

County Buildings  
Wellington Square  
AYR KA7 1DR  
Tel. No. 01292 612169

6 October 2022

Dear Councillor

## **SOUTH AYRSHIRE COUNCIL**

You are requested to participate in a meeting of South Ayrshire Council to be held **on Thursday 13 October 2022 at 10.00 a.m.** for the purpose of considering the undernoted business.

This meeting will be held on a hybrid basis for Elected Members, will be live-streamed and available to view at <https://south-ayrshire.public-i.tv/>

**Yours sincerely**

**CATRIONA CAVES**  
Head of Legal and Regulatory Services

### **B U S I N E S S**

1. Provost.
2. Sederunt and Declarations of Interest.
3. Minutes of meetings of the Council and Panels.

(a) Minutes of previous meeting.

Submit for approval as correct records and authorise to be signed:-

- (i) 29 June 2022; and
  - (ii) 9 September 2022 (Special)
- (copies herewith).

(b) Minutes of Panels.

The minutes (copies previously issued) of the undernoted meetings are for noting:-

- (i) Audit and Governance Panel of 22 June, 28 June (Special) and 7 September 2022.

- (ii) Cabinet of [14 June](#), [30 August](#) and [9 September 2022 \(Special\)](#).

In accordance with the Scheme of Delegation and Standing Orders for Meetings, the recommendations in the minutes as contained in the 'C' paragraphs have been referred to the Council for decision: -

- Minutes of 30 August 2022 – “Treasury Management Annual Report 2021/22”
- Minutes of 30 August 2022 – “Representation on Convention of Scottish Local Authorities”; and
- Minutes of 30 August 2022 – “Mileage Expenses”.

(copies of minute excerpts herewith).

- (iii) Chief Officers Appointments/Appraisal Panel of [1 July](#), [28 July](#) and [9 September 2022](#).
- (iv) Local Review Body of [21 June](#).
- (v) Partnerships Panel of [28 June 2022](#).
- (vi) Regulatory Panel – Licensing of [16 June](#) and [1 September 2022](#).
- (vii) Regulatory Panel – Planning of [23 June](#).
- (viii) Service and Performance Panel of [22 June](#) and [23 August 2022](#).

4. Representation on Outside Bodies – Submit report by Head of Legal and Regulatory Services (copy herewith).
5. Scheme of Delegation – Submit report by Head of Legal and Regulatory Services (copy herewith).
6. Revision to Scheme of Delegation for Planning – Submit report by Assistant Director – Place (copy herewith).
7. New Leisure Centre Project – Submit report by Assistant Director – Place (copy herewith).
8. Notice of Motion from Councillor Laura Brennan-Whitefield, seconded by Councillor Brian Connolly:-

“We are currently living in a cost-of-living crisis, with energy costs becoming an increasing concern for many members of our community. For some of our most vulnerable members of society they have no choice but to accept prepayment meters which are often imposed and are often more expensive than other options such as a direct debit or simply playing for the energy you use as the average standing charges are higher.

South Ayrshire Council requests that the chief executive writes to the energy regulator Ofgem to request that this issue is looked at urgently and that prices for prepayment meters are brought into line with other payment options so that those who are most economically vulnerable are not paying more for basic utilities.”

9. Formal Questions.

## **Webcasting**

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

You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during this webcast will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Generally, the press and public will not be filmed. However, by entering the Council Meeting, you are consenting to being filmed and consenting to the use and storage of those images and sound recordings and any information pertaining to you contained in them for webcasting or training purposes and for the purpose of keeping historical records and making those records available to the public. In making use of your information, the Council is processing data which is necessary for the performance of a task carried out in the public interest.

If you have any queries regarding this and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact [Committee.Services@south-ayrshire.gov.uk](mailto:Committee.Services@south-ayrshire.gov.uk)

## **Copyright**

All webcast footage is the copyright of South Ayrshire Council. You are therefore not permitted to download footage nor upload it to another website nor take still photographs from this footage and distribute it without the written permission of South Ayrshire Council. Please be aware that video sharing websites require you to have the permission of the copyright owner in order to upload videos to their site.

**SOUTH AYRSHIRE COUNCIL.**

Minutes of a hybrid webcast meeting  
on 29 June 2022 at 10.00 a.m.

Present in County Buildings: Councillors Iain Campbell (Provost), Kenneth Bell, Laura Brennan-Whitefield, Ian Cavana, Alec Clark, Ian Davis, Julie Dettbarn, Martin Dowey, William Grant, Peter Henderson, Hugh Hunter, Martin Kilbride, Lee Lyons, Brian McGinley, Bob Pollock, Cameron Ramsay, Philip Saxton (for items 1 to 11 only), Gavin Scott, Bob Shields and Duncan Townson.

Present Remotely: Councillors Ian Cochrane, Brian Connolly, Chris Cullen, Mark Dixon, Stephen Ferry, Mary Kilpatrick, Craig Mackay (for items 1 to 5 only) and George Weir.

Attending in County Buildings: E. Howat, Chief Executive; D. Gillies, Director – Place, C. Caves, Head of Legal, HR and Regulatory Services; T. Baulk, Head of Finance and ICT; D. Alexander, Service Lead – Procurement; K. Briggs, Service Lead – Legal and Licensing; S. McCall, Service Lead - ICT Enterprise Architecture; C. Iles, Service Lead – Planning and Building Standards; C. Neillie, Solicitor; K. Braidwood, Ayrshire Roads Alliance; J. McClure, Committee Services Lead Officer; A. Gibson, Committee Services Officer; and C. Buchanan, Committee Services Officer.

Attending Remotely: M. Newall, Assistant Director – People; M. Inglis, Head of Children’s Health, Care and Justice Service; M. Alexander, Service Lead – Housing Services; K. Dalrymple, Service Lead – Neighbourhood Services; T. Leijser, Service Lead – Economy and Regeneration; P. Bradley, Service Lead – Professional Design Services; J. Tait, Service Lead – CLD & Employability and Skills; R. Jamieson, Co-ordinator (Asset Management); V. Campbell, Customer Services Officer; M. Greaves, Co-ordinator – Local Places; and D. Manson, Ayrshire Roads Alliance.

**1. Provost.**

The Provost

- (1) welcomed everyone to the meeting;
- (2) intimated that no apologies had been received; and
- (3) outlined the procedures for conducting this meeting and advised that part of this meeting would be broadcast live.

**2. Sederunt and Declarations of Interest.**

The Chief Executive called the Sederunt for the meeting and having called the roll, confirmed that there were no declarations of interest by Members of the Council in terms of Council Standing Order No. 17 and the Councillors’ Code of Conduct.

### 3. Minutes of previous meetings of Council.

#### (1) Minutes of 19 May 2022.

Provost Campbell, seconded by Councillor Kilpatrick, moved the [Minutes](#) of South Ayrshire Council of 19 May 2022 as a correct record.

A vote was undertaken by electronic means and the Council

**Decided:** to approve the Minutes of 19 May 2022 and authorise these minutes to be signed as a correct record.

#### (2) Minutes of 26 May 2022 (Special).

Provost Campbell, seconded by Councillor Kilpatrick, moved the [Minutes](#) of South Ayrshire Council (Special) of 26 May 2022 as a correct record, subject to an Amendment to item 3 on page 4 of these Minutes entitled "Appointments to Panels etc" where Councillor Saxton should replace Councillor McGinley on the Chief Officers Appointments/Appraisal Panel.

A vote was undertaken by electronic means and the Council

**Decided:** to approve the Minutes of 26 May 2022 and authorise these minutes to be signed as a correct record subject to the amendment stated above.

### 4. Review of Management Structure.

There was submitted a [report](#) (issued) of 22 June 2022 by the Chief Executive requesting that Elected Members provide the Chief Executive with parameters for a further review of the Management Structure.

Councillor Dowey, seconded by Councillor Lyons, moved the recommendations as outlined in the report.

A question was raised by a Member on whether the recommendations from the meeting of the Chief Officers Appointments/Appraisal Panel could be reported back to the next meeting of the Council; and the Leader agreed to this.

A vote was undertaken by electronic means and the Council

**Decided:** that the Chief Officers' Appointments/Appraisal Panel meet with the Chief Executive to set out the parameters of a Management Restructure and consider the interim staffing structure required.

### 5. Appointments to Panels, etc.

There was submitted a [report](#) (issued) of 21 June 2022 by the Head of Legal, HR and Regulatory Services seeking approval to make alterations to the list of Panels.

Councillor Dowey, seconded by Councillor Lyons, moved the recommendations as outlined in the report.

A vote was undertaken by electronic means and the Council

**Decided:** to appoint Councillors Kenneth Bell and Mary Kilpatrick to replace Councillors Ian Davis and Martin Kilbride as members of the Partnerships Panel.

**Councillor Craig Mackay left the meeting at this point and submitted his apologies for the remainder of the meeting.**

#### **6. Representation on Outside Bodies.**

There was submitted a [report](#) (issued) of 21 June 2022 by the Head of Legal, HR and Regulatory Services seeking approval to make alterations to the list of Outside Bodies.

Councillor Dowey, seconded by Councillor Pollock, moved that the Council:-

- (1) nominate and appoint Councillor Alec Clark as representative for the David Elder Edward's Trust (as Charitable Trustee);
- (2) nominate and appoint Councillor Bob Pollock as representative for the Ayrshire Community Wealth Building Commission;
- (3) nominate and appoint Councillor Bob Pollock as representative on the Ayrshire Economic Joint Committee Sub-Committee responsible for the administration of the Ayrshire Skills Investment Fund;
- (4) confirm that CK Marr Trust had now advised that there were only four places available to South Ayrshire Council and that the Council's representatives would be the four Troon Councillors, Bell, Mackay, Pollock and Saxton; and
- (5) that Councillor Brian McGinley be replaced by Councillor Lee Lyons as the representative on the Ayrshire and Arran Health Board.

#### **Adjournment**

The time being 10.30 a.m., the Council adjourned to allow Councillor McGinley to commit his amendment to writing.

#### **Resumption of Meeting**

The meeting resumed at 11.00 a.m.

The Council noted that Councillor Craig Mackay had now re-joined the meeting and the Head of Legal, HR and Regulatory Services advised that as he had previously submitted his apologies for the remainder of the meeting, he could not participate in the remaining items of business on the agenda.

#### **Point of Order**

Councillor Henderson raised a Point of Order that Councillor Mackay had submitted his apologies due to connectivity issues, however these had now been resolved and he should be entitled to participate in the remainder of the meeting.

### **Point of Order**

Councillor Lyons raised a further Point of Order that, as Councillor Mackay had submitted his apologies for the remainder of the meeting, he should not participate in the remainder of business on the agenda.

The Head of Legal, HR and Regulatory Services confirmed that Councillor Mackay had not advised officers that he was experiencing connectivity issues and that he wished them to work to resolve this to enable him to access the meeting. He had submitted his apologies for the remainder of the meeting to the Chief Executive after the completion of item 5, he therefore having done so could not then participate in the remaining items of business on the agenda. Councillor Mackay then left the meeting.

Councillor McGinley sought advice on whether the Motion was competent as he believed that a Member could not hold more than one Chair/position; and the Chief Executive advised that the Council, at its meeting of 19 May 2022, had decided that Members could only receive an additional payment/special responsibility payment for one position, not that they could only hold one position.

By way of Amendment, Councillor McGinley, seconded by Councillor Grant moved that the Council:-

- (a) nominate and appoint Councillor Alec Clark as representative for the David Elder Edward's Trust (as Charitable Trustee);
- (b) nominate and appoint Councillor Peter Henderson as representative for the Ayrshire Community Wealth Building Commission;
- (c) nominate and appoint Councillor Peter Henderson as representative on the Ayrshire Economic Joint Committee Sub-Committee responsible for the administration of the Ayrshire Skills Investment Fund;
- (d) confirm that CK Marr Trust had now advised that there were only four places available to South Ayrshire Council and that the Council's representatives would be the four Troon Councillors, Bell, Mackay, Pollock and Saxton; and
- (e) that Councillor Brian McGinley remain as the Council's representative on the Ayrshire and Arran Health Board.

Councillor Pollock advised that, in relation to CK Marr Trust, historically a senior officer had been a member of this Trust, therefore, in accordance with the wishes of the Chair of the Trust and following discussions, Councillor Bell was willing to withdraw from this Trust to allow the Director of Education to be appointed. Councillor Dowey then agreed to include this in his Motion.

Councillor McGinley further advised that he wished this addition in relation to CK Marr Trust to also be included within the terms of his Amendment.

Having heard a Member request a roll-call vote, the Head of Legal, HR and Regulatory Services took the vote by calling the roll as follows:-

Iain Campbell	Motion
Kenneth Bell	Motion
Laura Brennan-Whitefield	Amendment
Ian Cavana	Amendment
Alec Clark	Motion
Ian Cochrane	Amendment
Brian Connolly	Motion

Chris Cullen	Amendment
Ian Davis	Motion
Julie Dettbarn	Amendment
Mark Dixon	Amendment
Martin Dowey	Motion
Stephen Ferry	Motion
William Grant	Amendment
Peter Henderson	Amendment
Hugh Hunter	Motion
Martin Kilbride	Motion
Mary Kilpatrick	Motion
Lee Lyons	Motion
Brian McGinley	Amendment
Bob Pollock	Motion
Cameron Ramsay	Amendment
Philip Saxton	Amendment
Gavin Scott	Motion
Bob Shields	Motion
Duncan Townson	Amendment
George Weir	Amendment

Thirteen Members voted for the Amendment and fourteen for the Motion which was accordingly declared carried and the Council

**Decided:** to agree

- (i) to nominate and appoint Councillor Alec Clark as representative for the David Elder Edward's Trust (as Charitable Trustee);
- (ii) to nominate and appoint Councillor Bob Pollock as representative for the Ayrshire Community Wealth Building Commission;
- (iii) to nominate and appoint Councillor Bob Pollock as representative on the Ayrshire Economic Joint Committee Sub-Committee responsible for the administration of the Ayrshire Skills Investment Fund;
- (iv) that, as CK Marr Trust had now advised that there were only four places available to South Ayrshire Council, that the Council's representatives would be Councillors Craig Mackay, Bob Pollock and Philip Saxton and the Director of Education; and
- (v) that Councillor Brian McGinley be replaced by Councillor Lee Lyons as the representative on the Ayrshire and Arran Health Board.

## **7. Appointments to Convention of Scottish Local Authorities Policy Boards.**

There was submitted a [report](#) (issued) of 21 June 2022 by the Head of Legal, HR and Regulatory Services requesting that the Council nominate and appoint Members to COSLA's Policy Boards.

Councillor Dowey, seconded by Councillor Lyons, moved that the Council nominate and appoint the following:-

- (1) that Councillor Ian Davis be appointed to the Community Wellbeing Policy Board;
- (2) that Councillor Bob Pollock be appointed to the Economy and Environment Policy Board;
- (3) that Councillor Stephen Ferry be appointed to the Education and Children Policy Board; and
- (4) that Councillor Lee Lyons be appointed to the Health and Social Care Policy Board.



Following a question from a Member on the rationale for choosing these particular Members for the Policy Boards, the Leader of the Council advised that he would respond to the Member in writing.

Following a further question from a Member on why nominations were taking place as the political structure on the COSLA Policy Boards had not yet been agreed, the Chief Executive advised that all Councils were being asked to nominate to the four Policy Boards and that, should there be a requirement to then make changes, this could be considered at a future Council meeting.

Following a comment from a Member that these Boards should be politically and gender balanced, the Chief Executive advised that the President, Vice-President and Spokespersons posts required to be politically and gender balanced, however, it was her understanding that the members on Policy Boards did not require to be.

### **Adjournment**

The time being 11.20 a.m., the Council adjourned for the position to be clarified in relation to political and gender balance on the COSLA Policy Boards.

### **Resumption of Meeting**

The meeting resumed at 11.35 a.m.

The Chief Executive confirmed that the positions on Policy Boards did not require to be gender or politically balanced.

Councillor Dowey then advised that he was willing to allow the places on the Community Wellbeing and the Health and Social Care Policy Boards to be utilised by members of the opposition, with the names to be notified to the Chief Executive within seven days.

A Member commented that, to ensure that this did not recur when making future COSLA appointments, it would be helpful to have a Policy Document as approved by Council which outlined the political balance of each appointment; and the Chief Executive advised that she would compile a Policy for consideration at a future Council meeting.

A vote was undertaken by electronic means and the Council

**Decided:** the following appointments to the COSLA Policy Boards:-

- (a) that the Opposition appoint a Member to the Community Wellbeing Policy Board and advise the Chief Executive of the name of this Member within seven days \*;
- (b) that Councillor Bob Pollock be appointed to the Economy and Environment Policy Board;
- (c) that Councillor Stephen Ferry be appointed to the Education and Children Policy Board;
- (d) that the Opposition appoint a Member to the Health and Social Care Policy Board and advise the Chief Executive of the name of the Member within seven days \*\*; and
- (e) that the Chief Executive would produce a Policy on making future COSLA appointments for submission to a future meeting of South Ayrshire Council.

\* subsequently agreed as Councillor Brian McGinley

\*\* subsequently agreed as Councillor Julie Dettbarn

## 8. South Ayrshire Charitable Trust.

There was submitted a [report](#) (issued) of 21 June 2022 by the Head of Legal, HR and Regulatory Services providing an annual update on the South Ayrshire Charitable Trust and amending the Trust Business Plan for this financial year.

Councillor Dowey, seconded by Councillor Davis, moved the recommendations as outlined in the report.

Questions were raised by Members in relation to:-

- (1) the timescale for accessing the Girvan funds as these funds were very important in the current economic climate as the purpose of the Trust was to relieve poverty; and the Service Lead – Legal and Licensing advised that the Service Lead responsible for this matter was currently progressing this as a priority;
- (2) whether Members could be provided with details of the impact these monies had on recipients' lives; and the Service Lead – Legal and Licensing advised that an evaluation was prepared annually however, due to the timing of the meetings and when the grants were paid, the evaluations were not available when the annual report was compiled, however, any information available would be circulated to Members;
- (3) whether the Girvan funds tied up in external investments and other restricted funds were making interest; and the Service Lead – Legal and Licensing advised that she would obtain this information and forward it to the Member in writing; and
- (4) whether additional funding could be added to those funds which were expended; and the Chief Executive advised that officers could investigate options for doing so and report back to a future Council meeting.

Comments were made by Members in relation to:-

- (a) the Equality Impact Assessment of this report showing no negative impact when the Trust had a major effect on various individuals; and the Chief Executive advised that concerns about the quality of Equality Impact Assessments had been discussed at a recent meeting of the Audit and Governance Panel when she had agreed to take this on board in terms of training for officers and awareness raising for Members; and
- (b) the wish that this Trust continue as the benefits to recipients who were amongst the most vulnerable and isolated in society had been immeasurable.

A vote was undertaken by electronic means and the Council, having thanked the Service Lead – Legal and Licensing and her staff for the work undertaken on this matter,

### **Decided:**

- (i) to note the summary of grant funding made by the Trust during 2021/22 as detailed in Appendix 1 to the report;
- (ii) to approve the business plan for the running of the Trust for the year 2022/23 as detailed in Appendix 2 to the report; and
- (iii) that the Chief Executive would produce a report on the options available in relation to Equality Impact Assessments and submit this to a future meeting of Cabinet.

## 9. Standing Orders Relating to Contracts.

There was submitted a [report](#) (issued) of 21 June 2022 by the Head of Legal, HR and Regulatory Services seeking approval to amend the Council's Standing Orders Relating to Contracts following their most recent review.

Councillor Dowey, seconded by Councillor Davis, moved the recommendations as outlined in the report.

Questions were raised by Members in relation to:-

- (1) whether Community Benefits clauses could be a source of income for the charitable trusts; and the Service Lead – Procurement advised that this would be taken into consideration;
- (2) whether it was intended to continue supporting the needs of the local economy and supporting local businesses; and the Service Lead – Procurement advised that in 2021 it had been reported that, of all spending by South Ayrshire residents, 26% had been spent locally and it was hoped to increase this by 1% per year; that local companies would be considered where possible for all contracts over £50,000; and, for quick quotes below £50,000, it was hoped to consider at least three South Ayrshire companies for every contract; and
- (3) whether there was a South Ayrshire portal for local businesses to learn about upcoming contracts; and the Service Lead – Procurement advised that the Public Contracts Scotland portal could be filtered to show South Ayrshire contracts and that this was then advertised on this Council's website.

Comments were made by Members in relation to the requirement to spend as much locally as possible; the need to encourage local companies to apply for contracts; and the need for synergy with Economic Regeneration in this regard.

A vote was undertaken by electronic means and the Council, having considered the revisions proposed to the Standing Orders Relating to Contracts (summary of proposals contained in Appendix 1 to the report),

**Decided:** to approve the revised Standing Orders Relating to Contracts (Appendix 2) and the list of delegations (Appendix 3) with effect from 1 July 2022.

## 10. Budget Management – Revenue Budgetary Control 2021/22 – Out-turn Statement at 31 March 2022

There was submitted a [report](#) (issued) of 21 June 2022 by the Head of Finance and ICT presenting Members with a financial overview of the General Services revenue account, Housing Revenue Account and Common Good Accounts for 2021/22 as at 31 March 2022.

The Head of Finance and ICT clarified that 2.1.2 of the report should read £7.846m and not £7,846m; and 2.1.4 of the report should read £24.768m and not £24,768m.

Councillor Davis, seconded by Councillor Dowey, moved the recommendations as outlined in the report.

Questions were raised by Members in relation to:-

- (1) the bad debt provision and whether this would be correct with the cost of living crisis and inflation; and the Head of Finance and ICT advised that the amount of provision was based on previous evidence, however, it had been increased to take account of the current economic climate and was a fair reflection of what he anticipated would occur;
- (2) support in place for people with rent arrears; and the Service Lead – Housing Services advised that tenants were contacted as early as possible to avoid arrears accruing; that advice was offered to tenants around budgeting and support for applying for discretionary housing payments should they be entitled to this; that staff signposted people to other organisations and agencies to assist with accessing other benefits or maximising their income in other ways; and that, where an officer had contact with a tenant who was struggling financially, they were referred to food banks and other agencies to support them;
- (3) whether alternative energy sources were being sought for Council premises due to the rising energy costs; and the Head of Finance and ICT advised that the Council's Energy Team was currently examining ways of reducing the amount of energy used throughout the Council's premises; and
- (4) whether the underspends identified in the budget could release monies to be reinvested elsewhere; and the Head of Finance and ICT advised that the underspends presented opportunities that would be examined in the next budget setting process, however, due to Covid-19, it was difficult to tell which savings would be permanent.

Comments were made by Members in relation to people just above the benefit level who were also struggling financially and required support; the effects of the energy crisis on local companies and the need to support them to ensure that they did not go out of business; and the increase in private rentals which would in turn put pressure on the Council's Housing Service as people could no longer afford private rentals and would be seeking Council houses.

A vote was undertaken by electronic means and the Council, having thanked the Head of Finance and ICT and his officers for their work throughout the year,

**Decided:**

- (a) to note the out-turn position for each Directorate/service for 2021/22 as detailed in Appendix 1 to the report;
- (b) to approve the new earmarking of funds for normal service activity of £2.916m and Covid-19 related activity of £7.846m, to be carried forward for utilisation in 2022/23, as outlined in Appendix 2a) and 2b) respectively;
- (c) to note the latest Covid-19 reserves position of £14.082m, including the new earmarking requested at paragraph 2.1.2, to be carried forward for utilisation in 2022/23, as outlined in paragraph 4.1.3;
- (d) to note the £21.089m HSCP 2021/22 in-year underspend and accumulated reserves position of £24.768m available to the Partnership for 2022/23, as outlined in paragraphs 4.1.8 to 4.1.10; and
- (e) to approve the contribution of £0.500m to provide additional funding to support future Workforce Change projects, as outlined in paragraph 4.1.12.

## 11. ICT Security and ICT Acceptable Use Policies.

There was submitted a [report](#) (issued) of 21 June 2022 by the Head of Finance and ICT seeking approval of revisions to the Council's ICT Security Policy, which described how ICT would apply strong governance to reduce risk to the Council, and the Acceptable Use Policy which governed the appropriate and effective use of ICT services and facilities.

Councillor Davis, seconded by Councillor Dowey, moved the recommendations as outlined in the report.

A vote was undertaken by electronic means and the Council, having thanked the Head of Finance and ICT and his officers for their work on these policies,

### **Decided:**

- (1) to approve the revised ICT Security Policy (attached as Appendix 1 to the report) and
- (2) to approve the revised ICT Acceptable Use Policy (attached as Appendix 2 to the report).

## 12. Addressing Future Needs/ Local Authority Covid Economic Recovery (LACER) Fund

There was submitted a [report](#) (issued) of 23 June 2022 by the Head of Finance and ICT providing Members with information relating to the various Scottish Government Covid-19 grants in place to address financial insecurity (Addressing Future Needs); and details of proposals in relation to the most recent grant scheme; the Local Authority Covid Economic Recovery (LACER) fund along with resources allocated from General Reserves on a one-off basis in 2022-23 to assist in alleviating financial insecurity.

Councillor Davis, seconded by Councillor Dowey, moved the recommendations as outlined in the report.

Questions were raised by Members in relation to:-

- (1) whether the remit of the two temporary posts could be extended to expand these posts as, at present, the uptake of free school meals and Young Scot cards was very low and these post holders could assist with this; and the Service Lead – CLD & Employability and Skills advised that the focus of these posts was around NEC Free Travel Support, however, the post holders could assist with other initiatives; and that the Thriving Communities Team already assisted Education Services to increase the uptake of free school meals;
- (2) the delay in issuing Young Scot Cards which could affect applications for free travel for under 22s; and the Service Lead – CLD & Employability and Skills advised that the process had initially been slow due to high demand but was now quicker with the Young Scot Card being rolled out through schools and drop-in centres at libraries and that uptake had been high; and
- (3) the reason for the temporary posts having a nine month contract; and the Service Lead- CLD & Employability and Skills advised that the process should be embedded within nine months and that all secondary school pupils should have been issued with Young Scot Cards by then, however, should there still be delays in the process, this could be re-examined.

Comments were made by Members in relation to it being pleasing to note that the process for applying for a Young Scot Card had now been simplified as previously kinship carers did not have the required documentation to complete the online application; and to thank the Head of Finance and ICT and his officers for their work on this matter and also thank the Addressing Future Needs Officers Working Group for their work in producing proposals.

**Councillor Saxton left the meeting at this point.**

A vote was undertaken by electronic means and the Council, having considered the proposals totalling £1.958m, as summarised at paragraph 4.2 of the report and provided in detail in Appendix 2,

**Decided:**

- (a) to note the details of previous Covid-19 related grant funding received during 2020/21 and 2021/22 and the expenditure incurred as detailed in Appendix 1; and
- (b) to note that funding of £1.688m from the LACER fund, £0.250m from general reserves and £0.020m of underspends carried forward from the Addressing Future Needs scheme, totalling £1.958m, was available for disbursement.

**13. Levelling Up Fund.**

There was submitted a [report](#) (issued) of 21 June 2022 by the Assistant Director – Place providing an update on Levelling Up joint bid development and submission ahead of round 2 deadline.

The Director – Place gave an overview of the report and provided an update to the figures within the report, namely paragraphs 4.2 and 4.4 where the commercial hangar bid had been £10m, however, now based on latest costs, this had increased to around £15m, therefore, along with the Active Travel Bid this would make the total bid £20m which was the maximum bid permitted.

