.7 Council property shall not be moved otherwise than in accordance with the ordinary course of the Council's business or used otherwise than for the Council's purposes except in accordance with specific directions issued by the Chief Officer concerned. Where Officers are authorised to retain equipment at home for the purposes of home working (either during or outwith normal working hours) each Chief Officer shall maintain a register giving details (including serial numbers where applicable) of equipment held by each employee.

14 DISPOSAL OF ASSETS

- 14.1 All surplus plant, vehicles, equipment, scrap materials or any other assets deemed as having a value, where no suitable trade-in arrangements have been made and with a cumulative value estimated as over £500, shall be offered for sale by the appropriate Chief Officer. The manner of the sale will be as directed within the Procurement Manual.
- 14.2 Where it is estimated that the annual value of the surplus items specified in 14.1 will exceed £10,000 then the disposal of the items should be carried out by a suitably qualified contractor. The identification of a suitably qualified contractor will be the subject of a competitive bid process. Advice in all instances, must be sought from the Head of Legal & Property Services and the Corporate Procurement Manager in consultation with the Chief Financial Officer.
- 14.3 All land and buildings on becoming surplus to requirements by a particular service will be returned to the control of the Head of Legal & Property Services. Property will be allocated to another Service or declared surplus to the Council's requirements. All surplus properties shall be sold by the Head of Legal & Property Services. In arranging any sale the relevant Chief Officer shall consult with the Chief Financial Officer to ensure all financial implications including accounting for value added tax are fully considered.
- 14.4. The Council shall not be bound to accept the highest or any offer but where an offer other than the highest offer is recommended for acceptance approval of the Environment & Regeneration Committee is required and the reasons for accepting said offer must be duly recorded in the Minute of the Meeting. Where such a decision has financial implications for approved budgets/funding models then the approval of the Policy & Resources Committee is also required.
- 14.5 Where the Council wishes to dispose of land, officers shall have regard to Section 74 of the Local Government (Scotland) Regulations 2010 and the relevant Statutory Guidance, and any and all amendments which may from time to time be in force (the Framework).
- 14.6 In circumstances where the value of the land to be disposed is more than £10,000 and the difference between the proposed consideration and the Best value consideration that can be obtained is greater than 25%, then the relevant Head of Service shall present a report to the appropriate committee which shall:-
- (i) appraise and compare the costs and other disbenefits with the benefits of disposal at less than best value consideration;
 - (ii) state whether the disposal for the proposed consideration is reasonable and explain why it is reasonable and;
 - (iii) outline whether the proposal is likely to contribute towards (a) promotion or improvement of economic development or regeneration, (b) health, (c) social well-being or (d) environmental wellbeing, for the whole or any part of the area in question or any person resident or present in that area of land.

- 14.7 In determining the best value consideration which could be achieved for land, the Framework provides that this should be determined by a suitably qualified valuer who shall:-

Be a chartered member of or authorised to practice by the Royal Institute Of Chartered Surveyors;

Be suitably experienced in the valuation of the type of property concerned with a reasonable knowledge of the locality concerned; and take into account, when valuing the land, the requirements of the latest edition of the RICS valuation standards applicable at the date when he is undertaking the valuation.

- 14.8 The Corporate Procurement Manual shall contain detailed provisions which shall be applied in relation to the procedures to be followed in relation to the disposal of land.
- 14.9 For the avoidance of doubt, 'disposal of land' includes sale, lease, license to occupy or other arrangements whereby the Council cedes ownership or occupation of land and/or buildings.
- 14.10 Details of any IT equipment which a Chief Officer deems surplus to requirements shall be advised to the ICT Operations Manager who will consider the equipments suitability for use within the Council and or sale to a secondary ICT market in line with 14.1.

15. STOCKS AND STORES

- 15.1 Chief Officers shall be responsible for the custody of the stocks and stores in their Services which shall not exceed agreed levels.
- 15.2 Chief Officers shall arrange for periodic examination of stocks by persons other than storekeepers and shall ensure that all stocks are checked at least once in every financial year. No adjustment of stock valuation (for writing off, writing down, obsolescence etc) shall be made without the approval of the Chief Financial Officer.
- 15.3 The Chief Financial Officer shall be entitled to receive from each Chief Officer such information as he requires in relation to stores for accounting, costing and financial recording purposes.
- 15.4 Stocks and stores records must be kept in a form approved by the Chief Financial Officer.
- 15.5 Surplus material, stores or equipment (including scrap) shall be disposed of in terms of Financial Regulation 14 unless otherwise agreed with the Chief Financial Officer. Payment must be received before such items are removed by the purchaser.

16. IMPRESTS

- 16.1 The Chief Financial Officer shall provide such imprests as he considers appropriate for those Officers of the Council who may need them for the purposes of defraying petty cash and other expenses.
- 16.2 The Chief Financial Officer shall open bank accounts where considered appropriate. In no circumstances shall the imprest holder overdraw the account.
- 16.3 No income received on behalf of the Council may be paid into an imprest account. It must be banked or paid to the Council as provided under Regulation 7.5.
- 16.4 Payments from an imprest account shall be limited to minor items of expenditure and to such other items as the Chief Financial Officer may approve and shall be supported by a receipted voucher to the extent that the Chief Financial Officer may require.
- 16.5 On no account shall any allowances or personal expenses or subsistence payments be paid to employees from an imprest account, but shall be reclaimed through the travel and subsistence scheme in terms of Regulation 8.2.
- 16.6 Any officer responsible for an imprest account shall maintain a proper account and shall provide a certificate of balance when requested.
- 16.7 Any officer ceasing to be entitled to hold an imprest, for any reason, shall account for the amount advanced in full. A formal record of this accounting shall be prepared and retained in the Service concerned for inspection.

17. BANKING ARRANGEMENTS

- 17.1 The Council's main bank account will be kept with the Bank approved by the Council and where required the Chief Financial Officer shall arrange for subsidiary accounts to be kept with that Bank.
- 17.2 All bank accounts shall be in the name of, or incorporate the name of, the Council.
- 17.3 Except where in special circumstances it is not possible to borrow on or gain access to the money market, the bank account shall not be drawn in excess of the sum authorised by the Council and agreed with its bankers.
- 17.4 All bank accounts shall be reconciled to supporting records at regular monthly intervals and copies of reconciliations, if requested, shall be forwarded to the Chief Financial Officer for review.
- 17.5 Payment by cheque will only be made in exceptional circumstances and all cheques issued shall bear the signature of one of the authorised bank signatories. The control of cheques shall be the responsibility of the Chief Financial Officer. Payments over £50,000 must be countersigned by an authorised bank signatory before the payment is released.
- 17.6 Arrangements for electronic funds transfer shall be authorised by the Chief Financial Officer or his nominee.

18. ANNUAL ACCOUNTS

- 18.1 Chief Officers shall provide all information requested in the year end accounting instructions issued by the Chief Financial Officer and comply with the timetable in order to ensure that the annual accounts can be completed in line with the statutory deadline.
- 18.2 An unaudited copy of the Annual Accounts shall be submitted to the Audit Committee for review prior to formal submission to Audit Scotland.
- 18.3 The Accounts together with the Auditor's report, shall be submitted to the Council for final approval following completion of the external audit.

19. INSURANCES AND INDEMNITIES

- 19.1 The Chief Financial Officer shall effect all insurance cover and negotiate all claims in consultation with other officers where necessary.
- 19.2 Chief Officers shall notify the Chief Financial Officer without delay of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 19.3 Chief Officers shall notify the Chief Financial Officer in writing of any loss, liability or damage or any event likely to lead to a claim and inform the Police where appropriate.
- 19.4 All employees of the Council shall be included in a suitable fidelity guarantee insurance.
- 19.5 The Chief Financial Officer shall review all insurance arrangements in line with the contract term and report annually on the Insurance Fund performance to the Policy & Resources Committee.
- 19.6 Chief Officers shall consult with the Head of Legal & Property Services and the Chief Financial Officer about the terms of any indemnity which the Council is required to give.

20. TREASURY MANAGEMENT

- 20.1 The Council actively works to promote best practice for all aspects of its Treasury Management Operation. It has adopted the CIPFA “Treasury Management in Public Services – Code of Practice”.
- 20.2 A Treasury Management Policy Statement (TMPS) will be approved annually as part of the Treasury Strategy unless there is a requirement to revise the policy in the interim period. The TMPS will state the policies and objectives of the Treasury Management activities.
- 20.3 Treasury Management Practices (TMP’s) will be established and maintained setting out the manner in which the Council will seek to achieve these policies and objectives, and prescribing how it will manage and control these activities as a supplement to this Code. The Chief Financial Officer has delegated authority to change the TMP’s to reflect changes to the Council Structure, Bankers, Treasury Advisors or credit worthiness selection methodology.
- 20.4 At the start of the financial year the Chief Financial Officer shall report to the Policy & Resources Committee on the strategy for Treasury Management it is proposed to adopt for the coming financial year. The Strategy will also include the Council’s investment Strategy. Thereafter this requires approval by the Council.
- 20.5 All monies in the hands of the Council shall be under the control of the Officer designated for the purposes of Section 95 of the Local Government (Scotland) Act 1973, referred to in the Code as the Responsible Officer.
- 20.6 The Council has delegated the execution and administration of the Treasury Management decisions to the Chief Financial Officer who will act in accordance with the Council’s Policy Statement and Treasury Management Practices and CIPFA’s Standard of Professional Practice and Treasury Management. In the absence of the Chief Financial Officer the Finance Manager (Education & Exchequer) will deputise in this regard.
- 20.7 The Policy & Resources Committee will receive an Annual Report by 30 September on the Council’s Treasury Management activities for the preceding financial year. Thereafter this report requires approval by the Council.

21. INVESTMENTS AND LOANS, COMMON GOOD AND TRUST ETC FUNDS

- 21.1 The Chief Financial Officer shall manage funds in accordance with the limits and conditions imposed by statute, by the Deed of Trust etc and by the Council and shall ensure the proper and safe custody of funds.
- 21.2 All investments of monies under its control shall be made in the name of the Council or in the name of nominees approved by the Council; bearer securities shall be excepted from this regulation but any purchase of such security shall be reported to the Council.
- 21.3 All securities, which are the property of, or in the name of the Council or its nominees shall be held in the custody of the Chief Financial Officer or according to his instruction.
- 21.4 The title deeds of all property in the ownership of the Common Good and Trust etc Funds shall be held in the custody of the Head of Legal & Property Services.
- 21.5 All Trust Funds shall wherever possible be in the name of the Council, all monies left in Trust to the Council or to be administered by its officials shall be notified as soon as possible to the Chief Financial Officer.
- 21.6 All officers acting as Trustees by virtue of their official position shall deposit all securities etc relating to the Trust with the Chief Financial Officer unless the Deed otherwise provides.
- 21.7 The Chief Financial Officer has a duty to prepare Annual Accounts in an appropriate format and submit these accounts to Trustees for approval.

22. HOSPITALITY

- 22.1 Each Corporate Director shall be entitled to extend hospitality within their area up to £1,000 (excluding VAT) per occasion, subject to budget availability.
- 22.2 When hospitality is estimated to cost in excess of £1,000 but not more than £2,000 per occasion, written approval shall first be obtained from the Chief Executive.
- 22.3 Hospitality estimated to cost in excess of £2,000 per occasion shall require the prior approval of the appropriate Service Committee.
- 22.4 Reasonable hospitality extended to Council employees by current or prospective clients, customers, suppliers etc is an accepted practice, but the acceptance of excessive hospitalities or gifts, other than mere tokens, goes beyond what is proper for a public official, regardless of whether such gifts do, or are intended to, influence them in an official capacity. The acceptance of an offer of any hospitality or gift deemed likely to exceed £20 in value must be approved by the relevant Corporate Director or the Chief Executive prior to its acceptance, and intimated in writing to the Head of Legal & Property Services for recording in a central register of gifts and hospitality.
- 22.5 Officers have a duty to report to the Head of Legal & Property Services any offers of hospitality which could be viewed as being excessive or if accepted which would run the risk of bringing the Council into disrepute.

23. INTERNAL AUDIT

- 23.1 A continuous Internal Audit Service, under the control and direction of the Head of Legal & Property Services shall be arranged to carry out an independent examination of the adequacy and effectiveness of financial and operational controls of the Council, including governance arrangements, as part of the Council's assurance processes. Operational responsibility for the delivery of the service shall be vested in the Chief Internal Auditor.
- 23.2 The Chief Internal Auditor shall be consulted on any significant proposed changes to the Council's internal control mechanisms.
- 23.3 The work of the Internal Audit Section shall be approved and monitored by the Audit Committee. This shall involve the Committee:-
- ♦ Considering and approving the annual audit plan;
 - ♦ Seeking clarification on and approving of reports summarising the findings arising from Internal Audit work; and
 - ♦ Directing in consultation with the Head of Legal & Property Services that Internal Audit conducts audits of matters of concern to Councillors and reports in full on these to the relevant Committee of the Council.
- 23.4 The Head of Legal & Property Services or his authorised representative, shall have authority to:-
- ♦ Enter at all reasonable times any Council premises or land;
 - ♦ Have access to all records, documents and correspondence relating to any financial and other transactions of the Council, where such access is necessary to investigate the financial propriety of the transaction;
 - ♦ Require and receive such explanations as are necessary concerning any matter under examination; and
 - ♦ Require any employee of the Council to produce cash, stores or any other Council property under his control which is relevant to any investigation being carried out.
- 23.5 Whenever any matter arises which involves or is thought to involve fraud or irregularities concerning cash, stores or other property of the Council or any suspected fraud or irregularity in the exercise of the functions of the Authority, any employee having knowledge thereof shall as soon as possible notify Internal Audit in accordance with the Council's Anti-Fraud and Irregularity Policy or alternatively comply with Council's Whistleblowing Policy which is contained within the Code of Conduct for Employees.

23.6 The Chief Internal Auditor shall investigate any such matters in consultation with the Head of Legal & Property Services and report in terms of the Council's policy to combat fraud and corruption. A decision to refer a matter to the Police will be taken by the Chief Executive and the Monitoring Officer in consultation with the Chief Internal Auditor and the relevant Corporate Director where appropriate.

24. RISK MANAGEMENT

- 24.1 The Council will actively promote a positive Risk Management culture in respect of all working practices within the Council while liaising with partnership organisations and local people in risk related matters.
- 24.2 The Council has adopted a Risk Management Policy Statement dedicated to managing the risks within its control to enhance the corporate governance process and in so doing aims to:-
- ◆ Safeguard its employees;
 - ◆ Protect its assets;
 - ◆ Preserve and enhance service delivery to its population;
 - ◆ Maintain effective stewardship of public funds;
 - ◆ Promote a favourable corporate image.
- 24.3 The Council, supported by the Chief Internal Auditor, has responsibility for:-
- ◆ The establishment of the Council's Risk Management philosophy;
 - ◆ Setting objectives and standards;
 - ◆ Linking Risk Management to Council objectives and stakeholder values;
 - ◆ Setting appropriate objectives and policies on Risk Management and Controls Assurance; and
 - ◆ Embedding Risk Management at every level of Council activity.
- 24.4 The Risk Management Policy Statement is supported by operational guidance which ensures there is an effective framework in place to ensure that the Council can :
- ◆ Identify, assess and prioritise risk
 - ◆ Determine what steps should be taken to reduce or eliminate risk
 - ◆ Monitor the effectiveness of risk mitigation strategies
- 24.5 These Financial Regulations are integral to the delivery of the Corporate Risk Management process.
- 24.6 All Chief Officers are responsible for the continuous review and management of Directorate and Service Risk Registers with appropriate support from the Chief Internal Auditor.

25. EXTERNAL ORGANISATIONS

- 25.1 The Council has adopted a process to ensure that it fulfills its overall Governance responsibilities towards external organisations effectively
- 25.2 A simple matrix has been adopted by the Council by which to determine the level of oversight which the Council should have over organisations to which it makes material payments. The scores which result from this matrix require Lead Officers to take specific courses of action and this can only be varied with the approval of the Chief Financial Officer in consultation with the Head of Legal and Property Services.
- 25.3 A list of all relevant organisations will be prepared on an annual basis by the Chief Financial Officer and thereafter submitted to the Policy & Resources Committee for approval. The approved list can be amended during the year with the approval of the Chief Financial Officer based on the advice of the relevant Chief Officer and the Corporate Procurement Manager.
- 25.4 For the Council's Arms Length External Organisations (ALEO) then there is a requirement for an Annual Monitoring Report submitted to the relevant Committee shall cover -
- 1) The aims and objectives of the External Organisation and how these have been met.
 - 2) The overall financial position of the External Organisation.
 - 3) Performance against targets and any value for money indicators and an overall assessment of the Governance risk to the Council.
 - 4) Key issues for the forthcoming period.
- 25.5 Lead Officers require to support any Council members involved with relevant organisations.

Report To:	Inverclyde Council	Date:	29 September 2016
Report By:	Head of Legal & Property Services	Report No:	GM/LP/126/16
Contact Officer:	Gerard Malone	Contact No:	01475 712710
Subject:	Fifth Review of Electoral Arrangements: Local Government Boundary Commission for Scotland		

1.0 PURPOSE

- 1.1 This report informs the Council of the decision of the Scottish Ministers on 14 September 2016 to make Orders to give effect to the proposals of the Local Government Boundary Commission for Scotland (LGBCS) to review local government ward boundaries as from the 2017 elections.

2.0 SUMMARY

- 2.1 The LGBCS is an independent body which makes recommendations for local government administrative and electoral boundaries in Scotland. This is the fifth periodic review of local government electoral arrangements in Scotland since LGBCS establishment in 1973.
- 2.2 As parts of the Fifth Review, the Council decided to submit representations on the intended LGBCS review and these form **Appendix 1**.
- 2.3 The Council and eight other local authorities felt aggrieved as the LGBCS process and methodology and requested Scottish Ministers not to give effect to the LGBCS proposals – **Appendix 2**.
- 2.4 On 14 September 2016, the Council was informed of the Scottish Ministers' decisions to approve the LGBCS recommendations in 25 of the 30 Council areas that were proposed for alteration. The relative letter from the Minister for Parliamentary Business to CoSLA dated 14 September 2016 together with the relative press release from the Scottish Government are also appended for Members' information as **Appendix 3**.
- 2.5 The proposals for Inverclyde increase Councillor numbers to 22 and increase the wards to seven.

3.0 RECOMMENDATION

It is recommended that

- 3.1 The Council considers the implications of the decision by Scottish Ministers and remits it to the Chief Executive to take such further action as may be considered appropriate in liaison with such other local authority areas as is necessary;
- 3.2 Meantime, that it be remitted to the Head of Legal & Property Services to give effect to such polling scheme amendments as are required in order to prepare for the May 2017 local government elections and that the Council notes that at least one special meeting of the Council may be needed to give effect to the consultation response timescales; and,
- 3.3 That further reports on the ward boundary reviews and its implications be reported to the Council in due course.

4.0 BACKGROUND

- 4.1 The LGBCS is an independent body which makes recommendations for local government administrative and electoral boundaries in Scotland. The present review is the fifth periodic review of local government electoral arrangements in Scotland since the establishment of the LGBCS in 1973.
- 4.2 In February 2014, the LGBCS began the current review with proposals for Councillor numbers in each Council within Scotland and Inverclyde Council made its representations, as noted, in **Appendix 1**. The LGBCS considered all representations made during that stage of the consultation process and then undertook a consultation on wards in March 2015. The Council's additional response at this step of the consultation process is also contained within **Appendix 1**.
- 4.3 In terms of the Council's discussions on these proposals, it was considered that there was already an appropriate level of representation within Inverclyde and this Council did not seek any increase in Councillor numbers. The LGBCS considered the Council's representations but decided in the interests of parity to proceed with the proposals for increase.
- 4.4 The proposals for wards have been developed by the LGBCS using electorate data as obtained from 2013. The number of electors registered in each Council electoral ward on that date has been used as the original basis for the proposals. The LGBCS had regard to the likely changes in numbers of electors by considering forecast electorate counts up to 2019.
- 4.5 The LGBCS proposals used population size in order to set Councillor numbers. The LGBCS proposals create categories of similar Councils in order to set ratios of Councillors to electors. The basis for this is population distribution and, as explained to the Council in previous reports, the LGBCS has used population distribution and levels of deprivation from the SIMD data in order to group Councils together. Population size, however, remains the most significant determinant of Councillor numbers and the design of wards.
- 4.6 The objective from the LGBCS is to attempt to standardise Councillor/electorate ratios throughout Scotland. The LGBCS also emphasises that it has sought to construct wards from complete local sub-geographies such as Community Council areas. The LGBCS has had regard to other locally significant boundaries such as community planning areas, neighbourhoods or natural communities.

5.0 WARDS – INVERCLYDE COUNCIL AREA

- 5.1 The LGBCS proposal which has been approved by Scottish Ministers as at 14 September 2016 provides for 22 Councillors within Inverclyde, with one four Member ward and six three Member wards thus increasing the number of wards in Inverclyde by one and increasing Councillor numbers by two.
- 5.2 The Order laid before the Scottish Parliament by Scottish Ministers provides the electoral wards as follows:

Ward No	Ward Name	Councillors	Electorate Sept 13	Actual Variation from Parity	Forecast Electorate	Forecast Variation from Parity
1	Inverclyde East	3	8,515	-2%	8,260	2%
2	Inverclyde East Central	3	8,084	-3%	7,841	-3%
3	Inverclyde Central	3	8,271	-1%	8,023	-1%
4	Inverclyde North	4	10,854	-3%	10,528	-3%
5	Inverclyde West	3	8,655	4%	8,395	4%
6	Inverclyde South West	3	8,832	6%	8,567	6%
7	Inverclyde South	3	8,030	-4%	7,789	-4%
	Totals	22	61,241	3%	59,403	3%

- 5.3 The Order gives effect to the proposals that were submitted by the LGBCS to Scottish Ministers in May 2016. The Order applies for all local government elections held on or after 4 May 2017 (i.e. including next year's local government elections).
- 5.4 Plans illustrating the ward boundary changes are attached as **Appendix 4**.
- 5.5 This Council always reviews its polling scheme arrangements after each election or referendum. The current decision will necessitate a review of the polling scheme and steps are already in hand to prepare for and bring forward a consultation process to give effect to the decision and its implications for the polling scheme. In terms of the timescales for the 2017 local government elections, the consultation process needs to be commenced as soon as possible and it would assist if Members would please note that, depending on the number and nature of responses, there will require to be at least one special meeting of the Council for the purpose of polling scheme review and consultation. These further details are being worked upon but the nature of any formal responses might also require a second special meeting in order to deal with the consultation timetable especially for all the arrangements needed in advance of the election.

6.0 OTHER LOCAL AUTHORITIES

6.1 Along with the discussions that have taken place at the CoSLA level in respect of the concerns at the methodology and processes of the Fifth Review, nine Councils wrote to the Minister for Parliamentary Business to express detailed concern and a copy of this letter forms **Appendix 2**.

6.2 The following Councils:

- East Renfrewshire Council
- Fife Council
- Inverclyde Council
- East Lothian Council
- South Lanarkshire Council
- North Lanarkshire Council
- Falkirk Council
- East Dunbartonshire Council
- Dumfries & Galloway Council

all expressed their concern that there had not been any form of meaningful or reasonable engagement or discussion relative to their individual and varying positions and that, irrespective of any proposed increases or decreases of Councillor numbers affecting these Councils, the methodology adopted by the LGBCS as the basis for its determination is considered to be fundamentally flawed or at least, lacking in any evidential basis. It was thought that the final proposals being made by the LGBCS were to the detriment of all of the communities reflected in the nine Council areas who were signatories to that letter.

6.3 The above Councils are considering their individuals positions and there is currently liaison amongst these in respect of any future actions. This position will have to be the subject of any future updates to the Council and, meantime, it is requested that it be remitted to the Chief Executive to consider joining any such co-ordinated actions as may be considered appropriate in the circumstances.

7.0 IMPLICATIONS

Finance

7.1 There will be extra costs associated with an increase in Councillors. The funding for this should be clarified as part of the 2017/18 Budget settlement.

Financial Implications:

One Off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
To be determined	n/a	n/a	n/a	n/a	Possible accommodation alterations and infrastructure

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
Services to Members	Remuneration Travelling expenses/ training etc.	2017	£41,000; £3,000	n/a	Increase in remuneration because of two additional Councillors. Provides for 10% increase in overhead budgets.

Legal

- 7.2 The Council will require to make formal alterations to its polling scheme and these will be the subject of community consultation and reporting back to, at least, one special meeting of the Council dependent on the nature of any responses received.

Human Resources

- 7.3 None.

Equalities

- 7.4 None.

Repopulation

- 7.5 The revised boundaries and Councillor numbers takes account of proposed forecasts for electorate numbers within Inverclyde and, accordingly, seek to address and sustain local democracy within this area.

8.0 CONSULTATIONS

- 8.1 This report has been endorsed by the Corporate Management Team.

9.0 BACKGROUND PAPERS

- 9.1 None.

Our Ref: GM/AJ

Your Ref:

Date: 22 April 2014

Environment, Regeneration & Resources
Acting Corporate Director: Alan Puckrin

Municipal Buildings
Clyde Square
Greenock
PA15 1LY

Tel: 01475 712764

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alan.puckrin@inverclyde.gov.uk

FIRST CLASS POST

Dr Hugh Buchanan
Secretary
Local Government Boundary Commission for Scotland
Thistle House
91 Haymarket Terrace
EDINBURGH
EH12 5HD

Also by email to:
LGBCS@scottishboundaries.gov.uk

Dear Dr. Buchanan

**FIFTH ELECTORAL REVIEW
INVERCLYDE COUNCIL**

I thank you for your consultation document on the Fifth Review.

I write to advise you that Inverclyde Council considered the terms of the Fifth Electoral Review at its meeting on 10 April 2014. The Council noted with interest the detailed background to the Fifth Review together with the recommendations for the numbers of Councillors in each Council within Scotland based upon a methodology that, for the first time, takes into account levels of deprivation as well as population distribution.

Following the Council's detailed consideration of the Fifth Review proposals, the Council unanimously decided to recommend to you a continuation of the present, existing number of twenty Elected Members for Inverclyde Council. The Council did not support the draft proposal for an increase in Councillors to twenty two. It is the Council's view is that the workload distribution within its existing multi-member wards is sufficient and adequate at this time and that an increase in Councillors is not justified by the burden of extra expenditure which would arise as a consequence. The Council understands the Commission's objectives for parity, insofar as possible and also appreciates that there will be a detailed review of ward boundaries as the Fifth Review progresses. The issues of parity within the existing multi-member wards can be reviewed in terms of boundary scrutiny at that time without there being a need for an increase in Councillors.

Accordingly, I have been requested to write to you to intimate the Council's views as above. The Council also notes that it will have an opportunity to engage with you in the consultation on the ward boundaries in the future in terms of your review timetable.

Please contact me at any time in order to expand or clarify on any point referred to above. It would be of assistance if you would kindly acknowledge receipt of this letter.

Yours sincerely

Head of Legal & Property Services

Enquiries to Gerard Malone
Tel: 01475 712710
Fax: 01475 712137
E-mail: gerard.malone@inverclyde.gov.uk

Our Ref: GM/KB

Your Ref:

Date: 18 May 2015

Ms Isabel Drummond-Murray
Secretary
Local Government Boundary Commission for
Scotland
Thistle House
91 Haymarket Terrace
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Environment, Regeneration & Resources

Corporate Director: Aubrey Fawcett

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aubrey.fawcett@inverclyde.gov.uk

Dear Ms Drummond-Murray

Fifth Electoral Review – Inverclyde Council

I thank you for your Proposals for Wards booklet of March 2015 relative to Inverclyde Council.

I write to advise you that the Council considered the detailed terms of your March 2015 proposals at its meeting on 14 May 2015. The Council noted your proposals for wards in the Inverclyde Council area with reference to forecast electorates, the details of the electorate data and the proposed ward boundaries. As from our previous correspondence in terms of the April 2014 proposals, the Council considered your proposals in the light of the methodology that you have proposed and the general description of the approach you have provided in respect of proposals for wards in Scotland.

The Council fundamentally disagrees with your proposals and wishes me to note its continued concern in respect of your methodology and its intended effect on Councillor numbers. The Council maintains its opposition to your proposed increase in Councillor numbers as it believes that your methodology, which places Inverclyde Council and Glasgow City Council together as outliers in your assessment as being flawed. This Council, which is one of the smallest within Scotland, is placed within the same category as the largest in Scotland whereas its usual and standard comparators and benchmarks for statistical comparison, especially in relation to deprivation and economic effect, are within Category 4 (as opposed to Category 5) of your assessment. This Council should be placed within the same category as West Dunbartonshire, Renfrewshire, North Lanarkshire, North Ayrshire, East Ayrshire, Clackmannanshire and Dundee in relation to the effects of deprivation and should not be assessed, alone and uniquely with Glasgow. The effect of the classification criteria should realistically provide a ratio of Councillors to electors of 3,000 rather than the intended ratio of 2,800. The methodology that you have used to provide this classification is unproven and is strongly questioned in relation to effect on Councillor-workload and, also, deprivation distribution internally within any local authority area.

It is fair to recognise that one of the biggest impacts in respect of deprivation involves the Elected Member workload with housing issues (as the whole range of deprivation factors are often linked with housing) whereas Inverclyde Council maintains its position as a Strategic Housing Authority yet has no operational involvement in housing estate management because of the large scale voluntary transfer which took place in/...

in 2007 as part of the Council's initiative to transfer its housing stock with tenants' consent after a full process of consultation to a Registered Social Landlord within the area. Obviously, there is a significant continuing workload with housing matters and this is a key element of Councillor duties, but nevertheless it is noteworthy that your deprivation criteria do not take account of the particular circumstances of those authorities which have completed large scale voluntary transfers. The housing function is not the single criterion upon which to base Elected Member workload, but its use is relevant to demonstrating the difficulty in reaching a broad assessment based upon SIMD criteria without looking at specific, individual issues affecting particular areas. Again, it is willingly offered that in other functions, for example in relation to planning implementation and policy, in many respects there can be a significantly high workload in certain local areas; or, in addition, in relation to the integration of health and social care there can be many significant and specific heavy workload items for Councillors in connection with the wide range of Council involvement in these functions. These points are brought to your attention to illustrate this Council's concern at your criteria which places Inverclyde Council and Glasgow City Council within the same range whereas it can be equally and justifiably claimed, at the very least, that the application of the 3,000 Councillor / elector ratio (in terms of Category 4) would produce no change whatsoever to Councillor numbers within Inverclyde. Inverclyde Council maintains its strong wish that you maintain Councillor numbers for this area at twenty and that with no increase.

Your criteria do not take account of the distribution of deprivation within Inverclyde and there are variations which are very local in effect and impact and the present level of Councillor numbers already satisfactorily and acceptably meets the levels of electorate demand and Councillor availability that you seek.

From the Council's review, the following issues are brought to your attention:

- It is recognised there is an anomalous boundary at Inverkip Marina which excludes the water area at the Marina complex from the constituency boundary. I have been requested to write to the Boundary Commission for Scotland to address this matter to include this area within the constituency boundary and to eliminate the need for various applications which may have been made for Declarations of Local Connection – this matter will be separately progressed in relation to that area.
- It is noted that you have estimated electorate numbers for 2019 as can be seen from the table of your proposals. The Council is concerned to bring to your attention that the amount of new housing that is proposed for the southwest area of Inverclyde will in itself affect forecast electorate numbers within ward boundaries and it is requested that you take this impact of local demographic change and proposals for future housebuilding in that area into account in your proposals.
- The proposals for seven wards (a) do not reflect the distribution of SIMD data zones within local geographies; and (b) do not reflect natural ward boundaries, even in overview of the area, in respect of, for example, the existing more natural boundary at Bakers Brae at the east and your proposals move this westwards without there being local community or geographic reasons to Bank Street and Wellington Street, Greenock. The Council accepts it is very difficult to reflect in whole variations in SIMD data zones within wards and that is the issue. The increase in Councillor numbers and the new proposals do not provide sufficient rationale for adoption. Existing boundaries, together with the existing number of Councillors, reflect existing east / central Greenock boundaries. Also, for example, Auchenbothie Road in Port Glasgow is proposed now to be split in respect of the length of that road on the boundary. It would be preferable to retain both sides of that road within the ward and existing polling districts.
- The/...

- 3 -

- The Council accepts there are a variety of ways to propose ward boundaries and incorporate the increased number of Councillors. Equally valid, if Councillor numbers were maintained at twenty, it would be possible to look at ward boundaries and to adjust these to take account of recent effects on population movement and to seek more even distribution amongst the existing wards. The Council would look at any innovative proposals in order to assist the fair distribution of electorate and Councillors which take account of local geographies and communities. The Council's point remains that the existing number of Councillors is sufficient to address re-drawing of boundaries to reflect parity at the electorate / Councillor ratio of 3,000
- The Council's preference is that twenty Councillors be retained with a review of existing wards based upon population distribution. The Council does not accept that deprivation data alone reflects the caseload of Councillors. The proposed ratio of 3,000 is more applicable to the Inverclyde situation and comparative data zones and your proposals should be revised to take account of these representations, accordingly.

I trust the above is of assistance to you in respect of your consultation. Please contact me at any time in order to clarify any aspect of the Council's position. I look forward to hearing from you further in due course.

Yours Sincerely

Gerard Malone
Head of Legal & Property Services

Enquiries to: Gerard Malone, Head of Legal & Property Services, Telephone (01475) 712710

Our Ref: LM/AT
Your Ref:
Contact: Lorraine McMillan
Tel: 0141 577 3009
Email: lorraine.mcmillan@eastrenfrewshire.gov.uk
Date: 28 June 2016



Chief Executive's Office
East Renfrewshire Council HQ
Eastwood Park
Rouken Glen Road
Giffnock, G46 6UG

Joe FitzPatrick MSP,
Minister for Parliamentary Business,
St Andrew's House,
Regent Road,
Edinburgh EH1 3DG

Dear Mr FitzPatrick,

**Fifth Review of Local Government Electoral Arrangements
Local Government Boundary Commission for Scotland**

This letter is written jointly by the undernoted Councils. It is the request of these Councils that Scottish Ministers do not approve, insofar as these Councils' areas are affected, the final proposals submitted to you for consideration by the Local Government Boundary Commission for Scotland (LGBCS) in relation to its Fifth Review.

All of the undernoted Councils have submitted representations to the LGBCS relative to its Fifth Review. It is appreciated that the LGBCS wishes to propose its reviews of both Councillor numbers and ward boundaries in order to meet its views on local government electoral arrangements in Scotland. Within the process and timetable of this LGBCS review, each of the undernoted Councils has already made their individual and detailed submissions on the review. It would, in normal circumstances, be accepted that the individual submissions from each local authority would suffice, but there are two critical issues which require these local authorities to write to Scottish Ministers directly and jointly:

- (a) none of the Councils believe there has been any form of meaningful or reasonable engagement or discussion whatsoever relative to their individual positions as set out in their respective responses; and
- (b) that, irrespective of any proposed increases or decreases of Councillor numbers affecting these Councils, the methodology adopted by the LGBCS as a basis for its determination is fundamentally flawed or, at least, lacking in any evidential basis and, despite the individual Council representations which have been made, the final proposals are believed to be to the detriment of all of the communities, below.



Lorraine McMillan,
Chief Executive, East Renfrewshire HQ, Eastwood Park, Rouken Glen Road, Giffnock, G46 6UG

APPENDIX 2 contd.

It is not the purpose of this letter to seek to repeat the terms of each individual local authority's responses to the LGBCS: each of these, it is believed, has been consistently made by the Councils concerned in terms of their specification, detail and reasoning. Please note, each of these submissions do continue to be maintained by the individual Councils concerned. It is necessary to summarise, however, that there is no support from these Councils for the final proposals as made to you and that none of the Councils believe that the draft Fifth Review achieves effective and convenient local government, as explained fully to the LGBCS in the process of consultation that was undertaken. None of the Councils believe that either the methodology of the review or the approach undertaken by the LGBCS in its review balance effectiveness and convenience in electoral arrangements for any of the local authorities affected.

The Councils request that you bring these concerns to the attention of Scottish Ministers. The subscribers welcome any discussions direct with you or with the LGBCS in relation to the progress of the final proposals. This letter is written to you on the basis that changes to local communities should only be taken forward where communities have been adequately respected: in the proposed arrangements, at present, the undernoted Councils do not believe this standard has been achieved. The Councils are very concerned that the LGBCS focus on parity with implementation of the elector to councillor ratios will result in ward redesigns that will damage community ties and will have adverse impacts on established communities. Any progress through dialogue and discussion would be welcomed as it is not thought to be in the interests of any party that other remedies, such as judicial review, be considered or undertaken without every effort being made to find a solution which addresses the concerns of all.

Individually, or jointly, the subscribers welcome the opportunity to make any further submissions to you or to meet or have dialogue with yourself and/or representatives of the LGBCS. Concerns on this matter have been raised at COSLA and separate representations may also be received therefrom in similar vein. Nevertheless, given the timescales concerned, it was thought appropriate to write direct to you.

We thank you for your consideration.

Yours sincerely,

Lorraine McMillan	Chief Executive of East Renfrewshire Council	
Steve Grimmond	Chief Executive of Fife Council	
John Mundell	Chief Executive of Inverclyde Council	
Angela Leitch	Chief Executive of East Lothian Council	

APPENDIX 2 cont'd.

Lindsay Freeland	Chief Executive of South Lanarkshire Council	
Paul Jukes	Chief Executive of North Lanarkshire Council	
Mary Pitcaithly	Chief Executive of Falkirk Council	
Gerry Cornes	Chief Executive of East Dunbartonshire Council	
Gavin Stevenson	Chief Executive of Dumfries and Galloway	

APPENDIX 2 contd.

Minister for Parliamentary Business
Joe FitzPatrick MSP

T: 0300 244 4000
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Ms Lorraine McMillan
Chief Executive
East Renfrewshire Council
Rouken Glen Road
Giffnock
GLASGOW
G46 6UG

Your ref: LM/AT
Our ref: 2016/0021523
12 July 2016

Dear Ms McMillan

Thank you for your letter of 28 June expressing your concerns, and those of 8 other council chief executives, about the recommendations made by the Local Government Boundary Commission for Scotland for changes to the electoral arrangements for your and their areas.

I am aware of the concerns that your council and others have expressed about the methodology used by the Commission. I am also aware of the criticisms of the consultation process that have been expressed by yourselves and others. I have taken careful note of your comments, and will be giving very thorough consideration to the recommendations before deciding whether to implement them.

I hope this is helpful.

I would be grateful if you could copy this reply to your fellow signatories.

JOE FITZPATRICK

Minister for Parliamentary Business
Joe FitzPatrick MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

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Councillor David O'Neill
President
COSLA
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email: DO'Neill@north-ayrshire.gov.uk

14 September 2016

Dear David,

As you know, I have been considering the Local Government Boundary Commission for Scotland's recommendations for changes to local government electoral arrangements that were published on 26 May, following completion of its Fifth Electoral Reviews. I am writing now to advise you of the decisions I have taken on those recommendations.

I met you and Michael Cook on 30 June, when you reiterated COSLA's concerns about the reviews process as well as the concerns of some councils about specific aspects of the recommendations. I have considered very carefully the representations that COSLA, SOLACE and others have made during and after the reviews process, but have concluded that it would not be right either to postpone implementing the Commission's recommendations or to reject them entirely. A major factor that has led me to this conclusion is that councillor numbers across Scotland have not been reviewed for nearly 20 years: given the changes in population distribution that have taken place since then, and those that are expected to take place in the next few years, I think that on the whole those changes ought to be reflected by updating local electoral arrangements.

Having said that, there are a few areas where I think this is outweighed by other considerations. In Argyll and Bute, Dundee City and Scottish Borders a large number of representations were made that aspects of the Commission's proposals would cut across strong and long-standing communities. I recognise the strength of those arguments, and so have decided not to make any changes to the electoral arrangements for those areas. Also, I have agreed to requests from Comhairle nan Eilean Siar and Shetland Islands Council for no changes to be made to the arrangements for their areas at this time as there are likely to be further changes flowing from our forthcoming Islands Bill, and in their view it would be unduly disruptive to make changes now and then again for the 2022 elections.

To summarise my decisions on the Commission's recommendations, I have:

APPENDIX 3 contd.

- accepted the recommendations to make no changes in 2 areas (Orkney Islands and West Lothian);
- decided not to accept the recommendations for changes in 5 areas (Argyll and Bute, Dundee City, Na h-Eileanan an Iar, Scottish Borders, and Shetland Islands), and so to keep the existing arrangements for those areas; and
- accepted the recommendations for changes for the other 25 council areas.

I have laid before the Parliament today Orders to give effect to the recommendations for change that I have accepted. These Orders will come into force on 30 September, and apply to elections held on or after 4 May 2017.

I appreciate that my decisions as described above are not what COSLA has been looking for. However, I hope that this letter is at least helpful as explaining those decisions and the approach I have taken in considering the Commission's recommendations. I have written in similar terms to SOLACE and the Scottish Local Government Partnership, and have also written to the Leader and Chief Executive of each council to advise them of my decision on the recommendations for their area.

Yours for Scotland

Joe FitzPatrick

News



September 14, 2016

Council ward boundaries agreed

Ministers decide on council ward boundaries.

Council ward boundaries across Scotland have been agreed, following Ministers' decisions on recommendations from the Local Government Boundary Commission for Scotland.

The Commission published recommendations for changes to councillor numbers and ward boundaries in May, following completion of its fifth periodic review of local government electoral arrangements.

Changes were recommended for 30 of Scotland's local authority areas, and the Scottish Government has accepted all but five, meaning changes will be made in 25 council areas.

Given the existing commitment to an Islands Bill this Parliamentary year to ensure closer representation in island communities, Ministers have not accepted recommendations to make changes to the island authorities.

Parliamentary Business Minister Joe FitzPatrick said:

"Local government plays an important role in delivering key services across Scotland and it's important for the sake of democracy and for local service delivery that councils are as representative as possible of the communities they serve.

"That's why the Boundary Commission is legally obliged to hold regular reviews of council wards and councillor numbers, to ensure these reflect changes in population – this is the fifth such review since the Commission was created in 1973 and we are pleased to accept the vast majority of their recommendations.

"In a small number of cases – Argyll and Bute, Dundee City and Scottish Borders - we have listened to local representations and left boundaries as they currently stand, to ensure that strong historic ties in particular areas and communities are maintained.

"Significant concerns were raised about aspects of the Commission's proposals for those areas, in particular that they would not reflect local communities. While the Commission did try to address these in its final recommendations, it was clear from the responses to those recommendations that many of those concerns remained. We therefore decided that the better course would be to keep the status quo for those areas.

"In the case of the three island councils, we are committed to introducing an Islands Bill in this first Parliamentary year enabling the creation of 1- or 2-member island wards.

"We do not propose to pre-empt the Bill by changing ward boundaries in Orkney, Shetland or Comhairle nan Eilean Siar, so we are therefore not implementing any changes in those areas.

"However, we will be asking the Commission to look at electoral arrangements for the islands areas once the Bill has been enacted, with the aim of having any changes arising from the Islands Bill in place for the local elections in 2022.

"Our decisions will ensure updated electoral arrangements will apply for the local government elections in May next year, and I am confident these new structures will serve Scottish local government well in the years to come."

Background

The Local Government Boundary Commission is an independent body responsible for reviewing local government electoral arrangements every 8-12 years. The Commission's recommendations were set out in 32 reports, one for each local authority area. The reports and more information about the reviews can be found on the Commission's website at http://www.lgbc-scotland.gov.uk/reviews/5th_electoral/.

The Commission recommended changes for 30 of Scotland's local authority areas. The Scottish Government has accepted all but 5 of those recommendations. These decisions mean that changes to ward boundaries and/or councillor numbers will be made in 25 council areas:

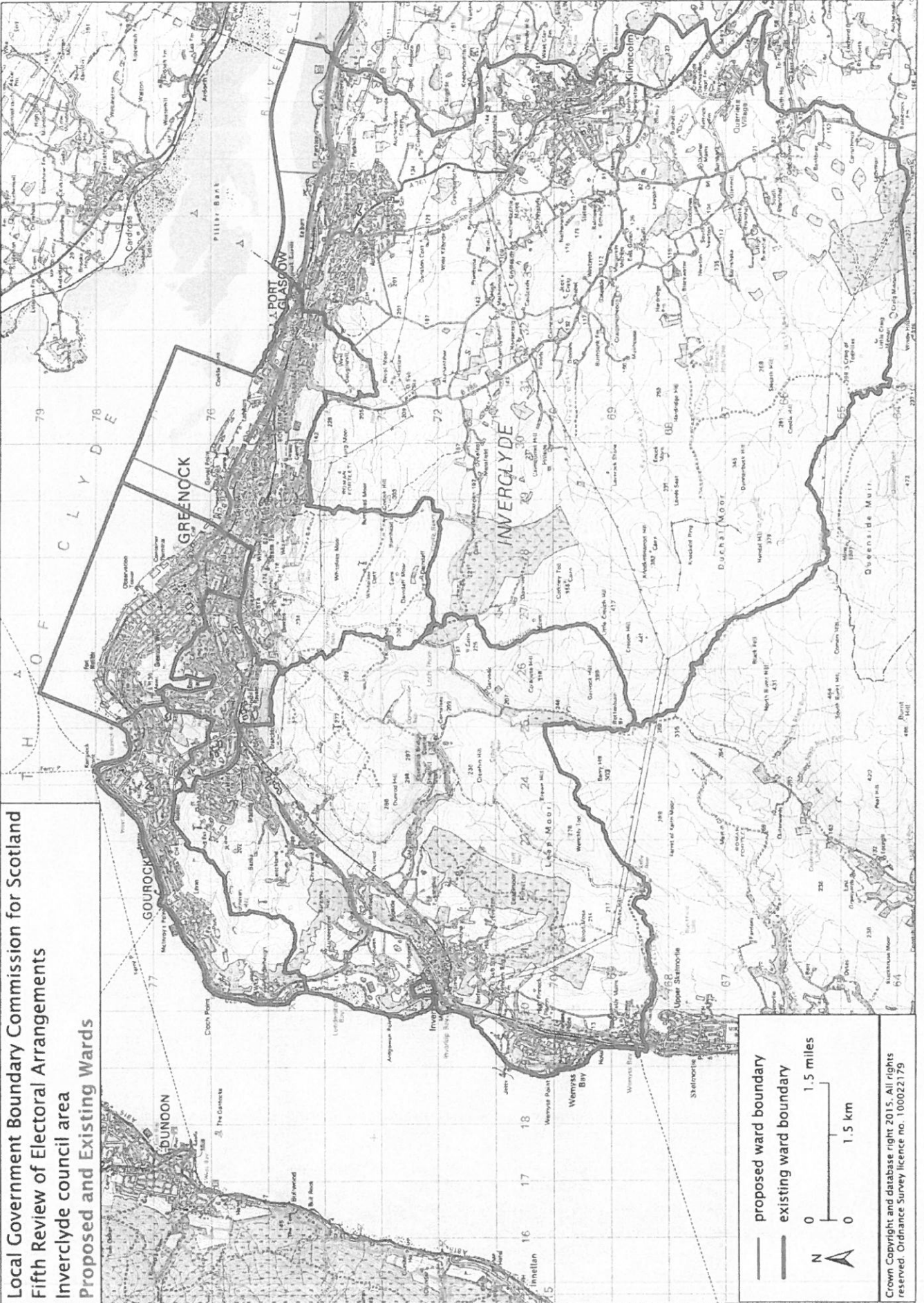
- Aberdeen City
- Aberdeenshire
- Angus
- Clackmannanshire
- Dumfries and Galloway
- East Ayrshire
- East Dunbartonshire
- East Lothian
- East Renfrewshire
- Edinburgh
- Falkirk
- Fife
- Glasgow City
- Highland
- Inverclyde
- Midlothian
- Moray
- North Ayrshire
- North Lanarkshire
- Perth and Kinross
- Renfrewshire
- South Ayrshire
- South Lanarkshire
- Stirling
- West Dunbartonshire

The changes mean councillor numbers remain largely the same, changing from 1223 to 1227.

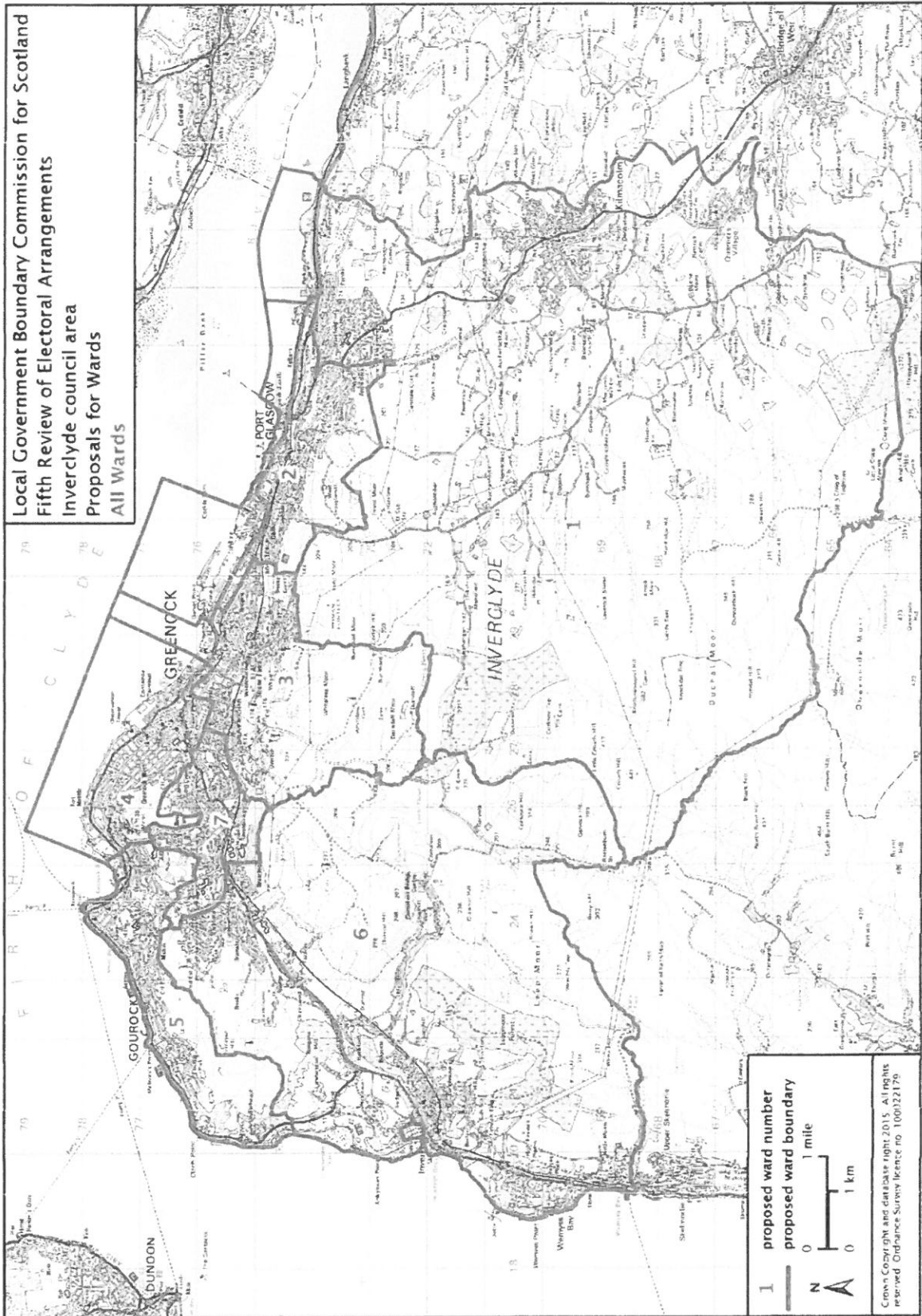
Contact

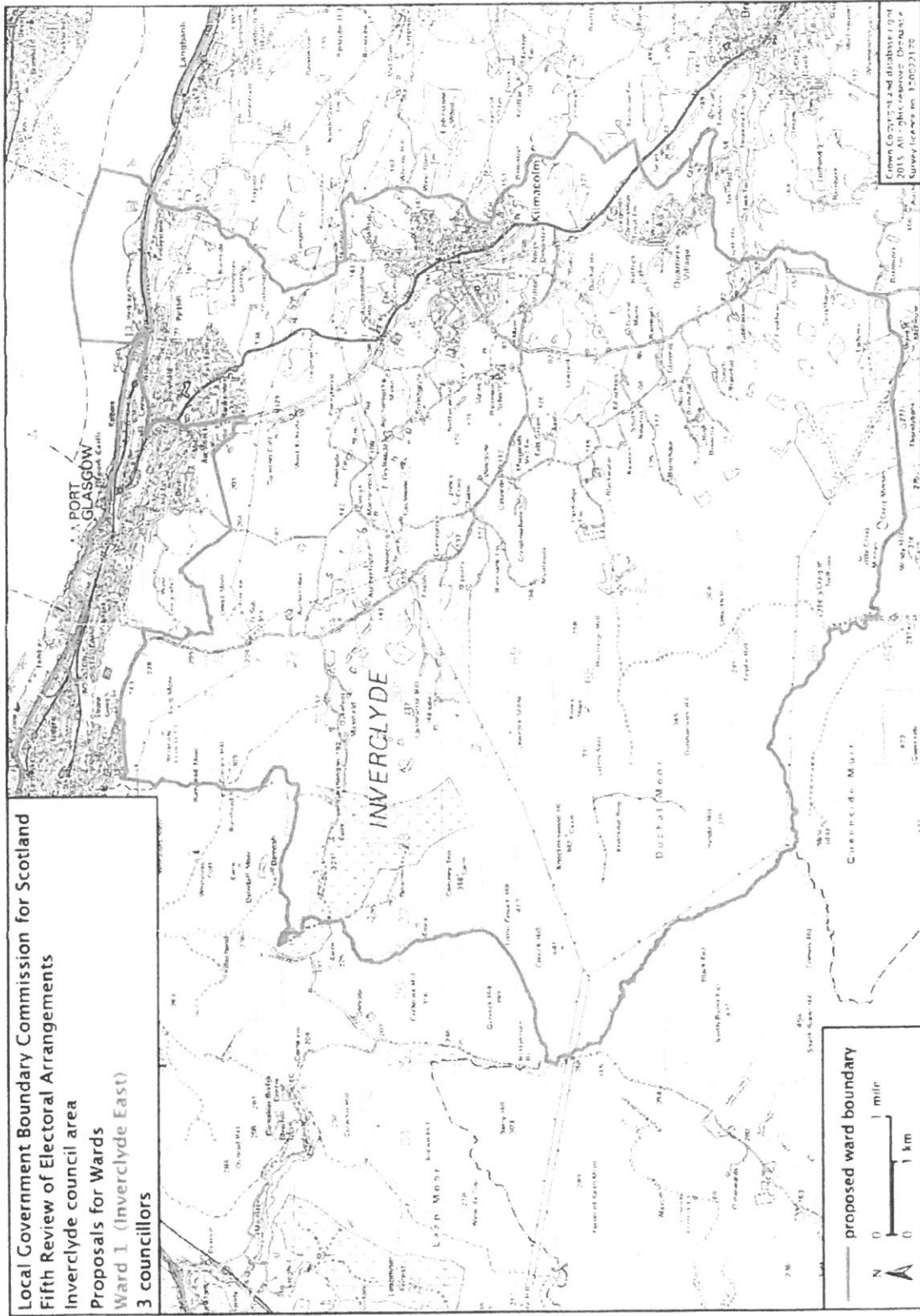
Annalena Winslow: 0131 244 2322 / 07580 331 420