The Director – Place further advised that officers had previously been working towards submitting a joint bid with East Ayrshire Council around town centre regeneration, however, officers in East Ayrshire Council had now advised that they would be submitting a single bid, therefore, this allowed further opportunities for this authority to submit a single bid for the new leisure centre as detailed in the report and this would be for a £20m contribution towards the project.

Councillor Dowey, seconded by Councillor Pollock, moved the recommendations as outlined in the report.

Questions were raised by Members in relation to:-

- (1) whether the Director – Place was confident that the bids would be submitted within the timescales and that there were no changes regarding the bid from Central Government; and the Director – Place advised that there had been no changes to the criteria for the bid and that he would endeavour to ensure that the bids were submitted by the deadline of 6 July 2022;



- (2) when the Council would be informed by Central Government on whether the bids had been successful; and the Director – Place advised that he had been given an indicative timescale of October 2022, however, this may be sooner; and
- (3) paragraph 4.6 of the report and whether the £20m freed up from the Capital Programme could be used for the new leisure centre, should the bid be successful; and the Director – Place advised that there was currently funding in the Capital Programme for the leisure centre, however, if the bid was successful, it would free up the previously committed funds and it would be for the Council to decide how these monies were then utilised.

Comments were made by Members in relation to the funds being welcomed to sustain and develop the local economy and refurbish the local area; commending the officers for compiling this bid within such challenging timescales; and the need for an alternative plan when submitting joint bids, should the other authority withdraw from the bid.

Councillor Dowey advised that he had requested an extension to the deadline for submitting the bid, however, the UK Government had outlined that they were keen to progress this matter which had made meeting the deadline challenging for the Director – Place and his officers.

### **Point of Order**

Councillor Henderson raised a Point of Order regarding a comment made by Councillor Pollock about the Scottish Government which he felt had no substance and sought to blame the Scottish Government. Following discussion, Councillor Pollock withdrew his comment.

A vote was undertaken by electronic means and the Council,

**Decided:** to approve the submission of three bids to the Levelling Up Fund as detailed in section 4 of the report by 6 July 2022.

## **14. Ayrshire Roads Alliance Service Plan 2022/23 and Performance Report 2021/22.**

There was submitted a [report](#) (issued) of 21 June 2022 by the Director – Place presenting the Ayrshire Roads Alliance Service Plan for 2022/23 and the Performance Report for 2022/23.

The Head of Roads, Ayrshire Roads Alliance (ARA) gave the Council an overview of the report and advised that 2.1.1 of the report should ask Council to “note the Ayrshire Roads Alliance Service Plan for 2022/23” as this Service Plan was previously approved by the Ayrshire Shared Services Joint Committee; and that Partnerships Panel referred to in 2.1.4 of the report was held on 28 June 2022 and not 24 June 2022.

Councillor Pollock, seconded by Councillor Dowey, moved the recommendations as outlined in the report.

Questions were raised by Members in relation to:-

- (1) the commitment to employ more female workers; and the Head of Roads advised that one of the female engineers was an ambassador in terms of getting more female workers into construction work and she was also encouraged to attend STEM meetings on behalf of Ayrshire Roads Alliance;

- (2) the position in relation to utilising cameras to measure road conditions; and the Head of Roads advised that artificial intelligence had now been installed in inspection vehicles, that Inspectors had undertaken training and it was hoped that the system would be rolled out within the next month;
- (3) the impact on roads of the shortage of materials and rising cost of materials; and the Head of Roads advised that this was an ongoing issue, however, he would closely monitor this and he was investigating the use of alternative, recycled materials;
- (4) the impact of “rising costs of oil based products and construction materials as a result of ongoing world issues with Bitumen and coated road stone increasing by 12%” as referred to in page 21 of the report; and the Head of Roads advised that the cost of bitumen was closely monitored and, should there be no more funding available due to rising costs, works would require to stop;
- (5) the number of parking tickets issued and the percentage of appeals; and the Head of Roads advised that he would obtain these figures and forward them to the Member; and
- (6) whether the Parking Wardens still worked in evenings and weekends; and the Head of Roads confirmed that they did.

Comments were made by Members in relation to the report being very comprehensive, commending the Head of Roads on winning various awards; the improvements made by the ARA; the excellent work done by the Ayrshire Roads Alliance by facilitating the A77 Action Group and also with the STPR2 consultation; the strategic importance of the ARA and the benefits to this Council; and the key role that ARA played in developing the roads network.

A vote was undertaken by electronic means and the Council, having considered the performance scorecard for 2021/22 (Appendix 2) presented to the Partnerships Panel on 28 June 2022,

**Decided:**

- (a) to note the Ayrshire Roads Alliance Service Plan for 2022/23 (Appendix 1);
- (b) to note that regular progress updates were provided to the Ayrshire Shared Service Joint Committee; and
- (c) to otherwise note the content of this report.

**Adjournment**

The time being 1.15 p.m., the Council agreed to have a 15 minute comfort break.

**Councillor Kenneth Bell left the meeting at this point.**

**Resumption of Meeting**

The meeting resumed at 1.30 p.m.



**Time of Meeting.**

The time being 1.30 p.m., Provost asked the Council to agree to continue the meeting beyond 2.00 p.m. as the business of the meeting was not likely to be completed by 2.00 p.m., in accordance with Standing Order No. 6.2. The Council so concurred.

**15. Ayr Station Hotel Update.**

There was submitted a [report](#) (issued) of 21 June 2022 by the Director – Place updating Members on activity undertaken by the Council in relation to the Ayr Station Hotel; and seeking approval from the Council to fund the encapsulation works until 31 December 2022.

Councillor Dowey, seconded by Councillor Pollock, moved the recommendations as outlined in the report.

Questions were raised by Members in relation to:-

- (1) the cost of upkeep of the encapsulation and when would it exceed the value of the building; and the Director – Place advised that this was exceeded some time ago as he believed the cost of the building to be nil;
- (2) a study being required on how to progress; and the Director – Place advised that measures examined in relation to the roof would form the basis of the specialist consultant's report to understand whether it mitigated the cost of the encapsulation as it currently was;
- (3) the commencement date of the Station Hotel Member/Officer Working Group; and the Director – Place advised that a meeting would take place in the next few weeks;
- (4) what recourse the Council had in obtaining reimbursement from the owner of the Station Hotel of the monies spent keeping the building safe; and the Director – Place advised that all legal steps had been taken against the owner to recover the monies, however, this may prove challenging. The Head of Legal, HR and Regulatory Services further advised that there were two owners of the building and that the Council was receiving a contribution from Network Rail and that enforcement orders had been served on the absent owner Mr Ung who resided abroad; and that she would issue a briefing note to all members advising of the present position in relation to this;
- (5) the timeline for reaching a conclusion on this matter; and the Director – Place advised that the options review would outline the options available and the anticipated costs which would drive the work programme, however, this could be a long process and the timescale would be dictated by the options identified and the funding sources to address the options; and
- (6) whether the Leader was willing to take difficult decisions in relation to bringing this matter to a conclusion; and Councillor Dowey advised that his intention was to conclude this matter within one year.

Comments were made by Members in relation to:- the building not belonging to this Council but that the Council had an involvement due to public safety concerns; that, as the building was a danger to the public and safety could not be compromised, Council had been under a statutory obligation to intervene; the need for this matter to be finalised as soon as possible; the amount of time, effort and commitment from staff this issue had taken; the amount of monies spent on keeping the building safe and secure; the requirement for any Memorandum of Understanding to be watertight and the need for a mutual understanding of the ownership position; and that, as the Council did not own this building, Transport Scotland and Network Rail (as part owner) and as stakeholders required to state what they were willing to do to resolve this situation.

Following comments made by Members, the Director – Place advised that the consultants would bring forward proposals with costings and that he would be seeking comparative costs for taking part of the building down as opposed to ongoing costs of the building remaining covered and also costings for retaining the heritage; that the resolution also included works to the transport network and the provision of adequate station facilities for the people of South Ayrshire with the responsibility for this sitting with Transport Scotland and Network Rail; and that a solution required to be found which had a time limit or exit strategy which the options appraisal could hopefully identify, as the Council's role of safeguarding the public from the danger presented by the building had been onerous for various Council services.

A vote was undertaken by electronic means and the Council,

**Decided:**

- (a) to note the progress made by the consultant advising on permanent safety works to the Station Hotel;
- (b) to note the activity undertaken by the Council as a member of the Station Hotel Strategic Governance Group to develop a Memorandum of Understanding and to conclude the 'Ayr Station Hotel Phase 2 Option Review'; and
- (c) to agree to fund the total encapsulation costs from 1 May 2022 until 31 December 2022 from Council reserves, subject to any confirmation of the continuing shared funding agreement with Network Rail.

**16. Local Development Plan 2, Supplementary Guidance Design Brief.**

There was submitted a [report](#) (issued) of 21 June 2022 by the Director – Place updating Members on the situation in relation to the Local Development Plan 2, Supplementary Guidance Design Brief and seeking approval of the actions outlined at (1) to (3) below.

Councillor Pollock, seconded by Councillor Dowey, moved the recommendations as outlined in the report.

A vote was undertaken by electronic means and the Council,

**Decided:**

- (1) to note the withdrawal of the Local Development Plan 2 Supplementary Guidance Design Brief from consideration by the Scottish Government;

- (2) to approve the revised Supplementary Guidance Design Brief, excluding South East Ayr and agree its submission to the Scottish Government for its consideration (Appendix 1); and
- (3) to agree to the preparation of a Supplementary Guidance Design Brief for South East Ayr, working with relevant landowners and stakeholders.

## 17. Updated Policy for the Acquisition and Disposal of Land and Buildings

There was submitted a [report](#) (issued) of 23 June 2022 by the Director – Place seeking approval of an updated *Policy for the Acquisition and Disposal of Land and Buildings*.

Councillor Kilbride, seconded by Councillor Dowey, moved the recommendations as outlined in the report.

By way of Amendment, Councillor McGinley, seconded by Councillor Henderson, moved that a new 4.1.11 should be added to the Policy with 4.1.11, 4.1.12 and 4.1.13 subsequently being renumbered, namely:- “that the transfer of land from the General Fund to the Housing Revenue Account for the purpose of social housing should be of two values, social housing and market value; and that the full surveyor’s report will be part of any decisions made by either Cabinet or Council”.

The Chief Executive then advised that, as part of any report to Members, two values were given but that did not preclude the requirement to comply with provisions as set out in Appendix 2; and the Head of Legal, HR and Regulatory Services further advised that paragraph 4.1.6 on page 7 of the Policy took account of the terms of the Amendment.

Councillor Kilbride, as Mover of the Motion and Councillor Dowey as Seconder, agreed to accept the additional wording into the terms of the Motion and Councillor McGinley agreed to withdraw his Amendment.

A vote was undertaken by electronic means and the Council,

**Decided:** to approve the updated Policy for the Acquisition and Disposal of Land and Buildings (attached as Appendix 1 to the report) subject to an amendment to 4.1.6 that all values should be provided in reports to Cabinet or Council.

## 18. Notices of Motion.

- (1) A Notice of Motion having been submitted in accordance with Council Standing Order No. 18, Councillor Brian McGinley, seconded by Councillor Peter Henderson, moved:-

“The UK All Party Parliamentary Group (APPG) conducted an inquiry in April 2018 to develop a working definition of Islamophobia and agreed a working definition of Islamophobia that provides: -

***“Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness.”***

This definition is endorsed by all political parties in the Scottish Government and adopted by the Liberal Democrats, UK Labour, Plaid Cymru, SNP Westminster Group and the Muslim Council of Britain.

It is a pragmatic definition that supports policymakers to tackle the manifestations of islamophobia effectively: -

- The definition addresses forms of Islamophobia beyond physical and verbal abuse, currently governed by existing hate legislation." Perceived Muslimness" highlights the radicalisation and intersectionality of Islamophobia, an issue which affects non-Muslim communities such as Sikhs because of harmful stereotypes.
- The definition signifies allyship with British Muslims, who are the most disproportionately targeted religious group as per Home Office's report highlighting 45% of recorded religious hate crime id targeted towards Muslims 2020/21.
- The definition sets precedent for local institutions such as police, schools, and other workplaces by equipping them to better understand the issue and devise meaningful strategies to tackle it. For instance, undergoing and delivering awareness training.

The Scottish Parliament Cross Party Group (CPG) on Tackling Islamophobia was established in April 2018 to consider Islamophobia in Scotland. A report entitled "**Scotland's Islamophobia**" prepared by Peter Hopkins from the University of Newcastle supports the use of this definition and contains recommendations for the Scottish Government and a more limited number for local authorities where they choose to adopt the definition.

Council is therefore asked to note the proposal to adopt this definition of Islamophobia and requests officers to prepare a report for Cabinet in August that provides further background to the adopting of this definition, explains the steps Council requires to take if it adopts the definition and sets out any associated costs of doing so."

A full debate took place regarding the terms of the Motion and, following a vote undertaken by electronic means, the Council

**Decided:** unanimously, to agree the terms of the Motion.

- (2) A Notice of Motion having been submitted in accordance with Council Standing Order No. 18, Councillor Lee Lyons, seconded by Councillor Bob Shields, moved:-

"Council asks that officers present a report to the Cabinet in August providing

1. an update on the programme of works for implementing the decision of Council on 26 November 2019 to demolish the riverside flats including the progress with the removal of the mast on the third tower;
2. the full cost of the riverside flats' demolition including the removal of the mast and any associated costs of doing so;
3. the steps Council would require to take to cancel the demolition, any consequences of doing so and the full costs associated with such cancellation; and
4. the steps required to refurbish the riverside flats, the expected timelines for a refurbishment and the full costs associated with a refurbishment."

By way of Amendment, Councillor Brian McGinley, seconded by Councillor Peter Henderson, moved that the Council continue with the programme of works as decided at Leadership Panel of 18 January 2022.

A full debate took place regarding the terms of the Motion and Amendment and, following a vote undertaken by electronic means, fifteen Members voted for the Amendment and ten for the Motion. The Amendment was accordingly declared carried and the Council

**Decided:** that the Council continue with the programme of works as decided at Leadership Panel of 18 January 2022.

**19. Formal Questions.**

In terms of Council Standing Order No. 26.2, there were submitted (tabled) [Formal Questions](#) from Councillors Henderson, Brennan-Whitefield and McGinley, along with the responses.

Councillors Henderson and Brennan-Whitefield raised a supplementary question to which the Leader advised he would respond in writing.

**20. Exclusion of Press and Public.**

The Council resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, that the press and public be excluded from the remaining item of business on the agenda, on the grounds that it involved the likely disclosure of exempt information in terms of paragraph 9 of Part 1 of Schedule 7A of the Act.

**Councillor Bob Shields left the meeting at this point**

**21. Ayrshire Growth Deal.**

There was submitted a report (issued) of 27 June 2022 by the Director – Place updating Members on the Ayrshire Growth Deal (AGD) Commercial Build project and progress with an Inward Investment opportunity; and seek guidance on next steps.

Councillor Dowey, seconded by Councillor Pollock, moved the recommendations as outlined in the report.

Following a question from a Member, it was confirmed that Recommendation 2.1.6 should refer to paragraph 4.6 of the report and not paragraph 4.7.

A vote was undertaken by electronic means and the Council, having considered the request from the Scottish and UK Governments that the inward investment project be incorporated within the Ayrshire Growth Deal Commercial Build Full Business Case,

**Decided:**

- (1) to note the request from the Scottish and UK Governments that Scottish Enterprise be included as a delivery and investment partner for the Commercial Build and that Scottish Enterprise had been asked to confirm the new Business model, contract structure and governance proposed for this new arrangement;
- (2) to note that this was a departure from the programme as articulated in the Outline Business Case;
- (3) to note that the governance arrangements that would apply to this project were to be agreed with the AGD Project Management Office (PMO);
- (4) to agree the inclusion of the proposal into the Commercial Build Full Business Case; and
- (5) to note the next steps as detailed at paragraph 4.6 that would be required now Members had approved inclusion of the project in the Commercial Build Full Business Case.

**22. Consideration of Disclosure of Confidential Information**

Following advice from the Head of Legal, HR and Regulatory Services, the Council

**Decided:** not to authorise the disclosure under Standing Order 32.4 of the whole or part of the above reported entitled Ayrshire Growth Deal.

**23. Closing Remarks.**

The Provost thanked all in attendance for their contribution.

The meeting ended at 3.35 p.m.

**SOUTH AYRSHIRE COUNCIL (SPECIAL).**

Minutes of a hybrid webcast meeting  
on 9 September 2022 at 11.00 a.m.

Present in County Buildings: Councillors Iain Campbell (Provost), Kenneth Bell, Laura Brennan-Whitefield, Ian Cavana, Julie Dettbarn, Brian Connolly, Mark Dixon, Martin Dowey, Stephen Ferry, Peter Henderson, Hugh Hunter, Martin Kilbride, Mary Kilpatrick, Lee Lyons, Brian McGinley, Bob Pollock, Cameron Ramsay, Philip Saxton, Gavin Scott, Bob Shields, Duncan Townson and George Weir.

Present Remotely: Councillors Alec Clark, Ian Cochrane, Chris Cullen, Ian Davis, William Grant and Craig Mackay.

Attending in County Buildings: E. Howat, Chief Executive; W. Wesson, Service Lead – HR and Payroll; J. McClure, Committee Services Lead Officer; and C. Buchanan, Committee Services Officer.

Attending in County Buildings for Item 4 only: M. Newall, Assistant Director – People; C. Caves, Head of Legal, HR and Regulatory Services; K. Anderson, Service Lead – Policy, Performance and Community Planning; T. Simpson, Service Lead – Corporate Accounting; D. Yuille, Service Lead – Special Property Projects; and T. Burns, Service Lead – Asset Management and Community Asset Transfer;

**1. Valedictory**

Provost referred to the recent sad passing of Queen Elizabeth II, a devoted monarch who had reigned for seven decades with dignity and grace and who would be remembered with affection and gratitude.

Councillor Dowey made reference to this very sad day and passed his condolences to HM King Charles III and the royal family; and intimated that Queen Elizabeth II had been the bedrock of our country, had served the UK and the Commonwealth for over seventy years and would be sorely missed around the world.

Councillor Henderson endorsed the statement made by the Leader and requested that a letter of condolence be sent to King Charles III.

Following a request from Councillor McGinley, Provost confirmed that the letter of condolence would be sent from all political parties and Independent Members.

The Council then held a minute's silence.

**2. Provost's Remarks.**

Provost

- (1) welcomed everyone to the meeting;
- (2) intimated that no apologies had been received;
- (3) outlined the procedures for conducting this meeting and advised that part of this meeting would be broadcast live; and
- (4) congratulated Troon Boys Brigade Pipe Band on being crowned the 2022 Grade 4b World Piper Band Champions.

### 3. **Sederunt and Declarations of Interest.**

The Chief Executive called the Sederunt for the meeting and having called the roll, confirmed that there were no declarations of interest by Members of the Council in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

### 4. **Call-in - Transfer of the Site of the John Pollock Centre to Housing Revenue Account.**

Reference was made to

- (1) the Minutes of Cabinet of 30 March 2022 (Page 3, paragraph 7) when the Cabinet had decided
  - (a) to note that the consultation carried out by the Director - Place with tenants and the public had been largely in favour of the proposed transfer of the site from the General Fund to the HRA for nil consideration; and
  - (b) to grant authority to transfer the site of the John Pollock Centre from the General Fund to the HRA at nil value ahead of a proposed residential development in accordance with the explanation set out in the report and provided that the Council's Housing Revenue Account met the abnormal costs of £3,222,539;
- (2) the Minutes of the Audit and Governance Panel of 7 September 2022 (Page 1, paragraph 2) when that Panel had considered the terms of a call-in from the Cabinet of 30 August 2022 in relation to the Transfer of the Site of the John Pollock Centre to Housing Revenue Account; and had agreed that the matter be referred back to the Cabinet with the recommendations that the Cabinet consider if the consultation was materially flawed and required remedy; and to ascertain if the additional cost of demolition to be borne by the Housing Revenue Account met the Best Value criteria; and
- (3) the Minutes of the Cabinet (Special) of 9 September 2022 (Page 1, paragraph 3) when that Cabinet, having considered the recommendations of the Audit and Governance Panel, had decided to agree
  - (a) to confirm the decision taken at the meeting of the Cabinet on 30 August 2022, namely:-
    - (i) to note that the consultation carried out by the Director - Place with tenants and the public had been largely in favour of the proposed transfer of the site from the General Fund to the HRA for nil consideration; and
    - (ii) to grant authority to transfer the site of the John Pollock Centre from the General Fund to the HRA at nil value ahead of a proposed residential development in accordance with the explanation set out in the report and provided that the Council's Housing Revenue Account met the abnormal costs of £3,222,539; and
  - (b) therefore, that the matter be referred to this special meeting of South Ayrshire Council for determination.



The Council heard from the Head of Legal, HR and Regulatory Services in relation to the process for this call-in and the decisions taken at previous meetings of Cabinet and Audit and Governance Panel.

Councillor Dowey, seconded by Councillor Lyons, moved the recommendations as outlined in the Cabinet report.

By way of Amendment, Councillor Saxton, seconded by Councillor McGinley, moved to approve recommendation 2.1.1 of the report (item 4(1)(a) of this Minute) and to amend recommendation 2.1.2 as follows:-

“to grant authority to transfer the site of the John Pollock Centre from the General Fund to the HRA at nil value for a proposed residential development in accordance with the explanation set out below and provided that:

- (A) in order to allow the contract for Affordable Housing at Mainholm Road, Ayr be let, the full abnormal costs of £3,222,539 continue to be met by the Housing Account; and
- (B) Members are, however, asked to reverse the previous decision of Leadership Panel of 26 November 2019 which approved that the demolition costs be met by the Housing Account and request instead that these demolition costs be met from General Services subject to approval of this subsidy by Scottish Government.

If, however, Scottish Government approval is not granted, the full abnormal costs will continue to be met by the Housing Account.”

The Council then heard from Councillor Saxton, as the main signatory of the call-in on the reasons for the call-in.

#### **Point of Order**

Councillor Dowey raised a Point of Order that Councillor Saxton's comments were not relevant to the call-in and the Head of Legal, HR and Regulatory Services advised Councillor Saxton that his speech must relate to his Amendment.

#### **Point of Order**

A further Point of Order was raised by Councillor Bell that Councillor Weir had left the Chamber during consideration of this matter, therefore, was he precluded from voting in relation to this item; and the Head of Legal, HR and Regulatory Services advised that, as Councillor Weir had not been absent from a material part of the debate, he was entitled to take part in the vote.

Following a question from a Member on whether Councillors should advise Provost when they were leaving the Chamber; the Head of Legal, HR and Regulatory Services advised that Members should intimate that they were leaving the Chamber and Provost would confirm this and they should also advise when they had returned. Similarly, those Members who had joined the meeting remotely should also advise if they were leaving the meeting and when they had rejoined by noting this in the chat box.

Questions were raised by Members in relation to:-

- (A) whether the amendment being approved could result in delays to the construction of these important social housing builds; and the Chief Executive advised that paragraph 2.1.2 a of the amendment allowed the contract to be awarded which would prevent any delay and at this stage the full abnormal costs would continue to be met from the Housing Account however, within paragraph 2.1.2 b there was a proposal that the General Services Fund met an element of these costs which required Scottish Government approval, but in the event this approval was not granted the amendment provided that the Housing Fund would continue to pay and it was therefore very clear the contract would continue; and
- (B) whether the matter called-in had been considered by Council within the last six months; and the Head of Legal, HR and Regulatory Services confirmed that it had not.

A comment was made by a Member that the reason for the Amendment was not to delay the building of this project, however, if there was a source of money that could be utilised to assist, given the high cost per unit, then it would be good governance to pursue these monies.

In terms of Council Standing Order No. 21.1(2), Councillor Hunter, seconded by Councillor Pollock, moved that the Council now Move to Vote.

#### Point of Order

Having heard Councillor Hunter raise a Point of Order to determine if a vote was required to Move to Vote; the Head of Legal, HR and Regulatory Services advised that Provost had agreed that, in terms of Standing Order No. 21.1(2), Provost was of the opinion that the subject had been sufficiently discussed.

A vote was thereby taken by calling the roll as follows:-

Iain Campbell	Motion
Kenneth Bell	Motion
Laura Brennan-Whitefield	Motion
Ian Cavana	Amendment
Alec Clark	Motion
Ian Cochrane	Amendment
Brian Connolly	Motion
Chris Cullen	Motion
Ian Davis	Motion
Julie Dettbarn	Abstain
Mark Dixon	Motion
Martin Dowe	Motion
Stephen Ferry	Motion
William Grant	Amendment
Peter Henderson	Motion
Hugh Hunter	Motion
Martin Kilbride	Motion
Mary Kilpatrick	Motion
Lee Lyons	Motion
Craig Mackay	Amendment
Brian McGinley	Amendment
Bob Pollock	Motion
Cameron Ramsay	Amendment

Philip Saxton	Amendment
Gavin Scott	Motion
Bob Shields	Motion
Duncan Townson	Amendment
George Weir	Motion

Eight Members voted for the Amendment, one Member abstained and nineteen Members voted for the Motion, which was accordingly declared carried and the Council

**Decided:**

- (I) to note that the consultation carried out by the Director - Place with tenants and the public had been largely in favour of the proposed transfer of the site from the General Fund to the HRA for nil consideration; and
- (II) to grant authority to transfer the site of the John Pollock Centre from the General Fund to the HRA at nil value ahead of a proposed residential development in accordance with the explanation set out in the report and provided that the Council's Housing Revenue Account met the abnormal costs of £3,222,539.

**5. Formal Questions.**

In terms of Council Standing Order No. 26.2, there were submitted (tabled) [Formal Questions](#) from Councillor McGinley, along with the responses.

Councillor McGinley raised a supplementary question to the Leader relating to each of the responses as follows:-

1. Air Show – given that no work had been carried out on the economic impact or environmental or sustainability issues to date, was this not like putting the cart before the horse; and if no strategic partner was obtained, was there an alternative plan?

The Leader responded that there were a number of bidders and that once a decision had been made by Procurement on the preferred bidder, there would be a full update to Council.

2. Ayr Leisure Centre – this would clearly be a difficult task to undertake and costly, are you convinced that the work you describe here is in keeping with best value principles? Have you looked at possibilities and think this is a viable option? The refurbishing would be costly over a period of time due to staffing issues and the Council has a Carbon Policy.

The Leader responded that no decision had been made to date on the Leisure Centre; that, due to inflation, the costs had risen; and that the preferred option would be to address the issues in the Carbon Policy during the refurbishment, however any decision on the Leisure Centre would be taken by Council.

3. Cost of Living Crisis – I understand that the Member/Officer Working Group has not yet met and I'd urge those involved in that to deal with these matters expediently because we are living in a very difficult time and I would ask will this Group consider what the Council can do to improve the quality of life of those most in need?

The Leader responded that the Working Group had not yet met, however, the Chair of the Group, Councillor Dettbarn, had recently met with officers to discuss the work of the Group; that Cabinet Members, Councillor Dettbarn, the Provost and Chief Executive had recently met with VASA and other stakeholders to establish how best to support all citizens during the cost of living crisis; that during Covid, staff members had volunteered to assist in helping those most in need, however, all staff had now returned to work so other options were being examined for how to assist those in need; and the Chief Executive was currently meeting with Officers to investigate where monies could be sourced to help those most in need.

The Leader further advised that it would be advantageous for all Group Leaders and Councillor Dettbarn to meet regularly to discuss ways to help those most in need due to the Cost of Living Crisis.

## 6. **Exclusion of Press and Public.**

The Council resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, that the press and public be excluded from the remaining items of business on the agenda, on the grounds that they involved the likely disclosure of exempt information in terms of paragraph 9 of Part 1 of Schedule 7A of the Act.