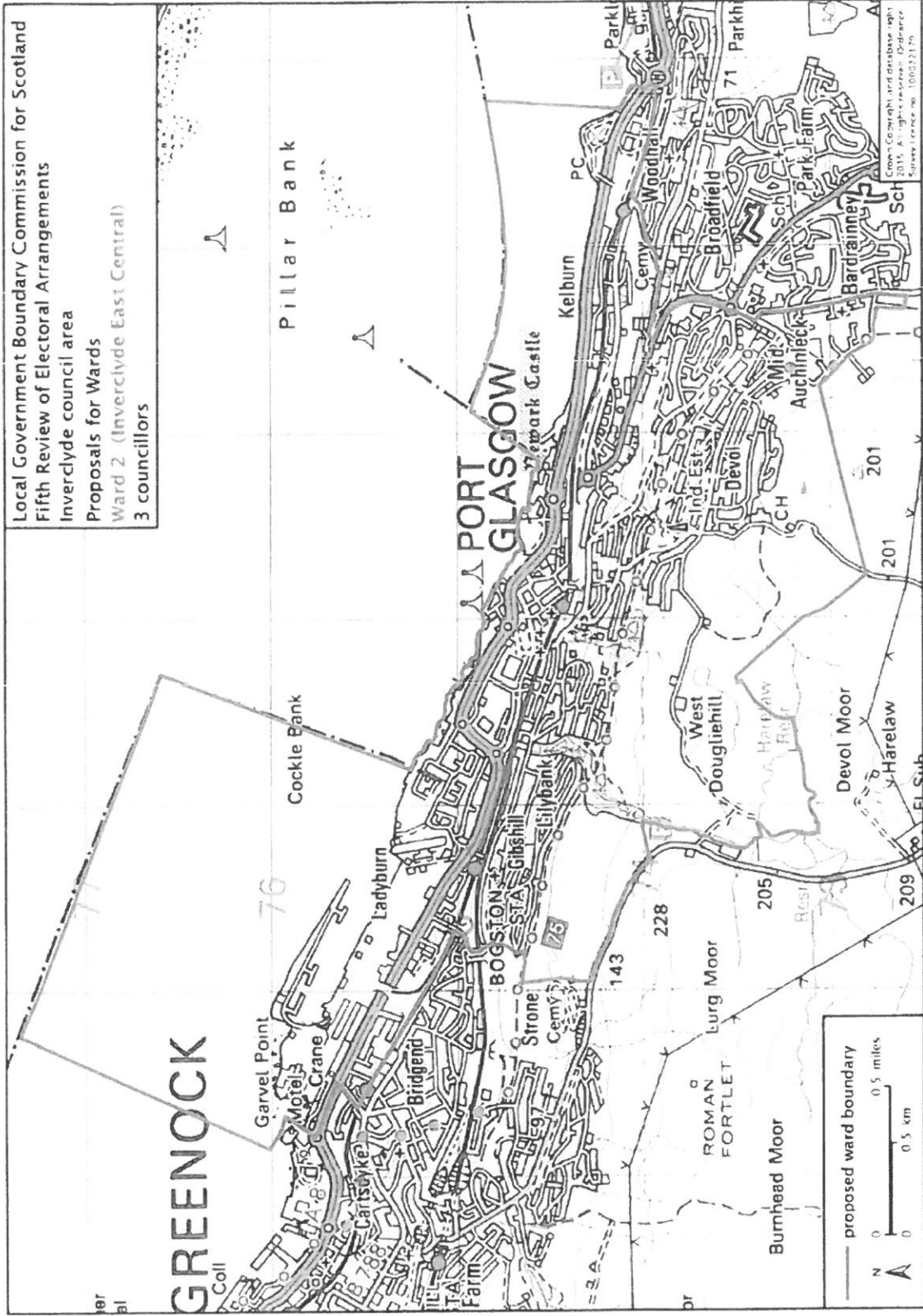
**Local Government Boundary Commission for Scotland
Fifth Review of Electoral Arrangements
Inverclyde council area
Proposed and Existing Wards**



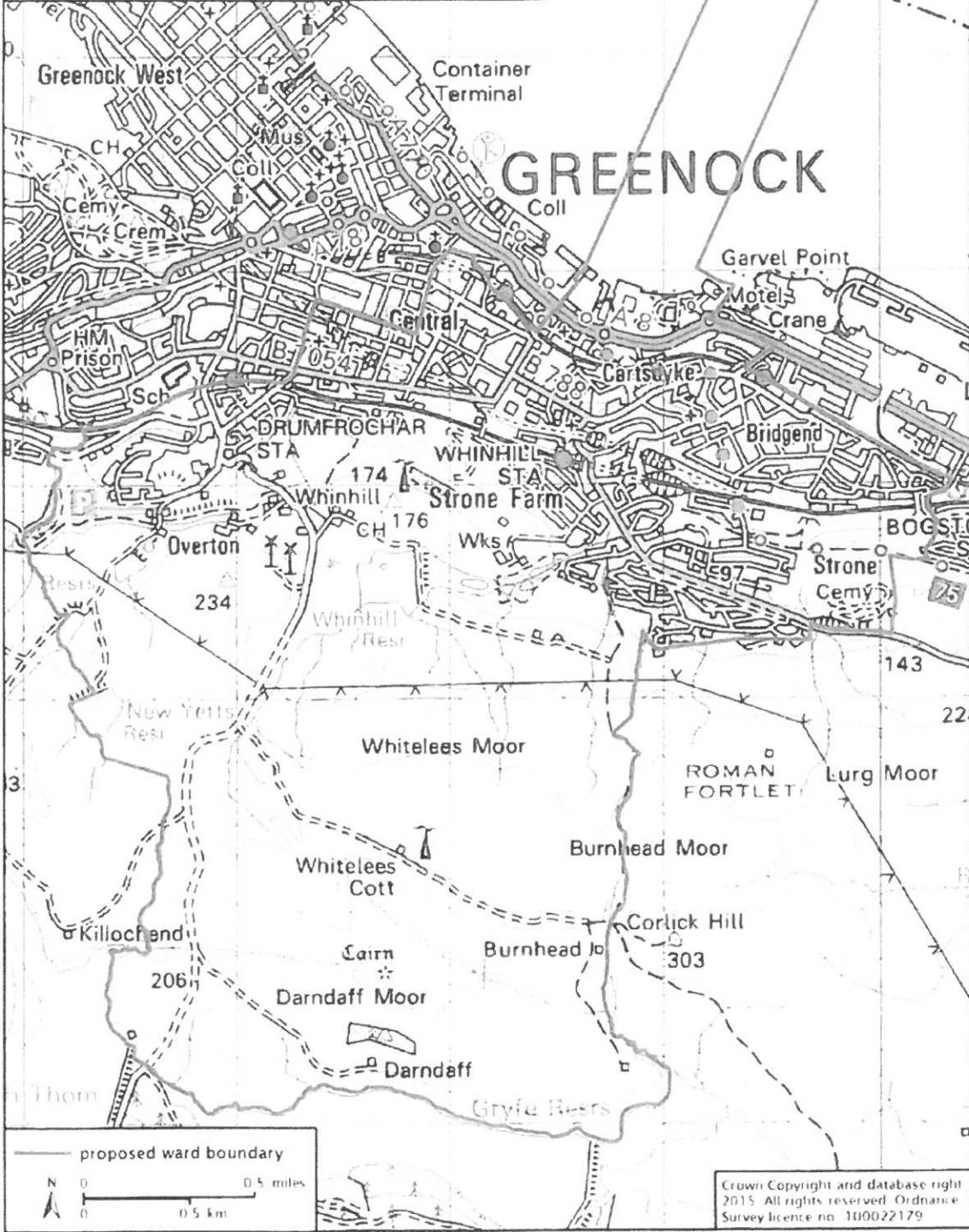
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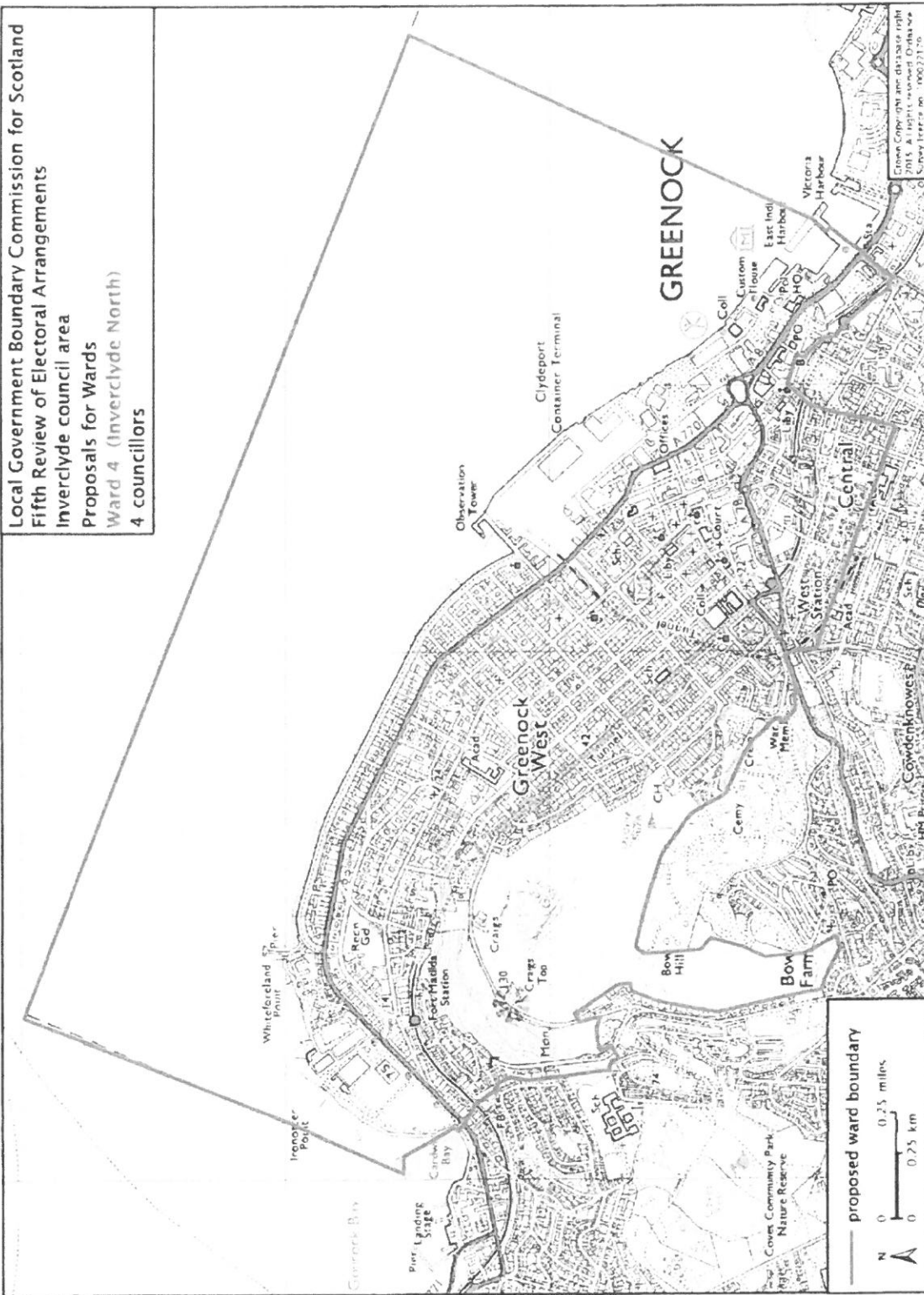


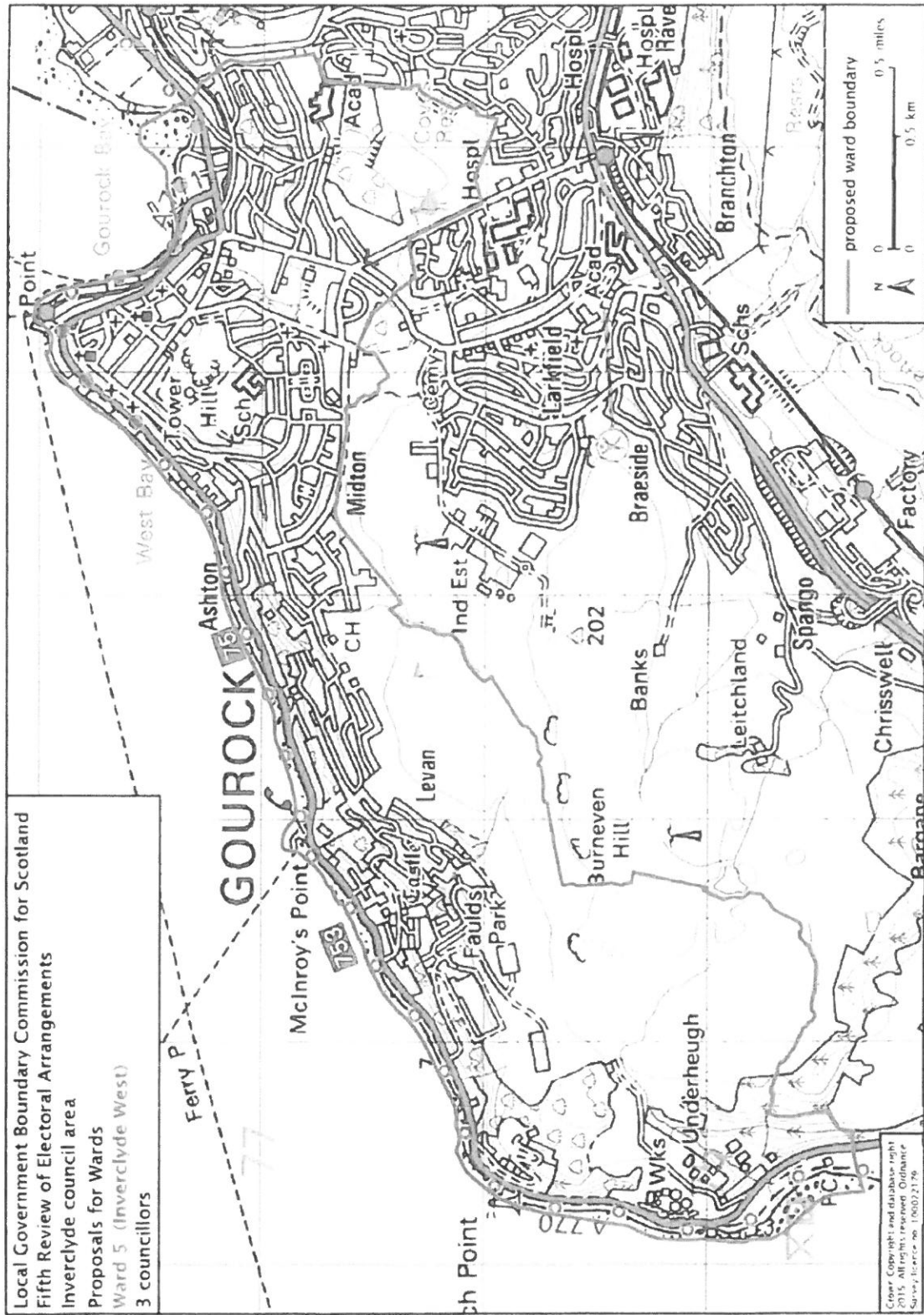


Local Government Boundary Commission for Scotland
Fifth Review of Electoral Arrangements
Inverclyde council area
Proposals for Wards
Ward 3 (Inverclyde Central)
3 councillors

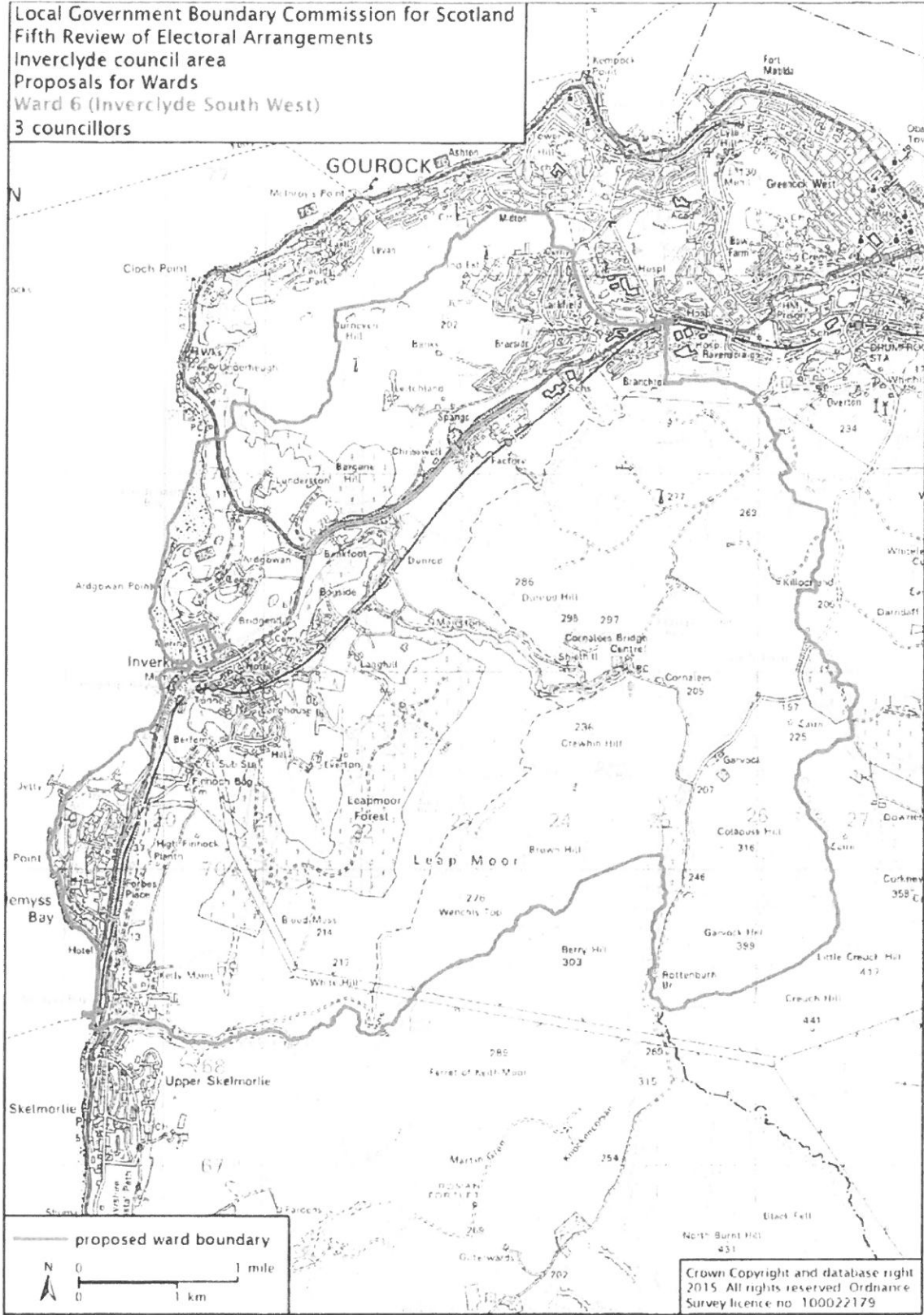


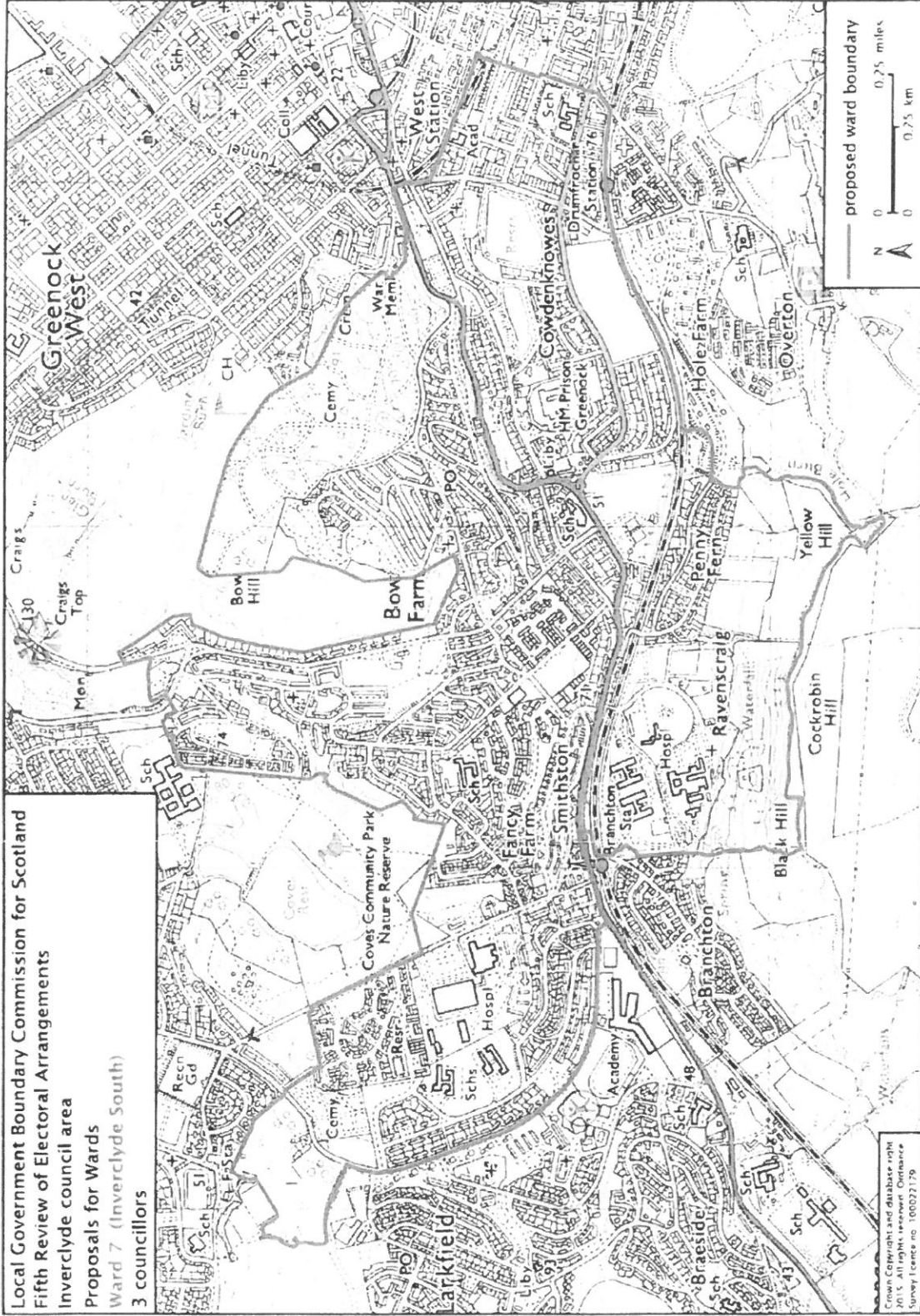
Local Government Boundary Commission for Scotland
 Fifth Review of Electoral Arrangements
 Inverclyde council area
 Proposals for Wards
 Ward 4 (Inverclyde North)
 4 councillors





Local Government Boundary Commission for Scotland
Fifth Review of Electoral Arrangements
Inverclyde council area
Proposals for Wards
Ward 6 (Inverclyde South West)
3 councillors





Report To:	Inverclyde Council	Date:	29 September 2016
Report By:	Corporate Director Environment, Regeneration & Resources	Report No:	SL/LP/104/16
Contact Officer:	Sharon Lang	Contact No:	01475 712112
Subject:	Treasury Management – Annual Report 2015/16		

1.0 PURPOSE

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

2.0 SUMMARY

- 2.1 The Policy & Resources Committee at its meeting on 9 August 2016 considered a report by the Chief Financial Officer on the operation of the treasury function and its activities for 2015/16 as required under the terms of Treasury Management Practice 6 ("TMP6") on "Reporting Requirements and Management Information Arrangements".

- 2.2 A copy of the report to the Policy & Resources Committee is attached as Appendix 1.

- 2.3 The Policy & Resources Committee decided:

- (1) that the Committee note the contents of the annual report on Treasury Management for 2015/16, the issues in section 5.2 of the report following the result of the EU Referendum and the ongoing work to seek to ensure the delivery of financial benefits for the Council during the current uncertainty and beyond;
- (2) that the annual report be remitted to the Inverclyde Council for approval; and
- (3) that the Committee's appreciation be extended to the Treasury Management Team for results achieved.

3.0 RECOMMENDATION

- 3.1 The Council is asked to approve the Treasury Management Annual Report 2015/16.

Report To:	Policy & Resources Committee	Date:	9 August 2016
Report By:	Chief Financial Officer	Report No:	FIN/73/16/AP/KJ
Contact Officer:	Alan Puckrin	Contact No:	01475 712223
Subject:	TREASURY MANAGEMENT – ANNUAL REPORT 2015/16		

1.0 PURPOSE

- 1.1 The purpose of this report is to advise members of the operation of the treasury function and its activities for 2015/16 as required under the terms of Treasury Management Practice 6 (“TMP6”) on “Reporting Requirements and Management Information Arrangements”.

2.0 SUMMARY

- 2.1 As at 31 March 2016 the Council had gross external debt (including PPP) of £280,951,047 and investments of £51,529,212,396. This compares to gross external debt (including PPP) of £284,125,698 and investments of £44,787,396 at 31 March 2015.
- 2.2 The Council’s Capital Financing Requirement at 31 March 2016 was £302,160,000. The gross external debt was £21,208,953 (7.0%) less than the Capital Financing Requirement and so the Council was in an underborrowed position and remains so, having undertaken no borrowing so far in 2016/17. This is attributable to the level of cash backed reserves held by the Council.
- 2.3 The average rate of return achieved on investments during 2015/16 was 0.864% which exceeds the benchmark return rate for the year of 0.456% by 0.408% and resulted in £209,000 of additional interest on investments for the Council.
- 2.4 During 2015/16 and in 2016/17 to date the Council did not undertake any debt restructuring and operated within the required treasury limits and Prudential Indicators for the year set out in the Council’s Treasury Policy Statement, annual Treasury Strategy Statement, and the Treasury Management Practices.
- 2.5 Following the result of the EU Referendum that took place on 23 June 2016, there has been volatility in the financial markets and increased economic uncertainty in the UK and around the world with the possibility of a further cut in UK interest rates. The situation is being closely monitored for both risks and opportunities.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that the Committee notes the contents of the annual report on Treasury Management for 2015/16, the issues in section 5.2 of the report following the result of the EU Referendum, and the ongoing work to seek to ensure the delivery of financial benefits for the Council during the current uncertainty and beyond.
- 3.2 It is also recommended that the Annual Report be remitted to the Full Council for approval.

Alan Puckrin
Chief Financial Officer

4.0 BACKGROUND

- 4.1 The Council is required by regulations issued under the Local Government in Scotland Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2015/16.
- 4.2 Treasury Management in this context is defined as: “The management of the local authority’s cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.”
- 4.3 This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

A glossary of treasury management terms is attached as Appendix 1.

5.0 ANNUAL REVIEW

- 5.1 The treasury management issues arising during the year were:
- a. The Council’s debt (including PPP) has reduced during the year by £3.175m due to repaying maturing debt without undertaking new borrowing. Council investments increased by £6.742m in the year.
 - b. As at 31 March 2016 the Council had under borrowed against its capital financing requirement by £21.209m. No borrowing has been undertaken during 2016/17 to date.
 - c. The Council did not undertake any debt restructuring during 2015/16 and remained within its Prudential Indicator and Treasury Management limits during the year.
 - d. The Bank Rate remained unchanged during 2015/16 at 0.50% (unchanged since March 2009) although the forecast position has changed since the EU Referendum on 23 June 2016 (see below).
 - e. PWLB rates for new borrowing were expected to increase by between 0.50% and 0.60% during the year. Rates for new borrowing actually fell over the year by up to 0.30% for short-term, remained almost flat for medium term, and fell by up to 0.20% for long-term. These movements were not uniform during the year. Volatility resulted in the difference in rates for some loan periods between their highest and lowest levels being just under 1.00% for some short-term loans and around 0.75% for longer periods.
 - f. Investment returns were expected to remain relatively low and this was indeed the position during the year.
 - g. The Council’s investments earned a rate of return of 0.864% during the year and outperformed the benchmark return of 0.456% resulting in additional income to the Council of £209,000.
 - h. All investments were in accordance with the Council’s investment policy and no institutions with which investments were made had any difficulty in repaying those investments and interest in full during the year.
 - i. The Council’s investment performance is due to undertaking fixed term and 95/120 day notice account investments at interest rates that were above the benchmark with counterparties which have high creditworthiness (the Bank of Scotland and Santander UK) and in accordance with the Council’s investment strategy.

5.2 The result of the EU Referendum that took place on 23 June 2016 has resulted in increased volatility in the financial markets and economic uncertainty in the UK and around the world. As well as large falls in exchange rates for the £ (which is likely to impact on inflation), PWLB borrowing rates fell to unprecedented levels and the Governor of the Bank of England has indicated the likelihood of further cuts to the UK Bank Rate (at a record low of 0.50% since March 2009) along with increased stimulus to the economy (through Quantitative Easing).

The credit ratings agencies have already changed their view on the UK's credit rating with possible effects on the credit ratings of individual UK banks and financial institutions (and an impact on the Council's options for placing investments with those banks).

Given this uncertainty and the speed with which events are taking place, the situation is being closely monitored for both risks and opportunities.

5.3 The Council's Year End debt position was as follows:

	At 31 March 2015	At 31 March 2016
	£	£
Total Excluding PPP	214,314,698	213,224,047
PPP Debt	69,811,000	67,727,000
Total Including PPP	284,125,698	280,951,047

Further detail is given in the following table:

	At 31 March 2015		At 31 March 2016		Movement 2015/16
	Principal	Rate	Principal	Rate	Principal
	£000		£000		£000
Fixed Rate Funding:					
- PWLB	111,373		110,684		(689)
- Market *	36,000		71,000		35,000
	147,373	3.95%	181,684	4.05%	34,311
Variable Rate Funding:					
- PWLB	0		0		0
- Market *	66,900		31,400		(35,500)
- Temporary	42		140		98
	66,942	4.81%	31,540	4.96%	(35,402)
Total Debt (Excl PPP)	214,315	4.22%	213,224	4.18%	(1,091)
PPP Debt	69,811		67,727		(2,084)
Total Debt (Incl PPP)	284,126		280,951		(3,175)

* - Market Loans are shown as variable when they have less than 1 year to go until their next call date. The total value of Market Loans has reduced by £500,000 during the year due to a loan maturing and being repaid in March 2016.

5.4 The Council's investment position was as follows:

	At 31 March 2015		At 31 March 2016		Movement 2015/16
	Principal £000	Return	Principal £000	Return	Principal £000
Investments:					
- Fixed Term Deposits	32,500	0.85%	25,500	0.85%	(7,000)
- Notice Accounts (95 Day and 120 Day)	0	0.00%	14,529	0.95%	14,529
- Deposit Accounts	12,287	0.50%	11,500	0.50%	(787)
Totals	44,787	0.76%	51,529	0.80%	6,742

Maximum level of investments in 15/16: £58,646,298 on 15 October 2015

Minimum level of investments in 15/16: £45,010,512 on 22 March 2016

Daily average for the year 15/16: £51,231,358

5.5 2015/16 Outturn Compared to Estimates in 2015/16 Strategy

The 2015/16 outturn compared to the estimates in the 2015/16 strategy:

	2015/16 Estimate	2015/16 Outturn
<u>Borrowing Requirement</u>	£000	£000
New borrowing	0	0
Alternative financing requirements	0	0
Replacement borrowing	0	0
TOTAL	0	0
<u>Prudential/Treasury Management Indicators</u>		
	£000	£000
Gross external debt including PPP (As at 31 March 2016)	280,864	280,951
Capital financing requirement (As at 31 March 2016)	301,349	302,160
(Under)/over borrowing against CFR	(20,485)	(21,209)
	£000	£000
Net external borrowing and capital financing requirement (As at 31 March)	(54,135)	(72,738)
	£000	£000
Capital expenditure	29,486	30,548
• Capital Programme		
• PPP Schools/Finance Leases (incl. accounting adjustments)	(1,904)	(2,084)
Total	27,582	28,464
Ratio of financing costs (including PPP/ Finance Leases) to net revenue stream	12.87%	12.21%
Incremental impact of capital investment decisions - incremental increase in council tax (band D) per annum (use of capital receipts and prudential borrowing for capital expenditure)	£3.90	£3.25

5.6 2015/16 Outturn Compared to Limits in 2015/16 Strategy

The 2015/16 outturn compared to limits in the 2015/16 strategy:

	2015/16 Limits	2015/16 Outturn
<u>Prudential/Treasury Management Indicators</u>		
Authorised limit for external debt	£000	£000
• Borrowing	239,000	213,224
• Other long term liabilities	68,000	67,727
	307,000	280,951
Operational boundary for external debt		
	£000	£000
• Borrowing	255,000	213,224
• Other long term liabilities	72,000	67,727
	327,000	280,951
Upper limit for fixed interest rate exposure (Actual is as at 31 March 2016)	140%	112%
Upper limit for variable rate exposure (Actual is as at 31 March 2016)	40%	-12% *
Upper limit on sums invested for periods longer than 364 days (Actual is maximum in period)	£000 10,000	£000 0
Limits on fixed rate borrowing maturing in each period (LOBOs included based on call dates and not maturity dates) at 31 March 2016		
• Under 12 months	45%	3.0%
• 12 months and within 24 months	45%	28.3%
• 24 months and within 5 years	45%	27.9%
• 5 years and within 10 years	45%	13.9%
• 10 years and within 30 years	45%	4.9%
• 30 years and within 50 years	45%	22.0%
• 50 years and within 70 years	45%	0.0%
<u>Council Policy Limits</u>		
Maximum Percentage of Debt Repayable In Year (Actual is as at 31 March 2016)	25%	18.8%
Maximum Proportion of Debt At Variable Rates (Actual is as at 31 March 2016)	40%	14.8%
Maximum Percentage of Debt Restructured In Year (Actual is as at 31 March 2016)	30%	0.0%

* - The figure is a minus due to the amount of variable rate investments being greater than the amount of variable rate debt as at 31 March 2016.

The forecast Investment Balances for 2015/16 required under Investment Regulation 31 and the actual position at 31 March 2016 is shown in Appendix 2.

- 5.7 The forecast from the Treasury Advisers in the Strategy for the Bank Rate as at 31 March and the latest forecast are:

	Forecast Per 2015/16 Strategy	Actual/ Forecast At 4 July 2016	
2015/16	0.50%	0.50%	(Actual)
2016/17	0.75%	0.25%	(Forecast)
2017/18	1.25%	0.25%	(Forecast)

On 30 June 2016 the Governor of the Bank of England made a speech indicating the likelihood of a cut in interest rates with an initial assessment being made on 14 July and a full assessment in the August Inflation Report (due to be published on 4 August). The 4 July forecast above is an initial view from the Council's Treasury Advisers but will be revised in line with the Bank of England timetable.

- 5.8 The Council's Loans Fund Pool Rate for Interest is used to allocate interest charges to the General Fund and reflects the actual cost of the Council's Treasury activities. The rates for the last 5 years are as follows:

Year	Loans Fund Pool Rate
2011/12	4.208%
2012/13	3.811%
2013/14	3.831%
2014/15	3.934%
2015/16	3.843%

It is expected that there will be a small increase in the Pool Rate in the medium term.

- 5.9 The Council's investment policy for the year is governed by Scottish Government Investment Regulations and was implemented in the annual investment strategy approved by the Council on 9 April 2015. This policy sets out the approach for choosing investment categories and counterparties, and is based on credit ratings provided by the three main credit rating agencies supplemented by additional market data such as rating outlooks, credit default swaps, bank share prices etc.

All investments in 2015/16 and 2016/17 to date were in accordance with the policy and no institutions with which investments were made had any difficulty in repaying investments and interest in full.

- 5.10 The result of the investment strategy undertaken by the Council in 2015/16 is as follows:

Average Investment	Rate of Return (gross of fees)	Benchmark Return (3 month LIBID uncompounded)
£51,231,358	0.864%	0.456%

The Council has outperformed the benchmark by 0.408% resulting in additional income to the Council of £209,000. It is expected that investment returns will fall due to likely reductions in investment rates (particularly if the UK Bank Rate is cut).

6.0 IMPLICATIONS

Legal

6.1 None. Any borrowing or lending is done under the Council's legal powers.

Finance

6.2 Through the achievement of exceeding the investment benchmark return rate, the Council has benefited from additional returns of £209,000. The Council utilises Treasury Management as part of the overall Financial Strategy. Officers will continue to investigate borrowing and investment opportunities to bring financial benefits to the Council, all within the Treasury Management Policy.

Human Resources

6.3 None

Equalities

6.4 None

Repopulation

6.5 None

7.0 CONSULTATIONS

7.1 This report has been produced based on advice from the Council's treasury advisers (Capita Treasury Solutions Limited).

8.0 LIST OF BACKGROUND PAPERS

8.1 CIPFA - Treasury Management in the Public Services – Code of Practice and Cross-Sectoral Guidance Notes – 2011 Edition
Inverclyde Council – Treasury Management Strategy 2015/16.

TREASURY MANAGEMENT
GLOSSARY OF TERMS

Authorised Limit for External Debt

This is a limit for total Council external debt as set by the Council based on debt levels and plans.

Bank of England

The central bank for the UK with ultimate responsibility for setting interest rates (which it does through the Monetary Policy Committee or “MPC”).

Bank Rate

The interest rate for the UK as set at regular meetings of the Monetary Policy Committee (“MPC”) of the Bank of England. This was previously referred to as the “Base Rate”.

Call Date

A date on which a lender for a LOBO loan can seek to apply an amended interest rate to the loan. The term “call date” is also used in relation to some types of investments with a maturity date where the investments can be redeemed on call dates prior to the maturity date.

Capital Expenditure

Expenditure on or for the creation of fixed assets that meets the definition of Capital Expenditure under the accounting rules as set-out in the Code of Practice on Local Authority Accounting in the United Kingdom and for which the Council are able to borrow.

Capital Financing Requirement

The Capital Financing Requirement (sometimes referred to as the “CFR”) is a Prudential Indicator that can be derived from the information in the Council’s Balance Sheet. It generally represents the underlying need to borrow for capital expenditure (including PPP schemes).

CIPFA

CIPFA is the Chartered Institute of Public Finance and Accountancy who produce guidance, codes of practice, and policy documents for Councils.

Counterparty

Another organisation involved in a deal i.e. if the Council enters a deal with a bank then the bank would be referred to as the “Counterparty”.

Credit Ratings

Credit ratings are indicators produced by a ratings provider (such as Fitch, Moody's or Standard & Poor's) that aim to give an opinion on the relative ability of a financial institution to meet its financial commitments. Credit ratings are not guarantees – they are opinions based on investigations and assessments by the ratings providers and they are regularly reviewed and updated. The Council makes use of credit ratings to determine which counterparties are appropriate or suitable for the Council to make deposits with.

The highest credit rating is AAA.

European Central Bank

Sometimes referred to as “the ECB”, the European Central Bank is the central bank for the Eurozone and is the equivalent of the Bank of England. The European Central Bank sets interest rates for the Eurozone.

Eurozone

This is the name given to the countries in Europe that have the Euro as their currency. Interest rates in the Eurozone are set by the European Central Bank. The Eurozone is comprised of the following 19 countries: Austria, Belgium, Cyprus, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Portugal, Slovakia, Slovenia, and Spain.

Federal Reserve

Sometimes referred to as “the Fed”, the Federal Reserve is the central bank for the US and is the equivalent of the Bank of England. The Federal Reserve sets interest rates for the US.

Fixed Term Deposit

A Fixed Term Deposit or Fixed Term Investment is an investment with a named bank or financial institution which matures on a set date and which is repaid with interest on the maturity date. Fixed Term Deposits cannot be traded and cannot be terminated before the maturity date without the payment of a penalty (if at all).

Gilt Yields

A gilt yield is the effective rate of return that someone buying a gilt at the current market price will receive on that gilt. Since the market price of a gilt can vary at any time, the yield will also vary.

Gilts

Gilts are bonds (i.e. debt certificates) that are issued (i.e. sold) by the UK Government. When they issue gilts the Government sets the interest rate that applies to the gilt, sets when they will repay the value of the gilt, and it agrees to make interest payments at regular intervals until the gilt is repaid or redeemed. Gilts are traded in the financial markets with the price varying depending on the interest rate applicable to the gilt, when the gilt will be repaid (i.e. when it will mature), on Bank Rate expectations, and on market conditions.

Gross Domestic Product

Gross Domestic Product (“GDP”) is a measure of the output of goods and services from an economy.

Growth

Positive growth in an economy is an increase in the amount of goods and services produced by that economy over time. Negative growth in an economy is a reduction in the amount of goods and services produced by that economy over time.

IMF

The International Monetary Fund oversees the world financial system and seeks to stabilise international exchange rates, facilitate development, and provide resources to countries in balance of payments difficulties or to assist with poverty reduction.

Incremental Impact of Capital Investment Decisions

These are Prudential Indicators that reflect the impact on Council Tax of movements in projected and estimated capital expenditure within and between financial years.

Inflation

Inflation is the term used for an increase in prices over time. It can be measured in various ways including using the Consumer Prices Index (“CPI”) or the Retail Prices Index (“RPI”).

Investment Regulations

The Local Government in Scotland Act 2003 allows the Scottish Ministers to introduce Regulations to extend and govern the rules under which Scottish Councils may invest funds. The Local Government Investments (Scotland) Regulations 2010 came into effect on 1 April 2010.

LIBID

This is the London Interbank Bid Rate – an interest rate that is used between banks when they wish to attract deposits from each other.

LIBOR

This is the London Interbank Offering Rate – an interest rate that is used as a base for setting interest rates for deals between banks.

LOBO

This is a form of market loan that the Council has with some lenders. The term is short for the phrase “Lender Option/Borrower Option”.

MPC

The MPC or Monetary Policy Committee is a committee of the Bank of England that meets regularly during the year (in meetings over 2 days) to set the Bank Rate for the UK.

Operational Boundary

This is a level of debt set by the Council at lower than the Authorised Limit and which Council debt levels should not normally exceed during normal operations.

Prudential Code

Councils are required to comply with the CIPFA Prudential Code for Capital Finance in Local Authorities. These requirements include the production of Prudential Indicators. The Prudential Code was last revised in November 2011.

Prudential Indicators

Indicators set-out in the Prudential Code that will help Councils to meet requirements in relation to borrowing limits or which will help Councils demonstrate affordability and prudence with regard to their prudential capital expenditure.

PWLB

The Public Works Loan Board is a government agency and part of the Debt Management Office. The PWLB provides loans to local authorities and other specified bodies.

PWLB Certainty Rates

In the Budget in March 2012, the Chancellor of the Exchequer announced that local authorities that provide information on their long-term borrowing and capital spending plans would be eligible for a 0.20% discount rate for new PWLB borrowing. The PWLB Certainty Rates came into effect on 1 November 2012.

PWLB Rates

These are the interest rates chargeable by the Public Works Loan Board for loans. The rates for fixed rate loans are determined by the day on which the loan is agreed. The rates to be charged by the PWLB for loans are set each day based on gilt yields at the start of business each day and then updated at least once during the day.

Quantitative Easing

This is the creation of money by a central bank (such as the Bank of England) in order to purchase assets from banks and companies and boost the supply of money in an economy.

Treasury Management Code

This is the "Treasury Management in the Public Services: Code of Practice" and is a code of practice for Council treasury management activities. It is produced by CIPFA and was last revised in November 2011.

Treasury Management Indicators

These are Prudential Indicators specifically relating to Treasury Management issues.

Treasury Management Practices (TMPs)

This is a Council document that sets out Council policies and procedures for treasury management as required by the Treasury Management Code. The Council also agrees an annual treasury management strategy that is submitted to Committee in accordance with the Treasury Management Practices.

Yield

The yield is the effective rate of return on an investment.

**FORECAST OF INVESTMENT BALANCES
ESTIMATE FOR 2015/16 AND ACTUAL AT 31 MARCH 2016**

Investment Regulation 31 requires the Council to provide forecasts for the level of investments. The estimate for 2015/16 and the actual as at 31 March 2016 are:

	2015/16 Estimate	2015/16 Actual At 31 March 2016
Cash balances managed in-house		
- At 1 April 2015	50,169	44,787
- At 31 March 2016	33,650	51,529
- Change in year	(16,519)	6,742
- Average daily cash balances	41,910	48,158
Holdings of shares, bonds, units (includes local authority owned company)		
- At 1 April 2015	2	2
- Purchases	0	0
- Sales	0	0
- At 31 March 2016	2	2
Loans to local authority company or other entity to deliver services		
- At 1 April 2015	0	0
- Advances	600	602
- Repayments	10	0
- At 31 March 2016	590	602
Loans made to third parties		
- At 1 April 2015	2,240	2,240
- Advances	1,803	16
- Repayments	33	43
- At 31 March 2016	4,010	2,213
Total of all investments		
- At 1 April 2015	52,411	47,029
- At 31 March 2016	38,252	54,346
- Change in year	(14,159)	7,317

Report To:	Inverclyde Council	Date:	29 September 2016
Report By:	Corporate Director Environment, Regeneration & Resources	Report No:	SL/LP/105/16
Contact Officer:	Sharon Lang	Contact No:	01475 712112
Subject:	Chief Social Work Officer Statutory Role – Remit from Policy & Resources Committee		

1.0 PURPOSE

1.1 The purpose of this report is to request the Council to note the appointment of the Head of Children's Services and Criminal Justice as the named Chief Social Work Officer for Inverclyde which was agreed by the Policy & Resources Committee on 9 August 2016.

2.0 SUMMARY

2.1 The Policy & Resources Committee at its meeting on 9 August 2016 considered a report by the Corporate Director (Chief Officer), Inverclyde Health & Social Care Partnership advising of the revision to the Chief Social Work Officer (CSWO) guidance and the proposal to vary the CSWO arrangements in Inverclyde.

2.2 A copy of the report to the Policy & Resources Committee is attached as Appendix 1.

2.3 The Policy & Resources Committee decided:

- (1) that the revised guidance for the role of Chief Social Work Officer be noted; and
- (2) that approval be given to the appointment of the Head of Children's Services and Criminal Justice as the named Chief Social Work Officer for Inverclyde and that, as this is a statutory role, the matter be referred for noting to the Inverclyde Council.

3.0 RECOMMENDATION

3.1 The Council is asked to note the appointment of the Head of Children's Services and Criminal Justice as the named Chief Social Work Officer for Inverclyde.

Report To:	Policy & Resources Committee	Date:	9th August 2016
Report By:	Brian Moore Corporate Director (Chief Officer) Inverclyde Health and Social Care Partnership (HSCP)	Report No:	SW/33/2016/BM
Contact Officer:	Brian Moore Corporate Director (Chief Officer) Inverclyde Health and Social Care Partnership (HSCP)	Contact No:	01475 712722
Subject:	Chief Social Work Officer Statutory Role		

1.0 PURPOSE

- 1.1 The purpose of this report is to advise the Policy and Resources Committee of the revision to the CSWO guidance and the proposal to vary the CSWO arrangements in Inverclyde.

2.0 SUMMARY

- 2.1 The Social Work (Scotland) Act 1968 requires local authorities to appoint a named single CSWO for purposes of listed Social Work functions. Guidance in respect of the role was first issued by the Scottish Government in 2009.
- 2.2 Legislative and policy changes since that time, including Health and Social Care Legislation, Corporate Parenting, Child and Adult Protection and management of High Risk Offenders have highlighted the complexity of the role. This has been recognised by the Scottish Government and a decision reached to revise the 2009 guidance.
- 2.3 The revised guidance was published in March 2016 (Appendix 1).
- 2.4 Locally it is proposed that the Chief Officer of the Integration Joint Board resign the role of CSWO and that the Head of Children's Services and Criminal Justice be appointed to this role.

3.0 RECOMMENDATIONS

- 3.1 The Policy and Resources Committee is asked to note the revised guidance for the role of CSWO.
- 3.2 The Policy and Resources Committee is asked to approve the appointment of the Head of Children's Services and Criminal Justice as the named CSWO for Inverclyde.

4.0 BACKGROUND

- 4.1 There is a requirement for every Local Authority to appoint a single CSWO for the purpose of listed social work functions, as set out in Section 3 of the Social Work (Scotland) Act 1968.
- 4.2 The overall objective of the CSWO post is to ensure the provision of effective, professional advice to local authorities, elected members and officers, in the authorities' provision of social work services. The post assists in understanding the complexities of social work service delivery including in relation to particular issues such as corporate parenting, child protection, adult protection and the management of high risk offenders. The CSWO also has a role to play in overall performance improvement and the identification and management of corporate risk insofar as they relate to social work services.

The role provides strategic and professional leadership in the delivery of social work services. In addition there are certain functions conferred directly by legislation.

- 4.3 Scottish Ministers first issued guidance on the role of the CSWO in 2009 in accordance with section 5(1) of the Social Work (Scotland) Act 1968.
- 4.4 Since 2009 there have been a number a number of legislative and policy changes impacting on the delivery of Social Work Services.
- 4.5 Most notable of these has been the Public Bodies (Joint Working) (Scotland) Act 2014 (the 2014 Act) which requires the appointment of Chief Officers and puts in place arrangements for the integration of Health and Social Care and the establishment of Integration Joint Boards.
- 4.6 In addition, significant changes to policy areas including corporate parenting and public protection have taken place.
- 4.7 Taking account of the changing context that the role of the CSWO operates in has resulted in a revision of the 2009 guidance.
- 4.8 The purpose of the revised guidance is to:
 - a. help local authorities maximise the role of the CSWO and the value of their professional advice – both strategically and professionally;
 - b. provide advice on how best to support the role so that the CSWO can be effective in their role both within the local authority and in regard to other entities, such as Community Planning Partnerships, whilst recognising that local authorities operate with different management and organisational structures and in different partnership landscapes;
 - c. assist Integration Joint Boards (IJBs) to understand the CSWO role in the context of integration of health and social care brought in through the Public Bodies (Joint Working) (Scotland) Act 2014 (the 2014 Act);
 - d. be sufficiently generic to remain relevant in the event of future management or organisational structural change.
- 4.9 In view of the complexity of the roles of both Chief Officer of the IJB and that of Local Authority CSWO, it is considered that it would be appropriate for these roles to be held by separate officers. This was the recommendation of guidance produced by Scottish Government 2014.
- 4.10 It is proposed that the Chief Officer resign the role of the CSWO and this be assumed by the Head of Children's Services and Criminal Justice from 1st October 2016.
- 4.11 Currently, the appointed CSWO is a member of Inverclyde Council Corporate Management Team. Under the recommended arrangements, the CSWO remit will be located at Head of Service level and the appointed CSWO will not be a member of the Corporate Management

Team.

- 4.12 To facilitate the CSWO to fulfil statutory responsibilities, it is proposed that the CSWO has “open door access” to the Chief Executive and the CMT. The CSWO will also provide six monthly overview reports to the CMT on pertinent social work/social care issues.

The above will be in addition to providing the CSWO annual report for Inverclyde Council and presenting specific reports as required to the Health and Social Care Committee, full Council and Inverclyde Integration Joint Board. The CSWO report has previously been presented to the Council, Health and Social Care Committee, CMT and the Integration Joint Board.