## 7. **Review of Management Structure.**

There was submitted a report (issued – Members only) of 1 September 2022 by the Chief Executive outlining proposals for a revised Chief Officer structure for the Council (excluding officers from the Health and Social Care Partnership).

Councillor Dowe, seconded by Councillor Lyons, moved the recommendations as outlined in the report.

By way of Amendment, Councillor Henderson, seconded by Councillor Cullen, moved that an additional recommendation be added at 2.1.5, namely "requests that a quarterly report is made to Council specifically in regard to Strategic Change progress with any additional, substantial real time updates as they occur."

By way of Counter-Amendment, Councillor McGinley, seconded by Councillor Saxton moved "that the report is continued and presented to a future meeting of the Council once the following information has been detailed:-

- (1) details on the updated Council Plan;
- (2) completed report on Workforce Planning;
- (3) further detail on the direct relationship with the Best Value report recommendation;  
and
- (4) full job descriptions and remits."

Following discussion and with the agreement of both Movers and Seconders, Councillor Dowe agreed to incorporate Councillor Henderson's Amendment into the terms of his Motion.

Questions were raised and responded to by the Chief Executive in relation to measuring performance; and who would be eligible to apply for the vacant posts.

Five Members voted for the Amendment and twenty three Members for the Motion, which was accordingly declared carried and the Council

**Decided:**

- (a) to approve the revised staffing and structural arrangements in respect of Chief Officers (as detailed in Appendix 2 of the report);
- (b) to approve the draft job descriptions for these new posts (as outlined in Appendix 3 of the report);
- (c) to consider and agree the implementation/recruit process to be followed for Council Chief Officers as outlined at 4.5 of the report;
- (d) to request officers to submit a list of the changes required to the Scheme of Delegation for Council approval on 13 October 2022; and
- (e) to request that a quarterly report be made to Council specifically in regard to Strategic Change progress with any additional, substantial real time updates as they occur.

**8. Chief Officer Staffing.**

There was submitted a report (issued – Members only) of 7 September 2022 by the Chief Executive which sought a decision on the employment position of a senior officer and advised that any early retirement package would be subject to a Settlement Agreement. The Chief Executive stressed the requirement for the discussions in relation to this matter to remain confidential and outlined the implications of any breach.

**Point of Order**

Councillor McGinley raised a Point of Order on whether the Chief Officers Appointments/Appraisal Panel had authority to consider this matter and the Chief Executive advised that decisions around appointments of Senior Officers were reserved to Council and this was a decision for Council to make today.

**Point of Order**

A further Point of Order was raised by Councillor McGinley in relation to paragraph 4.1 of the report which stated that a “question had been raised by members of the Chief Officers’ Appointments/Appraisal Panel” and Councillor McGinley asked what question had been raised and on what basis; and Councillor Dowey advised that he would respond in writing.

**Adjournment**

The time being 12.50 p.m., the Council adjourned for ten minutes to allow the Motion and Amendment to be committed to writing.

**Resumption of Meeting**

The meeting resumed at 1.00 p.m.

Councillor Dowey, seconded by Councillor Lyons, moved that the senior officer retire in the interests of the efficiency of the Council's service on the basis of an early retirement package and that, if agreed, the Chief Executive would conclude a Compromise Agreement in appropriate terms with the officer.

By way of Amendment, Councillor McGinley, seconded by Councillor Cavana moved that "we accept that the senior officer retire in the interests of the efficiency of the Council's service and that if agreed the Chief Executive would conclude a compromise agreement in appropriate terms with the officer but we disagree with the way in which the process has been handled by the Chief Officers Appointments/Appraisal Panel and that termination of a Chief Officer post requires to be explicitly considered by Council prior to meeting with individual employees".

Six Members voted for the Amendment and twenty two Members voted for the Motion, which was accordingly declared carried and the Council

**Decided:**

- (1) to approve the early retirement application for a Local Government Employee on the Grounds of the Efficiencies of the Service as set out in the report;
- (2) that the early retirement decision not be implemented until the Chief Executive had concluded a Compromise Agreement in appropriate terms with the employee; and
- (3) otherwise, to note the contents of the report.

**9. Consideration of Disclosure of Confidential Information**

Following advice from the Chief Executive, the Council

**Decided:**

- (1) to authorise under Standing Order 32.4, disclosure of information in part from the following report-
  - Review of Management Structure; and
- (2) not to authorise the disclosure under Standing Order 32.4 of the whole or part of the following report:-
  - Chief Officer Staffing.

**10. Closing Remarks.**

The Provost thanked all in attendance for their contribution.

The meeting ended at 1.05 p.m.

**South Ayrshire Council**

**Report by Head of Legal and Regulatory Services  
to South Ayrshire Council  
of 13 October 2022**

**Subject: Representation on Outside Bodies**

**1. Purpose**

1.1 The purpose of this report is to seek approval to make alterations to the list of Outside Bodies and representatives thereon.

**2. Recommendation**

2.1 **It is recommended that the Council approves the changes to officer appointments listed in paragraph 4.1 below to reflect the recently approved revised management structure.**

**3. Background**

3.1 In terms of para 11.2 of the Council’s Scheme of Delegation, the selection and de-selection of Councillors and officers to serve on and/ or to represent the Council on Joint Committees, Joint Boards and other external bodies and organisations is reserved to Council.

3.2 At a special meeting on 9 September 2022, the Council approved a revised management structure, which included the creation of new Director posts, namely: Director of Housing, Operations and Development; and Director of Strategic Change and Communities.

**4. Proposals**

4.1 It would be appropriate for the Council to approve changes to officer appointments to a number of Outside Bodies where the post currently referred to has been deleted or there has been a change of focus. The detailed proposed changes for approval are listed (in **bold** text) below:

<i><b>Outside Body</b></i>	<i><b>Representatives</b></i>
Ayrshire Community Wealth Building Commission	Cllr Martin Dowey (as Leader) Cllr Bob Pollock <b>Director of Strategic Change and Communities</b>

<b><i>Outside Body</i></b>	<b><i>Representatives</i></b>
Freeport (Scotland) Ltd	<b>Director of Housing, Operations and Development</b> (as Director) <b>Assistant Director – Planning and Development</b> (as Director)
Glasgow Prestwick International Airport Consultative Committee	Cllr Ian Cochrane Cllr Bob Pollock <b>Director of Housing, Operations and Development</b>
SWHub Territory Partnering Board	<b>Director of Housing, Operations and Development</b>
Hub SW Ayr DBFM Co Limited; Hub SW Ayr Holdco Limited; Hub SW QMA DBFM Co Limited; and Hub SW QMA Holdco Limited	<b>Director of Housing, Operations and Development</b>

## **5. Legal and Procurement Implications**

5.1 There are no legal implications arising from this report.

5.2 There are no procurement implications arising from this report.

## **6. Financial Implications**

6.1 Minimal costs for attending meetings, etc, can be met from existing budget.

## **7. Human Resources Implications**

7.1 Not applicable.

## **8. Risk**

### ***Risk Implications of Adopting the Recommendations***

8.1.1 There are no risks associated with adopting the recommendations.

### ***Risk Implications of Rejecting the Recommendations***

8.2.1 In some cases failing to nominate or appoint members would result in the Council being unrepresented on key outside bodies/ organisations.



## 9. Equalities

9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as [Appendix 1](#).

## 10. Sustainable Development Implications

10.1 **Considering Strategic Environmental Assessment (SEA)** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

## 11. Options Appraisal

11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

## 12. Link to Council Plan

12.1 The matters referred to in this report contribute to Commitment 1 of the Council Plan: Fair and Effective Leadership/ Leadership that promotes fairness.

## 13. Results of Consultation

13.1 There has been no public consultation on the contents of this report.

13.2 Consultation has taken place with Councillor Martin Dowey, Portfolio Holder for Corporate and Strategic, and the contents of this report reflect any feedback provided.

## 14. Next Steps for Decision Tracking Purposes

14.1 If the recommendations above are approved by Members, the Head of Legal and Regulatory Services will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Cabinet in the 'Council and Cabinet Decision Log' at each of its meetings until such time as the decision is fully implemented:

Implementation	Due date	Managed by
Notification of nominations/ appointments to relevant outside bodies	21 October 2022	Service Lead – Democratic Governance

**Background Papers**    **Report to South Ayrshire Council (Special) of 9 September 2022 – [Review of Management Structure](#)**

**Person to Contact**    **Catriona Caves, Head of Legal and Regulatory Services  
County Buildings, Wellington Square, Ayr, KA7 1DR  
Phone 01292 612556  
E-mail [catriona.caves@south-ayrshire.gov.uk](mailto:catriona.caves@south-ayrshire.gov.uk)**

**Date:**    **3 October 2022**

## South Ayrshire Council Equality Impact Assessment Scoping Template

Equality Impact Assessment is a legal requirement under the Public Sector Duty to promote equality of the Equality Act 2010. Separate guidance has been developed on Equality Impact Assessment's which will guide you through the process and is available to view here: <https://www.south-ayrshire.gov.uk/equalities/impact-assessment.aspx>

Further guidance is available here: <https://www.equalityhumanrights.com/en/publication-download/assessing-impact-and-public-sector-equality-duty-guide-public-authorities/>

The Fairer Scotland Duty ('the Duty'), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider ('pay due regard to') how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. [FSD Guidance for Public Bodies](#) in respect of the Duty, was published by the Scottish Government in March 2018 and revised in October 2021. See information here: <https://www.gov.scot/publications/fairer-scotland-duty-guidance-public-bodies/>

### 1. Policy details

Policy Title	Representation on Outside Bodies
Lead Officer (Name/Position/Email)	Catriona Caves, Head of Legal and Regulatory Services – catriona.caves@south-ayrshire.gov.uk

**2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts**

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	-	-
Disability	-	-
Gender Reassignment (Trans/Transgender Identity)	-	-
Marriage or Civil Partnership	-	-
Pregnancy and Maternity	-	-
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	-	-
Religion or Belief (including lack of belief)	-	-
Sex – (issues specific to women & men or girls & boys)	-	-
Sexual Orientation – person's sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	-	-

Community or Groups of People	Negative Impacts	Positive impacts
Thematic Groups: Health, Human Rights & Children's Rights	-	-

**3. What likely impact will this policy have on people experiencing different kinds of social disadvantage i.e. The Fairer Scotland Duty (This section to be completed for any Strategic Decisions). Consideration must be given particularly to children and families.**

Socio-Economic Disadvantage	Negative Impacts	Positive impacts
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	-	-
Low and/or no wealth – enough money to meet Basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	-	-
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	-	-
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	-	-
Socio-economic Background – social class i.e. parent's education, employment and income	-	-

**4. Do you have evidence or reason to believe that the policy will support the Council to:**

General Duty and other Equality Themes Consider the 'Three Key Needs' of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
<b>Eliminate unlawful discrimination, harassment and victimisation</b>	Low
<b>Advance equality of opportunity</b> between people who share a protected characteristic and those who do not	Low
<b>Foster good relations</b> between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	Low
Increase participation of particular communities or groups in public life	Low
Improve the health and wellbeing of particular communities or groups	Low
Promote the human rights of particular communities or groups	Low
Tackle deprivation faced by particular communities or groups	Low

## 5. Summary Assessment

<b>Is a full Equality Impact Assessment required?</b> (A full Equality Impact Assessment must be carried out if impacts identified as <b>Medium and/or High</b> )	<del>YES</del> <b>NO</b>
<b>Rationale for decision:</b>  <b>This report seeks the Council's approval to appoint or nominate representatives to the list of Outside Bodies. Their decision on this has no specific equality implications</b>	
<b>Signed :</b> Catriona Caves	<b>Head of Service</b>
<b>Date:</b> 21 September 2022	

## South Ayrshire Council

### Report by Head of Legal and Regulatory Services to South Ayrshire Council of 13 October 2022

---

**Subject:       Scheme of Delegation**

---

#### **1.       Purpose**

- 1.1       The purpose of this report is to seek approval to amend the Scheme of Delegation following review.

#### **2.       Recommendation**

- 2.1       It is recommended that the Council approves the revised Scheme of Delegation (attached as Appendix 1) with effect from 14 October 2022.**

#### **3.       Background**

- 3.1       It is a requirement of corporate governance that the Council's Scheme of Delegation be kept under review. The last update was approved by Special Council on 26 May 2022.
- 3.2       At a special meeting on 26 May 2022, the Council approved amendments to Portfolio Holder remits based on the revised political decision-making structure approved on 19 May 2022. In discussion with Councillor Alec Clark, Portfolio Holder for Tourism and Rural Affairs, it was considered important to provide some additional clarity on the remit.
- 3.3       At its meeting on 30 August 2022, the Cabinet approved the South Ayrshire Council Short Term Let Licensing Scheme draft policy and noted that the proposed additional delegations to the Council's Scheme of Delegation require to be approved by the Council.
- 3.4       At a special meeting on 9 September 2022, the Council considered and approved a revised management structure which resulted in further changes to the Scheme of Delegation being required. Officers were asked to submit a list of the changes required to the Scheme of Delegation to Council on 13 October 2022 for approval.
- 3.5       The opportunity has also been taken to review the Scheme of Delegation to reflect issues arising since the last revision.

#### **4.       Proposals**

- 4.1       The Scheme of Delegation has been updated to reflect:
- 4.1.1       revisions to the remit of the Tourism and Rural Affairs Portfolio;

4.1.2 additional delegations in relation to the Short Term Let Licensing Scheme Policy; and

4.1.3 revisions to the management structure.

4.2 The proposed amendments are tracked and highlighted in **bold text** in the revised Scheme (attached as Appendix 1).

4.3 Subject to approval, it is proposed that the revised Scheme of Delegation is adopted with effect from 13 October 2022.

4.4 Subject to approval, the revised Scheme of Delegation will be published on The Core and the Council's website, and will also be notified to employees by way of the SAC Staff Community Hub.

## **5. Legal and Procurement Implications**

5.1 There are no legal implications arising from this report.

5.2 There are no procurement implications arising from this report.

## **6. Financial Implications**

6.1 Not applicable.

## **7. Human Resources Implications**

7.1 Not applicable.

## **8. Risk**

### ***8.1 Risk Implications of Adopting the Recommendations***

8.1.1 There are no risks associated with adopting the recommendations.

### ***8.2 Risk Implications of Rejecting the Recommendations***

8.2.1 The risk associated with rejecting the recommendations is that the Council's corporate governance will be less effective.

## **9. Equalities**

9.1 The proposals in this report have been assessed through the Equalities Impact Assessment Scoping process, and there are no significant positive or negative equality impacts of agreeing the recommendations, therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as Appendix 2.

## **10. Sustainable Development Implications**

10.1 ***Considering Strategic Environmental Assessment (SEA)*** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

## 11. Options Appraisal

11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

## 12. Link to Council Plan

12.1 The matters referred to in this report contribute to Commitment 1 of the Council Plan: Fair and Effective Leadership/ Leadership that promotes fairness.

## 13. Results of Consultation

13.1 There has been no public consultation on the contents of this report.

13.2 Consultation has taken place with Councillor Martin Dowey, Portfolio Holder for Corporate and Strategic, and the contents of this report reflect any feedback provided.

## 14. Next Steps for Decision Tracking Purposes

14.1 If the recommendations above are approved by Members, the Head of Legal and Regulatory Services will ensure that the following steps are taken within the following timescales, with progress reported to the Cabinet in the 'Council and Cabinet Decision Log' at each of its meetings until such time as the steps are completed:

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
Updated Scheme of Delegation to be published and notified to employees	21 October 2022	Head of Legal and Regulatory Services

### Background Papers [Scheme of Delegation](#)

Report to South Ayrshire Council of 19 May 2022 - [Review of Political Decision Making Structure and Appointments to Panels](#)

Report to South Ayrshire Council (Special) of 26 May 2022 – [Scheme of Delegation](#)

Report to Cabinet of 30 August 2022 – [Short Term Let Licensing Scheme](#)

Report to South Ayrshire Council (Special) of 9 September 2022 – [Review of Management Structure](#)

Person to Contact      Catriona Caves, Head of Legal and Regulatory Services  
County Buildings, Wellington Square, Ayr, KA7 1DR  
Phone 01292 612556  
E-mail [catriona.caves@south-ayrshire.gov.uk](mailto:catriona.caves@south-ayrshire.gov.uk)

Date: 3 October 2022



# Scheme of Delegation

October 2022



RESPECTFUL  
SUPPORTIVE

## Index of Contents

<b>Section</b>	<b>Content</b>	<b>Page(s)</b>
Introduction	Scheme of Delegation – Introduction - General Provisions	1
Section 1	Powers Reserved to Council	7
Section 2	Delegations to the Cabinet – Terms of Reference and Remit	<u>11</u>
Section 3	Terms of Reference and Delegations to Scrutiny Panels	<u>20</u>
Section 4	Terms of Reference and Delegations to Panels, Etc	<u>25</u>
Section 5	Functions Delegated to the Ayrshire Shared Services Joint Committee	<u>27</u>
Section 6	Functions Delegated to the South Ayrshire Integration Joint Board	<u>33</u>
Section 7	Powers Delegated to Officers	<u>45</u>
	(a) ‘Rules’ Governing the Exercise of Powers by Officers	<u>46</u>
	(b) General Delegations to Officers	<u>48</u>
	(c) Specific Delegations to Officers	<u>52</u>
Section 8	Statutory Appointments of Officers	<u>76</u>



# **Scheme of Delegation**

## **Introduction**

### **General Provisions**

#### **1. Introduction**

1.1 Like every other Local Authority, South Ayrshire Council is only able to do what the law empowers it to do. In the absence of a decision by the Council to the contrary, all of its powers would have to be exercised through meetings of the full Council. That is, all decisions no matter how large or how small would need to be taken at meetings of the full Council.

1.2 Recognising that this would be unworkable and would detract from the Council's aims and values, the Council has chosen to exercise one of the powers available to it – the power to delegate. There are, of course, some powers which the law says cannot be delegated and others which the Council chooses to keep for itself.

1.3 Every decision taken under delegated power is considered to be a decision of the Council.

1.4 This section of the Scheme describes how decision-making operates within the Council. The remaining sections detail the specific delegations that have been agreed by the Council.

1.5 The Scheme is based upon the principles of:

- Democracy;
- Transparency;
- Effectiveness; and
- Accountability.

1.6 The principles underpin this Scheme, and support the Council's governance to be:

- Robust and responsive in taking decisions;
- Efficient in its decision making structures to maximise its impact in the achievement of its objectives; and
- Reflective of the professional skills of its officers, whilst holding them fully accountable for the operational decisions they take.

1.7 The terms of the Scheme must be read alongside the Council's other key governance documents, namely the Financial Regulations, Standing Orders Relating to Contracts and Standing Orders Relating to Meetings.

#### **2. Extent of Delegation**

2.1 The Council can only delegate to a committee, sub-committee, an officer of the Council, a Joint Committee with another Council(s) or an Integration Joint Board in terms of the Public Bodies (Joint Working) (Scotland) Act 2014. Unless the Council

states otherwise, committees may further delegate to officers. Sub-committees can also further delegate to officers. This Council's committees are named Panels.

2.2 Officers with delegated powers can delegate to other officers but this does not release them from the responsibility arising from the exercise of the authority that has been delegated to them in this Scheme. When officers further delegate their powers, they have to record this in writing.

2.3 Where a responsibility has been further delegated, there is nothing to prevent the committee or person who was originally given delegated powers under this Scheme from dealing with the responsibility themselves or from withdrawing or amending the delegation.

### **3. Distribution of Decision-making Powers**

3.1 It is virtually impossible to specify all of the powers that are available to the Council and assign them to a variety of delegates. As a result, the Council has decided that:

3.1.1 except for matters which must be dealt with at the level of the Council itself (as required by statute or as agreed by Council), all other powers are delegated to its committees, sub-committees, a Joint Committee with another Council(s), an Integration Joint Board in terms of the Public Bodies (Joint Working) (Scotland) Act 2014 or officers;

3.1.2 the matters that the Council has chosen to reserve to itself or to delegate to its committees, sub-committees, a Joint Committee with another Council(s) or an Integration Joint Board in terms of the Public Bodies (Joint Working)(Scotland) Act 2014 are mainly the strategic, policy or regulatory issues, while the day to day operational matters of running the Council's services are delegated to officers;

3.1.3 strategic, policy and regulatory issues that are not specifically reserved to the Council or specifically delegated to its committees, etc (other than the Cabinet) are delegated to the Cabinet; and

3.1.4 all powers that are not specifically reserved to Council or delegated to its committees, etc, are delegated to officers.

3.2 While every attempt has been made to list the specific powers that are available to officers, if a specific power is not mentioned in this Scheme, it does not necessarily mean that officers cannot exercise that power. Unless it has been specifically reserved to Council or delegated to its committees etc, the power will still be delegated to officers.

### **4. Reservations to the Council**

4.1 In terms of the law, full Council must exercise certain responsibilities. However, there are also certain matters that the Council has chosen to deal with itself. These are detailed at Section 1 and the Council has decided that these powers will not be delegated.

4.2 The Council is the main scrutiny and debating forum for issues affecting the Council area and for the provision of democratic leadership and promotion of the area's well-being. It exercises Strategic Leadership for the area and promotes the Council's core values.

## **5. Delegations to Committees and Panels**

5.1 The Council has made provision in its Standing Orders, under Section 57 of the Local Government (Scotland) Act 1973, for the establishment of the following committees, sub-committees and Joint Committees of the Council to discharge functions on its behalf:

- Cabinet;
- Scrutiny Panels;
- Ayrshire Shared Service Joint Committee; and
- other Panels.

In addition, in accordance with the terms of the Public Bodies (Joint Working) (Scotland) Act 2014, the Council has delegated certain functions relating to health and social care services to the South Ayrshire Integration Joint Board. These delegations are set out in Section 6 of this Scheme.

### ***Cabinet***

5.2 The Cabinet has a strategic role focusing on policy development, policy, service review and strategic management of the Council's services, within the established strategic objectives and corporate policies of the Council. The Cabinet does not generally deal with operational matters or consider reports which are for information only. The functions delegated to the Cabinet are detailed at Section 2.

5.3 The Council operates an eight-weekly cycle of meetings. At every second meeting of the Cabinet, in addition to discharging ordinary business, the Cabinet discharges education functions on the Council's behalf. The Council's Standing Orders make provision for the membership of the Cabinet to include three representatives of religious bodies appointed, under Section 124 of the Local Government (Scotland) Act 1973, at this point.

### ***Cabinet Portfolios***

5.4 Eight members of the Cabinet from the Administration parties have been allocated a special area of responsibility, known as a Portfolio, to ensure greater political accountability for the decisions taken by the Cabinet as a whole. The Portfolios of those Cabinet members are detailed in Section 2.

5.5 Although the information detailed in Section 2 is accurate, in any situation of uncertainty, it is for the Chief Executive to determine which Portfolio a delegation to the Cabinet by the Council lies within.

5.6 The Portfolios which the Council has agreed are as follows:

- Corporate and Strategic Portfolio;
- Health and Social Care Portfolio;

- Education Portfolio;
- Buildings, Housing and Environment Wellbeing Portfolio;
- Economic Development Portfolio;
- Tourism and Rural Affairs;
- Finance, Human Resources and ICT Portfolio; and
- Sport and Leisure.

5.7 Legally, the Council cannot delegate powers to individual Councillors. This means that all decisions on matters delegated to the Cabinet must be taken at a properly convened meeting of the Cabinet and individual Portfolio Holders do not have delegated authority to make decisions on behalf of the Council.

### ***Scrutiny Panels***

5.8 The Council has established three Panels to discharge functions relating to governance and scrutiny of decisions, performance and improvement activity. These Panels are:

- Audit and Governance Panel (which will operate as the Audit Committee of the Council);
- Service and Performance Panel; and
- Partnerships Panel.

These Panels are collectively referred to as 'Scrutiny Panels'.

5.9 The role of these Panels is to undertake a range of scrutiny activity in relation to the financial and other governance of the Council, the performance of services across the Council and those delivered in partnership with other persons or bodies, and the decisions of the Cabinet. Any of the decisions taken by the Cabinet can be 'called in' to the Audit and Governance Panel to enable broader discussion, consideration and investigation of these decisions and if considered necessary refer them back to Cabinet and on to the full Council for final deliberation. The Service and Performance Panel can also carry out more in-depth investigations into any aspect of the Council's service performance through scrutiny reviews in accordance with the Council's approved Scrutiny Handbook. The Partnerships Panel considers performance by external bodies and also considers Public Petitions to the Council in terms of the Petitions Protocol.

5.10 The Council is required to establish an Audit Committee and the Council has agreed that the Audit and Governance Panel will carry out that function.

5.11 The terms of reference and remits of each of the Scrutiny Panels are detailed at Section 3.

### ***Other Panels, Etc***

5.12 There are some quasi-judicial roles and other operational responsibilities that the Council has to make alternative arrangements for or has decided to delegate to committees, sub-committees or Joint Committees with other Councils. The delegated powers available to Panels, sub-committees and Joint Committees may be altered from time to time by the Council.

5.13 Details of the Terms of Reference and remits of the various other Panels, Committees and Joint Committees are set out in Section 4.

## 6. Delegations to Officers

6.1 The Council's approach to delegation has been influenced by its commitment to facilitate community participation in the decision-making process and to delegate to officers. The result is that the Council has reserved very few powers to itself and has agreed extensive delegations to officers.

6.2 Officers can be granted delegated powers by Council, a committee, a Panel or another officer. The approach employed by the Council is to require delegations to be to the Chief Executive and/ or one or more of the Council's Directors or its Heads of Service , that is:

- the Director of Education;
- ~~the Director — Place;~~
- **the Director of Housing, Operations and Development;**
- **the Director of Strategic Change and Communities;**
- the Director of Health and Social Care;
- the Head of Finance ~~and~~, **ICT and Procurement;** and
- the Head of Legal, ~~HR~~ and Regulatory Services.

6.3 As set out above, delegated authority granted to these officers can be further delegated but where this occurs the delegator must create a written record and provide a written copy to the delegate.

6.4 Delegations that have been agreed for the Chief Executive, Directors and Heads of Service are a mix of general delegations (that is, each of the officers listed is similarly empowered) and specific delegations (that is, the delegations are specific to individual officers). When exercising any delegated authority, officers must have regard to a variety of stipulations that the Council has decided should govern and influence the exercise of delegated powers.

6.5 Details of the rules that apply in exercising these delegated powers are contained in Section 7 (a). Details of general and specific delegations to officers are contained in Sections 7 (b) and 7 (c).

6.6 The only exceptions to the practice of routing all officer delegations through the Chief Executive, Directors and Heads of Service arise through statutory appointments. In terms of various statutes, the Council is required to appoint officers for a variety of purposes. Officers appointed to perform these statutory functions are empowered to take the action that is implicit in their roles. The statutory appointments that have been made by the Council are detailed in Section 8.

6.7 The Council may require officers to publish information about the exercise of certain specified categories of delegated authority. Officers may choose to publish information about the exercise of other categories of delegated authority.



6.8 The method of publicising this information is through the Councillors' Information Bulletin, which is published monthly. This Bulletin includes details of decisions either taken or about to be taken by officers under delegated authority.

## **7. Review**

7.1 The Council reviews its Scheme periodically. Between reviews, arrangements are made for the publication of amendments to the Scheme arising from decisions by Council or made necessary by changes in legislation.

7.2 In addition, this Scheme may be extended by the Monitoring Officer notifying the Chief Executive in writing in advance of the specific power to be exercised by the relevant officer, provided the proposed amendment is not in conflict with any existing Council policy, with any statutory provision, or with any other provision of this Scheme or any of the Council's other governance documents, in which case the Chief Executive may give effect to such extension and this Scheme will be amended accordingly.