- 4.13 In accordance with Council policy, the nominated officer will receive as additional payment for undertaking a statutory officer role.

5.0 IMPLICATIONS

Finance

- 5.1 Costs will be funded from the Inflation Contingency ..

Financial Implications:

One off Costs

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

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
HSCP	Employee Costs	August 2016	£9.5k		Funded from the Inflation Contingency

Legal

- 5.2 There are no legal implications

Human Resources

- 5.3 There are no human resource implications

Equalities

- 5.4

	YES (see attached appendix)
✓	NO – This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required.

Repopulation

5.5 There are no repopulation implications

6.0 CONSULTATIONS

6.1 None

7.0 LIST OF BACKGROUND PAPERS

7.1 None.

The Role of Chief Social Work Officer

Guidance Issued by Scottish Ministers pursuant to Section 5(1) of the Social Work (Scotland) Act 1968

Revision of Guidance First Issued In 2009

Revised Version – July 2016

**This guidance has been developed in partnership
with local government and supported by COSLA**

July 2016

INTRODUCTION

1. The Social Work (Scotland) Act 1968 (the 1968 Act) requires local authorities to appoint a single Chief Social Work Officer (CSWO) for the purposes of listed social work functions.
2. This document contains statutory guidance. It is issued to local authorities by Scottish Ministers under section 5 of the 1968 Act. The local authority must have regard to this guidance. It must follow both the letter and the spirit of the guidance. It must not depart from the guidance without good reason. The Guidance replaces guidance previously issued in 2009.

PURPOSE

3. The guidance is for local authorities and will also be of use to bodies and partnerships to which local authorities have delegated social work functions. Local authorities must have regard to this guidance when carrying out their functions under the 1968 Act. Recognising the democratic accountability which local authorities have in this area, clarity and consistency about the role and contribution of the CSWO are particularly important given the diversity of organisational structures and the range of organisations and partnerships with an interest and role in delivery of social work services.
4. This guidance summarises the minimum scope of the role of the CSWO. It will assist elected members in ensuring that the role is delivered effectively and that the local authority derives maximum benefit from the effective functioning of the role. Effective delivery of and support for the role will assist local authorities to be assured that there is coherence and effective interfacing across all of their social work functions.
5. The guidance is intended to:
 - (a) support local authorities in effective discharge of responsibilities for which they are democratically accountable;
 - (b) help local authorities maximise the role of the CSWO and the value of their professional advice – both strategically and professionally;
 - (c) provide advice on how best to support the role so that the CSWO can be effective in their role both within the local authority and in regard to other entities, such as Community Planning Partnerships, whilst recognising that local authorities operate with different management and organisational structures and in different partnership landscapes;
 - (d) assist Integration Joint Boards (IJBs) to understand the CSWO role in the context of integration of health and social care brought in through the Public Bodies (Joint Working) (Scotland) Act 2014 (the 2014 Act).

- (e) be read alongside the wide range of guidance relevant to social work functions of local authorities and relevant guidance issued relating to the 2014 Act.
- (f) be sufficiently generic to remain relevant in the event of future management or organisational structural change.

REQUIREMENT

6. The requirement for every local authority to appoint a Chief Social Work Officer is set out in section 3 of the 1968 Act. This requirement is for the purposes of the local authority functions under the 1968 Act and the enactments listed in section 5(1B) of the Act. The role provides a strategic and professional leadership role in the delivery of social work services. In addition there are certain functions conferred by legislation directly on the CSWO by name.

7. The Scottish Office explicitly recognised that the need for the role was driven by “*the particular responsibilities which fall on social work services in that they affect personal lives, individual rights and liberties to an extent that other local authority services do not.*” (Circular: SWSG2/1995 May 1995)

8. The Public Bodies (Joint Working) (Scotland) Act 2014 provides for the delegation of certain social work functions by a local authority to an integration authority. The CSWO’s responsibilities in relation to local authority social work functions continue to apply to functions which are being delivered by other bodies under integration arrangements. However, the responsibility for appointing a CSWO cannot be delegated and must be exercised directly by the local authority itself.

THE CHIEF SOCIAL WORK OFFICER ROLE

Overview

9. The CSWO role was established to ensure the provision of appropriate professional advice in the discharge of a local authority’s statutory functions as described in paragraph 6. The role also has a place set out in integrated arrangements brought in through the 2014 Act. As a matter of good practice it is expected that the CSWO will undertake the role across the full range of a local authority’s social work functions to provide a focus for professional leadership and governance in regard to these functions.

10. The CSWO should assist local authorities and their partners in understanding the complexities and cross-cutting nature of social work service delivery – including in relation to particular issues such as corporate parenting, child protection, adult protection and the management of high risk offenders - and also the key role social work plays in contributing to the achievement of a wide range of national and local outcomes. The CSWO also has a contribution to make in supporting overall performance improvement and management of corporate risk.

11. It is for local authorities to determine the reporting and management structures that best meet their needs. Where the CSWO is not a full member of the senior management team or equivalent, elected members must satisfy themselves that the officer has appropriate access and influence at the most senior level and is supported to deliver the complex role described in this guidance.

Competencies

12. Scottish Ministers' requirement is that the CSWO role will be held by a person who is qualified as a social worker and registered as such with the Scottish Social Services Council. Local authorities will also want to require this as they will need to ensure that the CSWO:

- can demonstrate extensive experience at a senior level of both operational and strategic management of social work and social care services and;
- has the competence and confidence required to provide effective professional advice at all levels within the organisation and with the full range of partner organisations
- receives effective induction to support them in full delivery of their role

(NB At the time of writing, SI 1996/515, which sets out minimum qualifications for a CSWO is being reviewed with a view to amendment so that the social work degree is specifically included.)

13. Further information on the skills and competencies required of a CSWO is available in the Standard for Chief Social Work Officers (issued by the Scottish Social Services Council in July 2015) which underpins the Level 11 Award for CSWOs which was launched in August 2015 as a further professional accredited qualification aimed at enhancing CSWO competence.

Scope

14. The scope of the role relates to the functions outlined in paragraph 6 whether provided directly by the local authority; through delegation to another statutory body or in partnership with other agencies. Where social work services and support are commissioned on behalf of the authority, including from the independent and voluntary sector, the CSWO has a responsibility to advise on the specification, quality and standards of the commissioned services and support. The CSWO also has a role in providing professional advice and guidance to an Integration Joint Board or NHS Board to which social work functions have been formally delegated.

Responsibility for values and standards

15. The CSWO should:

- (a) promote values and standards of professional practice, including all relevant national Standards and Guidance, and ensure adherence with the Codes of Practice issued by the Scottish Social Services Council for social service employers.

- (b) work with Human Resources (or equivalent function) and responsible senior managers to ensure that all social service workers practice in line with the SSSC's Code of Practice and that all registered social service workers meet the requirements of the regulatory body;
- (c) establish a Practice Governance Group or link with relevant Clinical and Care Governance arrangements designed to support and advise managers in maintaining and developing high standards of practice and supervision in line with relevant guidance, including, for example, - the *Practice Governance Framework: Responsibility and Accountability in Social Work Practice* (SG 2011);
- (d) ensure that the values and standards of professional practice are communicated on a regular basis and adhered to and that local guidance is reviewed and updated periodically.

16. The CSWO must be empowered and enabled to provide professional advice and contribute to decision-making in the local authority and health and social care partnership arrangements, raising issues of concern with the local authority Elected Members or Chief Executive, or the Chief Officer of the Integration Joint Board as appropriate (or the Chief Executive of a Health Board if appropriate in the context of a lead agency model), in regard to:

- (a) effective governance arrangements for the management of the complex balance of need, risk and civil liberties, in accordance with professional standards.
- (b) appropriate systems required to 1) promote continuous improvement and 2) identify and address weak and poor practice.
- (c) the development and monitoring of implementation of appropriate care governance arrangements;
- (d) approaches in place for learning from critical incidents, which could include through facilitation of local authority involvement in the work of Child Protection Committees, Adult Support and Protection Committees and Offender Management Committees where that will result in the necessary learning within local authorities taking place;
- (e) requirements that only registered social workers undertake those functions reserved in legislation or are accountable for those functions described in guidance;
- (f) workforce planning and quality assurance, including safe recruitment practice, probation/mentoring arrangements, managing poor performance and promoting continuous learning and development for staff;

- (g) continuous improvement, raising standards and evidence-informed good practice, including the development of person-centred services that are focussed on the needs of people who use services and support;
- (h) the provision and quality of practice learning experiences for social work students and effective workplace assessment arrangements, in accordance with the SSSC Code of Practice for Employers of Social Service Workers;

Decision-Making

17. There are a small number of areas of decision-making where legislation confers functions directly on the CSWO by name. These areas relate primarily to the curtailment of individual freedom and the protection of both individuals and the public. Such decisions must be made either by the CSWO or by a professionally qualified social worker, at an appropriate level of seniority, to whom the responsibility has been formally delegated and set out within local authority arrangements. Even where responsibility has been delegated, the CSWO retains overall responsibility for ensuring quality and oversight of the decisions. These areas include:

- deciding whether to implement a secure accommodation authorisation in relation to a child (with the consent of a head of the secure accommodation), reviewing such placements and removing a child from secure accommodation if appropriate;
- the transfer of a child subject to a Supervision Order in cases of urgent necessity;
- acting as guardian to an adult with incapacity where the guardianship functions relate to the personal welfare of the adult and no other suitable individual has consented to be appointed;
- decisions associated with the management of drug treatment and testing orders
- carrying out functions as the appropriate authority in relation to a breach of a supervised release order, or to appoint someone to carry out these functions.

18. In addition to these specific areas where legislation confers functions on all CSWOs, there will be a much larger number of areas of decision-making which have been assigned by individual local authorities to Chief Social Work Officers reflecting *“the particular responsibilities which fall on social work services in that they affect personal lives, individual rights and liberties to an extent that other local authority services do not”* noted in paragraph 7. These areas may include responsibilities assigned through guidance or other routes. For example:

- the 2014 guidance on Multi Agency Public Protection Arrangements (MAPPA) makes explicit reference to the role of the CSWO in responsibility for joint arrangements, in co-operation with other authorities.
- although mental health services are delegated to Integration Joint Boards, some of these functions require to be carried out by local authority officers with a social work qualification (Mental Health Officers). Local authorities will want to be reassured via the CSWO that these functions are discharged in accordance with professional standards and statutory requirements

It is for each local authority to make transparent which additional specific areas of responsibility in regard to their social work functions they have assigned to their CSWO

Leadership

19. The CSWO is responsible for providing professional leadership for social workers and staff in social work services. The CSWO should:

- (a) support and contribute to evidence-informed decision making and practice – at professional and corporate level – by providing appropriate professional advice;
- (b) seek to enhance professional leadership and accountability throughout the organisation to support the quality of service and delivery;
- (c) support the delivery of social work's contribution to achieving local and national outcomes;
- (d) promote partnership working across professions and all agencies to support the delivery of integrated services;
- (e) promote social work values across corporate agendas and partner agencies.

The CSWO role in the context of partnerships and integration

20. In the context of Health and Social Care Integration and the 2014 Act, the CSWO is required to be appointed as a non-voting member of the Integration Joint Board (IJB) (or, in lead agency models, the Integration Joint Monitoring Committee). Scottish Ministers are strongly of the view that the influence of high quality professional leaders in the integrated arrangements is central to the effectiveness of improving the quality of care locally and nationally.

21. The CSWO also has a defined role in professional and clinical and care leadership and has a key role to play in Clinical and Care Governance systems which support the work of the Integration Joint Board, as set out in the partnership Integration Schemes and [relevant guidance](#).

22. The local authority should ensure that appropriate arrangements are in place to include the CSWO in relevant strategic and operational forums that provide direct access to the Chief Executive and elected members so that the CSWO is in an optimum position to support and advise them in regard to their social work function responsibilities in their partnership contexts.

Reporting

23. The CSWO has a role in reporting to the local authority Chief Executive, elected members and IJBs – providing comment on issues which may identify risk to safety of vulnerable people or impact on the social work service and also on the findings of relevant service quality and performance reports, setting out:

- implications for the local authority, for the IJB, for services, for people who use services and support and carers, for individual teams/members of staff/partners as appropriate;
- implications for delivery of national and local outcomes;
- proposals for remedial action;
- means for sharing good practice and learning;
- monitoring and reporting arrangements for identified improvement activity.

24. The CSWO should also produce and publish a summary annual report for local authorities and IJBs on the functions of the CSWO role and delivery of the local authority's social work services functions (however these are organised or delivered). A template for this report is available from by the Office of the Chief Social Work Adviser, Scottish Government.

ACCESS, ACCOUNTABILITY AND REPORTING ARRANGEMENTS

25. To discharge their role effectively, the CSWO will need:

- (a) direct access to people and information across the local authority, including the Chief Executive, elected members, managers and frontline practitioners and also in partner services, including in Health and Social Care Partnerships. Specific arrangements will vary according to individual councils, but should be clearly articulated locally;
- (b) to be able to bring matters to the attention of the Chief Executive to ensure that professional standards and values are maintained;
- (c) to be visible and available to any social services worker and ensure the availability of robust professional advice and practice guidance;
- (d) to provide professional advice as required to senior managers across the authority and its partners in support of strategic and corporate agendas.

26. Local authorities will need to agree:

- (a) how the CSWO is enabled to inform and influence corporate issues, such as managing risk, setting budget priorities and public service reform;

- (b) the specific access arrangements for the CSWO to the Chief Executive and elected members;
- (c) the relationships, responsibilities and respective accountabilities of service managers and the CSWO;
- (d) a mechanism to include an independent, professional perspective to the appointment of the CSWO;
- (e) procedures for removal of a CSWO postholder, bearing in mind the need for continuity in the provision of the CSWO functions, the value of independent professional advice and the arrangements for the appointment and removal of the local authority's other proper officers;
- (f) clear and formal deputising arrangements (with similar skills and experience available) to cover any period of absence by the CSWO and appropriate delegation arrangements where scale of business requires this.

27. This document complements the wide set of guidance underpinning the delivery of safe, accountable and effective social work practice and high quality social services in Scotland.



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W W W . G O V . S C O T

Report To: THE INVERCLYDE COUNCIL **Date:** 29 SEPT 2016

Report By: CORPORATE DIRECTOR,
ENVIRONMENT, REGENERATION &
RESOURCES **Report No:** LP/115/16

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

Subject: PROPOSED REDETERMINATION ORDER – THE INVERCLYDE
COUNCIL, MANSION AVENUE, PORT GLASGOW
(REDETERMINATION OF MEANS OF EXERCISE OF PUBLIC
RIGHT OF PASSAGE) ORDER 2016

1.0 PURPOSE

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

2.0 SUMMARY

- 2.1 The Environment & Regeneration Committee held on 1 September 2016 after consideration of a Report by the Corporate Director Environment, Regeneration & Resources on the proposed Redetermination Order – The Inverclyde Council, Mansion Avenue, Port Glasgow (Redetermination of Means of Exercise of Public Right of Passage) Order 2016 recommended that the Inverclyde Council be asked to make the Order and remit it to the Head of Environmental and Commercial Services and the Head of Legal and Property Services to arrange for its implementation.

3.0 RECOMMENDATION

- 3.1 That the Inverclyde Council approve the making of the Redetermination Order – The Inverclyde Council, Mansion Avenue, Port Glasgow (Redetermination of Means of Exercise of Public Right of Passage) Order 2016, all as detailed in the copy of the proposed Order forming a supplement to the principal Minute hereof, and that the Head of Environmental and Commercial Services and the Head of Legal and Property Services be authorised to take all necessary action in connection therewith. Appendix 1

Gerard Malone
Head of Legal and Property Services

4.0 BACKGROUND

- 4.1 It is proposed that the means of exercise of the public right of passage on a section of Mansion Avenue, Port Glasgow (known as Upper Mansion Avenue) be restricted to use by pedal cycles and pedestrians. This section of Mansion Avenue is a narrow (approximately 2 metre wide) road with no footways, which links Mansion Avenue to Parkhill Avenue in Port Glasgow. It is proposed to prohibit access by motor vehicles in the interests of road safety but to permit access by foot and pedal cycle in both directions. There are no properties on this section of Mansion Avenue which have vehicular access.
- 4.2 The proposed Order will prohibit access by motor vehicles but will permit access by foot and pedal cycle in both directions on a section of Mansion Avenue, Port Glasgow (known as Upper Mansion Avenue).
- 4.3 It should be noted that there is an existing Traffic Regulation Order, "The Burgh of Port Glasgow Mansion Avenue One Way Traffic Order 1966" in force on this section of Mansion Avenue (known as Upper Mansion Avenue), which Order will be revoked by a separate proposed Traffic Regulation Order.

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 the Edinburgh Gazette 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 and Commercial Services, the Inverclyde Council Customer Service Centre and at Central and Port Glasgow Libraries.

7.0 LIST OF BACKGROUND PAPERS

- 7.1 None

APPENDIX 1

THE INVERCLYDE COUNCIL

**MANSION AVENUE, PORT GLASGOW
(REDETERMINATION OF MEANS
OF EXERCISE OF PUBLIC RIGHT
OF PASSAGE) ORDER 2016**

**THE INVERCLYDE COUNCIL,
MANSION AVENUE, PORT GLASGOW
(REDETERMINATION OF MEANS OF EXERCISE
OF PUBLIC RIGHT OF PASSAGE) ORDER 2016**

We, The Inverclyde Council, in exercise of the powers conferred on us by Section 152(2) of the Roads (Scotland) Act 1984 (as amended) and all other enabling powers, hereby make the following Order:-

1.0 Commencement and citation

1.1 This Order may be cited as "The Inverclyde Council, Mansion Avenue, Port Glasgow (Redetermination of means of exercise of Public Right of Passage) Order 2016" and shall come into operation on the ** day of ** Two Thousand and **.

2.0 Interpretation

2.1 The road in the Port Glasgow area, the extent of which is specified in the map annexed to this Order, at present a carriageway, shall become a cycle track, the right of passage being exercisable on pedal cycle and foot only in both directions.

This Order and the map annexed hereto is sealed with the Common Seal of The Inverclyde Council and subscribed for them and on their behalf by ##

Report To: THE INVERCLYDE COUNCIL **Date:** 29 SEPT 2016

Report By: CORPORATE DIRECTOR,
ENVIRONMENT, REGENERATION &
RESOURCES **Report No:** LP/114/16

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

Subject: PROPOSED TRAFFIC REGULATION ORDER – THE
INVERCLYDE COUNCIL, MANSION AVENUE, PORT GLASGOW
(ONE WAY ONLY REVOCATION) ORDER 2016

1.0 PURPOSE

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

2.0 SUMMARY

- 2.1 The Environment & Regeneration Committee held on 1 September 2016 after consideration of a Report by the Corporate Director Environment, Regeneration & Resources on the proposed Traffic Regulation Order – The Inverclyde Council, Mansion Avenue, Port Glasgow (One Way Only Revocation) Order 2016 recommended that the Inverclyde Council be asked to make the Order and remit it to the Head of Environmental and Commercial Services and the Head of Legal and Property Services to arrange for its implementation.

3.0 RECOMMENDATION

- 3.1 That the Inverclyde Council approve the making of the Traffic Regulation Order – The Inverclyde Council, Mansion Avenue, Port Glasgow (One Way Only Revocation) Order 2016, all as detailed in the copy of the proposed Order forming a supplement to the principal Minute hereof, and that the Head of Environmental and Commercial Services and the Head of Legal and Property Services be authorised to take all necessary action in connection therewith. Appendix 1

Gerard Malone
Head of Legal and Property Services

4.0 BACKGROUND

- 4.1 It is proposed to revoke the existing One Way Only Traffic Regulation Order relating to a section of Mansion Avenue, Port Glasgow (known as Upper Mansion Avenue). This section of Mansion Avenue is a narrow (approximately 2 metre wide) road with no footways, which links Mansion Avenue to Parkhill Avenue in Port Glasgow.
- 4.2 The proposed Traffic Regulation Order will have the effect of revoking the existing Traffic Regulation Order "The Burgh of Port Glasgow Mansion Avenue One Way Traffic Order 1966" currently in force at the location.
- 4.3 It should be noted that the Council is also currently proposing, by way of a separate and concurrent Order, to "redetermine" access to this same section of Mansion Avenue so as to prohibit access by motor vehicles but to permit access by foot and pedal cycle in both directions.
- 4.4 The Council is asked to note that, if approved, the Order may not be implemented until the making of the Order has been advertised to allow any persons who so wish a period of six weeks to question the validity of the Order in terms of the Road Traffic Regulation Act 1984.

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 and Commercial Services, the Inverclyde Council Customer Service Centre and at Central and Port Glasgow Libraries.

7.0 LIST OF BACKGROUND PAPERS

- 7.1 None

THE INVERCLYDE COUNCIL

**MANSION AVENUE, PORT GLASGOW
(ONE WAY ONLY REVOCATION) ORDER 2016**

TRAFFIC REGULATION ORDER

**THE INVERCLYDE COUNCIL
MANSION AVENUE, PORT GLASGOW
(ONE WAY ONLY REVOCATION) ORDER 2016**

We, The Inverclyde Council in exercise of the powers conferred on us by Sections 1(1), 2(1) to (3) of the Road Traffic Regulation Act 1984 (as amended) ("the Act") and of all other enabling powers and after consulting the Chief Constable of the Police Service of Scotland (Seirbheis Phoilis na h-Alba) in accordance with Part III of Schedule 9 to the Act hereby make the following Order:

1.0 Commencement and citation

1.1 This Order may be cited as "The Inverclyde Council, Mansion Avenue, Port Glasgow (One Way Only Revocation) Order 2016" and shall come into operation on the ** day of ** Two Thousand and **.

2.0 Revocation of existing Traffic Regulation Order

2.1 The Traffic Regulation Order specified in Schedule 1 to this Order is hereby revoked.

*This Order and the Schedule annexed hereto are sealed with the Common Seal of The Inverclyde Council and subscribed for them and on their behalf by ***

SCHEDULE 1 (Article 2.1)

REVOKED ORDER

The following Traffic Regulation Order made by the statutory predecessors of The Inverclyde Council is hereby revoked:-

The Burgh of Port Glasgow Mansion Avenue One Way Traffic Order 1966.

DRAFT

Report To: THE INVERCLYDE COUNCIL **Date:** 29 SEPT 2016

Report By: CORPORATE DIRECTOR,
ENVIRONMENT, REGENERATION &
RESOURCES **Report No:** LP/116/16

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

Subject: PROPOSED TRAFFIC REGULATION ORDER – DISABLED
PERSONS’ PARKING PLACES (ON-STREET) ORDER NO. 3 2016

1.0 PURPOSE

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

2.0 SUMMARY

- 2.1 The Environment & Regeneration Committee held on 1 September 2016 after consideration of a Report by the Corporate Director Environment, Regeneration & Resources on the proposed Traffic Regulation Order – The Inverclyde Council, Disabled Persons’ Parking Places (On-Street) Order No. 3 2016 recommended that the Inverclyde Council be asked to make the Traffic Regulation Order and remit it to the Head of Environmental and Commercial Services and the Head of Legal and Property Services to arrange for its implementation.

3.0 RECOMMENDATION

- 3.1 That the Inverclyde Council approve the making of the Traffic Regulation Order – The Inverclyde Council, Disabled Persons’ Parking Places (On-Street) Order No. 3 2016, all as detailed in the copy of the proposed Order forming a supplement to the principal Minute hereof, and that the Head of Environmental and Commercial Services and the Head of Legal and Property Services be authorised to take all necessary action in connection therewith. Appendix 1

Gerard Malone
Head of Legal and Property 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 and Commercial Services is responsible for the making, implementation and review of Traffic Management Orders and Traffic Regulation Orders.
- 4.2 The provision of on-street parking places for use by disabled drivers, who are the holders of a Disabled Person's Badge, is regulated by The Disabled Persons' Parking Places (Scotland) Act 2009. Inverclyde Council is required to promote a Traffic Regulation Order to regulate the use of such parking places.
- 4.3 The Council is asked to note that, if approved, the Order may not be implemented until the making of the Order has been advertised to allow any persons who so wish a period of six weeks to question the validity of the Order in terms of the Road Traffic Regulation Act 1984.

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 and Commercial Services, the Customer Service Centre and at Central Library, Port Glasgow Library and Gourock Library.

7.0 LIST OF BACKGROUND PAPERS

- 7.1 None

THE INVERCLYDE COUNCIL
DISABLED PERSONS' PARKING PLACES
(ON-STREET) ORDER NO. 3 2016
TRAFFIC REGULATION ORDER

THE INVERCLYDE COUNCIL
DISABLED PERSONS' PARKING PLACES (ON-STREET)
ORDER NO. 3 2016

The Inverclyde Council in exercise of the powers conferred on them by Section 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. 3 2016" and shall come into operation on the *** day of ***.

2. In this Order the following expressions have the meanings hereby assigned to them:-

"Council" means The Inverclyde Council or its successors as Roads Authority;

"Disabled Person's Badge" means:-

- (a) a badge issued under Section 21 of the Chronically Sick and Disabled Persons Act 1970 (as amended);
- (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;

and which has not ceased to be in force;

"Disabled Person's Vehicle" means a Vehicle which is displaying a Disabled Person's Badge in a Relevant Position as prescribed by the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 2002;

"Parking Attendant" means a person employed in accordance with Section 63A of the Act to carry out the functions therein;

"Parking Place" means an area of land specified by number and name in Columns 1 and 2 in the Schedule to this Order;

"Relevant Position" means, for the display of a Disabled Person's Badge, that the Disabled Person's Badge is displayed as prescribed by Regulation 12 of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 (as amended); and

"Traffic Sign" means a sign prescribed or authorised under Section 64 of the Act; and

"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.

3. The Schedule titled "Disabled Persons' Parking Places (On-Street) Order No. 3 2016" forms the Schedule to this Order.

4. Each area of road which is described in the Schedule to this Order and the plans relative to this Order is hereby designated as a Parking Place.
5. The Parking Places shall only be used for the leaving of Disabled Persons' Vehicles displaying a valid Disabled Person's Badge.
6. The limits of each Parking Place shall be indicated on the carriageway as prescribed by The Traffic Signs Regulations and General Directions 2016.
7. Every Vehicle left in any Parking Place 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:-
 - 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
 - the Vehicle, or any part thereof, is not within the limits of any adjoining parking place.
8. 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.
9. 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:-
 - for the purpose of facilitating the movement of traffic or promoting its safety;
 - 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;
 - 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;
 - on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
 - for the convenience of occupiers of premises adjacent to the Parking Place at times of weddings or funerals or on other special occasions.
10. 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.

11. 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 The Inverclyde Council On-Street Parking Places (Without Charges) Order Nos: 01/1999, 01/2003, 01/2004, 02/2005, 02/2008, 01/2009, 03/2009 and The Inverclyde Council Disabled Persons' Parking Places (On-Street) Order Nos: 03/2010 and 01/2014 respectively.