**Powers Reserved to Council**

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

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

**Statutory Reservations**

1. ***Local Government (Scotland) Act 1973***
  - 1.1 To change the name of the Council (Section 23);
  - 1.2 To approve the reasons for the non-attendance of Members at meetings (Section 35);
  - 1.3 To set Council tax (Section 56 (6));
  - 1.4 To appoint Committees (Section 57);
  - 1.5 To promote and oppose private legislation (Section 82); and
  - 1.6 To determine certain planning applications (Section 56 (6A)).
2. ***Local Government and Housing Act 1989***
  - 2.1 To consider reports by the Head of Paid Service (Section 4); and
  - 2.2 To consider reports by the Monitoring Officer (Section 5).
3. ***Local Government etc (Scotland) Act 1994***
  - 3.1 To appoint the Convener and Depute Convener of the Council and to decide on their titles (currently Provost and Depute Provost) (Section 4).
4. ***Licensing (Scotland) Act 2005***
  - 4.1 To decide whether or not to divide the Council's area into licensing divisions and to appoint Members to the Licensing Board (Section 5 and Schedule 1).
5. ***Local Authority Accounts Regulations***
  - 5.1 To receive the certified unaudited annual accounts of the Council (unless received and considered by the Audit and Governance Panel); and
  - 5.2 to receive, consider and approve the audited Annual Accounts (including the statements which form part of the Annual Accounts) by no later than 30 September immediately following the financial year to which the accounts relate (unless received, considered and approved by the Audit and Governance Panel), and in so doing to have regard to any report

made or advice provided on the Annual Accounts by the Proper Officer or appointed auditor.

6. Approval of the Council's Treasury Management and Investment Strategy.
7. Any other function or remit which is, in terms of statute or other legal requirement, required to be undertaken by the Council itself.

## **Non-Statutory Reservations**

### **8. *Elections***

- 8.1 To consider matters relating to the fixing or amendment of the Council's geographic boundaries, its electoral boundaries and wards or matters relating to the fixing or amendment of the boundaries of the Scottish and Westminster Parliamentary Constituencies lying wholly or partly within the South Ayrshire Council area; and
- 8.2 To deal with all matters relating to the election of Councillors where these are not the responsibility of the Returning Officer.

### **9. *Councillors' Allowances***

- 9.1 To determine and keep under review a Scheme of Members' Remuneration and Allowances and to determine all matters relevant to the level of Councillors' Remuneration and Allowances within the terms of current Regulations.

### **10. *Codes of Conduct***

- 10.1 To determine any issues relating to the maintenance of standards and conduct of Councillors and officers all in line with any legislative provisions.

### **11. *Committee Structure and Corporate Governance Arrangements***

- 11.1 To fix and amend the terms of reference and remit, membership and delegation of functions of the Cabinet and other Panels, Committees and Sub-Committees and to appoint and remove Chairs, Vice-Chairs, members of Committees and Portfolio Holders;
- 11.2 To select, and de-select, Councillors and officers to serve on and/ or to represent the Council on Joint Committees, Joint Boards and other external bodies and organisations, where such power is not expressly delegated to the Cabinet or another Panel;
- 11.3 To fix and amend a programme of Council, Cabinet and other Panel meetings, subject to the provisions of the Council's Standing Orders Relating to Meetings;
- 11.4 To make and amend a Scheme of Delegation detailing terms of reference and remits for, and delegations to, a Cabinet, Panels, Committees, Sub-Committees and officers of the Council;

- 11.5 To make and amend Standing Orders Relating to Meetings, Standing Orders Relating to Contracts and Financial Regulations;
  - 11.6 To delegate a power or duty of the Council to, or to accept a delegated power or duty from, any other local authority; and
  - 11.7 To determine whether to co-operate or combine with other local authorities in providing services.
12. ***Referrals from Scrutiny Panels***
- 12.1 To finally determine any decisions of the Cabinet referred to the Council following call-in.
  - 12.2 To finally determine any decisions of the Cabinet referred to the Council following review of a Community Asset Transfer request.
13. ***Council Plan, Policies and Strategies***
- 13.1 To approve, review and amend, the Council Plan, including the Council's strategic objectives, and all major policies and organisational strategies (either with or without prior consideration by the Cabinet), including any new policies or changes to policies which may have a significant impact on the Council's strategic objectives, corporate policies or its resources.
14. ***Resources – Financial***
- 14.1 To determine the Council's Annual Revenue Budget and Capital Programme, and to determine the level of Council house rents and service charges in terms of Part XI of the Housing (Scotland) Act 1987.
15. ***Chief Officers and Statutory Appointments***
- 15.1 To exercise control over the establishment of Chief Officers;
  - 15.2 To determine the process for selection, appointment and dismissal of the Chief Executive, any Director, any Head of Service or any Assistant Director and to fix the salaries of these officers; and
  - 15.3 To appoint officers for the purposes, or to perform the roles, detailed in Section 8 of this Scheme.
16. ***Local Government in Scotland Act 2003***
- 16.1 On a recommendation from the Cabinet, to decide whether or not to exercise the power of well-being subject always to the provisions of the 2003 Act (Sections 20 to 22 (Part 3)).
17. ***Civil Defence and Protection in Peacetime***
- 17.1 To exercise emergency planning duties and powers (Section 2 of the Civil Contingencies Act 2004).

18. ***Management Rules and Statutory Orders, Etc***

18.1 To make and as necessary, revoke or amend, Byelaws, Management Rules, Compulsory Purchase Orders and Exclusion Orders; and

18.2 To consider and respond to any statutory report from the Controller of Audit or from the Council's external auditor.

19. ***Coat of Arms***

19.1 To authorise the use of the Council's Coat of Arms.

## **Delegations to the Cabinet**

### **Terms of Reference and Remit**

- 1.1 In relation to the powers and functions delegated to the Cabinet, special areas of service responsibility, known as Portfolios, have been identified, as set out below in para 4. In addition to the general delegations to the Cabinet of functions and powers in relation to all areas (para 2), there are certain specific delegations to the Cabinet which relate to particular Portfolio areas, and are set out below at para 4.
- 1.2 The Cabinet shall comprise up to nine members, of whom eight members shall be Portfolio Holders. The Leader of the Council will be appointed as the Portfolio Holder for Corporate and Strategic and will be the Chair of the Cabinet and the Depute Leader will be the Vice-Chair of the Cabinet and will be appointed as one of the seven other Portfolio Holders. Six other Portfolio Holders will be appointed by Council and a Portfolio allocated to each of them.
- 1.3 The Cabinet may choose not to discharge a particular function or power but to make a recommendation on the matter to the Council. The Cabinet may report, with recommendations, to the Council, with regard to functions or powers that the Council has reserved to itself.
- 1.4 In any situation of uncertainty, the Chief Executive will determine where and in what circumstances the Cabinet is empowered to exercise authority which has been delegated to it by the Council.

## **2. Functions and Powers Delegated to the Cabinet: General Delegations**

- 2.1 In accordance with and subject to the provisions of paragraph 3 above under 'Introduction – General Provisions', the following general functions and powers may be exercised by the Cabinet:
  - 2.1.1 exercising strategic leadership of the Council and promoting the Council's core values;
  - 2.1.2 taking executive decisions within the budget, and strategy/ policy framework approved by the Council and recommending to Council budgets and strategic policy frameworks and to incur revenue or capital expenditure which is not contained within the Annual Revenue Budget and Capital Programme and which requires supplementary adjustments;
  - 2.1.3 co-ordination of the development, monitoring and review of the functions and services contained within each Portfolio remit, in terms of this Scheme, developing new policies consistent with the overall strategic objectives of the Council, and making recommendations to Council for the adoption or alteration of Council policies or strategies which are not specifically delegated to the Cabinet;
  - 2.1.4 instructing or commissioning research or other studies on matters of policy or service provision and undertaking such consultation and engagement with communities and citizens and establishing such Working Groups as the Cabinet considers necessary in connection with each Portfolio remit in order to inform strategy/ policy development, implementation, monitoring and review;

- 2.1.5 receiving, scrutinising and approving services' plans for implementation of the Council Plan, its strategic objectives and strategies and policies for service delivery and establishing appropriate service targets and performance indicators for services within each Portfolio remit and providing political accountability for the Council's performance;
- 2.1.6 securing overall Best Value in the performance of services by ensuring continuous improvement and by maintaining a balance between the quality of the outcome of services delivered and the cost of these services, always having regard to the efficiency, effectiveness and economy of services' actions and how well those actions comply with the requirements of equalities legislation and their potential to contribute to the achievement of sustainable development;
- 2.1.7 co-ordinating, guiding, monitoring and reviewing the discharge of the functions and service provision within each Portfolio remit, by officers, and/ or partner organisations, in terms of this Scheme of Delegation;
- 2.1.8 taking decisions that are contrary to or not wholly in accordance with the approved revenue budget, provided that any associated spend must be offset by additional income or savings from elsewhere within the budget;
- 2.1.9 taking decisions to increase the costs of individual projects in the capital programme to cover an overspend, where the cost increase is in excess of £100,000, but only if this can be offset elsewhere in the approved capital programme;
- 2.1.10 incurring expenditure or making grants or loans under the powers contained in Section 84 of the Local Government (Scotland) Act 1973 in respect of incidences of emergency or disaster affecting the Council area;
- 2.1.11 determining arrangements for the administration of Common Good Funds and Trusts for which the Council is responsible **following consultation with local Elected Members;**
- 2.1.12 convening in the event of a major emergency and determining the general policy to be followed in the disposition of Council resources;
- 2.1.13 establishing working groups (comprising Councillors and/ or officers) to advise on any aspect of its remit;
- 2.1.14 determining whether or not to accept any recommendation made by the Scottish Public Services Ombudsman which includes financial redress;
- 2.1.15 considering and determining Community Asset Transfer requests in terms of the Community Empowerment ( Scotland) Act 2015, and the Asset Transfer Request (Review Procedure) (Scotland) Regulations 2016; and
- 2.1.16 determining the imposition or waiving of charges for the use of piers, harbours, car parks and/ or other facilities or assets which are owned or controlled by the Council.

### **3. Education Authority**

- 3.1 As set out in the Council's Standing Orders Relating to Meetings, (Standing Order 35.2 paras (10) and (11)), at every second meeting of the Cabinet, the Cabinet will direct and supervise the discharge of functions of the Council as an Education Authority, insofar as such matters relate to the delivery of education services to pre-fives and children of school age, in terms of the Education (Scotland) Act 1980 as amended and any other enactments amending or extending such functions and in terms of the Self-Governing Schools (Scotland) Act 1989, the Standards in Scotland's Schools, Etc Act 2000, the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002, the Education (Additional Support for Learning) (Scotland) Act 2004, the Scottish Schools Parental Involvement Act 2006 and the Schools (Consultation) (Scotland) Act 2010.
- 3.2 All other matters falling within the remit of the Cabinet can be dealt with at any meeting of the Cabinet.

### **4. Areas of Responsibility: Portfolios**

- 4.1 As set out above, eight members of the Cabinet will be allocated a special area of responsibility, known as a Portfolio, to ensure greater political accountability for the decisions taken by the Cabinet as a whole.
- 4.2 The Portfolios of each of the Cabinet members are detailed below. The Leader of the Council will be the Portfolio Holder for the Corporate and Strategic Portfolio. Whilst Portfolio Holders are expected to take the lead on their areas of responsibility, there will be collaborative working across Portfolios.
- 4.3 In any situation of uncertainty, it is for the Chief Executive to determine within which Portfolio a function or power delegated to the Cabinet by the Council lies. For the avoidance of doubt, there is no delegation of powers, functions or decision making on behalf of the Council, to any individual member of the Council.

#### **4.4 *Corporate and Strategic Portfolio***

- 4.4.1 The Portfolio Holder shall exercise strategic and political leadership of the Council and promote the Council's strategic objectives and core values, ensuring the effective communication of Council policies and strategies. This Portfolio includes providing overall political accountability for the co-ordination of Council business, the achievement of the Council Plan strategic objectives, overall political and strategic leadership in relation to Community Planning matters and exercising strategic and political leadership for the Council's duty to promote Best Value.
- 4.4.2 In exercising this role, the Leader of the Council, as the Corporate and Strategic Portfolio Holder, can exercise his or her remit across all Portfolio remits as and when appropriate. This might, for example, include chairing a Group working on an area not directly under his or her remit but one which requires specific expertise or strategic political direction relevant to the Corporate and Strategic Portfolio Holder's remit.
- 4.4.3 The following functions comprised within this Portfolio, are hereby delegated to the Cabinet as specific delegations (subject to the exceptions at para 1.1 above and in addition to the general delegation to the Cabinet



at para 3.1 above and on the basis that the Cabinet will make recommendations to Council as appropriate in accordance with the provisions set out in Section 1 of this Scheme):

- ensuring strategic and political leadership of the Community Planning Partnership to monitor and review the achievement of Community Planning objectives and the preparation of revised/ new Community Plans;
- ensuring the development and ongoing monitoring of a cross-Council corporate strategy in relation to the Council's powers and duties in pursuit of Best Value as contained in the Local Government in Scotland Act 2003;
- setting policy for and ensuring ongoing monitoring and review of the Council Plan and the preparation of a revised/ new Plan(s);
- monitoring and review of cross-Council and external communications;
- monitoring and review of the decision-making structure and corporate governance arrangements;
- monitoring and review of Members' remuneration and allowances;
- service review framework;
- monitoring and review of electoral arrangements;
- monitoring and review of emergency planning arrangements;
- monitoring and review of Corporate Safety and Health and Safety (including Occupational Health);
- monitoring and review of Risk Management and Insurance;
- overview of Business Continuity Strategy and operation;
- monitoring and review of the Community Plan for the South Ayrshire area;
- ensuring strategic and political leadership of the Community Planning process to (a) review the achievement of Community Planning objectives, (b) prepare a revised/ new Community Plan(s), (c) ensure collaborative planning between agencies to tackle cross-cutting issues, (d) ensure continued improvement in services through collaborative working;
- monitoring and review of the Council's community engagement and locality planning in relation to those matters not included in the Corporate and Strategic Portfolio, in particular, the Portfolio Holder will oversee the following functions/ services to ensure their effective management and continuous improvement:

\* Community Councils;

- \* Area Community Planning;
- \* Community Development; and
- \* others as appropriate.

#### 4.5 ***Health and Social Care Portfolio***

- 4.5.1 To exercise strategic and political leadership in relation to the provision of services which contribute to social well-being of residents in South Ayrshire and Community Safety as it relates to the Council's functions. **This portfolio also has responsibility for strategic and operational oversight of Equalities and Fairer Scotland duties.**
- 4.5.2 On the basis that the South Ayrshire Integration Joint Board is responsible for the strategic and operational oversight of integrated health and social care services that are delivered by the Council, the Portfolio Holder will oversee the following services/ functions to ensure their effective management and continuous improvement and be a member of the Integration Joint Board:
- Social Care Services (including in the Community/ the Elderly/ Care Establishments);
  - Assistance to Chronically Sick and Disabled;
  - Offender Services;
  - Looked After and Accommodated Children;
  - Care and Protection of Children;
  - Fostering and Permanence;
  - Through Care and After Care; and
  - Youth Justice.

#### 4.6 ***Education Portfolio***

- 4.6.1 To exercise strategic and political leadership to secure the effective management of the education system and lifelong learning ensuring social justice.
- 4.6.2 This Portfolio includes ensuring, wherever possible, the provision of co-ordinated and integrated education and related services, designed around the needs of children, young people and families and promoting and, where appropriate, ensuring investment in education, skills, training and the creative development of present and future workforce skills, so as to engender greater self-fulfilment, social mobility and employment opportunities.
- 4.6.3 On the basis that the Cabinet will make recommendations to Council as appropriate, in accordance with the provisions set out in Section 1, in pursuit of this remit the Portfolio Holder will oversee the following services/ functions to ensure their effective management and continuous improvement:
- Schools and Lifelong Learning;
  - Management of education system;

- Early Years;
- Additional Support for Learning;
- Parental Involvement;
- Children/ Disability;
- Play and Out of School Care;
- Youth Support (in conjunction with the Youth Champion);
- Skills Development and Training (in conjunction with the Economic Development Portfolio Holder);
- Adult and Continuing Education;
- School Sport; and
- School Estate.

#### 4.7 ***Buildings, Housing and Environment Portfolio***

4.7.1 To exercise strategic and political leadership and to formulate appropriate strategic and operational plans to achieve the Council's objectives in relation to Housing (across all sectors) and Customer First objectives, and to ensure the effective implementation of those plans and objectives. This should be undertaken specifically in relation to the implementation of strategic plans covering Housing procedures, allocations, lettings, homelessness and the maintenance of a balanced housing supply across the range of sectors.

4.7.2 On the basis that the Cabinet will make recommendations to Council as appropriate, in accordance with the provisions set out in Section 1, the Portfolio Holder will oversee the following services/ functions to ensure their effective management and continuous improvement:

- Housing Capital Programme (in conjunction with the Finance, Human Resources and ICT Portfolio Holder);
- Housing Plans, Policies and Strategies;
- Housing Policies and Procedures (Allocations, Lettings, Homelessness, etc);
- Landlord Functions and Responsibilities (All Sectors);
- Customer Services;
- Registration;
- Civic Licensing;
- Consumer Protection;
- Environmental Health;
- Bereavement;
- Licensing;
- Cemeteries, Churchyards, etc;
- Refuse Collection, Streetscape and Cleansing;
- Waste Management;

- Asset Management and Professional Design Services (including capital project delivery and all acquisitions and disposals) and Infrastructure;
- Property Maintenance Services; and
- Trading Standards.

#### 4.8 ***Tourism, Culture and Rural Affairs Portfolio***

4.8.1 To exercise strategic and political leadership to secure the social well-being of the area. This should be undertaken specifically in relation to the attraction of tourism and the promotion of rural communities.

4.8.2 **This Portfolio has specific responsibilities for rural communities (defined as Wards 6, 7 and 8) and Council-wide as follows:**

##### **Council-wide:**

- **Thriving communities:**
  - **Community Development**
  - **Community Facilities;**
- **Developing South Ayrshire:**
  - **Tourism**
  - **Cultural services**
  - **Libraries (including school libraries)**
  - **Museums; and**
  - **Links with Europe.**

##### **Rural Communities:**

- **Development of Rural Areas – for example, planning and economic development; and**
- **Access to countryside.**

~~On the basis that the Cabinet will make recommendations to Council as appropriate, in accordance with the provisions set out in Section 1, in pursuit of this remit the Portfolio Holder will oversee the following services/ functions to ensure their effective management and continuous improvement:~~

- ~~Rural Development;~~
- ~~Community Development;~~
- ~~Tourism;~~
- ~~Europe;~~
- ~~Cultural Services;~~
- ~~Community Facilities;~~
- ~~Libraries (including School Libraries);~~
- ~~Museums;~~

- ~~Access to the Countryside; and~~
- ~~Compliance with Equalities Duties.~~

#### 4.9 ***Economic Development Portfolio***

4.9.1 To exercise strategic and political leadership to secure the economic well-being of the area and in respect of the protection, planning and improvement of the built and natural environment and its supporting infrastructure all in accordance with the Council's Strategic Aim for the Promotion of Sustainability.

4.9.2 On the basis that the Ayrshire Roads Authority is responsible for delivery of roads services as set out Section 5 of this Scheme, and also on the basis that the Cabinet will make recommendations to Council as appropriate, in accordance with the provisions set out in Section 1 of this remit, the Portfolio Holder will oversee the following services/ functions to ensure their effective management and continuous improvement:

- Road Traffic Regulation;
- Road Network Management;
- Building Standards;
- Flood Prevention;
- Catering and Cleaning Services;
- Fleet Management ;
- Planning;
- Procurement and all Contracts (in conjunction with the Finance, Human Resources and ICT Portfolio Holder);
- Skills Development and Training (in conjunction with the Education Portfolio Holder);
- Economic Development and Regeneration; and
- Transportation Planning.

#### 4.10 ***Finance, Human Resources and ICT Portfolio***

4.10.1 To exercise strategic and political leadership in relation to the management, regulation and control of the Council's resources and ensure that these fully reflect the Council Plan, strategic objectives and outcomes.

4.10.2 The following functions comprised within this Portfolio are hereby delegated to the Cabinet as specific delegations (subject to the exceptions at para 1.1 above and in addition to the general delegation to the Cabinet at para 3.1 above and on the basis that the Cabinet will make recommendations to Council as appropriate in accordance with the provisions set out in Section 1 of this Scheme):

- ensuring the development and ongoing monitoring and review of a cross-Council integrated planning, budgeting and performance

management framework (applicable to all corporate and service planning processes);

- monitoring and review of arrangements for the management, regulation and control of the finances of the Council to ensure their effective and efficient utilisation;
- monitoring and reviewing expenditure and ensuring final out-turns within the allocations provided for in the Council's approved revenue and capital budgets;
- receiving, scrutinising and approving services' bids for resources for new service initiatives within the remit of each of the Portfolios and making appropriate recommendations to Council – in particular to approve services' Annual Capital Programme bids as regards project priorities within the remit of each of the Cabinet's Portfolios;
- ensuring compliance with the Council's corporate governance regime, and both national and local corporate governance frameworks; and
- ensuring compliance with the Council's approved cross-Council corporate strategies including Asset Management, Human Resources, Information Technology and their associated policies and procedures in all areas for which the Cabinet has responsibility.

4.10.3 In pursuit of this remit the Portfolio Holder will oversee the following functions/ services to ensure their effective management and continuous improvement:

- Audit and Review Services (Internal and External);
- Corporate Accounting and Accounting Services;
- Management of the Housing Revenue Account and Related Issues;
- Housing Capital Programme (in conjunction with the Buildings, Housing and Environment Portfolio Holder);
- Council Tax and Benefits;
- Information Governance and Records Management (including the Ayrshire Archives);
- Human Resources and Employee Relations;
- Treasury Management/ Service Arrangements;
- Procurement and all Contracts (in conjunction with the Economic Development Portfolio Holder);
- Legal and Democratic Services;
- Payments and Administration; and
- ICT.

#### 4.11 ***Sport and Leisure Portfolio***

- 4.11.1 To exercise strategic and political leadership and to formulate appropriate strategic and operational plans to achieve the Council's objectives in relation to the promotion of sport and leisure.
- 4.11.2 The following functions comprised within this Portfolio are hereby delegated to the Cabinet as specific delegations (subject to the exceptions at para 1.1 above and in addition to the general delegation to the Cabinet at para 3.1 above and on the basis that the Cabinet will make recommendations to Council as appropriate in accordance with the provisions set out in Section 1 of this Scheme):
- 4.11.3 In pursuit of this remit the Portfolio Holder will oversee the following functions/ services to ensure their effective management and continuous improvement:
- Sports Facilities;
  - Leisure Trusts; and
  - Golf.

## Terms of Reference and Delegations to Scrutiny Panels

Scrutiny Panels will focus on issues being decided on by the Cabinet and which support the Council Plan and the Council's Strategic Objectives and Outcomes.

In *all but one case* the specific legislative powers of the Council have either been reserved to the Council itself or delegated to officers, Joint Boards, Committees, Sub-Committees, Joint Committees, Panels or the Cabinet. The *one exception* is in the case of the Council's statutory audit function which has been delegated to the Audit and Governance Panel.

The Audit and Governance Panel has a specific power to consider and determine call ins of decisions of the Cabinet (see section 4 below).

The Partnerships Panel will receive and consider petitions received by the Council from the public in accordance with the Petitions Protocol.

Otherwise the Scrutiny Panels' functions relate to the governance and scrutiny of decisions, performance and improvement activity and all recommendations arising from the carrying out of the scrutiny process are to be reported back to the Cabinet or Council for decision.

In any situation of uncertainty, it is for the Chief Executive to determine which Scrutiny Panel should undertake any particular scrutiny activity.

The Council has established three Scrutiny Panels and their remits and terms of reference are as follows:

### 1. Audit and Governance Panel

- 1.1 To act as the Audit Committee of the Council within the remit and powers as set out in detail in the Audit Committee Handbook approved by Council, and including:
  - 1.1.1 considering the overall adequacy and effectiveness of the Council's framework of governance, risk management and control arrangements, including the associated anti-fraud and anti-corruption arrangements;
  - 1.1.2 undertaking regular scrutiny of the Council's risk register and challenging the effectiveness of the risk mitigations put in place by risk owners to reduce the risks in line with the Council's risk tolerance;
  - 1.1.3 receiving and considering the Council's unaudited Annual Accounts (including the statements which form part of the Annual Accounts) as submitted to the auditor by the Proper Officer (unless received and considered by full Council);
  - 1.1.4 receiving and considering the Annual Report to Members of the Council and the Controller of Audit in the annual audit;
  - 1.1.5 receiving, considering and approving the audited Annual Accounts (including the statements which form part of the Annual Accounts) by no later than 30 September immediately following the financial year to which the accounts relate (unless received, considered and approved by full Council), and in so doing to have regard to any report made or advice



provided on the Annual Accounts by the Proper Officer or appointed auditor;

- 1.1.6 ensuring that any issues arising from the process of drawing up, auditing and certifying the Annual Accounts are properly dealt with;
  - 1.1.7 undertaking the same role and remit as set out in paragraphs 1.1.2, 1.1.3, 1.1.4 and 1.1.5 above in relation to the Annual Accounts of charitable trusts administered by the Council and of which Councillors are Trustees;
  - 1.1.8 receiving and reviewing summary Internal Audit reports and the main issues arising, and seek assurance that action has been taken where necessary;
  - 1.1.9 receiving the annual report of the Chief Internal Auditor and monitoring the performance of the Internal Audit service;
  - 1.1.10 receiving and considering all reports of the external auditors, Audit Scotland, Accounts Commission (and other inspection agencies, where not within the remit of the Cabinet), including reports relating to charitable trusts administered by the Council and of which Councillors are Trustees, and, where appropriate, remit to another Scrutiny Panel for further detailed scrutiny;
  - 1.1.11 monitoring management action in response to the issues raised by the external auditors, including but not limited to the Strategic Audit Priorities and follow-up to any Best Value Audit reports.
- 1.2 To deal with called-in decisions of the Cabinet for further discussion, consideration and investigation, all in accordance with the provisions of the Scrutiny Handbook, and to:
- 1.2.1 agree the Cabinet decision(s); or
  - 1.2.2 continue the matter to the next meeting of the Panel (which may include an additional meeting held in terms of Standing Order 35.3 (2)) for further discussion, consideration, investigation or agreement; and/ or
  - 1.2.3 refer the matter back to the Cabinet, with recommendations, for final deliberation.
- 1.3 To deal with applications for review of decisions in relation to Community Asset Transfer requests for further discussion, consideration and investigation, and to:
- 1.3.1 agree the Cabinet decision(s); or
  - 1.3.2 continue the matter to the next meeting of the Panel (which may include an additional meeting held in terms of Standing Order 35.3 (2)) for further discussion, consideration, investigation or agreement; and/ or
  - 1.3.3 refer the matter back to the Cabinet, with recommendations, for final deliberation.
- 1.4 To keep under review the Council's local Code of Corporate Governance (in terms of the Delivering Good Governance Framework) and ensure arrangements for its

review and continuing relevance leading to the publication of an annual statement as part of the Council's Annual Accounts confirming how well the Council is complying with the framework.