*Sealed with the Common Seal of The Inverclyde Council and subscribed for them and on their behalf by **, Proper Officer, at Greenock on the ** day of **, Two Thousand and **.*

DRAFT

INVERCLYDE COUNCIL

DISABLED PERSONS' PARKING PLACES (ON-STREET) ORDER No.3 2016

SCHEDULE

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

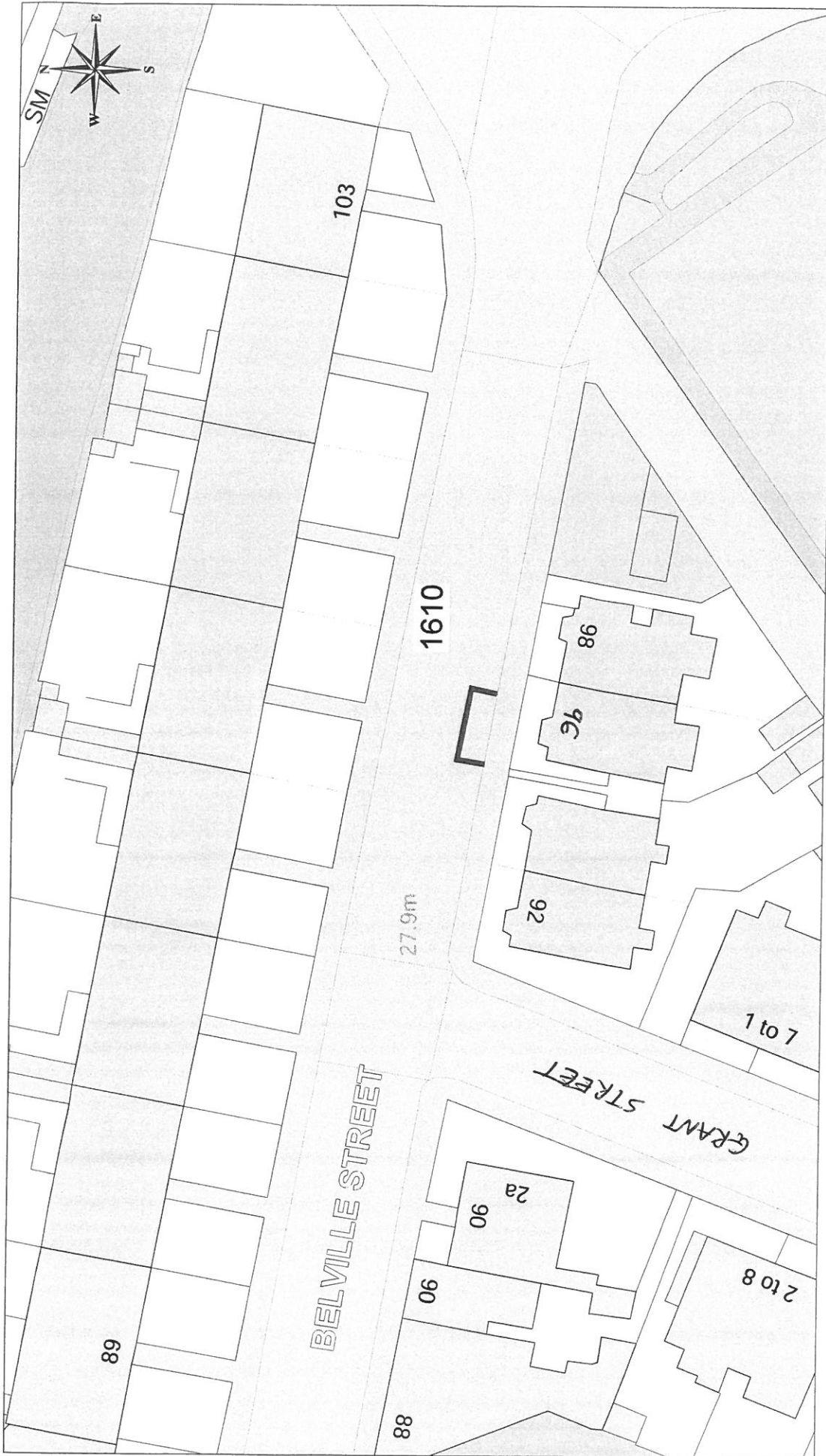
Column 1	Column 2
<u>Ref No.</u>	<u>Address of Disabled Person's Parking Place to be created or revoked ® "ex-adverso"</u>
1603	24 Oxford Road, Greenock
1610	96A Belville Street, Greenock
1611	115 Kirn Drive, Gourock
1614	46 Regent Street, Greenock
1615	29 Glen Fruin Road, Greenock
1616	17 Lismore Avenue, Port Glasgow
1619	35 Robertson Street, Greenock
1620	24 Mallaig Road, Port Glasgow
1621	1C Denholm Terrace, Greenock
9811	33 Iona Crescent, Gourock ®
0238	35 Highholm Street, Port Glasgow ®
0327	81 South Street, Greenock ®
0429	16 Canmore Crescent, Greenock ®
0511	53 Glamis Drive, Greenock ®
0813	6B Lemmon Street, Greenock ®
0837	16 Moffat Street, Greenock ®
0926	14 Cove Road, Gourock ®
1010	204 Cumberland Road, Greenock ®
1339	2B Adam Street, Gourock ®



DISABLED PERSONS' PARKING PLACE
 24 OXFORD ROAD, GREENOCK
 PLACE No. 1603

Inverclyde
 council
 Environmental Services

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 Tel: 01475 712712
 Fax: 01475 712751
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DISABLED PERSONS' PARKING PLACE
96A BELVILLE STREET, GREENOCK
PLACE No. 1610

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DISABLED PERSONS' PARKING PLACE
115 KIRN DRIVE, GOUROCK
PLACE No. 1611



Inverclyde
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DISABLED PERSONS' PARKING PLACE
46 REGENT STREET, GREENOCK
PLACE No. 1614



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DISABLED PERSONS' PARKING PLACE
 29 GLEN FRUIN ROAD, GREENOCK
 PLACE No. 1615



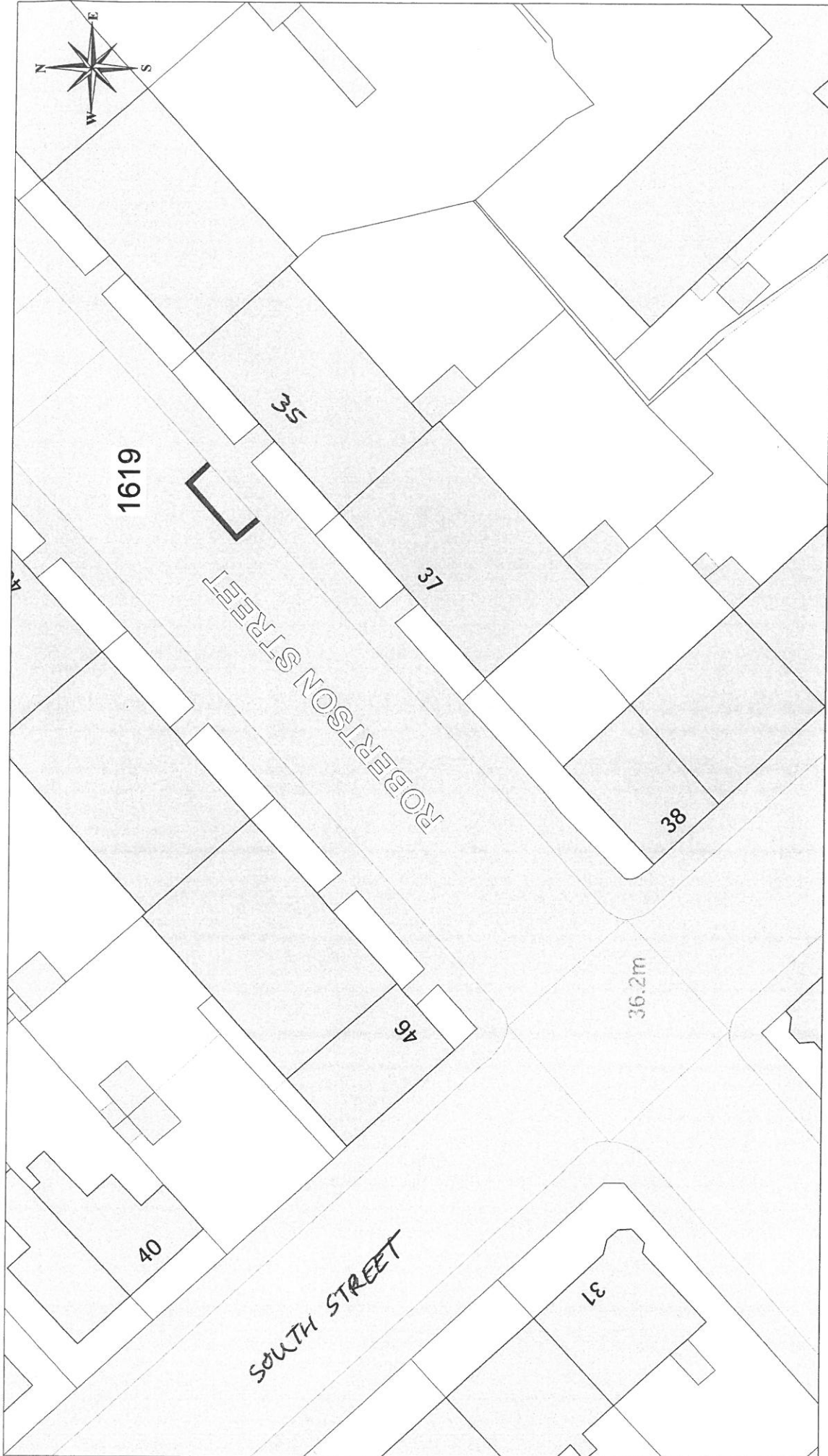
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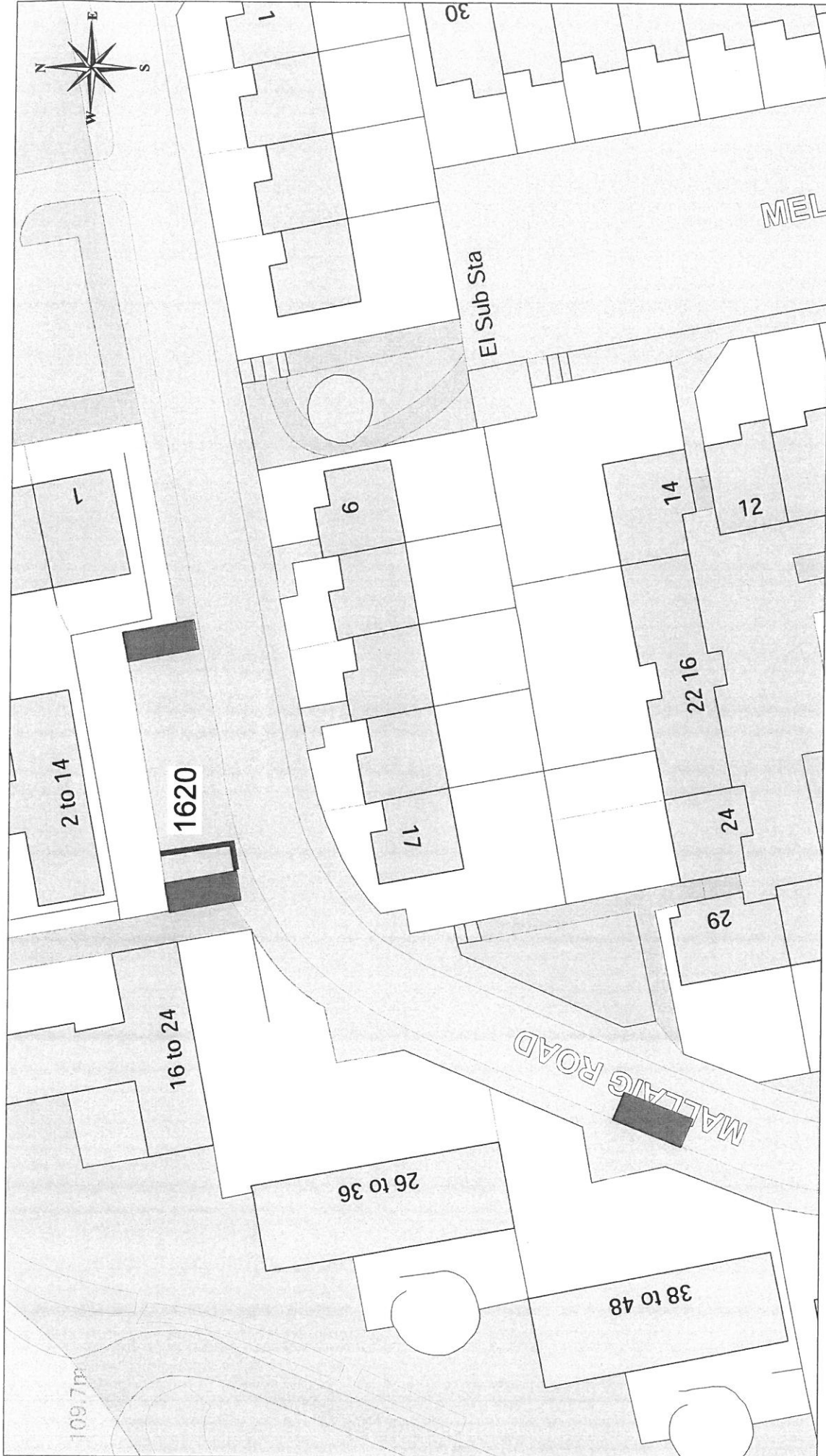
DISABLED PERSONS' PARKING PLACE
17 LISMORE AVENUE, PORT GLASGOW
PLACE No. 1616

Inverclyde council
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DISABLED PERSONS' PARKING PLACE
35 ROBERTSON STREET, GREENOCK
PLACE No. 1619

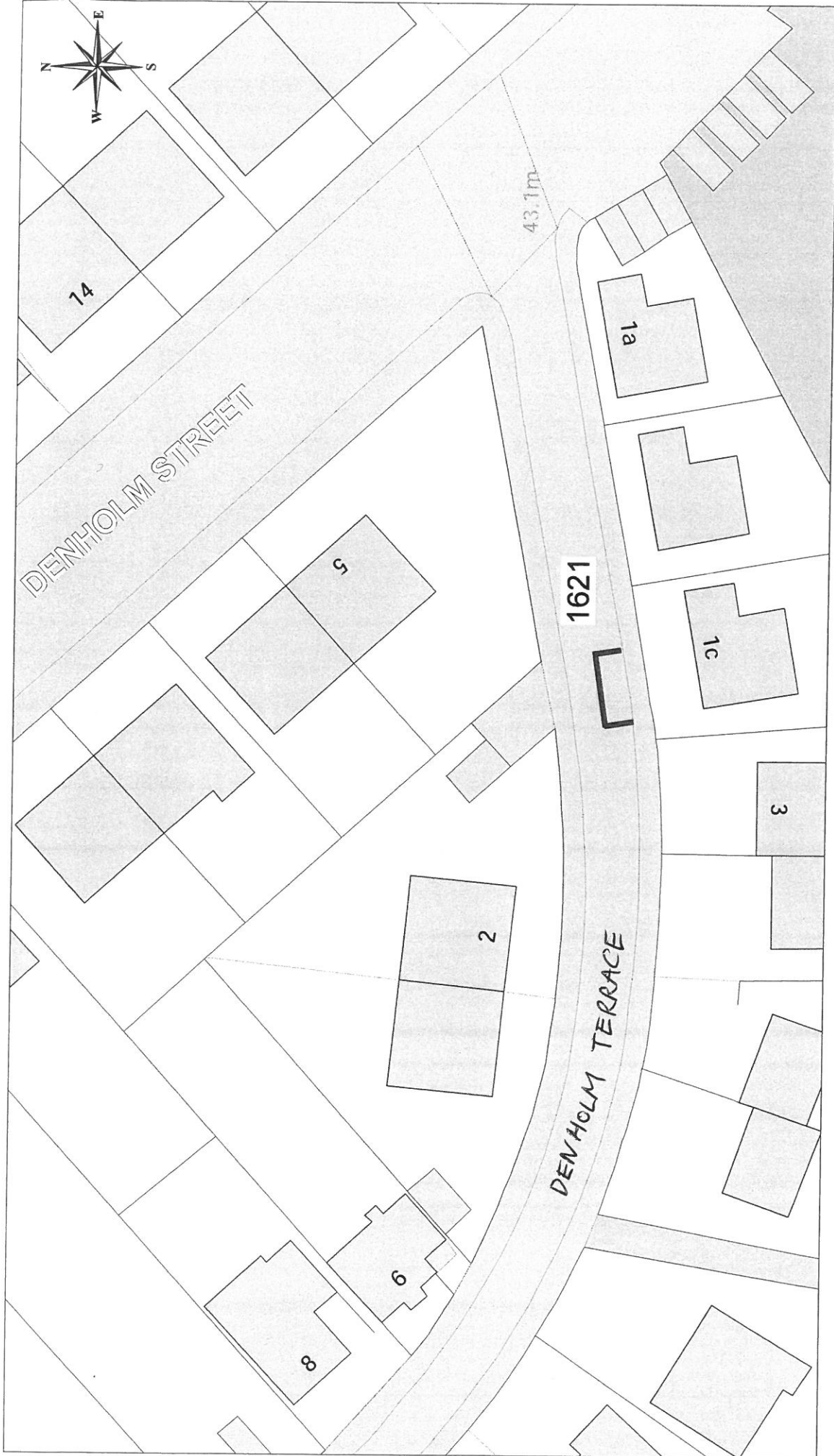
Inverclyde
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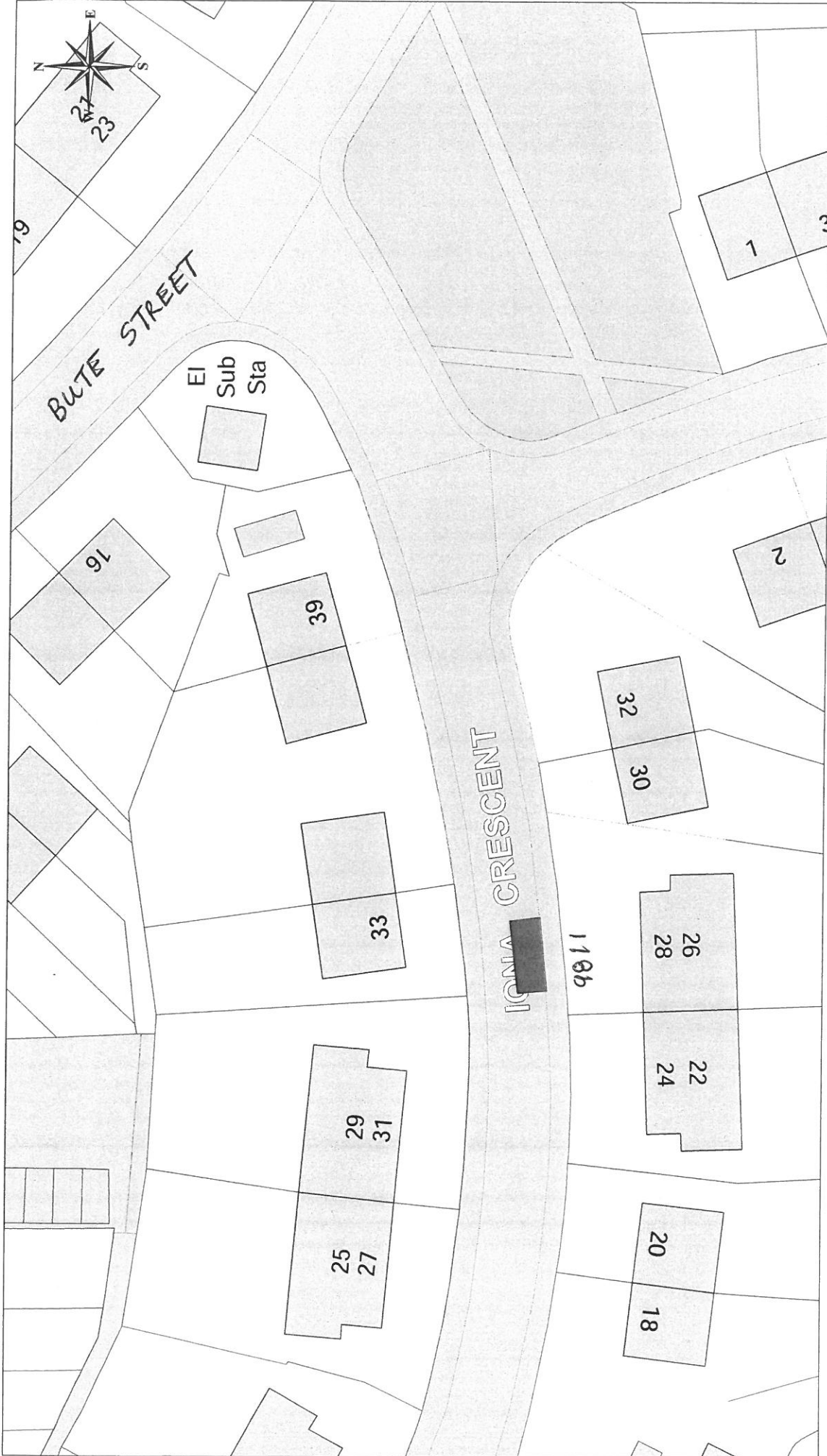
DISABLED PERSONS' PARKING PLACE
24 MALLAIG ROAD, PORT GLASGOW
PLACE No. 1620

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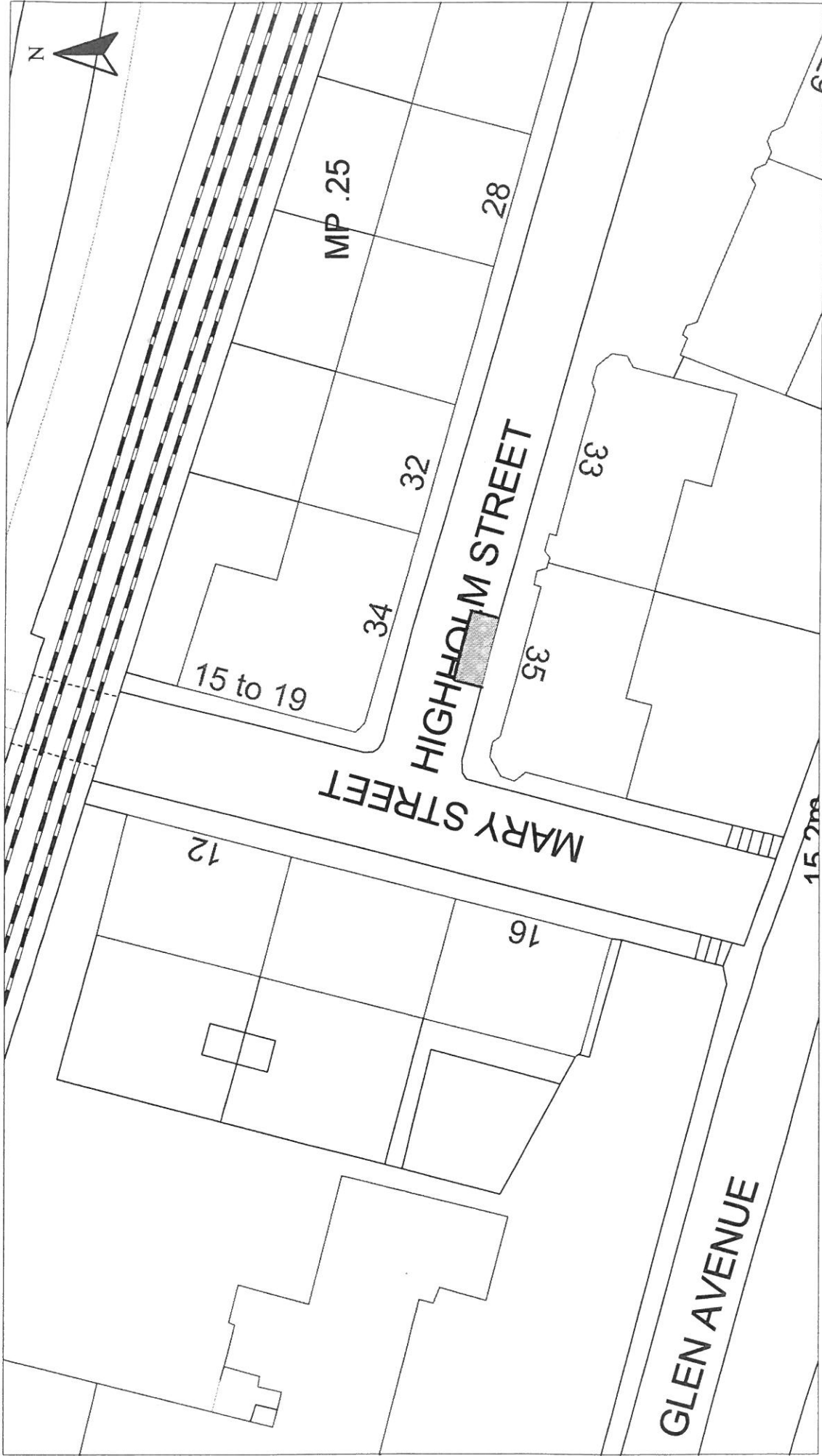
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DISABLED PERSONS' PARKING PLACE
1C DENHOLM TERRACE, GREENOCK
PLACE No. 1621

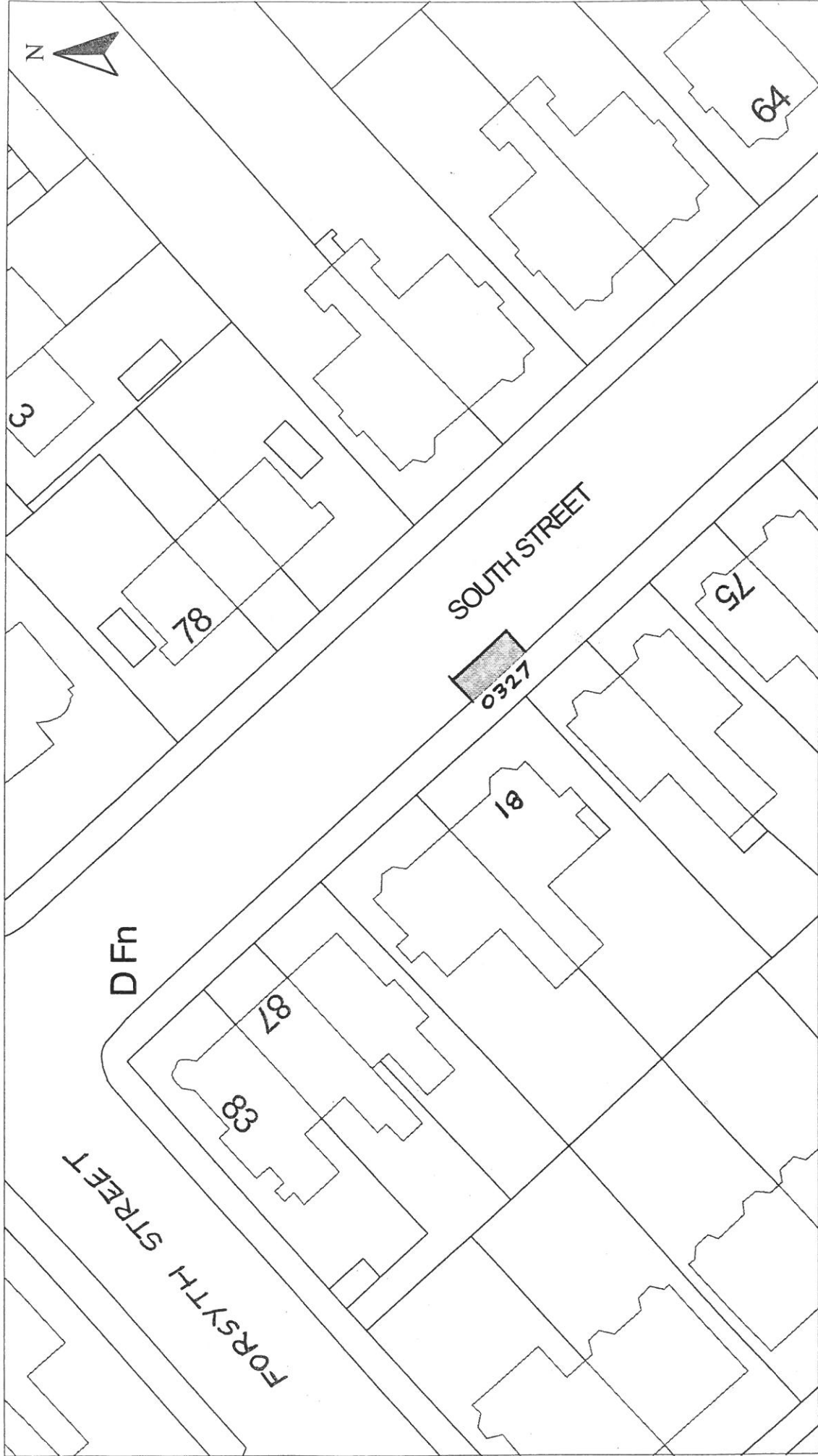


DISABLED PERSONS' PARKING PLACE
33 IONA CRESCENT, GOUROCK
PLACE No. 9811 REVOCATION

Scale: 1:500



HEAD OF TRANSPORTATION AND ROADS R.J. SMALL B.Sc., C.Eng., M.I.C.E.		Scale : 1:500		Date : MAY 2003	
Disabled Bays		Prepared by : R. MACKAY		Checked by :	
71 EAST HAMILTON STREET GREENOCK, PA15 2UA		Drawn by : R. MACKAY		Approved by :	
Disabled PERSONS' PARKING PLACE 35 HIGHHOLM STREET, PORT GLASGOW PLACE No. 0238 REVOCATION		Drawing No. :		File No. : 19/12	
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HEAD OF TRANSPORTATION AND ROADS
R.J. SMALL B.Sc., C.Eng., M.I.C.E.