- 1.5 To monitor and review the effectiveness of the Council's Scrutiny Panel arrangements having regard to the Council's powers and duties under Best Value, continuous improvement and effective resource management in the provision of services, performance management frameworks, value for money, and business improvement/ re-design.
- 1.6 To promote and maintain high standards of conduct by all Elected Members of the Council, including consideration of the management and operation of ethical standards as set out in the Councillors' Code of Conduct within the Council, and recommending to Council, if appropriate, the adoption of any protocols relating to Members' conduct supplementary to the Councillors' Code of Conduct, and to consider and advise the Council on any requirements for supplementary training or additional support for Members in relation to ethical standards or any other matters.
- 1.7 To consider any issues which are referred to it by the Council or Cabinet for detailed scrutiny.
- 1.8 To ensure that areas of concern arising from the Audit Committee function are reported to Council, including those that may require further scrutiny either by the Panel or Council.
- 1.9 To make recommendations to the Cabinet or Council (as appropriate) on matters arising from the outcome of the scrutiny processes carried out by the Panel including recommendations for areas for Service Review in accordance with the Council's approved Framework.

## **2. Service and Performance Panel**

- 2.1 To monitor, review and challenge the performance of the Council's services and service delivery having regard to the Council Plan, the Council's strategic objectives and outcomes, corporate improvement programme, the approved Service and Improvement Plans and performance targets, across all service areas, (but excluding the delivery of services by or in partnership with external bodies falling within the remit of the Partnerships Panel), in accordance with the Scrutiny Handbook and including:
  - 2.1.1 receiving and considering regular reports in relation to performance in terms of the approved Service and Improvement Plans and corporate improvement programme;
  - 2.1.2 receiving and considering service benchmarking information; and
  - 2.1.3 reviewing the effectiveness of performance reporting arrangements.
- 2.2 To consider external inspection agency reports relating to services which have been referred to this Panel by the Cabinet or the Audit and Governance Panel.
- 2.3 To undertake in-depth reviews of particular issues of concern in areas of service provision where performance issues have been identified through the Panel's consideration of the Service and Improvement Plans or other performance reports, all as detailed in, and in accordance with, the Scrutiny Handbook and as set out in

the Panel's annual work programme, and to refer any recommendations arising from such review to the Cabinet for consideration.

- 2.4 To receive and consider regular reports on public complaints handling and information governance arrangements within the Council.
- 2.5 Where necessary, to remit reports to the Partnerships Panel for detailed scrutiny of matters falling within the terms of reference of that Panel.
- 2.6 To consider any issues which are referred to it by the Council, Cabinet or the Audit and Governance Panel for detailed scrutiny.
- 2.7 To make recommendations to the Cabinet or Council (as appropriate) on matters arising from the outcome of the scrutiny processes carried out by the Panel, including recommendations for areas for Service Review in accordance with the Council's approved Framework

### **3. Partnerships Panel**

- 3.1 To monitor, review and challenge the performance of services in South Ayrshire which are delivered through or in partnership with external bodies, including improvement actions and performance targets, where applicable, having regard to the Council Plan and the Council's strategic objectives and outcomes, and its duties of Best Value, Following the Public Pound, continuous improvement and effective resource management, in accordance with the Scrutiny Handbook, and including (but not limited to) performance of and in relation to:
  - 3.1.1 Ayr Renaissance LLP and any Leisure trusts and other arm's length external organisations in which the Council participates;
  - 3.1.2 Police Scotland;
  - 3.1.3 the Scottish Fire and Rescue Service;
  - 3.1.4 the use of Common Good funds and assets;
  - 3.1.5 Community Planning (including funded projects);
  - 3.1.6 Ayrshire Shared Services Joint Committee; and
  - 3.1.7 Any other South Ayrshire Council funded projects and organisations.
- 3.2 To receive and hear Petitions addressed to the Council from members of the public, in accordance with the Council's Petitions Protocol, and to determine the appropriate action to be taken within the terms of that Protocol, including, where considered appropriate by the Panel, to report to Cabinet with recommendations.
- 3.3 Where necessary, to remit reports to the Service and Performance Panel for detailed scrutiny of matters falling within the terms of reference of that Panel.
- 3.4 To consider any issues which are referred to it by the Council, Cabinet or the Audit and Governance Panel for detailed scrutiny.
- 3.5 To make recommendations to the Cabinet or Council (as appropriate) on matters arising from the outcome of the scrutiny processes carried out by the Panel

including recommendations for areas for Service Review in accordance with the Council's approved Framework

## Terms of Reference and Delegations to Panels, Etc

With the exception of powers which have been reserved to the Council itself and powers which have been delegated to officers or to Joint Committees, Joint Boards, the South Ayrshire Integration Joint Board or the Ayrshire Shared Service Joint Committee, all other powers are distributed between Committees and Sub-Committees.

In order to allow the Cabinet to concentrate on strategy, a number of Committees of the Council (to be known as Panels) and Sub-Committees have been established with delegated powers to deal with a specific range of functional and operational responsibilities.

The Panels, Joint Committees, Joint Boards, etc, are as follows:

<b>Panel</b>
Appointments/ Appraisal Panel
Appeals Panel
Regulatory Panel
Education Appeals Panel
Local Review Body
South Ayrshire Integration Joint Board
Ayrshire Shared Service Joint Committee

The terms of reference of Panels, etc, in respect of which they have been granted delegated powers, are as follows:

### ***Panel, etc***

### ***Remit***

#### **Chief Officers Appointments/ Appraisal Panel**

The appointment of Chief Executive, Directors, Heads of Service and Assistant Directors and Performance Appraisal issues.

#### **Appeals Panel**

The determination of appeals in terms of the Council's approved Disciplinary and Grievance Procedures, Finance, Rating, Maintenance Allowance Appeals, Road Traffic Orders, Allocations and other Housing Appeals, etc.

#### **Regulatory Panel**

The exercise of the Council's functions under the Civic Government (Scotland) Act 1982, Building Standards, Environmental Health, Trading Standards and Road Traffic Regulation Legislation, insofar as not delegated to officers or to East Ayrshire Council as Ayrshire Roads Authority.

The exercise of the Council's functions in relation to the approval of venues for civil marriages and civil partnerships under the Marriage (Scotland) Act 1977 and 2002, the Civil Partnerships Act 2004 and the

**Panel, etc**

**Remit**

Local Electoral Administration and Registration Services (Scotland) Act 2006, insofar as not delegated to officers.

The exercise of the Council's functions in relation to Houses in Multiple Occupation under the Housing (Scotland) Act 2006 in so far as not delegated to officers.

The exercise of the Council's functions in relation to landlord registration (and de-registration) under the Antisocial Behaviour Etc (Scotland) Act 2004 insofar as not delegated to officers.

The determination of Planning Applications and other matters under Planning Legislation insofar as not delegated to officers or reserved to full Council.

**Education Appeals Panel**

The determination of appeals in relation to placing requests and exclusions, under section 28D and Schedule A1 of the Education (Scotland) Act 1980, (chaired by a member of the Appeals Panel).

**Local Review Body**

To review planning decisions taken by Appointed officers on 'local developments' as that term is defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

**South Ayrshire Integration Joint Board**

To discharge the functions set out in Section 6 of this Scheme, and the strategic planning and the operational oversight of integrated health and social care services and through the chief officer (the Director of Health and Social Care) the operational management of the integrated services, in accordance with the Council's policies and procedures where applicable.

**Ayrshire Shared Service Joint Committee**

To undertake discharge of statutory functions in terms of s56 and 57 of the Local Government (Scotland) Act 1973 and s15 of the Local Government in Scotland Act 2003 specifically to oversee the delivery of a range of discrete Local Authority services to the communities of East, North and South Ayrshire.

The functions to be delegated to the control of the Joint Committee shall be carried out by a Lead Authority, being the authority charged by East Ayrshire Council, North Ayrshire Council and South Ayrshire Council (or at least two of them) to undertake the provision of defined services.

The specific services and functions to be delegated to the Joint Committee (each referred to as a 'Shared Service') are set out in Section 5 of this Scheme.

## Functions Delegated to the Ayrshire Shared Services Joint Committee

The following are the specific functions that have been delegated to the Ayrshire Shared Services Joint Committee to be carried out by South Ayrshire Council as lead authority:

### ***Ayrshire and Arran Tourism Team***

AAT01 To manage and oversee the delivery of tourism activities that are agreed by the three Ayrshire Councils (East, North and South) to be shared from time to time.

### ***Ayrshire Civil Contingencies Team***

ACCT01 To manage and oversee the planning, and discharge, by the three Ayrshire Councils (East, North and South) of their duties as local authorities in relation to civil emergencies.

The following are the specific functions that have been delegated to the Ayrshire Shared Services Joint Committee to be carried out by East Ayrshire Council as lead authority:

### ***Ayrshire Roads Alliance***

ARA01 to carry out the functions of the Council (including maintaining registers, inspecting and enforcing) in terms of the Reservoirs Act 1975;

ARA02 to carry out the functions of the Council (including reporting and inspecting) in terms of the Flood Prevention (Scotland) Act 1961, the Flood Protection and Drainage (Scotland) Act 1997 and the Flood Risk Management (Scotland) Act 2009;

ARA03 to carry out all the following functions of the Council in terms of the Roads (Scotland) Act 1984 (as amended from time to time):

ARA03.01 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;

ARA03.02 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);

ARA03.03 under Section 16 (1) (b) in relation to the consideration and determination of applications for the adoption of private roads as public;

ARA03.04 under Section 18 in relation to the adoption of footpaths associated with development;

ARA03.05 under Section 21 in relation to applications for construction consent for new roads built by a person other than the roads authority;

- ARA03.06 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;
- ARA03.07 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;
- ARA03.08 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;
- ARA03.09 under Sections 36 and 37 in relation to the construction of road humps;
- ARA03.10 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;
- ARA03.11 under Section 56 in relation to the authorisation of works and excavations in or under a public road;
- ARA03.12 under Section 57 in relation to the prevention of termination of dangerous works or excavations in or under a public road;
- ARA03.13 under Section 58 in relation to the granting of permission for the deposit of building materials on roads;
- ARA03.14 under Section 59 in relation to the control of obstructions in roads;
- ARA03.15 under Section 60 in relation to the marking lighting and fencing of obstructions or roadworks and for shoring buildings requiring protection in similar circumstances;
- ARA03.16 under Section 61 in relation to granting permission to place and thereafter maintain apparatus in or under a public road;
- ARA03.17 under Section 62 in relation to the temporary prohibition or restriction of traffic on roads for reasons of public safety or convenience;
- ARA03.18 under Section 63 in relation to the imposition of the requirement to construct new accesses across road verges or footways where appropriate;
- ARA03.19 under Section 64 (2) in relation to the issue of consent to statutory undertakers for work on footways, footpaths or cycle tracks in connection with their apparatus in terms of Section 64 (1) (b);



- ARA03.20 under Section 66 in relation to enforcing maintenance of vaults, arches, cellars, tunnels and related structures within the vicinity of a road;
- ARA03.21 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;
- ARA03.22 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;
- ARA03.23 under Section 79 to negotiate terms and enter into agreements with bridge owners in relation to future maintenance obligations;
- ARA03.24 under Section 83 in relation to the prevention of obstructions of the view of road users at or near corners, bends and junctions;
- ARA03.25 under Section 85 in relation to granting permission for the location of builders' skips on roads;
- ARA03.26 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;
- ARA03.27 under Section 87 in relation to the removal from roads of unauthorised structures and the consequent reinstatement of the site;
- ARA03.28 under Section 88 in relation to the removal of projections interfering with safe or convenient passage along a road;
- ARA03.29 under Section 89 in relation to the removal of accidental obstructions from roads;
- ARA03.30 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;
- ARA03.31 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;
- ARA03.32 under Section 92 in relation to granting consent for planting trees or shrubs within five metres of the edge of the made up carriageway;
- ARA03.33 under Section 93 in relation to the protection of road users from dangers near a road;
- ARA03.34 under Section 94 in relation to the infill of dangerous ditches adjacent to or lying near a road;
- ARA03.35 under Section 97 in relation to the issue of consent for trading;

- ARA03.36 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);
- ARA03.37 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);
- ARA03.38 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 Roads (Scotland) Act 1984;
- ARA03.39 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;
- ARA03.40 to exercise the functions of the Council under Section 152 (2) to re-determine the means of exercise of a public right of passage over a road; and
- ARA03.41 to act as the Proper Officer to issue a certificate as provided in Section 96 (1);
- ARA04 to carry out the following functions of the Council in terms of the Road Traffic Regulations Act 1984:
  - ARA04.01 under Section 14 in relation to the temporary prohibition or restriction of traffic on roads;
  - ARA04.02 under Section 23 in relation to pedestrian crossings on roads other than trunk roads;
  - ARA04.03 under Section 65 in relation to the placing of traffic signs;
  - ARA04.04 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;
  - ARA04.05 under Section 69 in relation to the removal of signs; and
  - ARA04.06 under Section 71 (1) in relation to the power to enter land in connection with the placing, replacing, converting and removal of traffic signs;
- ARA05 to arrange for the advertisement of any proposal for the making, revocation, or variation of Orders and Schemes under:
  - ARA05.01 The Road Traffic Regulation Act 1984; and
  - ARA05.02 Sections 68, 69, 70 and 71 of the Roads (Scotland) Act 1984;
- ARA06 to grant Wayleaves in respect of public utilities;

- ARA07 to carry out the functions of the Road Safety Officer;
- ARA08 to deal with all requests for information in connection with grant applications made under Section 8 of the Railways Act 1974 (Grants to assist the provision of facilities for freight haulage by rail);
- ARA09 to carry out the functions of the Council under the Public Utilities Street Works Act 1950 and the New Roads and Street Works Act 1991 in relation to roads for which the Council is responsible;
- ARA10 to make grants to householders for the purpose of making good fabric and decoration (excluding curtains) in houses affected by work carried out by the Council under the Noise Insulation (Scotland) Regulations 1975 at the rates and on conditions which may be prescribed from time to time by the Council;
- ARA11 to exercise the functions of the Council under Section 12 of the Roads (Scotland) Act 1984 in relation to the stopping up or diversion of highways crossing or entering routes of proposed new highways;
- ARA12 to agree terms for Bridge Agreements with the British Railways Board and terms of discharge of the Council's liability for annual maintenance and renewal charges in that connection;
- ARA13 to consider and, where acceptable in road safety terms, approve locations for advertisements on road safety barriers and similar structures;
- ARA14 to make arrangements for the management of piers, harbours, car parks, etc, including, granting the use or part thereof to other persons or bodies and to carry out the functions of the Council as Harbour Authority under the Harbours Act 1964;
- ARA15 to carry out the following functions of the Council in terms of the Coast Protection Act 1949:
- ARA15.01 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;
- ARA15.02 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 authorities;
- ARA15.03 under Section 8, to arrange for the publishing of notices relating to works schemes and the serving of like Notices on affected harbour authorities;
- ARA15.04 under Section 12 to serve notice on owners of land where protection works are required; and
- ARA15.05 under Section 25 in relation to the authorisation of persons taking entry to land for the purposes specified therein;

- ARA16 to carry out road and footpath lighting works on new housing and industrial developments;
- ARA17 to carry out the functions of the Council under the Transport (Scotland) Act 2005, including enforcement and imposition of penalties as prescribed in the Act and the relevant Code of Practice; and
- ARA18 to authorise the erection and removal of bus shelters.

## Functions Delegated to the South Ayrshire Integration Joint Board

1. The following are the specific functions that have been delegated to the South Ayrshire Integration Joint Board (the 'SAIJB') with effect from the date specified in the strategic plan to be approved by the SAIJB insofar as these functions relate to the services set out at paragraph 2 below under the heading 'Services provided by South Ayrshire Council which are to be integrated' and at paragraph 3 below under the heading 'Services to be carried out by the EAIJB as lead IJB':

<b>Column A</b> <b>Enactment Conferring Function</b>	<b>Column B</b> <b>Limitation</b>
<p><b>National Assistance Act 1948</b></p> <p><i>Section 45</i> (The recovery of expenditure incurred under Part III of that Act where a person has fraudulently or otherwise misrepresented or failed to disclose a material fact.)</p> <p><i>Section 48</i> (The protection of property of a person admitted to hospital or accommodation provided under Part III of that Act.)</p>	
<p><b>Matrimonial Proceedings (Children) Act 1958</b></p> <p><i>Section 11</i> (Reports as to arrangements for future care and upbringing of children.)</p>	
<p><b>The Disabled Persons (Employment) Act 1958</b></p> <p><i>Section 3</i> (The making of arrangements for the provision of facilities for the purposes set out in section 15(1) of the Disabled Persons (Employment) Act 1944.)</p>	
<p><b>The Social Work (Scotland) Act 1968</b></p> <p><i>Section 1</i> (The enforcement and execution of the provisions of the Social Work (Scotland) Act 1968.)</p> <p><i>Section 4</i> (The making of arrangements with voluntary organisations or other persons for assistance with the performance of certain functions.)</p> <p><i>Section 5</i> (Local authorities to perform their functions under the Act under the guidance of the Secretary of State.)</p> <p><i>Section 6B</i> (Local authority inquiries into matters affecting children.)</p>	<p>So far as it is exercisable in relation to another integration function.</p> <p>So far as it is exercisable in relation to another integration function.</p>

<b>Column A</b> <b>Enactment Conferring Function</b>	<b>Column B</b> <b>Limitation</b>
<p><i>Section 8</i> (The conducting of, or assisting with research in connection with functions in relation to social welfare and the provision of financial assistance in connection with such research.)</p> <p><i>Section 10</i> (The making of contributions by way of grant or loan to voluntary organisations whose sole or primary object is to promote social welfare and making available for use by a voluntary organisation premises, furniture, equipment, vehicles and the services of staff.)</p> <p><i>Section 12</i> (The promotion of social welfare and the provision of advice and assistance.)</p> <p><i>Section 12A</i> (The assessment of needs for community care services, the making of decisions as to the provision of such services and the provision of emergency community care services.)</p> <p><i>Section 12AZA</i> (The taking of steps to identify persons who are able to assist a supported person with assessments under section 12A and to involve such persons in such assessments.)</p> <p><i>Section 12AA</i> (The compliance with a request for an assessment of a carer's ability to provide or to continue to provide care.)</p> <p><i>Section 12AB</i> (The notification of carers as to their entitlement to make a request for an assessment under section 12AA.)</p> <p><i>Section 13</i> (The assistance of persons in need with the disposal of their work.)</p> <p><i>Section 13ZA</i> (The taking of steps to help an incapable adult to benefit from community care services.)</p> <p><i>Section 13A</i> (The provision, or making arrangements for the provision, of residential accommodation with nursing.)</p> <p><i>Section 13B</i> (The making of arrangements for the care or aftercare of persons suffering from illness.)</p>	<p>So far as it is exercisable in relation to another integration function.</p> <p>So far as it is exercisable in relation to another integration function.</p> <p>Except in so far as it is exercisable in relation to the provision of housing support services.</p> <p>Except in so far as it is exercisable in relation to another integration function.</p> <p>So far as it is exercisable in relation to another integration function.</p> <p>So far as it is exercisable in relation to another integration function.</p>

<b>Column A</b> <b>Enactment Conferring Function</b>	<b>Column B</b> <b>Limitation</b>
<p><i>Section 14</i> (The provision or arranging the provision of domiciliary services and laundry services.)</p>	
<p><i>Section 27</i> (Supervision and care of persons put on probation or released from prisons, etc)</p> <p><i>Section 27ZA</i> (Grants in respect of community service facilities.)</p> <p><i>Section 28</i> (The burial or cremation of deceased persons who were in the care of the local authority immediately before their death and the recovery of the costs of such burial or cremation.)</p> <p><i>Section 29</i> (The making of payments to parents or relatives of, or persons connected with, persons in the care of the local authority or receiving assistance from the local authority, in connection with expenses incurred in visiting the person or attending the funeral of the person.)</p> <p><i>Section 59</i> (The provision of residential and other establishments.)</p> <p><i>Section 78A</i> (Recovery of contributions.)</p> <p><i>Section 80</i> (Enforcement of duty to make contributions.)</p> <p><i>Section 81</i> (Provisions as to decrees for ailment.)</p> <p><i>Section 83</i> (Variation of trusts.)</p> <p><i>Section 86</i> (The recovery of expenditure incurred in the provisions of accommodation, services, facilities or payments for persons ordinarily resident in the area of another local authority from the other local authority.)</p>	<p>So far as it is exercisable in relation to persons cared for or assisted under another integration function.</p> <p>So far as it is exercisable in relation to another integration function.</p>
<p><b>The Children Act 1975</b></p> <p><i>Section 34</i> (Access and maintenance.)</p> <p><i>Section 39</i> (Reports by local authorities and probation officers.)</p> <p><i>Section 40</i> (Notice of application to be given to local authority.)</p> <p><i>Section 50</i> (Payments towards maintenance of children.)</p>	

<b>Column A</b> <b>Enactment Conferring Function</b>	<b>Column B</b> <b>Limitation</b>
<p><b>The Local Government and Planning (Scotland) Act 1982</b></p> <p><i>Section 24(1)</i>  (The provision, or making arrangements for the provision, of gardening assistance and the recovery of charges for such assistance.)</p>	
<p><b>Health and Social Services and Social Security Adjudications Act 1983</b></p> <p><i>Section 21</i>  (The recovery of amounts in respect of accommodation provided under the Social Work (Scotland) Act 1968 or Section 25 of the Mental Health (Care and Treatment)(Scotland) Act 2003.)</p> <p><i>Section 22</i>  (The creation of a charge over land in England or Wales where a person having a beneficial interest in such land has failed to pay a sum due to be paid in respect of accommodation provided under the Social Work (Scotland) Act 1968 or Section 25 of the Mental Health (Care and Treatment)(Scotland) Act 2003.)</p> <p><i>Section 23</i>  (The creation of a charging order over an interest in land in Scotland where a person having such an interest has failed to pay a sum due to be paid in respect of accommodation provided under the Social Work (Scotland) Act 1968 or Section 25 of the Mental Health (Care and Treatment)(Scotland) Act 2003.)</p>	
<p><b>Foster Children (Scotland) Act 1984</b></p> <p><i>Section 3</i>  (Duty of local authority to ensure wellbeing of and to visit foster children.)</p> <p><i>Section 5</i>  (Notification to local authority by persons maintaining or proposing to maintain foster children.)</p> <p><i>Section 6</i>  (Notification to local authority by persons ceasing to maintain foster children.)</p> <p><i>Section 8</i>  (Power of local authorities to inspect foster premises.)</p> <p><i>Section 9</i>  (Power of local authorities to impose requirements as to the keeping of foster children.)</p> <p><i>Section 10</i>  (Power of local authorities to prohibit the keeping of foster children.)</p>	



<b>Column A</b> <b>Enactment Conferring Function</b>	<b>Column B</b> <b>Limitation</b>
<p><b>Disabled Persons (Services, Consultation and Representation) Act 1986</b></p> <p><i>Section 2</i> (The making of arrangements in relation to an authorised representative of a disabled person and the provision of information in respect of an authorised representative.)</p> <p><i>Section 3</i> (The provision of an opportunity for a disabled person or an authorised representative of a disabled person to make representations as to the needs of that person on any occasion where it falls to a local authority to assess the needs of the disabled person for the provision of statutory services by the authority, the provision of a statement specifying the needs of the person and any services which the authority proposes to provide, and related duties.)</p> <p><i>Section 7</i> (The making of arrangements for the assessments of the needs of a person who is discharged from hospital.)</p> <p><i>Section 8</i> (Having regard, in deciding whether a disabled person's needs call for the provision of services, to the ability of a person providing unpaid care to the disabled person to continue to provide such care.)</p>	<p>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.</p> <p>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 the Act) which are integration functions.</p>
<p><b>The Children (Scotland) Act 1995</b></p> <p><i>Section 17</i> (Duty of local authority to children looked after by them.)</p> <p><i>Sections 19-27</i> (Provision of relevant services by local authority for or in respect of children in their area.)</p> <p><i>Sections 29-32</i> (Advice and assistance for young persons formerly looked after by local authorities; duty of local authority to review case of a looked after child; removal by local authority of a child from a residential establishment.)</p> <p><i>Section 36</i> (Welfare of certain children in hospitals and nursing homes, etc)</p> <p><i>Section 38</i> (Short term refuges for children at risk of harm.)</p> <p><i>Section 76</i> (Exclusion orders.)</p>	

<b>Column A</b> <b>Enactment Conferring Function</b>	<b>Column B</b> <b>Limitation</b>
<p><b>Criminal Procedure (Scotland) Act 1995</b></p> <p><i>Section 51</i> (Remand and committal of children and young persons.)</p> <p><i>Section 203</i> (Where a person specified in section 27(1)(b)(i) to (vi) of the Social Work (Scotland) Act 1968 commits an offence the court shall not dispose of the case without first obtaining a report from the local authority in whose area the person resides.)</p> <p><i>Section 234B</i> (Drug treatment and testing order.)</p> <p><i>Section 245A</i> (Restriction of liberty orders.)</p>	
<p><b>The Adults with Incapacity (Scotland) Act 2000</b></p> <p><i>Section 10</i> (The general functions of a local authority under the Adults with Incapacity (Scotland) Act 2000.)</p> <p><i>Section 12</i> (The taking of steps in consequence of an investigation carried out under section 10(1)(c) or (d).)</p> <p><i>Sections 37, 39-45</i> (The management of the affairs, including the finances, of a resident of an establishment managed by a local authority.)</p>	<p>Only in relation to residents of establishments which are managed under integration functions.</p>
<p><b>The Housing (Scotland) Act 2001</b></p> <p><i>Section 92</i> (Assistance for housing purposes.)</p>	<p>Only in so far as it relates to an aid or adaptation.</p>
<p><b>The Community Care and Health (Scotland) Act 2002</b></p> <p><i>Section 4</i> (The functions conferred by Regulation 2 of the Community Care (Additional Payments) (Scotland) Regulations 2002 in relation to the provision, or securing the provision, of relevant accommodation.)</p> <p><i>Section 5</i> (The making of arrangements for the provision of residential accommodation outside Scotland.)</p> <p><i>Section 6</i> (Entering into deferred payment agreements for the costs of residential accommodation.)</p> <p><i>Section 14</i> (The making of payments to an NHS body in connection with the performance of the functions of that body.)</p>	

<b>Column A</b> <b>Enactment Conferring Function</b>	<b>Column B</b> <b>Limitation</b>
<p><b>The Mental Health (Care and Treatment) (Scotland) Act 2003</b></p> <p><i>Section 17</i> (The provision of facilities to enable the carrying out of the functions of the Mental Welfare Commission.)</p> <p><i>Section 25</i> (The provision of care and support services for persons who have or have had a mental disorder.)</p> <p><i>Section 26</i> (The provision of services designed to promote well-being and social development for persons who have or have had a mental disorder.)</p> <p><i>Section 27</i> (The provision of assistance with travel for persons who have or have had a mental disorder.)</p> <p><i>Section 33</i> (The duty to inquire into a person's case in the circumstances specified in 33(2).)</p> <p><i>Section 34</i> (The making of requests for co-operation with inquiries being made under section 33(1) of that Act.)</p> <p><i>Section 228</i> (The provision of information in response to requests for assessment of the needs of a person under section 12A(1)(a) of the Social Work(Scotland) Act 1968.)</p> <p><i>Section 259</i> (The securing of independent advocacy services for persons who have a mental disorder.)</p>	<p>Except in so far as it is exercisable in relation to the provision of housing support services.</p> <p>Except in so far as it is exercisable in relation to the provision of housing support services.</p> <p>Except in so far as it is exercisable in relation to the provision of housing support services.</p>
<p><b>Management of Offenders, Etc (Scotland) Act 2005</b></p> <p><i>Sections 10-11</i> (Assessing and managing risks posed by certain offenders.)</p>	
<p><b>The Housing (Scotland) Act 2006</b></p> <p><i>Section 71(1)(b)</i> (Assistance for housing purposes.)</p>	<p>Only in so far as it relates to an aid or adaptation as defined at s1(2) of the Public Bodies (Joint Working) (Prescribed Local Authority Functions etc) (Scotland) Regulations 2014.</p>
<p><b>Adoption and Children (Scotland) Act 2007</b></p> <p><i>Section 1</i> (Duty of local authority to provide adoption service.)</p>	

<b>Column A</b> <b>Enactment Conferring Function</b>	<b>Column B</b> <b>Limitation</b>
<p><i>Sections 4-6</i>  (Local authority to prepare and publish a plan for the provision of adoption service; local authority to have regard to Scottish Ministers' Guidance and; assistance in carrying out functions under sections 1 and 4.)</p>	
<p><i>Sections 9-12</i>  (Adoption support services.)</p> <p><i>Section 19</i>  (Local authority's duties following notice under section 18.)</p> <p><i>Section 26</i>  (Procedure where an adoption is not proceeding.)</p> <p><i>Section 45</i>  (Adoption support plans.)</p> <p><i>Section 47-49</i>  (Family member's right to require review of an adoption support plan; cases where local authority under a duty to review adoption support plan and; reassessment of needs for adoption support services.)</p> <p><i>Section 51</i>  (Local authority to have a regard to guidance issued by Scottish ministers when preparing or reviewing adoption support plans.)</p> <p><i>Section 71</i>  (Adoption allowances schemes.)</p> <p><i>Section 80</i>  (Application to court by local authority for the making of a permanence order.)</p> <p><i>Section 90</i>  (Precedence of court orders and supervisions requirement over permanence order.)</p> <p><i>Section 99</i>  (Duty of local authority to apply for variation or revocation of a permanence order.)</p> <p><i>Section 101</i>  (Notification requirements upon local authority.)</p> <p><i>Section 105</i>  (Notification requirements upon local authority where permanence order is proposed – relates to child's father.)</p>	
<p><b>The Adult Support and Protection (Scotland) Act 2007</b></p> <p><i>Section 4</i>  (The making of enquiries about a person's wellbeing, property or financial affairs.)</p>	

<b>Column A</b> <b>Enactment Conferring Function</b>	<b>Column B</b> <b>Limitation</b>
<p><i>Section 5</i> (The co-operation with other Councils, public bodies and office holders in relation to inquiries made under section 4.)</p> <p><i>Section 6</i> (The duty to have regard to the importance of providing advocacy services.)</p>	
<p><i>Section 7-10</i> (Investigations by local authority pursuant to duty under section 4.)</p> <p><i>Section 11</i> (The making of an application for an assessment order.)</p> <p><i>Section 14</i> (The making of an application for a removal order.)</p> <p><i>Section 16</i> Council officer entitled to enter any place in order to move an adult at risk from that place in pursuance of a removal order.</p> <p><i>Section 18</i> (The taking of steps to prevent loss or damage to property of a person moved in pursuance of a removal order.)</p> <p><i>Section 22</i> (The making of an application for a banning order.)</p> <p><i>Section 40</i> (The making of an application to the justice of the peace instead of the sheriff in urgent cases.)</p> <p><i>Section 42</i> (The establishment of an Adult Protection Committee.)</p> <p><i>Section 43</i> (The appointment of the convener and members of the Adult Protection Committee.)</p>	
<p><b>Children’s Hearings (Scotland) Act 2011</b></p> <p><i>Section 35</i> (Child assessment orders.)</p> <p><i>Section 37</i> (Child protection orders.)</p> <p><i>Section 42</i> (Application for parental responsibilities and rights directions.)</p> <p><i>Section 44</i> (Obligations of local authority where, by virtue of a child protection order, child is moved to a place of safety by a local authority.)</p>	

<b>Column A</b> <b>Enactment Conferring Function</b>	<b>Column B</b> <b>Limitation</b>
<p><i>Section 48</i> (Application for variation or termination of a child protection order.)</p> <p><i>Section 49</i> (Notice of an application for variation or termination of a child protection order.)</p> <p><i>Section 60</i> (Duty of local authority to provide information to Principal Reporter.)</p>	
<p><i>Section 131</i> (Duty of implementation authority to require review of a compulsory supervision order.)</p> <p><i>Section 144</i> (Implementation of a compulsory supervision order: general duties of implementation authority.)</p> <p><i>Section 145</i> (Duty of implementation authority where child required to reside in a certain place.)</p> <p><i>Section 153</i> (Secure accommodation.)</p> <p><i>Sections 166-167</i> (Requirement imposed on a local authority: review and appeal.)</p> <p><i>Section 180</i> (Sharing of information with panel members by local authority.)</p> <p><i>Section 183-184</i> (Mutual assistance.)</p>	
<p><b>Social Care (Self-Directed Support) (Scotland) Act 2013</b></p> <p><i>Section 3</i> (The consideration of an assessment of an adults ability to provide or continue to provide care for another person and the making of a decision as to whether an adult has needs in relation to care that the adult provides for another person, the decision as to whether support should be provided to that adult in relation to those needs, and the provision of that support.)</p> <p><i>Section 5</i> (The giving of the opportunity to choose a self-directed support option.)</p> <p><i>Section 6</i> (The taking of steps to enable a person to make a choice of self-directed support option.)</p>	<p>Only in relation to assessments carried out under integration functions.</p>

<b>Column A</b> <b>Enactment Conferring Function</b>	<b>Column B</b> <b>Limitation</b>
<p><i>Section 7</i> (The giving of the opportunity to choose a self-directed support option.)</p> <p><i>Section 8</i> Choice of options: children and family members.</p> <p><i>Section 9</i> (The provision of information.)</p> <p><i>Section 10</i> Provision of information: children under 16</p> <p><i>Section 11</i> (Giving effect to the choice of self-directed support option.)</p>	
<p><i>Section 12</i> (Review of the question of whether a person is ineligible to receive direct payments.)</p> <p><i>Section 13</i> (Offering another opportunity to choose a self-directed support option.)</p> <p><i>Section 16</i> (The recovery of sums where a direct payment has been made to a person and the circumstances set out in section 16(1)(b) apply.)</p> <p><i>Section 19</i> (Promotion of the options for self-directed support.)</p>	<p>Only in relation to a choice under section 5 or 7 of the Social Care (Self-directed Support) (Scotland) Act 2013.</p>
<p><b>Carers (Scotland) Act 2016</b></p> <p><i>Section 6</i> (Duty to prepare adult carer support plan.)</p> <p><i>Section 12</i> (Duty to prepare young carer statement.)</p> <p><i>Section 21</i> (Duty to set local eligibility criteria for carer support.)</p> <p><i>Section 24</i> (Duty to provide support.)</p> <p><i>Section 25</i> (Provision of support to carers: breaks from caring.)</p> <p><i>Section 31</i> (Duty to prepare local carer strategy.)</p> <p><i>Section 34</i> (Information and advice service for carers.)</p> <p><i>Section 35</i> (Short breaks services statements.)</p>	

## **2. Services undertaken by South Ayrshire Council within the Health and Social Care Partnership**

- Social work services for adults and older people;
- Services and support for adults with physical disabilities and/ or learning disabilities;
- Mental health services;
- Drug and alcohol services;
- Adult protection and domestic abuse;
- Carers support services;
- Community care assessment teams;
- Administration support services within social work;
- Care home services;
- Adult placement services;
- Health improvement services;
- Housing support services, aids and adaptations;
- Day services;
- Local area co-ordination;
- Respite provision;
- Occupational therapy services;
- Re-ablement services, equipment and telecare;
- Criminal justice social work services; and
- Children and families social work services.

## **3. Services to be carried out by the EAIJB as lead IJB**

The following are the specific services to be carried out by the EAIJB as lead IJB from the date specified in the strategic plan to be approved by the EAIJB:

- out of hours social work services.



## **Powers Delegated to Officers**

Under exception of the delegated powers which arise from certain statutory appointments (see Section 7), all powers delegated to officers of the Council are delegated to one or more of the following officers:

- the Chief Executive;
- the Director of Education;
- ~~the Director – Place;~~
- **the Director of Housing, Operations and Development;**
- **the Director of Strategic Change and Communities;**
- the Director of Health and Social Care;
- the Head of Finance ~~and~~, **ICT and Procurement;** and
- the Head of Legal, ~~HR~~ and Regulatory Services.

There are four main statutory officers that the Council is required by law to appoint. These are:

- Head of Paid Service;
- Monitoring Officer;
- Chief Financial Officer; and
- Chief Social Work Officer.

These statutory officers have an important, independent, role in promoting and enforcing good governance and compliance with legislation.

Powers, which have been delegated to officers are a mix of general delegations and specific delegations but when exercising any delegated power, officers must do so in full compliance with a number of requirements that have been laid down by the Council. On the pages that follow are details of:

- (a) The rules governing the exercise of powers delegated to officers;
- (b) General delegations (those which are available to all of the officers specified); and
- (c) Specific delegations (those which are available to individual officers).

**(a) 'Rules' Governing the Exercise of Powers by Officers**

1. Before exercising any authority officers must satisfy themselves that:
  - 1.1 they have the necessary delegated powers as specified in this Scheme in relation to each officer; and
  - 1.2 that any power expressed in this Scheme has not been modified by a more recent decision by the Council.
2. Officers must use the authority delegated to them:
  - 2.1 in the interests of South Ayrshire Council and in accordance with the provisions of this Scheme, Financial Regulations and Standing Orders relating to Contracts;
  - 2.2 in accordance with the policies of the Council and its Panels and with any procedural guidelines which the Council and its Panels may make to regulate the exercise of delegated powers; and
  - 2.3 in accordance with legislation.
3. Delegated powers should not be exercised by officers where any decision would represent a departure from Council policy or procedure or would be contrary to a standing decision of Council or any of its committees etc, or would itself represent a significant development from policy or procedure. The only exception to this is in the case of urgency where the officer may, after consultation with the Chief Executive (or, in the absence of the Chief Executive, the nominated Depute), Leader (or, in the absence of the Leader, the Depute Leader) and relevant Portfolio Holder or Chair of the appropriate committee, exercise delegated powers. Should such powers be exercised in urgent circumstances, a report will be submitted to the next appropriate Committee for noting.

In exercising the authority delegated to them, officers must consult:

- the Section 95 Officer, ~~and/or~~ the Monitoring Officer **and/ or the Chief HR Adviser**, as appropriate, in respect of matters where legal, financial, employment or other advice or guidance is necessary; and
- in respect of matters which are sensitive or likely to be controversial, the relevant Portfolio Holder(s), and the Chief Executive;

and the Chief Executive shall be the final arbiter of whether a matter is sensitive or likely to be controversial. Matters which are determined to be sensitive or controversial shall be referred to the Council for decision.

4. Where an applicant for a service provided by the Council (except one which is available to the general public for a set fee) is a Member of the Council or an employee, the officer within whose delegated authority it is to determine the application will, before exercising that authority, give consideration to the need to consult with the Chief Executive who may require the officer to refer the application to the appropriate Panel, as appropriate, for determination.
5. Where an applicant for employment with the Council is related to a Member of the Council, or to an employee, the officer within whose delegated authority it is to make

the appointment to the post in question will, before exercising that authority, consult with the Head of Legal, ~~HR~~ and Regulatory Services who may require the officer to refer the appointment to the Chief Executive for decision.

6. Officers must publish, at such frequency and in such form as may be prescribed from time to time by the Cabinet details of decisions taken and actions authorised by them (or others authorised by them) in exercise of delegated powers.
7. Officers must record, notify the Monitoring Officer, and publish if required, details of arrangements made by them for the exercise on their behalf of delegated powers granted to them.

## (b) General Delegations to Officers

The following is a list of the powers, which have been delegated to each of the following officers:

- the Chief Executive;
- the Director of Education;
- ~~the Director – Place;~~
- **the Director of Housing, Operations and Development;**
- **the Director of Strategic Change and Communities;**
- the Director of Health and Social Care;
- the Head of Finance ~~and~~, **ICT and Procurement**; and
- the Head of Legal, ~~HR and~~ Regulatory Services.

For the avoidance of doubt, it should be understood (unless it is otherwise stated, or unless the words make it clear that a wider application is intended) that the powers available to the Chief Executive and to individual Directors and Heads of Service are only in relation to the services for which they are responsible.

It should also be understood that expressions such as ‘to serve’, ‘to issue’, etc, include the delegated power to sign, on behalf of the Council, the documents concerned and to take all other steps necessary to ensure that these documents are appropriately delivered.

Nothing in this section or any other part of the Scheme empowers officers to alter national or local conditions of employment.

Where a specific delegation is made in terms of powers under a specific legislative provision, that delegation shall be deemed to include powers under any subsequent amendment to or replacement of that legislation.

Where a specific delegation exists in favour of a specified officer(s) the same power shall not be deemed to be a general delegation for any other officer.

The general delegations, which for ease of identification have the reference letter G. are as follows:

### General Delegations

All powers necessary for the general management of the services for which they are responsible, including, but not limited to:

- G01 to expend the approved budget appropriate to the post;
- G02 to manage within the policies agreed by the Council;
- G03 to take measures, including incurring expenditure, as may be required in emergency or other unanticipated situations subject to consulting with the Chief Executive and the Head of Finance ~~and~~, **ICT and Procurement** (where expenditure is required) and consult the appropriate Portfolio Holder and advise local Members where possible and reporting to the appropriate Panel as soon

- as possible thereafter, on any items for which Panel approval would normally be necessary;
- G04 to absent himself or herself or permit any member of his or her staff to absent himself or herself occasionally and temporarily during business hours to attend to duties or services of a civic, honorary, charitable or social nature provided that these do not interfere with the efficient discharge of his/ her duties to the Council;
- G05 to sign and to issue:
- G05.01 the necessary authorisation to officers of the Council to exercise statutory powers (including, where possible, the right to enter land and premises in connection with the discharge of their duties); and
- G05.02 identity cards;
- G06 to make appointments within his or her service, to all posts below Head of Service/ Assistant Director level so long as such posts are within the approved establishment of the Directorate/ service (as the case may be);
- G07 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 an amount of £2,000 per claim for any one incident; and to pay claims in excess of £2,000 after consultation with the ~~Head of Legal, HR and Regulatory Services~~**Chief HR Adviser**;
- G08 to approve the provision of reasonable hospitality within the area, to representatives of other authorities, organisations, officers of the Council or others and also within the UK to make visits and to authorise officers within his or her Directorate to make visits as representatives of the Council, subject always to details of the expenses incurred in terms of this delegation being made available where requested by the Chief Executive;
- G09 to approve attendance at conferences within the UK of officers, in cases where he or she considers it to be in the interests of the Council;
- G10 to appoint consultants and other specialists on such terms and conditions as he or she considers to be appropriate, subject always to the requirements of the Standing Orders relating to Contracts;
- G11 to grant the use of Council accommodation to outside bodies if within the terms of any approved scheme;
- G12 to hire Council equipment within any approved scheme;
- G13 to purchase goods, supplies and services, and to undertake works in accordance with the Financial Regulations and Standing Orders relating to Contracts of the Council, and to sign contracts relating to these (save where statute requires execution by the Proper Officer);
- G14 to promote, market and present events;

- G15 to apply regulations relative to the use of Council facilities to ensure safety for staff and members of the public, including the authority to close or restrict the use of facilities as required;
- G16 to vary charges, rents and fees where, for operational and/ or promotional purposes, doing so may increase income;
- G17 to nominate officers to act in relation to powers of entry in terms of any relevant enactment;
- G18 to authorise Assistant Directors, managers or appropriately qualified officers to exercise any of the individual delegated powers which relate to a particular discipline or service area;
- G19 to exercise any general delegations contained in the Council's Standing Orders relating to Contracts;
- G20 to apply and enforce all policies and procedures approved by the Council relating to employees and to take decisions in respect of those, to include conducting Grievance and Disciplinary and other proceedings;
- G21A to determine urgent matters, during periods when the Council is in recess, where the matter has been covered by a previous policy decision of Council and in respect of which there is a budget or other financial provision and in accordance with the following: consultations must be undertaken with the relevant Portfolio Holder(s), the Leader of the Council and the Chief Executive and all matters dealt with must be reported to the first meeting of the Cabinet or other relevant Panel following the recess;
- G21B to determine urgent matters during periods when the Council is in recess or during the COVID-19 Pandemic, and where it involves new policy or a change to existing policy, the Chief Executive will consult with the Cabinet remotely and all matters dealt with must be reported to the first meeting of the Council, Cabinet or other relevant Panel following;
- G21C with the agreement of the Cabinet, and if required to enable effective decision making (or otherwise) in relation to the COVID-19 Pandemic, to amend the Standing Orders Relating to Meetings, the Scheme of Delegation, the Standing Orders Relating to Contracts and/ or the Financial Regulations;
- G22 to take such operational management decisions as are necessary for the routine planning, organisation, operation and provision of Council services and facilities, where budgetary provision exists. For the avoidance of doubt, this delegation shall include the appointment of temporary employees where considered necessary, (and subject to six monthly review, existing payroll budgetary provision or costs being fully funded by an external agency), authorisation of secondments, and authorisation of overtime (including to sanction in exceptional or emergency circumstances, the payment of overtime to staff whose salary is above the overtime ceiling (currently Spinal Column Point 75));
- G23 to carry out investigations and research and enter into discussions with a view to proposing new or revised strategies, policies or procedures;

- G24 to respond on behalf of the Council to draft circulars, orders, notices, consultation papers and other such documents from the Scottish Government, UK Government and other bodies, this to be done after consultation with the relevant Portfolio Holder;
- G25 to promote South Ayrshire either directly or in conjunction with others and to support Council activities and events, provided that there is sufficient budget provision;
- G26 to seek sources of external funding and external funding partners to assist in Council activities and projects;
- G27 to terminate on behalf of the Council any contract which the Council is entitled to terminate under the appropriate conditions of contract where, after consultation with the appropriate Head of Service and the Head of Legal, ~~HR~~ and Regulatory Services, he/ she is satisfied that it is in the interests of the Council to do so;
- G28 to respond to and deal with participation requests received in accordance with the provisions of the Community Empowerment (Scotland) Act 2015;
- G29 all other matters in respect of the operation, development and implementation of policy for the service areas assigned to them unless specifically reserved to the Council or other Committees etc or contrary to a specific provision of this Scheme; and
- G30 to exercise the discretionary powers available in implementation of the conditions of service in respect of all employees in the employment of the Council.

**(c) Specific Delegations to Officers**

Particular delegated powers, which have been granted to officers, are as set out below. For ease of identification, these specific delegations have been indexed using the following reference letters:

<b>Officer</b>	<b>Reference Letter</b>	<b>Pages</b>
Chief Executive	CX	
<b>Chief Executive (People HR Delegations)</b>	<b>PEOCXHR</b>	
Director of Education	ED	
<b>Director -- Place</b>	<b>PLA</b>	
<b>Director of Housing, Operations and Development</b>	<b>HOD</b>	
<b>Director of Strategic Change and Communities</b>	<b>SCC</b>	
Head of Finance <del>and</del> , ICT and Procurement	<b>FIPCT</b>	
Head of Legal, <del>HR</del> and Regulatory Services	<b>LHRRS</b>	
Director of Health and Social Care	HSC	



## Chief Executive

- CX01 to act as Head of Paid Service in terms of Section 4 of the Local Government and Housing Act 1989;
- CX02 to give a direction in special circumstances that any officer shall not exercise a delegated function;
- CX03 to give a direction on the applicability of the Scheme of Delegation to an officer in any specific case;
- CX04 where he or she considers that it would be in the interests of the Council to do so, to approve the provision of reasonable hospitality, outwith the area to representatives of other authorities, organisations, officers of the Council or others; and to make visits outwith the UK and to authorise such visits by officers and Members of the Council or others representing the Council;
- CX05 to approve attendance of officers at conferences outwith the UK in cases where he or she considers it to be in the interests of the Council;
- CX06 to consider and, in appropriate circumstances, to approve applications by employees convicted of and fined under the Health and Safety at Work, Etc Act; the Factories Act; the Offices, Shops and Railway Premises Act or associated legislation, or the Roads Traffic Acts for offences committed whilst acting in the course of their employment for payment of the fine imposed;
- CX07 to consider, and in appropriate circumstances, to approve applications from employees for reimbursement, in part or in whole, of reasonable legal expenses incurred in defending actions raised against them personally, providing:
- CX07.01 that they were acting within the course of their employment;
  - CX07.02 in accordance with Council policies and procedures; and
  - CX07.03 in good faith;
- CX08 to arrange as necessary for the affixing of the Common Seal of the Council to any document by the Head of Legal, ~~HR~~ and Regulatory Services as Proper Officer of the Council;
- CX09 to prepare the polling scheme for South Ayrshire and to alter or amend polling places in the event of an approved place becoming unavailable or unviable – for example, through fire or flood or some other circumstance;
- CX10 to appoint, in the absence of both the Chief Executive and the nominated Depute, an Acting Head of Paid Service to cover periods of absence. When the Chief Executive and the nominated Depute are absent, the Acting Head of Paid Service will have all the delegated authority of the Chief Executive;
- CX11 to instruct the actings of the Directors and Heads of Service, subject to restrictions as to professional competencies;
- CX12 to refer matters to the Police, in terms of the Council's Special Investigations Procedure;

- CX13 to delete vacant posts, approve new posts and amend existing posts within a Directorate or service structure where budgetary provision exists, in consultation with the relevant Portfolio Holder(s) and the ~~Head of Legal, HR and Regulatory Services~~**Chief HR Adviser**;
- CX14 to authorise ex gratia payments to employees who die in service and who are not in the pension scheme, of amounts not exceeding £4,000;
- CX15 with the exception of the powers delegated to statutory appointees (section 8) and other Proper Officer designations as provided for elsewhere in this Scheme of Delegation, to exercise every power delegated to Directors and Heads of Service and exercisable by them in relation to the business of the Council and the business of the South Ayrshire Integration Joint Board in so far as it relates to Council budgets and responsibilities;
- CX16 to approve, in conjunction with the ~~Head of Legal, HR and Regulatory Services~~**Chief HR Adviser** and in accordance with the Council's policies and practice, early retirement or voluntary severance;
- CX17 to take decisions under and in terms of the Council's workforce policies and procedures;
- CX18 to approve requests by the Directors and Heads of Service for the secondment of employees to external agencies where the total 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; and
- CX19 to appoint authorising officers, to authorise directed surveillance or the use of a covert intelligence source which involves the likelihood of obtaining 'confidential' information, and to authorise the use of covert human intelligence sources in relation to juveniles or vulnerable adults, all in terms of the Regulation of Investigatory Powers (Scotland) Act 2000 and associated regulations.

## **Chief Executive (HR)**

- CXHR01** to approve, in conjunction with the appropriate Director or Head of Service, funding of and time off to attend (with or without pay) courses of further education;
- CXHR02**
- CXHR02.01** to approve changes in job titles where there is no change in grade;
- CXHR02.02** to review and amend grade and/ or grade placing in appropriate circumstances, in line with job evaluation or re-evaluation and the Council's pay models; and
- CXHR02.03** to approve initial placing within approved salary scales;
- CXHR03** to take decisions under and in terms of the Council's workforce policies and procedures;
- CXHR04** to approve payment of removal expenses, in accordance with approved Council policy;
- CXHR05** to deal with nominations for admitted body status by external agencies to the Strathclyde Pension Scheme and any associated issues;
- CXHR06** in relation to staffing matters, to instruct the immediate implementation of any Circular from any officially recognised body which allows no discretion to the Council;
- CXHR07** to exercise the Council's functions in relation to the Superannuation Fund through the lead authority arrangements and in accordance with the Council's Financial Regulations;
- CXHR08** to keep under review a Scheme of Members' Remuneration in accordance with legislation and relevant regulations/ guidance; and
- CXHR09** to identify vacant posts to be ring-fenced for applications from young people who have completed a Modern Apprenticeship with the Council and to determine that such posts will not be advertised by the service.

## Director of Education

- ED01 to approve attendance by employees on authorised Youth Exchange visits overseas where the employees, as part of their duties, are required to accompany the group undertaking the exchange;
- ED02 to determine the provision of footwear and clothing for pupils at public schools, in terms of Section 54 of the Education (Scotland) Act 1980;
- ED03 to arrange programmes of in-service training for teachers;
- ED04 to receive and determine applications for disbursements of funds in any trusts/ endowments (subject to the terms of the trust/ endowment);
- ED05 to accept and administer any new Trusts or small endowments which may be offered to the Council for schools in their area;
- ED06 to appoint and supervise teaching staff within complements approved by the Council;
- ED07 to make grants to pupils to enable them to attend courses and conferences and to undertake educational visits and excursions at home and abroad within the approved budgets and policies of the Council;
- ED08 to issue licences in terms of the Children (Performances and Activities) (Scotland) Regulations 2014;
- ED09 to approve or refuse applications received from schools for arrangements to be made for visits during school terms in accordance with approved policy;
- ED10 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 school meals in the middle of the day;
- ED11 to permit parent/ teacher associations or such other organisations or persons as he or she considers appropriate to execute minor works of improvement within the curtilage of an educational establishment subject to:
- ED11.01 being satisfied that the works are relevant to the function of and will not prejudice the operation of the educational establishment;
  - ED11.02 being satisfied that the works and practices are acceptable in terms of health and safety and Council standards; and
  - ED11.03 the execution of the works being supervised by the Director – **Placeof Housing, Operations and Development;**
- ED12 to exercise at discretion the powers available to the Council as Education Authority, in terms of Section 23 of the Education (Scotland) Act 1980, with regard to the provision by the Council of Education for pupils belonging to the areas of other Education Authorities and incur outwith area fees and to pay the approved COSLA rate to any other Education Authority which has provided education for pupils normally resident in the area but who are for various reasons, placed in schools outwith the area;

- ED13 to consider and determine all placing requests under Section 28 of the Education (Scotland) Act 1980 and Schedule 2 of the Education (Additional Support for Learning) (Scotland) Regulations 2014 in accordance with the guidelines formulated by the Council and, where appropriate, to make representation to the Education Appeals Committee in respect of any appeals against decisions;
- ED14 to consider and determine all requests for school transport under the Education (Scotland) Act 1980 and in accordance with Council guidelines;
- ED15 to authorise the employment in appropriate circumstances of teachers in receipt of occupational pensions in accordance with Council policies;
- ED16 to exercise, at discretion, the powers available to the Council as Education Authority in relation to the exclusion of pupils from schools;
- ED17 to determine the dates of local school holidays within the area after consultation with the appropriate Parent Councils and appropriate Trade Unions;
- ED18 to carry out the functions of the Council in terms of Section 58 of the Education (Scotland) Act 1980 relating to the cleanliness of pupils at schools;
- ED19 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);
- ED20 to exercise the functions of the education authority in relation to pupil attendance in terms of Sections 36 to 41 of the Education (Scotland) Act 1980; and
- ED21 to implement decisions taken by the Local Negotiating Committee for Teachers provided that spending will be contained within the Directorate's budget.