Disabled Bays
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GREENOCK, PA15 2UA

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81 SOUTH STREET, GREENOCK
PLACE No. 0327 REVOCATION

Scale : 1:500

Prepared by : R. MACKAY

Drawn by : R. MACKAY

Drawing No. :

Date : JULY 2004

Checked by :

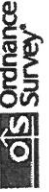
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<p>DISABLED PERSONS' PARKING PLACE 16 CANMORE CRESCENT, GREENOCK PLACE No. 0429 REVOCATION</p>		<p>Prepared by : R. MACKAY</p> <p>Checked by :</p> <p>Drawn by : R. MACKAY</p> <p>Approved by :</p> <p>Drawing No. : 19/12</p>
<p>HEAD OF TRANSPORTATION AND ROADS R.J. SMALL B.Sc., C.Eng., M.I.C.E.</p>	<p>71 EAST HAMILTON STREET GREENOCK, PA15 2UA</p>	
<p>Disabled Bays</p>		



<p>HEAD OF TRANSPORTATION AND ROADS E. McCARRON C.Eng., M.I.C.E.</p>	<p>Scale : 1:500 Prepared by : R. MACKAY Checked by :</p>	<p>Date : DEC 2005</p>
<p>DISABLED PERSONS' PARKING PLACE 53 GLAMIS DRIVE, GREENOCK PLACE No. 0511 REVOCATION</p>	<p>Drawn by : R. MACKAY Approved by : File No. : 19/12</p>	<p>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.</p> <p>Licence No. LA03097L</p> 
<p>Disabled Bays</p>	<p>71 EAST HAMILTON STREET GREENOCK, PA15 2UA</p>	

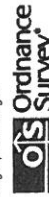


HEAD OF PLANNING, HOUSING AND
TRANSPORTATION :- F. K. WILLIAMSON

Disabled Bays
6 CATHCART SQUARE
GREENOCK, PA15 1LS

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DISABLED PERSONS' PARKING PLACE
6B LEMMON STREET, GREENOCK
PLACE No. 0813 REVOCATION

Scale : 1:500

Prepared by : R. MACKAY

Drawn by : R. MACKAY

Drawing No. :

Date : MAY 2008

Checked by :

Approved by :

File No. : 19/12



HEAD OF PLANNING, HOUSING AND
TRANSPORTATION :- F. K. WILLIAMSON

Disabled Bays
6 CATHCART SQUARE
GREENOCK, PA15 1LS

DISABLED PERSONS' PARKING PLACE
16 MOFFAT STREET, GREENOCK
PLACE No. 0837 REVOCATION

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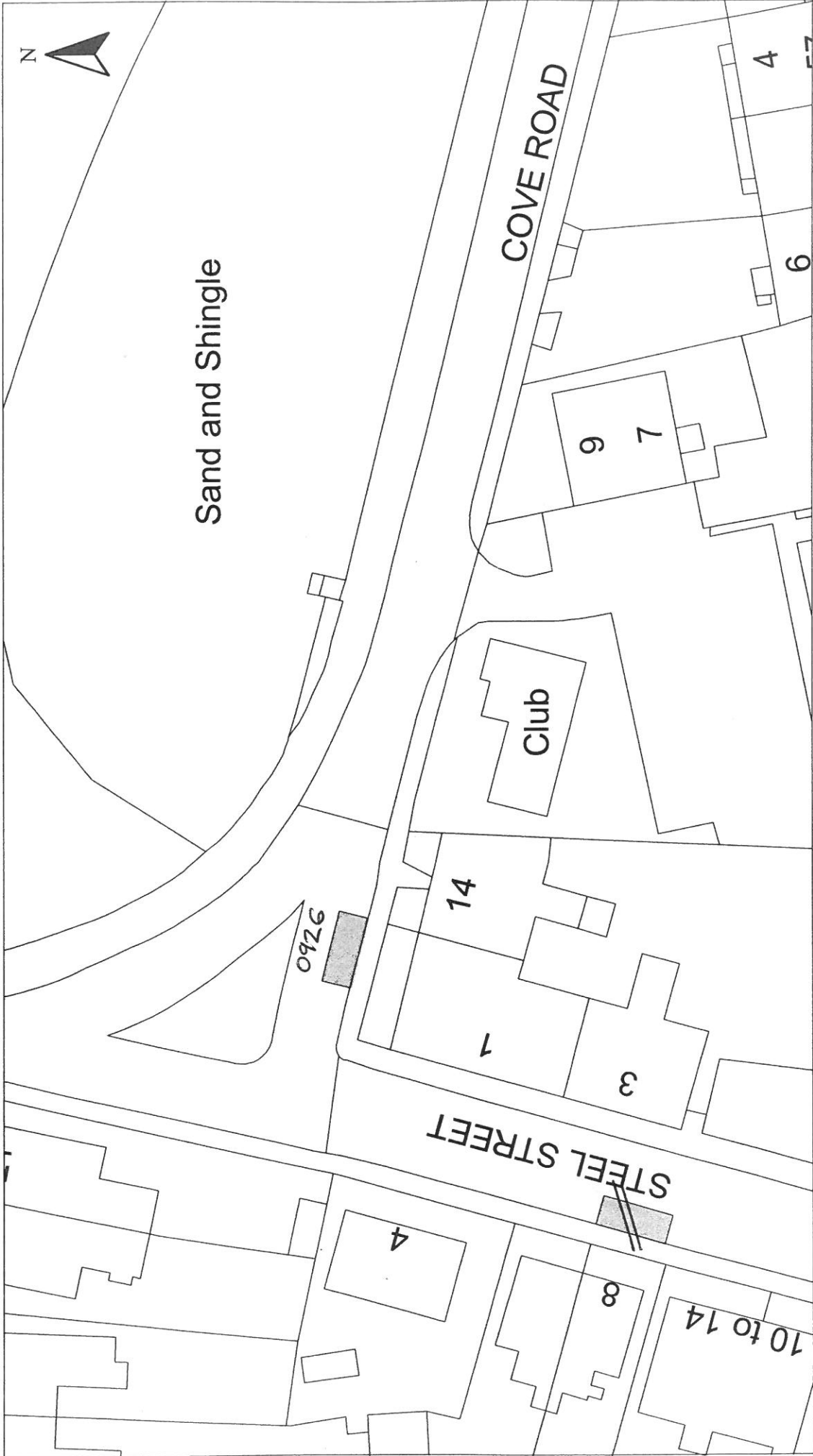
Drawing No. :

Date : SEPT 2008

Checked by :

Approved by :

File No. : 19/12



Disabled Bays
HEAD OF SERVICE
ALAN G BARNES MCIWM CEnv
71 EAST HAMILTON STREET
GREENOCK, PA15 2UA

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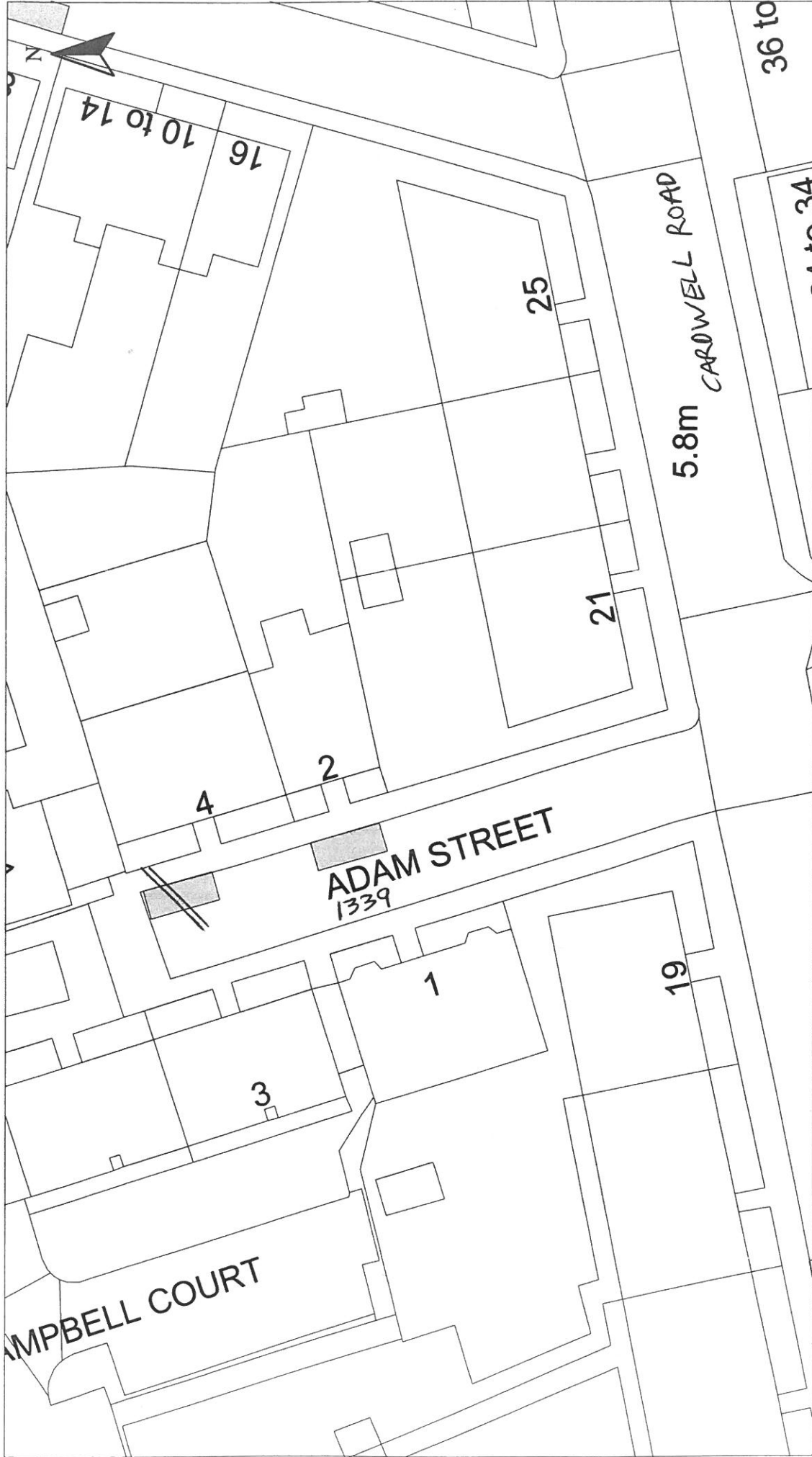
DISABLED PERSONS' PARKING PLACE
14 COVE ROAD, GOUROCK
PLACE No. 0926 REVOCATION


Scale : 1:500
Prepared by : R. MACKAY
Drawn by : R. MACKAY
Date : MAY 2009
Checked by :
Approved by :
File No. : 19/12



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<p>DISABLED PERSONS' PARKING PLACE 204 CUMBERLAND ROAD, GREENOCK PLACE No. 1010 REVOCATION</p>			
<p>HEAD OF SERVICE ALAN G BARNES MCIWM CENV</p>			
<p>71 EAST HAMILTON STREET GREENOCK, PA15 2JA</p>			
<p>Disabled Bays</p>			

Inverclyde council
ENVIRONMENTAL & COMMERCIAL SERVICES



Disabled Bays	HEAD OF SERVICE IAN MOFFAT		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. Licence No. LA03097L 		DISABLED PERSONS' PARKING PLACE 2B ADAM STREET, GOUROCK PLACE No. 1339 REVOCATION	
	71 EAST HAMILTON STREET GREENOCK, PA15 2UA		Scale : 1:500	Date : NOV 2013	Prepared by : R. MACKAY	Checked by :
			Drawn by : R. MACKAY	Approved by :	File No. : 19/12	
			Drawing No. :			

Report To:	The Inverclyde Council	Date: 29 September 2016
Report By:	Corporate Director, Environment, Regeneration and Resources	Report No: LP/111/16
Contact Officer:	Caroline Shaw	Contact No: 712115
Subject:	Proposed Traffic Regulation Order – Broadfield Area, Port Glasgow 20 miles per hour Speed Limit Restriction Order 2016	

1.0 PURPOSE

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

2.0 SUMMARY

- 2.1 The Environment & Regeneration Committee held on 1 September, 2016 after consideration of a Report by the Corporate Director Environment, Regeneration & Resources on the proposed Traffic Regulation Order – Broadfield Area, Port Glasgow 20 mph Speed Limit Restriction) Order 2015 recommended that the Inverclyde Council be asked to make the Traffic Regulation Order and remit it to the Head of Environmental and Commercial Services and the Head of Legal and Property Services to arrange for its implementation.

3.0 RECOMMENDATION

- 3.1 That the Inverclyde Council approve the making of the Traffic Regulation Order – Broadfield Area, Port Glasgow 20 mph Speed Limit Restriction Order 2016, all as detailed in the copy of the proposed Order forming a supplement to the principal Minute hereof, and that the Head of Environmental and Commercial Services and the Head of Legal and Property Services be authorised to take all necessary action in connection therewith. Appendix 1

Gerard Malone
Head of Legal and Property 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 and Commercial Services is responsible for the making, implementation and review of Traffic Management Orders and Traffic Regulation Orders.
- 4.2 Broadfield is a built-up residential area. After carrying out speed surveys at several locations within the Broadfield area, the results of the survey confirmed that it meets the requirements set out in the Transport Scotland publication entitled "Good Practice Guide on 20mph Speed Restrictions" for the implementation of a 20mph speed limit.
- 4.3 The Council is asked to note that, if approved, the Order may not be implemented until the making of the Order has been advertised to allow any persons who so wish a period of six weeks to question the validity of the Order in terms of the Road Traffic Regulation Act 1984.

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 and Commercial Services, the Head of Legal and Property Services, Central Library and at Port Glasgow Library.
- 6.2 No objections have been received to the proposed Order.

7.0 LIST OF BACKGROUND PAPERS

- 7.1 None

THE INVERCLYDE COUNCIL

BROADFIELD AREA, PORT GLASGOW

20 MILES PER HOUR SPEED LIMIT RESTRICTION

ORDER 2016

THE INVERCLYDE COUNCIL
BROADFIELD AREA, PORT GLASGOW
20 MILES PER HOUR MAXIMUM SPEED LIMIT ORDER 2016

We, The Inverclyde Council in exercise of the powers conferred on us by Sections 84, 85, 86 and 87 of the Road Traffic Regulation Act 1984, as amended ("the Act") and of all other enabling powers and after consultation with the Chief Constable in accordance with Part III of Schedule 9 to the Act hereby make the following Order:-

1 Citation and Commencement

- (a) This Order may be cited as "The Inverclyde Council Broadfield Area, Port Glasgow 20 Miles Per Hour Maximum Speed Limit Order 2016" and shall come into operation on the Fourteenth day of November, Two Thousand and Sixteen.

2 Interpretation

- (a) In this Order the following expressions have the meanings hereby assigned to them:-

"Chief Constable" means the Chief Constable of Police Scotland;

"Council" means The Inverclyde Council; and

"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.

- (b) All words importing the singular also include the plural and vice versa where the context requires.
- (c) Except where the context otherwise requires, references to any enactment include any such enactment as amended, extended or applied by or under any other enactment.
- (d) Headings are for ease of reference only and are not intended to affect the interpretation of this Order.

3 Maximum Speed Limit – 20 Miles Per Hour

No/...

No person shall drive any vehicle at a speed exceeding 20 miles per hour on any of the lengths of road specified in the Schedule to this Order.

Sealed with the Common Seal of The Inverclyde Council and subscribed for them and on their behalf by #####, Proper Officer, Municipal Buildings, Greenock on the ##### day of #####, Two Thousand and Sixteen.

.....

Proper Officer

This is the Schedule referred to in the foregoing The Inverclyde Council Broadfield Area, Port Glasgow 20 Miles Per Hour Speed Limit Order 2016

Maximum Speed Limit – 20 Miles Per Hour

Length of roads in Inverclyde within the Broadfield Area, Port Glasgow

Bogside Road

From the junction with Northfield Avenue for its entire length.

Bracken Road

From the junction with Northfield Avenue for its entire length.

Broadfield Avenue

From a point 30 metres south of the extended south kerblines of Parkhill Avenue generally westwards to its junction with Castlehill Avenue, a distance of 435 metres or thereby.

Burnside Avenue

From the junction with Southfield Avenue for its entire length.

Castlehill Avenue

From the extended south kerblines of Southfield Avenue southeastwards for a distance of 17 metres or thereby.

Link Road from Boglestone Roundabout to Southfield Avenue

From the extended southwest kerblines of Southfield Avenue southwestwards for a distance of 13 metres or thereby.

Mid Avenue

From the junction with Northfield/Southfield Avenue to the junction with Burnside Avenue for its entire length.

Northfield Avenue

From the junction with Mid Avenue to the junction with Broadfield Avenue for its entire length.

Oakbank Road

From the junction with Southfield Avenue to the junction with Burnside Avenue for its entire length.

Southfield Avenue

From the junction with Castlehill Avenue to the junction with Mid Avenue for its entire length.

Westfield Road

From the junction with Northfield Avenue for its entire length.

Robert Graham
Head of Environmental & Commercial Services
1 Ingleston Park
Cartsburn Street
Greenock
PA15 4UE

THE INVERCLYDE COUNCIL

BROADFIELD AREA, PORT GLASGOW

20MPH SPEED LIMIT RESTRICTION

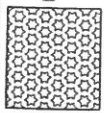
Statement of Reasons for Proposing to Make the above Order

It is considered necessary to make the above Order to avoid danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising.

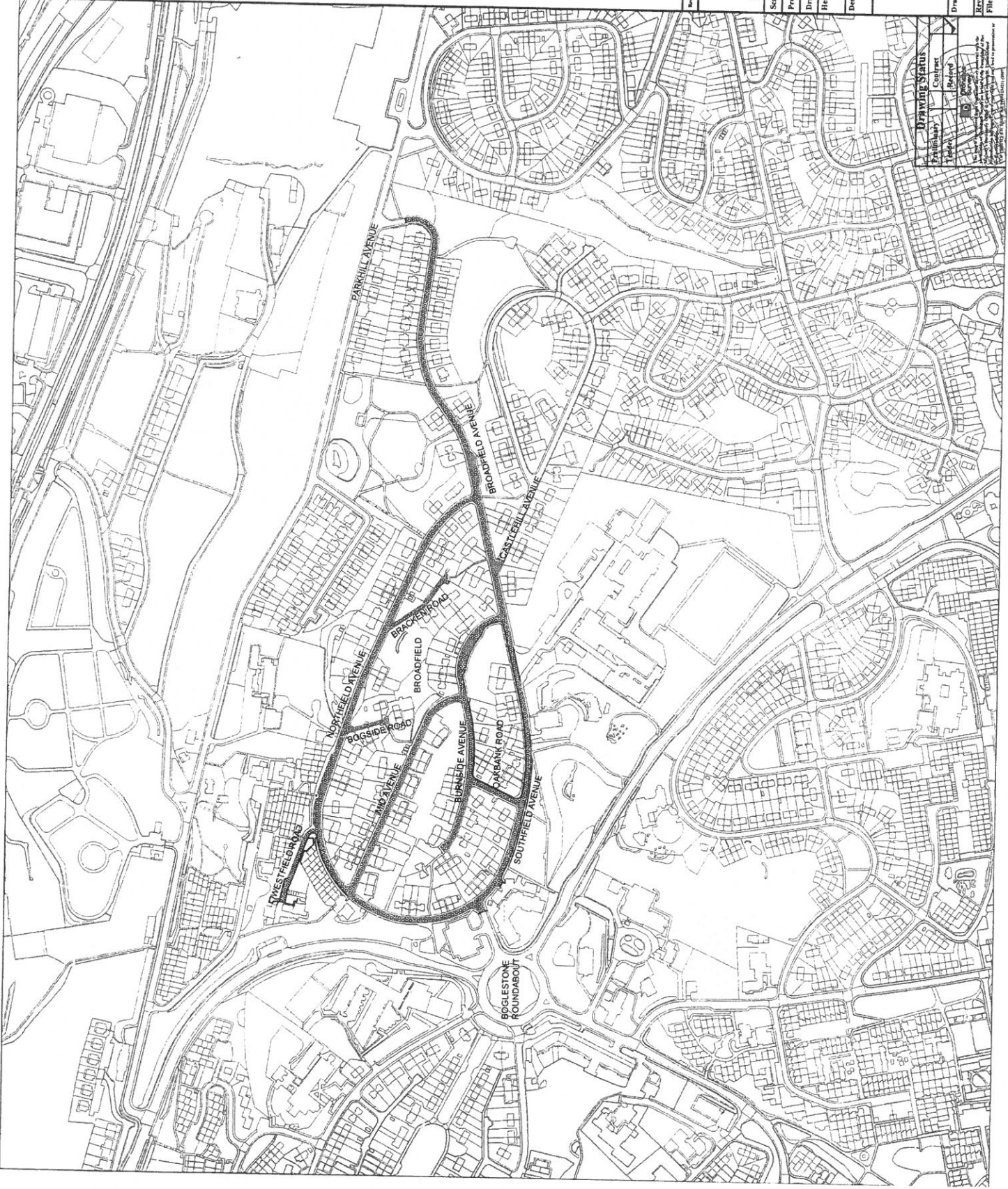
Broadfield is a built up residential area. After carrying out speed surveys at several locations within the Broadfield area, the results of the survey confirmed that it meets the requirements set out in the Transport Scotland publication entitled "Good Practice Guide on 20mph Speed Restrictions" for the implementation of a 20mph speed limit.

Robert Graham
Head of Environmental & Commercial Services
1 Ingleston Park
Cartsburn Street
GREENOCK
PA15 4UE

Notes:



Denotes limit of 20mph restriction



Rev	Date	Description	Checked By	Approved By

inverclyde
council
ENVIRONMENTAL & COMMERCIAL SERVICES

Scale : NTS : Date : May 2016
 Prepared by : GS : Checked by : GL
 Drawn by : GS : Approved by : GL
 Head of Service

Design Office: Robert Graham
 71 East Hamilton Street,
 Greenock PA15 2UA

The Inverclyde Council
 Broadfield Area,
 Port Glasgow,
 (20mph Speed Limit Restriction)
 Order 2016

Drawing No: TR0-001
 Scale: 1:1000 1:500 1:250 1:100
 File No: Design Section
 Original Drawing Size: A4 (297 x 210)

Drawing Status

Prepared: Checked:
 Drawn: Approved:
 Issued: Revoked:

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Report To:	THE INVERCLYDE COUNCIL	Date: 29 September 2016
Report By:	CORPORATE DIRECTOR, ENVIRONMENT, REGENERATION & RESOURCES	Report No: ERC/ENV/RG/16.288
Contact Officer:	STEVEN WALKER	Contact No: 01475 714800
Subject:	GOUROCK PARKING STRATEGY - PROPOSED TRAFFIC REGULATION ORDERS	

1.0 PURPOSE

- 1.1 The purpose of this report is to request the Council to consider a remit from the Environment and Regeneration Committee.

2.0 SUMMARY

- 2.1 At the meeting of this Committee on 1 June 2016, approval was granted for proposed variations to the Gourock Town Centre parking strategy. These variations are as follows:

- Variation of the extents of Kempock Street West and Kempock Street East car parks;
- Kempock Street West car park to become a short stay car park with a reduced number of short stay spaces (from 83 to 45);
- Kempock Street East car park to become a long stay car park with an increased number of long stay spaces (from 85 to 123); and
- On-street limited waiting in Lower Kempock Street to be increased to 3 hours.

- 2.2 As a result, the two Traffic Regulation Orders (TROs) referred to at paragraph 2.3 below were drafted. They were issued for public consultation on 15 June 2016 with a closing date for objections of 6 July 2016. As a result of the consultation, no objections were received to either of the two TROs.