## **Director of Housing, Operations and Development**

- PLAHOD01** to determine all planning applications lodged in terms of the Town and Country Planning (Scotland) Acts in accordance with the procedures and delegations approved by the Council;
- PLAHOD02** to renew any planning permission granted for limited periods;
- PLAHOD03** to determine all applications for Advertisement in terms of Section 182 of the Town and Country Planning (Scotland) Act 1997;
- PLAHOD04** to determine applications for Non-Material Variations in terms of Section 64 of the Town and Country Planning (Scotland) Act 1997;
- PLAHOD05** to determine applications for Listed Building Consent in terms of Sections 7 and 9 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and serve notices under the said Act, after consultation with the Portfolio Holder;
- PLAHOD06** to serve notices in terms of Section 179 of the Town and Country Planning (Scotland) Act 1997 in relation to land adversely affecting other land;
- PLAHOD07** to determine applications for the temporary siting of residential caravans during building operations;
- PLAHOD08** to determine applications for Conservation Area consent in terms of Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997;
- PLAHOD09** to determine proposals under Section 37 of the Electricity Act 1989;
- PLAHOD10** to determine applications for tree felling or other works to trees within Conservation Areas and Designated Tree Preservation Orders;
- PLAHOD11** to confirm Tree Preservation Orders where no objections have been received and the making of the Order was agreed by the relevant Panel;
- PLAHOD12** to enter land in terms of the Town and Country Planning (Scotland) Act 1997, the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997; the Planning (Hazardous Substances) (Scotland) Act 1997; and the Land Reform (Scotland) Act 2004;
- PLAHOD13** to serve Enforcement Notices, Breach of Condition Notices and Hazardous Substances Contravention Notices in terms of the 1997 Act as amended by the Planning Etc (Scotland) Act 2006;
- PLAHOD14** in cases of emergency and urgency, to make and serve:
- PLAHOD14.01** Provisional Tree Preservation Orders;
  - PLAHOD14.02** Building Preservation Notices;
  - PLAHOD14.03** Stop Notices; and
  - PLAHOD14.04** Interdicts for Planning and related offences;

**PLAHOD15** to respond on behalf of the Council to Historic Environment Scotland regarding the listing or scheduling of buildings of architectural or historic interest;

**PLAHOD16**

**PLAHOD16.01** to respond directly to consultations on development plans, planning applications, environmental assessments and planning guidance from neighbouring authorities at any stage in the process unless the Chief Planning Officer considers that:

- (a) the consultation raises a significant planning issue (which may include transport and other infrastructure matters) for the Council which should be drawn to the attention of the consulting authority;
- (b) the consultation raises a matter which is potentially controversial or likely to be of significant public interest; or
- (c) the Council should formally object to a proposed development plan;

**PLAHOD16.02** to respond directly to planning related consultations from the Scottish Government and Government Agencies unless the Chief Planning Officer considers that:

- (a) the consultation raises a significant planning issue for the Council which should be drawn to the attention of the Scottish Government/ Government Agency; or
- (b) the consultation raises a matter which is potentially controversial or likely to be of significant public interest;

**PLAHOD16.03** to determine whether a qualifying plan, programme or strategy, which is being prepared or modified, requires environmental assessment in accordance with the Environmental Assessment (Scotland) Act 2005 and to undertake environmental assessment where necessary, including preparing an environmental report and carrying out consultations;

**PLAHOD17** to prepare, apply and implement local plans, associated documents and planning policy and to implement planning decisions and instructions of the relevant Panel and Council in relation to planning matters;

**PLAHOD18** to refer to the Procurator Fiscal consideration of instigation of legal proceedings for offences under the Town and Country Planning (Scotland) Act 1997 and the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, and re-planting notices under Section 168 of the Town and Country Planning (Scotland) Act 1997;

**PLAHOD19** to determine applications for Certificates of Lawfulness of existing use or development and Certificates of Lawfulness of proposed use or development, in terms of Sections 150 and 151 of the Town and Country Planning (Scotland) Act 1997;



- PLAHOD20** to respond on behalf of the Council to Scottish Forestry regarding consultations on forestry applications, proposals and strategies, providing that, where the response is to be one of objection, this will only be done after consultation with the Portfolio Holder;
- PLAHOD21** to respond on behalf of the Council to consultations from Scottish Natural Heritage on matters falling within its remit, unless the response is to be one of objection or the consultation raises a significant planning issue or a matter which is potentially controversial or likely to be of significant public interest;
- PLAHOD22** to determine all High Hedge Notice Applications, serve High Hedge Notices, when merited, and take direct action to ensure compliance with the provisions of such Notices, when necessary;
- PLAHOD23** to respond on behalf of the Council to requests for screening and scoping opinions under the Environmental Impact Assessment (Scotland) Regulations 1999, the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 and the Environmental Assessment (Scotland) Act 2005, and to prepare and publish habitats regulations appraisals as required by the Conservation (Natural Habitats etc) Regulations 1994 and the EC Habitats Directive;
- PLAHOD24** to make Orders under Section 11 of the Land Reform (Scotland) Act 2003, exempting land from access rights for a particular purpose, for a period of less than six days;
- PLAHOD25** to determine applications for the adoption of open space in accordance with the policies adopted by the Council;
- PLAHOD26** to appoint suitably experienced representatives of access interest groups as members of the South Ayrshire Local Access Forum, as and when necessary, with the agreement of the Portfolio Holder;
- PLAHOD27** to make and confirm Orders under Sections 207 and 208 of the Town and Country Planning (Scotland) Act 1997 for the stopping up or diversion of roads and paths where necessary to enable development to be implemented in accordance with planning permission granted;
- PLAHOD28** 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 within the remit of the Regulatory Panel, in accordance with approved codes of practice and the statutory provisions relating thereto;
- PLAHOD29** to appoint as Inspectors and authorised officers for the purposes of the administration and enforcement of legislation within the remit of the Regulatory Panel such of his/ her officers as he/ she may deem necessary and appropriate;
- PLAHOD30** to carry out the Council's functions in relation to any other Acts, Regulations or Orders falling within the remit of the Regulatory Panel;
- PLAHOD31** to serve Notices on landowners under Sections 14 and 15 of the Land Reform (Scotland) Act 2003, requiring remedial action in respect of prohibition signs, obstructions, dangerous impediments and risk to injury;



**PLAHOD32** to act in relation to Grants for Improvements, Repair and Conversions in terms of the Housing (Scotland) Acts 1987, 2001 and 2006;

**PLAHOD33** to issue Notices in terms of Section 87 of the Civic Government (Scotland) Act 1982;

**PLAHOD34** to determine applications for Building Warrants in terms of the Building (Scotland) Acts 1959 and 1970;

**PLAHOD35** to determine applications for Relaxation of the Building Standards (Scotland) Regulations 1990 in terms of Section 4 of the Building (Scotland) Acts 1959 and 1970;

**PLAHOD36** to determine applications for temporary and final Completion Certificates in terms of Section 9 of the Building (Scotland) Acts 1959 and 1970;

**PLAHOD37** to determine applications for raised structures in terms of Section 89 of the Civic Government (Scotland) Act 1982;

**PLAHOD38** to serve Execution of Works on Building Notices in terms of Section 87 of the Civic Government (Scotland) Act 1982;

**PLAHOD39** to allocate in consultation with the Local Members, street names and postal addresses in terms of Section 97 of the Civic Government (Scotland) Act 1982;

**PLAHOD40** In terms of the Building (Scotland) Act 2003:

**PLAHOD40.01** to determine applications for Building Warrant, including late applications and continuing requirements;

**PLAHOD40.02** to seek views from the Building Standards Division, Scottish Government ;

**PLAHOD40.03** to grant extensions to the life of Building Warrants and to the periods of use of buildings intended to have a limited life provided such requests are reasonable;

**PLAHOD40.04** to accept or reject Certificates of Completion, including late submissions;

**PLAHOD40.05** to determine applications for temporary occupation or use;

**PLAHOD40.06** to exercise the function of the Council in relation to building operations to secure building sites and demolition sites against entry under the Building Regulations;

**PLAHOD40.07** to evacuate buildings and carry out works in case of immediate danger;

**PLAHOD40.08** to serve Notices on the owners of dangerous buildings;

**PLAHOD40.09** to give authority to enter buildings;

- PLAHOD40.10** to serve enforcement Notices on the owners of buildings to conform to the Building Regulations and continuing requirements;
- PLAHOD40.11** to serve enforcement Notices on the owners of unauthorised buildings; and
- PLAHOD40.12** to serve Defective Buildings Notices on the owners of defective buildings;
- PLAHOD41** to authorise relevant officers to refer matters to the Procurator Fiscal and/ or to initiate proceedings under Building Standards legislation;
- PLAHOD42** to exercise the powers of an authorised person under Section 11 of the Safety of Sports Grounds Act 1975 (power to enter and inspect a sports ground) and to exercise the powers of an authorised person under Section 35 of the Fire Safety and Safety of Places of Sport Act 1987 (power to enter and inspect a regulated grandstand);
- PLAHOD43** to issue Safety Certificates, Prohibition Notices and Special Safety Certificates in terms of the Safety of Sports Grounds Act 1975 and the Fire Safety and Places of Sport Act 1987;
- PLAHOD44** to provide aids, equipment and adaptations for the homes of disabled persons within the Council's Scheme of Assistance as guided by the Housing (Scotland) Act 2006;
- PLAHOD45** to make Compensation Payments under Sections 304 to 310 of the Housing (Scotland) Act 1987;
- PLAHOD46** to instruct House Adaptations from Capital and Repair or Improvements from revenue expenditure up to a value of £10,000;
- PLAHOD47** to act in relation to homeless persons under Sections 24 to 43 of the Housing (Scotland) Act 1987;
- PLAHOD48** in relation to Council Housing stock:
- PLAHOD48.01** to instruct the raising of court action for re-possession and/ or for recovery of arrears, in appropriate cases;
- PLAHOD48.02** to instruct actions with a view to recovery of arrears; and
- PLAHOD48.03** to instruct eviction;
- PLAHOD49** to postpone the ranking of Discount Standard Securities in relation to 'Right-to-Buy' transactions, in association with the Head of Legal and Regulatory Services and in accordance with practices in force from time to time;
- PLAHOD50** to serve notice, enter premises and take any other action on behalf of the Council in terms of the Antisocial Behaviour etc (Scotland) Act 2004 as amended from time to time;
- PLAHOD51** to purchase individual residential properties to be used as Council houses for rent on behalf of Housing Services up to the value of £150,000 and the

acquisition of land either in Council ownership or on the open market of up to £250,000 with agreement from the Portfolio Holder or, in their absence, the Leader or Depute Leader of the Council each subject to available funds, and to instruct Legal Services to execute the transaction(s) arising;

**PLAHOD5652** where appropriate, to enter objections on behalf of the Council to applications for Goods Vehicles Operators' Licences, under Section 63 of the Transport Act 1968;

**PLAHOD5357** to seek and maintain Vehicle Operator Licences and Registrations for the Council fleet;

**PLAHOD5854** to set charges for fleet hire to external agencies and (with the agreement of the Chief Executive) for in-house users;

**PLAHOD5955** to serve Litter Abatement Notice in terms of Section 92 of the Environmental Protection Act 1990;

**PLAHOD6056** to serve a Street Litter Control Notice in terms of section 93 of the Environmental Protection Act 1990;

**PLAHOD6157** to prescribe premises or land to which a Street Litter Control Notice may be issued in terms of Section 94 of the Environmental Protection Act 1990;

**PLAHOD6258** to enter any premises at any reasonable time in terms of Section 91 of the Control of Pollution Act 1974;

**PLAHOD6359** to take such persons and such equipment as is necessary when entering any premises in terms of section 92 of the Control of Pollution Act 1974;

**PLAHOD6460** to obtain information from any person by serving a notice on that person in terms of Section 93 of the Control of Pollution Act 1974;

**PLAHOD6561** to require any person to produce authority for transporting waste in terms of Section 5 of the Control of Pollution (Amendment) Act 1989;

**PLAHOD6662** to enter premises in terms of Section 7 of the Control of Pollution (Amendment) Act 1989;

**PLAHOD6763** to remove abandoned vehicles in terms of section 3 of the Refuse Disposal (Amenity) Act 1978;

**PLAHOD6864** to dispose of abandoned vehicles in such manner as the Director thinks fit in terms of Section 4 of the Refuse Disposal (Amenity) Act 1978;

**PLAHOD6965** to recover expenses for removal of vehicle from person responsible for abandoning vehicle in terms of section 5 of the Refuse Disposal (Amenity) Act 1978;

**PLAHOD7066** to remove and dispose of refuse other than a motor vehicle in terms of Section 6 of the Refuse Disposal (Amenity) Act 1978;

- PLAHOD7167** to enter any land at any reasonable time in terms of Section 8 of the Refuse Disposal (Amenity) Act 1978;
- PLAHOD7468** to make arrangements to advertise for disposal any property declared by the Council or relevant Panel to be surplus to the requirements of the Council, in accordance with the acquisitions and disposals policy;
- PLAHOD7569** to agree terms for the disposal of any land and buildings in accordance with the Council's acquisition and disposal policy provided: (i) the valuation figure is achieved; and (ii) the land and/ or buildings have been declared surplus to the requirements of the Council, and to then proceed to instruct Legal Services to execute the transactions arising without further reference to the Cabinet;
- PLAHOD7670** to agree terms for new leases up to 10 years and extensions and variations to existing leases, subject to the extensions or variations not extending the term of the existing lease by a period in excess of 10 years, provided the land and/ or buildings have been declared surplus to the requirements of the Council;
- PLAHOD7771** to agree terms for new leases over 10 years and extensions and variations to existing leases where this will extend the term of the existing lease by a period in excess of 10 years, provided that the proposed lease/ extension/ variation is not considered sensitive or controversial, and provided the land and/ or buildings in question have been declared surplus to the requirements of the Council;
- PLAHOD7872** to carry out day to day management of Council land and buildings;
- PLAHOD7973** to instruct repairs to Council property in accordance with Standing Orders Relating to Contracts;
- PLAHOD8074** to implement all lease and title conditions of Council property including the termination of leases and other agreements at their natural end or in the event of breaches of conditions;
- PLAHOD8175** to manage surplus property;
- PLAHOD8276** to negotiate and agree terms for the renewal of lets, licences and the like;
- PLAHOD8377** to grant or instruct the granting of rent free periods of up to one year in order to allow for repairs, fitting out or decoration to be undertaken; to negotiate and agree termination of leases on suitable terms; to negotiate and agree alteration to rental payment periods;
- PLAHOD8478** to agree rent reviews;
- PLAHOD8579** to grant lets, wayleaves and/ or servitudes to utility undertakings (Scottish Power, Gas, etc);
- PLAHOD8680** to approve assignments and/ or sub-leases of leases of Council property on appropriate terms;

- PLAHOD8781** to agree terms and instruct the granting of Minutes of Waiver where there is no prejudice to the Council;
- PLAHOD8882** to agree terms and instruct the granting or variation of wayleaves or servitude rights over Council property where there is no prejudice to the Council;
- PLAHOD8983** to agree rent reviews at up to market value where the Council is the tenant;
- PLAHOD9084** to contest as considered appropriate and agree Rateable Values and Valuation Notices in respect of Council owned land and buildings;
- PLAHOD9185** in relation to the capital investment programme, following consideration by the Capital Asset Management Sub-Group, or the Housing Asset Management Sub-Group as the case may be, and consultation with the Capital Asset Management Group, to formally approve a budget transfer to a capital project from another capital project providing such transfer is within the overall capital programme budget and the amount involved does not exceed £100,000;
- PLAHOD9286** in relation to the Repairs and Renewals Fund, following consideration by the Capital Asset Management Group, to formally approve expenditure from that fund on works requiring to be undertaken, provided the amount involved does not exceed £100,000;
- PLAHOD9387** to instruct the raising of court action for recovery of possession and/ or for recovery of rent arrears, in appropriate cases;
- PLAHOD9488** to maintain the Council's Asset Register and keep records of all assets held by the Council;
- PLAHOD9589** to grant the use of Council accommodation to outside bodies for the purpose of holding meetings and functions, etc, if outwith the scope of any approved Scheme and not otherwise provided for; **and**
- PLAHOD9690** to apportion office accommodation between Council Directorates and services;
- PEO03HOD91** to carry out the functions of the Council under the Housing (Scotland) Acts 2001 and 2005, particularly in relation to Landlord registration;
- PEO04HOD92** to issue and/ or renew licences and certificates of registration and keep registers in respect of Houses in Multiple Occupation in accordance with approved codes of practice and the statutory provisions relating thereto;
- ~~**PEO05** to provide aids, equipment and adaptations for the homes of disabled persons within the Council's Scheme of Assistance as guided by the Housing (Scotland) Act 2006;~~
- PEO06HOD93** to make grants for House Adaptations up to a value of £10,000;
- PEO09HOD94** to determine applications for the licensing of short term lets and to issue and/ or renew licences in terms of the Civic Government

**(Scotland) Act 1982 (licensing of short term lets) Order 2022, except where one or more competent written objection is received; and**

**PEQ10HOD95 to publish and maintain a public register of short term lets and to serve enforcement notices under the Civic Government (Scotland) Act 1982 (licensing of short term lets) Order 2022.**

## Director of Strategic Change and Communities

**PEOSCC01** to implement an approved approach to participatory budgeting, and to pay out to successful applicants sums held by the Council and approved for payment by the consultative body known as the South Ayrshire Rural Forum;

**PEOSCC02** to arrange for the provision of information concerning the Council's services and functions, by:

**PEOSCC02.01** publishing appropriate information;

**PEOSCC02.02** placing advertisements, ordering printed material and arranging displays or producing guidebooks, directories and other publications describing and illustrating Council services or publicising and promoting any aspect of the Council; and

**PEOSCC02.03** issuing press releases and similar articles for publication or broadcasting on behalf of the Council;

**PEOSCC0703** to implement an approved Events Programme within the South Ayrshire area and to approve individual events from time to time, subject to resources for the event being contained within existing budgets;

**PEOSCC0408** to seek sources of sponsorship to support Council events;

**PLASCC5205** to represent the Council on Economic Development matters at appropriate meetings or events;

**PLASCC5306** to seek the involvement of external agencies in the Economic Development of South Ayrshire; **and**

**PLASCC0754** to determine all applications for grant or loan assistance under such employment or development schemes as the Council may from time to time approve provided that there is sufficient budget provision, provided that approvals are on the basis of the approved scheme and provided that the total or cumulative Council assistance for the project does not exceed £100,000.;

**PLA55** ~~to seek sources of sponsorship to support Council events;~~



## **Head of Finance and, ICT and Procurement**

- FIPCT01** to be the Proper Officer for the administration of the financial affairs of the Council in terms of Section 95 of the Local Government (Scotland) Act 1973’;
- FIPCT02** in respect of Council tax/ non-domestic rates, to act as the Proper Officer in terms of the appropriate legislation for all administrative purposes, including:
- FIPCT02.01** to arrange the preparation and issue of rates notices, the collection of rates, the receiving and settling of claims for exemption from rates, the handling of objections to the amount of rates levied, and the abatement, remission or repayment of rates under the various rating provisions;
  - FIPCT02.02** to prepare and issue Council tax notices, the collection of the aforementioned tax, the handling of objections to the assessments and the exemption, abatement, or remission of charges;
  - FIPCT02.03** to enter into arrangements with Communities Scotland, etc, in accordance with Schedule 2 of the Local Government Finance Act 1992, to administer Council tax reduction and discounts on behalf of the Council for all those resident in the housing authority’s property;
  - FIPCT02.04** to enter into arrangements with neighbouring Councils and others concerning the collection of rates, or Council tax on behalf of the Council, and to make arrangements with each agent as to suitable collection points;
  - FIPCT02.05** to make the necessary arrangements concerning terms and commissions payable for services rendered to the Council by other agents with regard to the collection of rates, and/ or other Council tax, and the administration of any Council reduction or discount schemes, etc; and
  - FIPCT02.06** to enter into arrangements with Scottish Water for the collection of water and waste water charges with Council tax, and to negotiate appropriate terms and commission with the Water Authority in relation to the services rendered by the Council and its agencies;
- FIPCT03** in respect of loans and banking:
- FIPCT03.01** to act as the Proper Officer in the completion of certificates in terms of Section 92 of the Local Government (Scotland) Act 1973 (transfer of securities);
  - FIPCT03.02** 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 statutory limitations;
  - FIPCT03.03** to make application for the necessary consents for the issue of Stock and foreign borrowing in terms of the Local Government



(Scotland) Acts 1973 and 1975 and the regulations made thereunder;

- FIPCT03.04 to ensure a placing with the Bank of England relative to Negotiable Bonds;
- FIPCT03.05 to act as Registrar of Stocks, Bonds and Mortgages, except for Negotiable Bonds and to appoint, if deemed advisable, 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 in a foreign currency;
- FIPCT03.06 to sign and to authorise the signature of cheques on behalf of the Council;
- FIPCT03.07 to carry out temporary investment of surplus funds by making deposits with approved organisations; and
- FIPCT03.08 to authorise the leasing of assets, and the signing of lease finance agreements and contracts;
- FIPCT04 to negotiate with the Money Market;
- FIPCT05 to discharge the Investment functions of the Superannuation Fund under Regulation P6 and Paragraph 5 (C) of the Local Government Superannuation (Scotland) Regulations 1987 to review the investments made by the Managers;
- FIPCT06 to act for and represent the Council at Council Tax Appeal Hearings before the Valuation Appeal Committee in relation to Banding and Rebate Appeals;
- FIPCT07 to make advance payments – both by way of wages and to contractors;
- FIPCT08 to negotiate settlement of invoices by instalments;
- FIPCT09 to exercise the specific delegations contained in the Council's Financial Regulations; **and**
- FIPCT10 to write-off debts of up to £10,000;-
- PLA72FIP11 in relation to the opening of tenders in terms of Standing Orders Relating to Contracts, to nominate officers to open tenders; and**
- PLA73FIP12 to return any tenders received after the closing date and time.**

## **Head of Legal, HR and Regulatory Services**

- LHRRS01** to issue Notices in terms of Section 79 of the Environmental Protection Act 1990;
- LHRRS02** to issue Licences in terms of the Milk (Special Designations) (Scotland) Order 1988;
- LHRRS03** to approve Chimney Heights (Clean Air Acts);
- LHRRS04** to enter any premises at any time in a situation in which in his/ her opinion there is an immediate risk of serious pollution of the environment or serious harm to human health or at any reasonable time when a less immediate risk is perceived;
- LHRRS05** to take samples, measurements and photographs and to require any person to provide information and assistance with any such investigation in terms of Section 69 of the Environmental Protection Act 1990;
- LHRRS06** to seize any article or substance and render it harmless in terms of Section 70 of the Environmental Protection Act 1990;
- LHRRS07** to enter any premises in terms of the Environmental Protection Act 1990;
- LHRRS08** to require any person to provide information in terms of the Environmental Protection Act 1990;
- LHRRS09** to serve a Notice to remove a statutory nuisance in terms of the Environmental Protection Act 1990;
- LHRRS10** to discharge the duties of the Council under Section 19 (Appointment of Inspectors) of the Health and Safety at Work Etc Act 1974 as amended from time to time for the purpose of the Explosive Acts of 1875 and 1923 (as amended);
- LHRRS11** to serve notice, enter premises and take any other action on behalf of the Council in terms of the Antisocial Behaviour etc (Scotland) Act 2004 as amended from time to time;
- LHRRS12** to exercise the powers given to the Council by the Local Authorities (Goods and Services) Act 1970 as amended from time to time;
- LHRRS13** to authorise relevant officers to refer matters to the Procurator Fiscal related to or connected with alleged breaches of or offences under primary and secondary legislation relating to consumer protection or trading standards;
- LHRRS14** to appoint a duly qualified officer to act as Chief Inspector of Weights and Measures for the purposes of the Weights and Measures Act 1985;
- LHRRS15** 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 within the remit of the Regulatory Panel, in accordance with the approved codes of practice and statutory provisions relating thereto and to vary, revoke and amend conditions contained within such licences;

- LHRRS16** to authorise such officers as he/ she deems necessary and appropriate to exercise the powers and duties of an Inspector and authorised officer (including the powers of entry, inspection, sampling, purchase of goods and services, opening containers, seizure, serving notices, taking possession of animals and initiating prosecutions, where appropriate) and including the power to issue Notices (including Suspension Notices, Notices (requirement to mark or warn), Withdrawal or Recall Notices, Improvement Notices, Prohibition Notices, Emergency Prohibition Notices, Abatement Notices, Enforcement Notices, Remediation Notices, Care Notices, Fixed Penalty Notices and other such Notices) on behalf of the Council under such legislation as may from time to time be within the remit of the Regulatory Panel;
- LHRRS17** to authorise officers to take any necessary action under the Enterprise Act 2002;
- LHRRS18** to authorise relevant officers to refer matters to the Procurator Fiscal and/ or to initiate proceedings under primary or secondary Environmental Health legislation;
- LHRRS19** to issue Notices in terms of Section 94 of the Civic Government (Scotland) Act 1982;
- LHRRS20** to carry out the Council's functions in relation to any Acts, Regulations or Orders falling within the remit of the Regulatory Panel;
- LHRRS21** to agree transfer of enforcement authority with the Health and Safety Executive in terms of Regulations in force from time to time;
- LHRRS22** to carry out all the duties and functions falling to the Council in terms of dealing with requests for information in terms of the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004, as amended from time to time;
- LHRRS23** to deal with requests for civic receptions/ hospitality in accordance with the approved guidelines;
- LHRRS24** to make and renew appointments to the Joint Panel of Curators ad Litem and Reporting Officers;
- LHRRS25** to determine whether Petition requests comply with the requirements of Council Standing Orders;
- LHRRS26** in consultation with the Chief Executive, the appropriate Director or Head of Service, to respond to allegations of maladministration notified by the Scottish Public Services Ombudsman;
- LHRRS27** to undertake the Council's duties in relation to records management including preparation of a Records Management Plan;
- LHRRS28** to take steps to ensure Council compliance with data protection legislation and to respond to requests for release of personal data;
- LHRRS29** to act as the Council's representative for functions of the Registrar General for Scotland as regards statistics;

- LHRRS30** to undertake the Council's duties in respect of registration of births, deaths and marriages, citizenship ceremonies, civil ceremonies and to conduct searches for the purposes of genealogy;
- LHRRS31** to sign missives and other similar documents binding the Council;
- LHRRS32** to engage Counsel or external legal firms as may be appropriate for Court and other legal business if and when he or she may consider this to be necessary to enable the legal work of the Council to be carried out and to appoint parliamentary agents as and when deemed necessary;
- LHRRS33** to discharge the functions of the Council in relation to any type of judicial and quasi-judicial proceedings and in that regard to initiate, enter, defend, negotiate and agree extra judicial settlements in line with budgetary provision and withdraw from such proceedings;
- LHRRS34** to settle claims arising in terms of the Land Compensation (Scotland) Act 1973, in respect of Home Loss Payments following compulsory acquisitions and also to settle any discretionary payments arising from acquisitions by voluntary agreement, provided that the statutory requirements have been met;
- LHRRS35** to authorise payments to account to sellers of property to the Council in cases where negotiations through the District Valuer are protracted for any reason, up to a value of 90 per cent of the valuation;
- LHRRS36** to authorise payments to account to sellers of property to the Council in cases where conveyancing procedures are protracted for any reason subject to the exhibition of a good title and the grant of appropriate undertakings;
- LHRRS37** 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;
- LHRRS38** to appoint such Depute Clerks to the Licensing Board as may be required;
- LHRRS39** 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 within the remit of the Regulatory Panel, in accordance with approved codes of practice and the statutory provisions relating thereto;
- LHRRS40** to agree venues for Civil Marriages and Civil Partnerships;
- LHRRS41** to approve member attendance at conferences and seminars within budget;
- LHRRS42** to appoint as Inspectors and authorised officers for the purposes of the administration and enforcement of legislation within the remit of the Regulatory Panel such of his/ her officers as he/ she may deem necessary and appropriate;
- LHRRS43** to appoint in terms of section 13 of the Licensing (Scotland) Act 2005 one or more Licensing Standards Officers, authorised in respect of the functions as specified in the said Act;