- 2.3 The Environment and Regeneration Committee held on 1 September 2016, after consideration of a report by the Corporate Director Environment, Regeneration and Resources on the two proposed TROs entitled "Gourock Parking Strategy - Proposed Traffic Regulation Orders", recommended the making of the two TROs listed below:

1. The Inverclyde Council (Various Roads) (Gourock, Inverkip and Wemyss Bay) (Waiting Restrictions) (Variation No. 3) Order 2016; and
2. The Inverclyde Council (Off-Street Parking Places) (Variation No. 7) Order 2016.

3.0 RECOMMENDATION

3.1 That the Inverclyde Council approve the making of the two TROs listed below, all as detailed in the copies of the two proposed TROs forming a supplement to the principal Minute hereof, and that the Head of Environmental and Commercial Services and the Head of Legal and Property Services be authorised to take all necessary action in connection therewith to make formally the two TROs in accordance with the statutory procedure.

1. The Inverclyde Council (Various Roads) (Gourock, Inverkip and Wemyss Bay) (Waiting Restrictions) (Variation No. 3) Order 2016; and
2. The Inverclyde Council (Off-Street Parking Places) (Variation No. 7) Order 2016.

Robert Graham
Head of Environmental & Commercial Services

4.0 BACKGROUND

- 4.1 Following the introduction of Decriminalised Parking Enforcement in Inverclyde on 6 October 2014, the Council undertook to carry out a review of parking in all of the towns and villages.
- 4.2 Following consultation with the local Community Council, a separate consultation undertaken by Councillor McEleny on Kempock Street and approval by a Special Meeting of this Committee on 16 June 2015, TROs were introduced in Kempock Street East and Kempock Street West car parks which came into effect on 18 January 2016.
- 4.3 After the introduction of the new TROs, Ward Members and Council Officers received comments from patrons that the long stay car park was well used and the short stay car park was not being fully utilised. Use of the short stay car park has increased over recent months.
- 4.4 Officers met with Ward Members to review the comments and possible options on a way forward for parking in the town centre. As a result, parking surveys were undertaken in Kempock Street West, Kempock Street East, Station Road North and Station Road South car parks as well as Kempock Street and Lower Kempock Street on 23, 26 and 28 April 2016 (before the Pool opened) and 14, 17 and 19 May 2016 (after the Pool opened).
- 4.5 In order to give the public an opportunity to comment on the current parking arrangements, a questionnaire was hand delivered to each business and household on Kempock Street and Lower Kempock Street. The questionnaire was also posted on the Council's website and promoted via social media to give visitors to the town centre the opportunity to comment.
- 4.6 Following a review of the survey results and public consultation it was agreed by this Committee on 1 June 2016:
 - To change the extents of Kempock Street West and Kempock Street East car parks;
 - Kempock Street West car park will become a short stay car park with a reduced number of short stay spaces (from 83 to 45);
 - Kempock Street East car park will become a long stay car park with an increased number of long stay spaces (from 85 to 123); and
 - On-street limited waiting in Lower Kempock Street will be increased to 3 hours.

There will be no change to the 1 hour limited waiting restriction on Kempock Street and no changes to Station Road North and Station Road South car parks.
- 4.7 Officers met with Ward Members who advised they were supportive of the proposals and acknowledged individual members of the community would have further opportunity to make representation on any revised TROs promoted through the normal statutory consultation process.
- 4.8 As a result the two TROs listed in paragraph 2.1 were issued for public consultation on 15 June 2016 with responses invited by 6 July 2016.
- 4.9 As a result of the public consultations, no objections were received to either of the two TROs.
- 4.10 The Committee is asked to note that, if approved, the two TROs may not be implemented until the making of the two TROs has been advertised to allow any persons who so wish a period of six weeks to question the validity of the two TROs in terms of the Road Traffic Regulation Act 1984.

5.0 IMPLICATIONS

Finance

- 5.1 As previously reported, there will be a cost for amending the signs and road markings in the car parks as well as changing the signs on Lower Kempock Street. These costs could be met from the remaining balance of the Parking Strategy Earmarked Reserve.

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
00649-999-60005	Parking Strategy Earmarked Reserve	16/17	£4,000		New signs and lines

Legal

- 5.2 There are no legal implications arising from this report. The Head of Legal and Property Services has been consulted on 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 and Commercial Services, the Inverclyde Council Customer Service Centre and at Central and Gourock Libraries. A copy of the two draft TROs is appended hereto for Members' information. Appendix 1
- 6.2 The Heads of Legal and Property Services and Safer & Inclusive Communities and the Chief Financial Officer have been consulted on this report.

7.0 LIST OF BACKGROUND PAPERS

- 7.1 None.

THE INVERCLYDE COUNCIL
(VARIOUS ROADS) (GOUROCK, INVERKIP &
WEMYSS BAY) (WAITING RESTRICTIONS)
(VARIATION NO. 3) ORDER 2016

TRAFFIC REGULATION ORDER

**THE INVERCLYDE COUNCIL
(VARIOUS ROADS) (GOUROCK, INVERKIP & WEMYSS BAY)
(WAITING RESTRICTIONS) (VARIATION NO. 3) ORDER 2016**

We, The Inverclyde Council in exercise of the powers conferred on us by Sections 1(1), 2(1) to (3), 4(2), 32(1), 35(1), 45, 46, 49, 53, 101 and 102 of the Road Traffic Regulation Act 1984 (as amended) ("the Act") and of Part IV of Schedule 9 to the Act and of all other enabling powers and after consulting the Chief Constable of the Police Service of Scotland (Seirbheis Phoilis na h-Alba) in accordance with Part III of Schedule 9 to the Act hereby make the following Order:

1.0 Commencement and citation

1.1 This Order shall come into operation on the ** day of **, Two Thousand and ** and may be cited as "The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) (Variation No. 3) Order 2016".

2.0 Interpretation

2.1 Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.

2.2 Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, modified, re-enacted, replaced or supplemented by any subsequent enactment.

2.3 The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulation made or having effect as if made under the Act or by or under any other enactment provided that where a prohibition or restriction which is imposed, varied or revoked by this Order is in conflict with a prohibition or restriction imposed by a previous Order, then the provision of this Order shall prevail.

2.4 The On-Street Plans forming Schedule 1 to this Order and titled "The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) (Variation No. 3) Order 2016 On-Street Plans" are hereby incorporated into "The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) Order 2013" and recorded in "The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions) Order 2013 Plan Index".

2.5 The Plan Index forms Schedule 2.

2.6 The Interpretation Act 1978 (as amended) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament. *This Order and the two Schedules annexed hereto are sealed with the Common Seal of The Inverclyde Council and subscribed for them and on their behalf by*

SCHEDULE 1

**The Inverclyde Council (Various Roads) (Gourock, Inverkip & Wemyss Bay) (Waiting Restrictions)
(Variation No. 3) Order 2016 On-Street Plans**

SCHEDULE 2

SCHEDULE 3

THE INVERCLYDE COUNCIL (VARIOUS ROADS) (GOUROCK, INVERKIP & WEMYSS BAY) (WAITING RESTRICTIONS) ORDER 2013
PLAN INDEX

Plan Reference	Effective date of original plan	Effective date of Plan Revision																		
		1	2	3	4	5	6	7	8	9	10	11								
TR/TRO/C133-001	06/10/2014																			
TR/TRO/C133-002	06/10/2014																			
TR/TRO/C133-003	06/10/2014																			
TR/TRO/C133-004	06/10/2014																			
TR/TRO/C133-005	06/10/2014	04/04/2016																		
TR/TRO/C133-006	06/10/2014	04/04/2016	#####																	
TR/TRO/C133-007	06/10/2014	04/04/2016																		
TR/TRO/C133-008	06/10/2014	04/04/2016																		
TR/TRO/C133-009	06/10/2014	04/04/2016																		
TR/TRO/C133-010	06/10/2014																			
TR/TRO/C133-011	06/10/2014																			
TR/TRO/C133-012	04/04/2016																			
TR/TRO/C133-013	04/04/2016	#####																		
TR/TRO/C133-014	04/04/2016																			
TR/TRO/C133-015	04/04/2016																			
TR/TRO/C133-016	04/04/2016																			

THE INVERCLYDE COUNCIL
(OFF-STREET PARKING PLACES)
(VARIATION NO. 7) ORDER 2016
TRAFFIC REGULATION ORDER

**THE INVERCLYDE COUNCIL
(OFF-STREET PARKING PLACES) (VARIATION NO. 7) ORDER 2016**

We, The Inverclyde Council in exercise of the powers conferred on us by Sections 1(1), 2(1) to (3), 4(2), 32(1), 35(1), 45, 46, 49, 53, 101 and 102 of the Road Traffic Regulation Act 1984 (as amended) ("the Act") and of Part IV of Schedule 9 to the Act and of all other enabling powers and after consulting the Chief Constable of the Police Service of Scotland (Seirbheis Phoillis na h-Alba) in accordance with Part III of Schedule 9 to the Act hereby make the following Order:

1.0 Commencement and citation

1.1 This Order shall come into operation on the ** day of **, Two Thousand and ** and may be cited as "The Inverclyde Council (Off-Street Parking Places) (Variation No. 7) Order 2016".

2.0 Interpretation

2.1 Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.

2.2 Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, modified, re-enacted, replaced or supplemented by any subsequent enactment.

2.3 The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulation made or having effect as if made under the Act or by or under any other enactment provided that where a prohibition or restriction which is imposed, varied or revoked by this Order is in conflict with a prohibition or restriction imposed by a previous Order, then the provision of this Order shall prevail.

2.4 The Off-Street Plan forming Schedule 1 to this Order and titled "The Inverclyde Council (Off-Street Parking Places) (Variation No. 7) Order 2016 Off-Street Plan" is hereby incorporated into "The Inverclyde Council (Off-Street Parking Places) Order 2013" and recorded in "The Inverclyde Council (Off-Street Parking Places) Order 2013 Plan Index".

2.5 The Plan Index forms Schedule 2.

2.6 The Schedule forming Schedule 3 to this Order and titled "Parking Places, Number and Name, Charging Hours, Days and Hours of Parking Place Operation, Maximum period for which vehicles may wait, Tariff and Disabled Persons' Parking Places" is hereby incorporated into "The Inverclyde Council (Off-Street Parking Places) Order 2013".

2.7 The Schedule forming Schedule 4 to this Order and titled "Scale of Parking Charges applicable during the Hours of Operation for Parking Places specified in the Schedule 3" is hereby incorporated into "The Inverclyde Council (Off-Street Parking Places) Order 2013".

2.8 The Interpretation Act 1978 (as amended) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament. *This Order and the four Schedules annexed hereto are sealed with the Common Seal of The Inverclyde Council and subscribed for them and on their behalf by*

SCHEDULE 1

The Inverclyde Council (Off-Street Parking Places) (Variation No. 7) Order 2016 Off-Street Plan

SCHEDULE 2

SCHEDULE 5

THE INVERCLYDE COUNCIL (OFF-STREET PARKING PLACES) ORDER 2013 PLAN INDEX

Plan Ref.	Effective date of original plan	Effective date of Plan Revision							
		1	2	3	4	5	6	7	8
TR/TRO/C134/001	06/10/2014	18/01/2016	#####						
TR/TRO/C134/002	06/10/2014	25/04/2016							
TR/TRO/C134/003	06/10/2014								
TR/TRO/C134/004	06/10/2014	25/04/2016							
TR/TRO/C134/005	06/10/2014								
TR/TRO/C134/006	06/10/2014								
TR/TRO/C134/007	21/11/2014								
TR/TRO/C134/008	25/01/2016								

SCHEDULE 3

SCHEDULE 3

PARKING PLACES, NUMBER AND NAME, CHARGING HOURS, DAYS AND HOURS OF PARKING PLACE OPERATION, MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT, TARIFF AND DISABLED PERSONS' PARKING PLACES

Parking Places Operational at all times

PARKING PLACE REFERENCE NUMBER	NAME OF PARKING PLACE	CHARGING HOURS OF PARKING PLACE	OPENING HOURS OF PARKING PLACE	TARIFF	DISABLED PERSONS' PARKING PLACES (No.)	ELECTRIC VEHICLE PARKING SPACES (No.)	PARKING PLACE IDENTIFICATION CODE
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8
25	Barr's Brae	08:00-18:00 Mon-Sat	24 hours	A	1		
9	Bruce Street	08:00-18:00 Mon-Sat	24 hours	A	3		
12	Buccleugh Street	08:00-18:00 Mon-Sat	24 hours	H	1		GR2
11	Bullring	08:00-18:00 Mon-Fri	24 hours	E	4		GR1
13	Cathcart Street West	08:00-18:00 Mon- Fri	24 hours	F	4	2	GR1
14	Cathcart Street East	08:00-18:00 Mon- Fri	24 hours	E	1		GR1
2	Cloch Road	08:00-18:00 Mon-Sat	24 hours	A	0		
4	Cove Road	08:00-18:00 Mon-Sat	24 hours	A	0		
22	East Road	08:00-18:00 Mon-Sat	24 hours	A	0		

PARKING PLACE REFERENCE NUMBER Column 1	NAME OF PARKING PLACE Column 2	CHARGING HOURS OF PARKING PLACE Column 3	OPENING HOURS OF PARKING PLACE Column 4	TARIFF Column 5	DISABLED PERSONS' PARKING PLACES (No.) Column 6	ELECTRIC VEHICLE PARKING SPACES (No.) Column 7	PARKING PLACE IDENTIFICATION CODE Column 8
19	Fore Street	08:00-18:00 Mon-Sat	24 hours	A	8	2	
1	Fran Terrace	08:00-18:00 Mon-Sat	24 hours	A	0		
7	Hastie Street	08:00-18:00 Mon- Fri	24 hours	E	2		GR1
21	Highholm Avenue	08:00-18:00 Mon-Sat	24 hours	A	8		
3	Kempock Street East	08:00-18:00 Mon-Sat	24 hours	A	2		
24	Lochwinnoch Road	08:00-18:00 Mon-Sat	24 hours	A	6	2	
5	Manor Crescent	08:00-18:00 Mon-Sat	24 hours	A	0		
20	Princes Street	08:00-18:00 Mon-Sat	24 hours	B	6		
8	Roslin Street	08:00-18:00 Mon- Fri	24 hours	E	0		GR1
10	Roxburgh Street	08:00-18:00 Mon-Sat	24 hours	A	2		
18	Shore Street	08:00-18:00 Mon-Sat	24 hours	A	11		
16	Station Avenue East	08:00-18:00 Mon- Fri	24 hours	E	2		GR1
15	Station Avenue West	08:00-18:00 Mon- Fri	24 hours	E	2		GR1

PARKING PLACE REFERENCE NUMBER Column 1	NAME OF PARKING PLACE Column 2	CHARGING HOURS OF PARKING PLACE Column 3	OPENING HOURS OF PARKING PLACE Column 4	TARIFF Column 5	DISABLED PERSONS' PARKING PLACES (No.) Column 6	ELECTRIC VEHICLE PARKING SPACES (No.) Column 7	PARKING PLACE IDENTIFICATION CODE Column 8
23	Station Road	08:00-18:00 Mon-Sat	24 hours	A	1		
6	West Stewart Street	08:00-18:00 Mon- Fri	24 hours	E	2		GR1
17	William Street	08:00-18:00 Mon-Sat	24 hours	A	1		
26	Waterfront	08:00-18:00 Mon- Fri	24 hours	A	2		
27	Cinema	08:00-18:00 Mon- Fri	24 hours	C	2		
28	Dalrymple Street	08:00-18:00 Mon- Fri	24 hours	E	4		GR1
29	Cathcart Buildings	08:00-18:00 Mon- Fri	24 hours	G	0		GR1
30	Station Road North	08:00-18:00 Mon- Sat	24 hours	D	0		
31	Station Road South	08:00-18:00 Mon- Sat	24 hours	D	0		
32	Kempock Street West	08:00-18:00 Mon- Sat	24 hours	C	2	2	

SCHEDULE 4

SCHEDULE 4

SCALE OF PARKING CHARGES APPLICABLE DURING THE HOURS OF OPERATION FOR PARKING PLACES SPECIFIED IN SCHEDULE 3

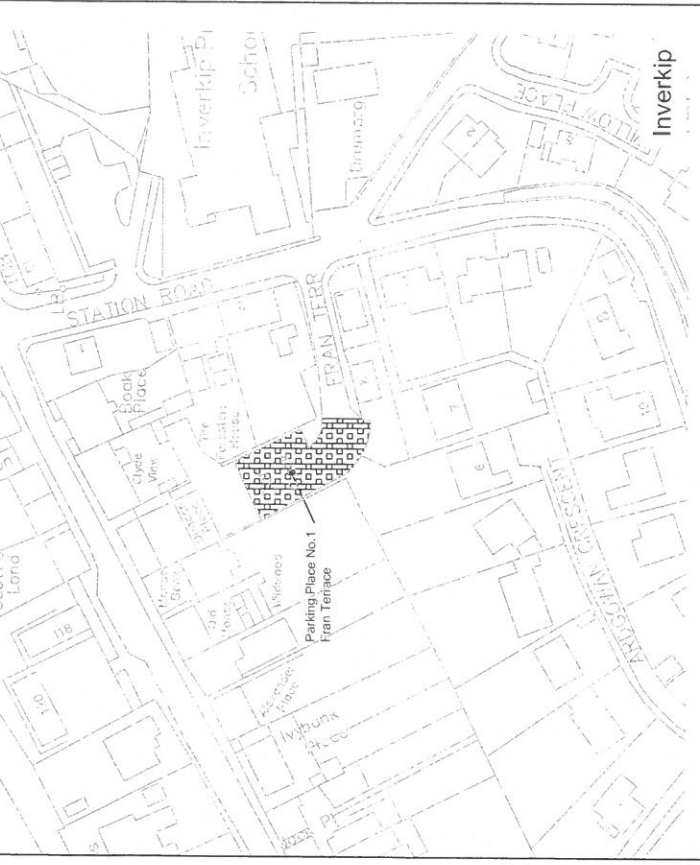
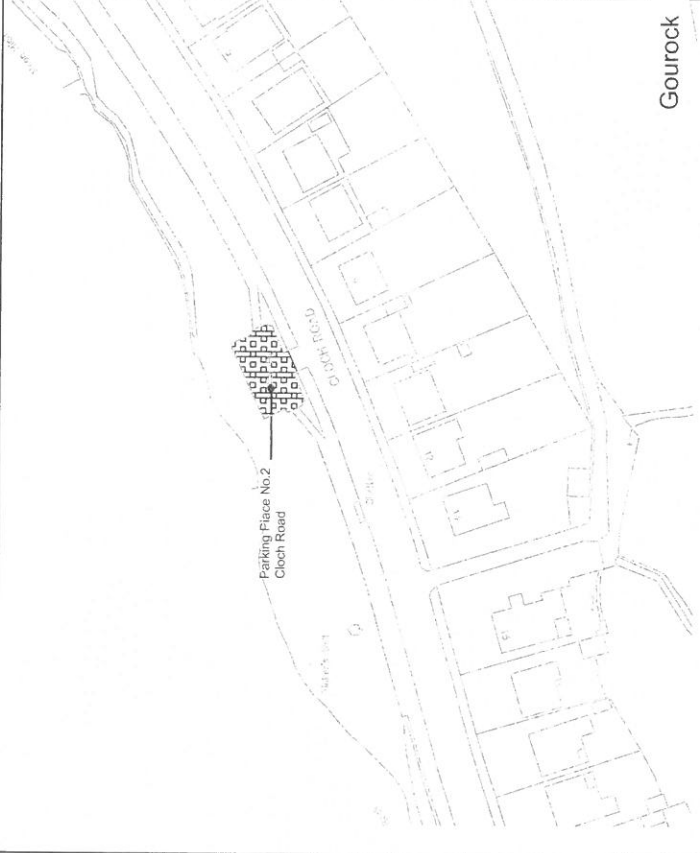
TARIFF Column 1	CHARGES Column 2	MAXIMUM DURATION OF STAY Column 3	NO RETURN WITHIN Column 4	DISPLAY TICKET/PARKING DISC/NONE Column 5	COMMENTS Column 6
A	Free	24 hours	n/a	None	n/a
B	Free	2 hours (3 hours for Disabled Person's Badge holders)	1 hour	None or Disabled Person's Badge	n/a
C	Free	3 hours (3 hours for Disabled Person's Badge holders)	1 hour	Parking Disc or Disabled Person's Badge	n/a
D	£1.00 per calendar day (Free for Disabled Person's Badge holders)	One calendar day	n/a	Ticket or Disabled Person's Badge	Multiple stays in one calendar day are permitted if space is available on return
E	£1.00 per calendar day (Free for Disabled Person's Badge holders)	One calendar day	n/a	Ticket or Residents' Parking Permit or Disabled Person's Badge	Multiple stays in one calendar day are permitted if space is available on return
F	Free	3 hours (3 hours for Disabled Person's Badge holders)	1 hour	Parking Disc or Residents' Parking Permit or Disabled Person's Badge	n/a
G	Free	Unlimited	n/a	Residents' Parking Permit or Disabled Person's Badge	n/a
H	Free	Unlimited	n/a	Residents' Parking Permit	n/a

Key

Extent of off-street parking place

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Scale



INVERCLYDE COUNCIL

71 East Herriot Street
Gourock
PA15 2UA

Tel: 01475 717171
Email: road@inverclyde.gov.uk
www.inverclyde.gov.uk

Inverclyde Council

THE INVERCLYDE COUNCIL
(OFF-STREET PARKING PLACES)
(VARIATION No. 7) ORDER 2016

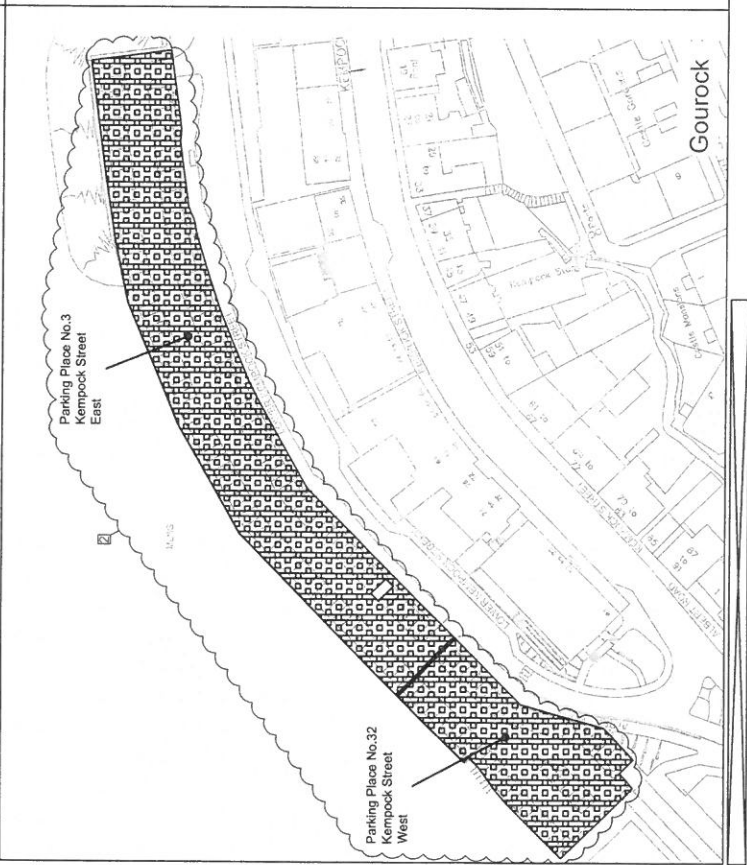
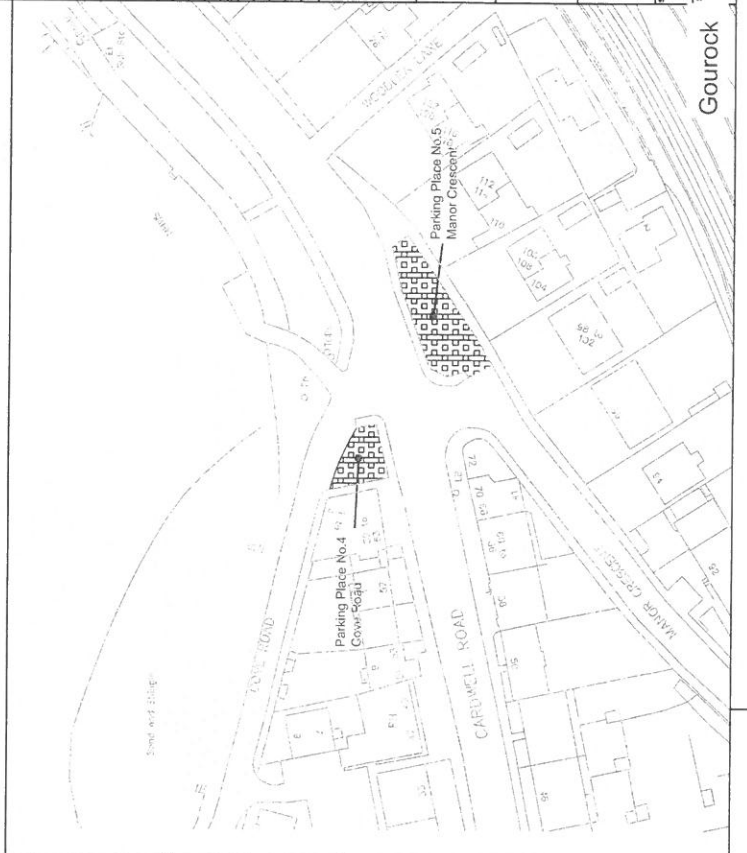
EFFECTIVE DATE:

Order No.	Original Issue	Issued	U.S.I.	U.S.I.	U.S.I.	U.S.I.	U.S.I.	U.S.I.
A3	1:1250	DATE	FEB '13	DATE	FEB '13	DATE	FEB '13	DATE

Scale Drawing Number: P

TR/RO/C134-001

2



THE INVERCLYDE COUNCIL

AGENDA AND ALL PAPERS TO:

All Councillors 20

Officers:

Chief Executive	1
Corporate Communications & Public Affairs	1
Chief Officer, Health & Social 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
Corporate Director Environment, Regeneration & Resources	1
Chief Financial Officer	1
Head of Legal & Property Services	1
S Lang, Legal & Property Services	1
R McGhee, Legal & Property Services	1
N Duffy, Legal & Property Services	1
F Denver, Legal & Property Services	1
L Carrick, Legal & Property Services	1
Members' Services Manager	1
Chief Internal Auditor	1
Head of Environmental & Commercial Services	1
Head of Regeneration & Planning	1
File Copy	1

TOTAL 46

AGENDA AND ALL NON-CONFIDENTIAL PAPERS TO:

Community Councils 10

TOTAL 10