- LHRRS44** to appoint in terms of section 45G of the Civic Government (Scotland) Act 1982 as amended, one or more Civic Licensing Standards Officers, authorised in respect of the functions as specified in the said Act;
- LHRRS45** to appoint from time to time such members of the Local Licensing Forum for the area of South Ayrshire as he/ she may deem necessary and appropriate, all in terms of section 10 and Schedule 2 of the Licensing (Scotland) Act 2005;
- LHRRS46** to act in terms of licensing functions within the remit of the Regulatory Panel from time to time, as follows:
- LHRRS46.01** Applications for refunds of licence fees;
  - LHRRS46.02** Notification of material changes of circumstances;
  - LHRRS46.03** Granting or refusing of temporary licences;
  - LHRRS46.04** Granting of vehicle licences where the only adverse comments received are non-vehicle related;
  - LHRRS46.05** Applications for public charitable collections of a non-political nature;
  - LHRRS46.06** Suspension of Taxi or Private Hire Car Vehicle licences on failure to produce for annual inspection or where the vehicle is considered unfit for public usage having regard to its condition; and
  - LHRRS46.07** Immediate suspension of Taxi or Private Hire Driver's licence on the grounds that the carrying on of the activity to which the licence relates is causing or is likely to cause a serious threat to public order or public safety.
- LHRRS47** to make and execute on behalf of the Council orders under Section 63 of the Civic Government (Scotland) Act 1982 with regard to the holding of public processions;
- LHRRS48** to act as the Proper Officer and to sign all deeds and other documents which require to be executed by the Council;
- LHRRS49** to act as Senior Responsible Officer, to appoint nominated officers, and to maintain a register of authorisations in terms of the Regulation of Investigatory Powers (Scotland) Act 2000 and associated regulations;
- LHRRS50** to execute transactions for the acquisition, disposal, lease etc of property or land on the basis of terms approved in accordance with the Scheme of Delegation and as instructed by the Director **–Placeof Housing, Operations and Development;**
- LHRRS51** in respect of insurance:
- LHRRS51.01** to take out the necessary insurances to protect the interests of the Council;

**LHRRS51.02** to make arrangements with insurance companies concerning the settlement of claims; and

**LHRRS51.03** in respect of:

- claims not settled by the Council's Agents; and
- those claims up to a maximum of £25,000, to settle:
  - \* Public liability claims;
  - \* Employer's liability claims;
  - \* Motor - own fleet claims; and
  - \* Motor - hired plant claims;

if the settlement involves a court action in which he/ she has represented the Council, or in cases and/ or for amounts to be settled below any insurance excess, or in cases where there is an uninsured loss;

**LHRRS52** to settle claims made against the Council where there is no insurance cover up to a maximum of £25,000;

**LHRRS53** to issue and/ or renew licences in respect of all licensing matters not specifically delegated to other Council Directorates, subject to conforming with established practice and any statutory provisions relating thereto;

**LHRRS54** in terms of the Health and Safety at Work Act 1974, to carry out all duties set out in the Council's Policies for Health, Safety and Welfare in Places of Work as amended from time to time;

**LHRRS55** to settle claims for damage to hired plant;

**LHRRS56** to make temporary loans of archival material for exhibition or research;

**LHRRS57** to accept private archives which may be offered to the Council;

**LHRRS58** to refer to the Procurator Fiscal consideration of instigation of legal proceedings for offences under the Town and Country Planning (Scotland) Act 1997 and the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, and re-planting notices under Section 168 of the Town and Country Planning (Scotland) Act 1997;

**LHRRS59** to act in relation to Sub-Standard Housing and Repair of Houses under Parts IV and V of the Housing (Scotland) Act 1987;

**LHRRS60** to act in relation to Closing and Demolition Orders under Part VI of the Housing (Scotland) Act 1987;

**LHRRS61** to act in relation to Overcrowding and Houses in Multiple Occupation under Parts VII and VIII of the Housing (Scotland) Act 1987;

**LHRRS62** authority during the COVID-19 Pandemic to determine any applications, suspensions, revocations or other business which would normally require a

determination by, or a hearing before the Licensing Committee, provided the rules of natural justice, namely a right to a fair hearing, can be satisfied;

**LHRRS63** authority during the COVID-19 Pandemic to vary the terms and to extend any licence which would otherwise expire during the emergency by 3 months;

**LHRRS64** authority during the COVID-19 Pandemic to authorise such officers as deemed necessary to act under health protection regulations made under Schedule 19 of the Coronavirus Act 2020;

~~**LHRRS65** to approve, in conjunction with the appropriate Director or Head of Service, funding of and time off to attend (with or without pay) courses of further education;~~

~~**LHRRS66**~~

~~**LHRRS66.01** to approve changes in job titles where there is no change in grade;~~

~~**LHRRS66.02** to review and amend grade and/ or grade placing in appropriate circumstances, in line with job evaluation or re-evaluation and the Council's pay models; and~~

~~**LHRRS66.03** to approve initial placing within approved salary scales;~~

~~**LHRRS67** to take decisions under and in terms of the Council's workforce policies and procedures;~~

~~**LHRRS68** to approve payment of removal expenses, in accordance with approved Council policy;~~

~~**LHRRS69** to deal with nominations for admitted body status by external agencies to the Strathclyde Pension Scheme and any associated issues;~~

~~**LHRRS70** in relation to staffing matters, to instruct the immediate implementation of any Circular from any officially recognised body which allows no discretion to the Council;~~

~~**LHRRS71** to exercise the Council's functions in relation to the Superannuation Fund through the lead authority arrangements and in accordance with the Council's Financial Regulations;~~

~~**LHRRS72** to keep under review a Scheme of Members' Remuneration in accordance with legislation and relevant regulations/ guidance; and~~

~~**LHRRS73** to identify vacant posts to be ring-fenced for applications from young people who have completed a Modern Apprenticeship with the Council and to determine that such posts will not be advertised by the service.~~



## Director of Health and Social Care

- HSC01 To act as the Chief Officer of the South Ayrshire Integration Joint Board (SAIJB) and to be responsible for the strategic and operational management and performance of integrated health and social care functions delegated to SAIJB (see section 6 of this Scheme) insofar as they relate to services delivered by the Council, in accordance with Council policies and procedures where applicable;
- HSC02 to carry out all the functions of the Council in terms of the Social Work (Scotland) Act 1968;
- HSC03 to carry out the functions of the Council in terms of Section 12 of the Social Work (Scotland) Act 1968 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:
- HSC03.01 to make loans or grants up to a limit of £1,500 in one month in respect of any one individual and subject to a report being made to the Cabinet on the total amount of assistance so given in any one month;
- HSC03.02 to give any other appropriate assistance, including provision for the storage of furniture in cases of emergency; and
- HSC03.03 to accept or reject applications for the installation of telephones for people with disabilities, based on approved criteria and the availability of finance;
- In calculating the amount given or lent 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;
- HSC04 to carry out all the relevant functions of the Council in terms of the Children (Scotland) Act 1995, the Children's Hearings (Scotland) Act 2011, the Children and Young People (Scotland) Act 2014, and all associated Regulations;
- HSC05 to take decisions and make authorisations in terms of the Secure Accommodation (Scotland) Regulations 2013 and the Children's Hearings (Scotland) Act 2011 (Implementation of Secure Accommodation Authorisation) (Scotland) Regulations 2013;
- HSC06 to carry out assessments under the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 and subsequent legislation;
- HSC07 to arrange or assist in arranging holidays, including holidays abroad or other temporary absences of any child in the care of Council, except in those cases where the cost to them is in excess of £1,500;
- HSC08 to carry out the functions of the Council under Section 48 of the National Assistance Act 1948 relating to the temporary storage of furniture in certain circumstances on behalf of certain persons;



- HSC09 to carry out the functions of the Council in relation to child protection through the statutory Child Protection Committee, and in relation to adult protection through the statutory Adult Protection Committee;
- HSC10 to carry out the functions of the Council in relation to the Adoption Agencies (Scotland) Regulations 2009 and the Adoption Support Services and Allowances (Scotland) Regulations 2009;
- HSC11 to carry out all the functions of the Council in terms of the Mental Health (Care and Treatment) (Scotland) Act 2003;
- HSC12 to carry out all the functions of the Council in terms of the Social Care (Self-directed Support) (Scotland) Act 2013 and associated Regulations;
- HSC13 to carry out the functions of the Council under the Adults with Incapacity (Scotland) Act 2000, including those relating to Intervention Orders, Access to Funds and Guardianship Orders;
- HSC14 to carry out the functions of the Council in relation to the Adoption of Children in terms of the Adoption (Scotland) Act 1978, the Adoption and Children (Scotland) Act 2007, and the Children Act 1975 as amended from time to time;
- HSC15 to carry out the functions of the Council as care authority under the Looked After Children (Scotland) Regulations 2009;
- HSC16 to consider and determine reviews of original decisions made in connection with fostering and adoption matters;
- HSC17 to consider and determine recommendations by the Fostering and Permanency Panel for assistance with legal fees and medical expenses; and
- HSC18 to carry out all the functions of the Council in terms of the Adult Support and Protection (Scotland) Act 2007.

***Role of Chief Social Work Officer***

To the extent explicitly required by statute, the foregoing delegations shall be undertaken by the Council's Chief Social Work Officer in place of the Director of Health and Social Care.

The post designated Chief Social Work Officer will undertake the statutory role.

When the Chief Social Work Officer is absent due to annual leave or illness, the Director of Health and Social Care shall undertake the foregoing delegations, to the extent explicitly required by statute.

## Statutory Appointments of Officers

In terms of various statutes, the Council is required to appoint officers for a variety of particular purposes. Officers so appointed are empowered to take such action as is implicit in their role. The statutory appointments agreed by the Council are as follows:

<b>Statutory Provision</b>	<b>Purpose/ Role</b>	<b>Officer</b>
<b>Social Work (Scotland) Act 1968</b>		
Section 3	Chief Officer of Social Work	Chief Social Work Officer
<b>Local Government (Scotland) Act 1973</b>		
Section 33A	Proper Officer for various purposes in connection with Councillors' declaration of acceptance of office	Chief Executive
Section 34	Proper Officer for receipt of Councillors' resignations	Chief Executive
Sections 43 and Schedule 7	Proper Officer for various purposes in connection with meetings and proceedings of the Council, Committees and Panels	Head of Legal, <del>HR</del> and Regulatory Services
Sections 50A – 50K	Proper Officer for various purposes in connection with access to meetings and documents of the Council, Committees and Panels	Head of Legal, <del>HR</del> and Regulatory Services
Section 92	Proper Officer for dealing with the transfer of securities	Head of Finance <del>and</del> , ICT <b>and Procurement</b>
Section 95	Proper Officer for the administration of the Council's financial affairs ('Section 95 Officer')	Head of Finance <del>and</del> , ICT <b>and Procurement</b>
<b>Local Government (Scotland) Act 1973 (contd)</b>		
Section 145	Proper Officer in respect of Ordnance Survey applications	Director <del>–Placeof</del> <b>Housing, Operations and Development</b>
Section 190	Proper Officer for service of legal proceedings, notices, etc, on the Council	Head of Legal, <del>HR</del> and Regulatory Services

<b>Statutory Provision</b>	<b>Purpose/ Role</b>	<b>Officer</b>
Section 191	Proper Officer in respect of claims on behalf of the Council in sequestrations and liquidations	Head of Finance <del>and</del> , <b>ICT and Procurement</b>
Section 193	Proper Officer in respect of authentication of documents	Chief Executive/ Director of Education/ Director <del>Place of</del> <b>Housing, Operations and Development</b> / Director of Health and Social Care/ Head of Legal, <del>HR</del> and Regulatory Services
Section 197	Proper Officer in respect of arrangements for the inspection and depositing of documents	Head of Legal, <del>HR</del> and Regulatory Services
Sections 202 to 204	Proper Officer for various purposes in connection with byelaws	Head of Legal, <del>HR</del> and Regulatory Services
Section 206	Proper Officer in respect of the keeping of a register of persons admitted as freemen of the Council's area	Chief Executive
<b>Local Government (Scotland) Act 1975</b>		
Sections 28 and 29	Proper Officer in respect of reports by the Ombudsman	Head of Legal, <del>HR</del> and Regulatory Services
<b>Licensing (Scotland) Act 2005</b>		
Section 5 and Schedule 1	Clerk to the Licensing Board	Head of Legal, <del>HR</del> and Regulatory Services
<b>Civic Government (Scotland) Act 1982</b>		
Section 113	Proper Officer in respect of evidence of management rules	Head of Legal, <del>HR</del> and Regulatory Services
<b>Representation of the People Act 1983</b>		
Section 41	Returning Officer	Chief Executive
<b>Local Government and Housing Act 1989</b>		
Section 2	Proper Officer in respect of lists of politically restricted posts	Chief Executive
Section 4	Head of Paid Service	Chief Executive

<b>Statutory Provision</b>	<b>Purpose/ Role</b>	<b>Officer</b>
Section 5	Monitoring Officer	Head of Legal, <del>HR</del> and Regulatory Services
Section 19	Proper Officer for various purposes in connection with Members' interests	Head of Legal, <del>HR</del> and Regulatory Services
<b>Requirements of Writing (Scotland) Act 1995</b>		
Paragraph 4, Schedule 2	Proper Officer in respect of execution of Deeds	Head of Legal, <del>HR</del> and Regulatory Services/ Service Lead – Legal and Licensing
<b>Ethical Standards in Public Life, Etc (Scotland) Act 2000 (Register of Interests) Regulations 2003</b>		
Regulation 3	Proper Officer for all purposes in connection with registration of Members' interests and other related purposes under the Councillors' Code of Conduct	Head of Legal, <del>HR</del> and Regulatory Services
<b>General Data Protection Regulation 2016</b>		
Article 37	Data Protection Officer	Service Lead – Democratic Governance

## South Ayrshire Council Equality Impact Assessment Scoping Template

Equality Impact Assessment is a legal requirement under the Public Sector Duty to promote equality of the Equality Act 2010. Separate guidance has been developed on Equality Impact Assessment's which will guide you through the process and is available to view here: <https://www.south-ayrshire.gov.uk/equalities/impact-assessment.aspx>

Further guidance is available here: <https://www.equalityhumanrights.com/en/publication-download/assessing-impact-and-public-sector-equality-duty-guide-public-authorities/>

The Fairer Scotland Duty ('the Duty'), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider ('pay due regard to') how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. FSD Guidance for Public Bodies in respect of the Duty, was published by the Scottish Government in March 2018 and revised in October 2021. See information here: <https://www.gov.scot/publications/fairer-scotland-duty-guidance-public-bodies/>

### 1. Policy details

Policy Title	Scheme of Delegation
Lead Officer (Name/Position/Email)	Catriona Caves, Head of Legal and Regulatory Services – catriona.caves@south-ayrshire.gov.uk

**2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts**

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	-	-
Disability	-	-
Gender Reassignment (Trans/Transgender Identity)	-	-
Marriage or Civil Partnership	-	-
Pregnancy and Maternity	-	-
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	-	-
Religion or Belief (including lack of belief)	-	-

Community or Groups of People	Negative Impacts	Positive impacts
Sex – (issues specific to women & men or girls & boys)	-	-
Sexual Orientation – person’s sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	-	-
Thematic Groups: Health, Human Rights & Children’s Rights	-	-

**3. What likely impact will this policy have on people experiencing different kinds of social disadvantage i.e. The Fairer Scotland Duty (This section to be completed for any Strategic Decisions). Consideration must be given particularly to children and families.**

Socio-Economic Disadvantage	Negative Impacts	Positive impacts
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	-	-
Low and/or no wealth – enough money to meet Basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	-	-
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	-	-
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	-	-
Socio-economic Background – social class i.e. parent’s education, employment and income	-	-

**4. Do you have evidence or reason to believe that the policy will support the Council to:**

General Duty and other Equality Themes Consider the ‘Three Key Needs’ of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
<b>Eliminate unlawful discrimination, harassment and victimisation</b>	Low
<b>Advance equality of opportunity</b> between people who share a protected characteristic and those who do not	Low

<b>General Duty and other Equality Themes</b> <b>Consider the ‘Three Key Needs’ of the Equality Duty</b>	<b>Level of Negative and/or Positive Impact</b> <b>(High, Medium or Low)</b>
<b>Foster good relations</b> between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	Low
Increase participation of particular communities or groups in public life	Low
Improve the health and wellbeing of particular communities or groups	Low
Promote the human rights of particular communities or groups	Low
Tackle deprivation faced by particular communities or groups	Low

## 5. Summary Assessment

<b>Is a full Equality Impact Assessment required?</b> (A full Equality Impact Assessment must be carried out if impacts identified as <b>Medium and/or High</b> )	<input checked="" type="checkbox"/> <b>YES</b>  <input type="checkbox"/> <b>NO</b>
<b>Rationale for decision:</b>  <b>This report provides an update on amendments to the Scheme of Delegation following further review, and asks Members to approve. Their decision on this has no specific equality implications</b>	
<b>Signed :</b> Catriona Caves  <b>Date:</b> 2 September 2022	<b>Head of Service</b>

**South Ayrshire Council**

**Report by Assistant Director – Place  
to Council  
of 13 October 2022**

---

**Subject:       Revision to Scheme of Delegation for Planning**

---

**1.       Purpose**

- 1.1       The purpose of this report is to revise the Planning Scheme of Delegation in relation to the determination of applications submitted under Planning and related legislation.

**2.       Recommendation**

**2.1       It is recommended that the Council:**

**2.1.1       approves the revised Planning Scheme of Delegation; and**

**2.1.2       agrees that the approved Scheme of Delegation is submitted to the Scottish Ministers for approval.**

**3.       Background**

- 3.1       In accordance with the Planning etc (Scotland) Act 2006 and associated secondary legislation, the Council operates a Scheme of Delegation for the determination of planning applications, and this requires to be approved by Scottish Ministers. The Scheme of Delegation allows planning applications to be dealt with at an appropriate level within the organisation. It is considered that the current Scheme of Delegation requires to be refreshed to streamline the current working arrangements.

**4.       Proposals**

- 4.1       Appendix 1 contains a comparison table between the current and the Proposed Scheme of Delegation. The majority of the revisions in the Proposed Scheme of Delegation provide greater clarity in relation to various types of applications which are not specifically mentioned in the current Scheme of Delegation, while there are two specific changes that require highlighting relating to Community Council objections and the requirements for Local applications to be heard by Regulatory Panel (Planning).

- 4.2       In relation to Community Councils, it is proposed that the geographical criteria is removed. Thus when a Community Council objects, and the recommendation from the Service Lead is for approval, the Community Council area no longer needs to border the application site to be allowed to object. This will be fairer and more transparent for Community Councils and streamline the process.



- 4.3 In relation to Local applications, the current Scheme of Delegation requires there to be objections from more than 5 (five) separate householders. It is considered that this is not the most specific nor democratic criteria and therefore, it is proposed that this threshold would be changed to 10 individual objections (no household criteria). The new criteria strikes the balance between the opportunity for individual voices to be heard while ensuring that the threshold is not so low as would trigger multiple Local applications going before Regulatory Panel (Planning). Appendix 2 provides a version of the Proposed Scheme of Delegation to be submitted to the Scottish Government for approval.

## **5. Legal and Procurement Implications**

- 5.1 There is a legal requirement to review the Planning Scheme of Delegation at intervals of not less than 5 years. The last review was approved by Scottish Ministers in December 2013, and therefore this review requirement has not been met. It is understood that this has been as a result of the high turnover of key senior staff in the service over the past several years, however the current report will now set the review process in place once again.

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

## **6. Financial Implications**

- 6.1 There will be no direct financial implications for the Council in relation to this report

## **7. Human Resources Implications**

- 7.1 There are no human resources implications.

## **8. Risk**

### **8.1 *Risk Implications of Adopting the Recommendations***

- 8.1.1 There are no risks associated with adopting the recommendations.

### **8.2 *Risk Implications of Rejecting the Recommendations***

- 8.2.1 There is a risk that if the recommendations are rejected that the streamlining and modernisation of the delivery of the Planning Service will be negatively impacted. In addition, the statutory requirement for a review of the Planning Scheme of Delegation every 5 years will be further delayed.

## **9. Equalities**

- 9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as Appendix 3.

## 10. Sustainable Development Implications

- 10.1 **Considering Strategic Environmental Assessment (SEA)** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy, or strategy.

## 11. Options Appraisal

- 11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

## 12. Link to Council Plan

- 12.1 The matters referred to in this report contribute to Commitments 4 of the Council Plan: South Ayrshire Works/ Make the most of the local economy; and A Better Place to Live/ Enhanced environment through social, cultural and economic activities.

## 13. Results of Consultation

- 13.1 Consultation has taken place with Councillor Bob Pollock, Portfolio Holder for Economic Development, and the contents of this report reflect any feedback provided.

## 14. Next Steps for Decision Tracking Purposes

- 14.1 If the recommendations above are approved by Members, the Assistant Director – Place will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Cabinet in the ‘Council Decision Log’ at each of its meetings until such time as the decision is fully implemented:

Implementation	Due date	Managed by
Submit the proposed Scheme of Delegation to the Scottish Ministers for approval	October 2022	Service Lead - Planning and Building Standards
Implement the approved Scheme of Delegation	January 2023 (subject to SM processing period)	Service Lead - Planning and Building Standards

**Background Papers**     **The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013**

**Report to Leadership Panel of 5 November 2013 – [Proposed Amendment to the Planning Applications Scheme of Delegation](#)**

**Person to Contact**     **Craig Iles, Service Lead – Planning and Building Standards**  
**County Buildings, Wellington Square, Ayr, KA7 1DR**  
**Phone 01292 616417**  
**Email [craig.iles@south-ayrshire.gov.uk](mailto:craig.iles@south-ayrshire.gov.uk)**

**Date: 3 October 2022**

Proposed changes to the Scheme of Delegation

\*Unless captured below, there are no other proposed changes to the Scheme of Delegation.

Existing	Proposed
<p><b>The appointed person has the delegated authority to approve and refuse:</b></p> <p>planning permission</p> <ul style="list-style-type: none"> <li>• planning permission in principle;</li> <li>• matters specified in conditions;</li> <li>• variations;</li> <li>• further applications; including</li> <li>• Consent, agreement or approval by condition imposed on a grant of planning permission or a related Consent</li> </ul>	<p><b>The appointed person has the delegated authority to unconditionally approve, approve with conditions and refuse the below:</b></p> <p>All Local Development applications (as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009) for:</p> <ul style="list-style-type: none"> <li>• planning permission and related Consents, Certificates and Notifications;</li> <li>• planning permission in principle;</li> <li>• matters specified in conditions;</li> <li>• variations;</li> <li>• further applications including; Consent, agreement or approval by condition imposed on a grant of planning permission or a related Consent</li> <li>• Refusal of applications where an applicant/ agent has not supplied sufficient information;</li> </ul> <p><b>The appointed person also has the delegated authority to:</b></p> <ul style="list-style-type: none"> <li>• In respect of the Electricity Act 1989 (as Amended), to provide consultation responses on all applications in terms of Section 37;</li> <li>• Provide screening and Scoping Opinions under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017;</li> <li>• In respect of The Town and Country Planning (Scotland) Act (1997) Pursue enforcement action including the serving of Notices and making and confirming Orders and;</li> <li>• In respect of The Town and Country Planning (Scotland) Act (1997) the making of Tree Preservation Orders where trees of significant value are under imminent threat</li> </ul>
<p><b>Except in the following circumstances:</b></p>	<p><b>Except in the following circumstances (where the application or matter will be referred to the Regulatory Panel):</b></p> <ul style="list-style-type: none"> <li>• The application is a national development as designated in the National Planning Framework</li> <li>• The application is a major development as defined in The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009</li> </ul>

Existing	Proposed
<ul style="list-style-type: none"> <li>5 or more competent written objections have been received from separate householders, organisations, premises or third parties or other premises.</li> </ul>	<ul style="list-style-type: none"> <li>10 or more competent written objections have been received from individuals, organisations or third parties and the recommendation is to approve.</li> </ul>
<ul style="list-style-type: none"> <li>In the case of planning applications which relate to land in the ownership of the planning authority or to land in which the planning authority have a financial interest and 1 or more competent written objections have been received.</li> </ul>	<ul style="list-style-type: none"> <li>In the case of planning applications which relate to land in the ownership of the Council or to land in which the Council have a financial interest and 1 or more competent written objections have been received.</li> </ul>
<ul style="list-style-type: none"> <li>A competent written objection has been received from the Community Council within whose boundary all or part of the application site lies, and the appointed officer is minded to recommend a determination which is contrary to the views expressed by the said Community Council.</li> </ul>	<ul style="list-style-type: none"> <li>A competent written objection has been received from a Community Council, via their designated contact person(s), and the appointed officer is minded to recommend a determination which is contrary to the views expressed by the Community Council.</li> </ul>
<ul style="list-style-type: none"> <li>The application is made by or a member of the Planning Authority</li> </ul>	<ul style="list-style-type: none"> <li>The application is made by an Elected Member or a member of the Planning Authority; specifically the appointed persons for the purposes of Section 43A of the Town and Country Planning (Scotland) Act 1997 being the Council's Director of Housing, Operations and Development, Assistant Director – Planning and Development, Service Lead – Planning and Building Standards, Place Planning and Planning Strategy Co-ordinators and the Supervisory Officers within the Planning Service.</li> </ul>
<p>The opposite are proposed additions that do not exist in current Scheme of Delegation</p>	<ul style="list-style-type: none"> <li>Any application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to remove/ vary/ modify conditions that the Regulatory Panel specifically imposed on an earlier permission, that were in addition to the officers recommendation.</li> </ul>
	<ul style="list-style-type: none"> <li>In respect of the Electricity Act 1989 (as Amended), to provide consultation responses on all applications in terms of Section 36.</li> </ul>
	<ul style="list-style-type: none"> <li>Where the Director of Housing, Operations and Development, Assistant Director – Planning and Development or Service Lead – Planning and Building Standards under S43A (6) of the Planning Etc. (Scotland) Act 2006 considers that it would be appropriate for members of the planning authority to take the decision on the application for reasons, including the application raising new or significant issues meriting determination at Regulatory Panel. In each such case the applicant/agent will be provided with a statement giving the reasons for the application not being determined by the Appointed Officer.</li> </ul>
	<ul style="list-style-type: none"> <li>In respect of The Town and Country Planning (Scotland) Act (1997) (Section 159 to 178), the making and confirmation of Tree Preservation Orders.</li> </ul>

## Proposed Scheme of Delegation

**1) Except in the circumstances outlined in paragraph (2) below, the appointed person has the delegated authority as follows:**

to determine, including unconditionally approve, approve with conditions and refuse all Local Development applications (as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009) for:

- planning permission and all related Consents, Certificates and Notifications;
- planning permission in principle;
- matters specified in conditions;
- variations;
- further applications including; Consent, agreement or approval by condition imposed on a grant of planning permission or a related Consent
- Refusal of applications where an applicant/ agent has not supplied sufficient information;
- In respect of the Electricity Act 1989 (as Amended), to provide consultation responses on all applications in terms of Section 37;
- To provide screening and Scoping Opinions under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017;
- In respect of The Town and Country Planning (Scotland) Act (1997) to pursue enforcement action including the serving of Notices and making and confirming Orders and;
- In respect of The Town and Country Planning (Scotland) Act (1997) for the making of Tree Preservation Orders where trees of significant value are under imminent threat.

**2) The delegated authority outlined in paragraph 1(a) and (b) above will not apply in the following circumstances, where matters will require to be referred to the Regulatory Panel (Planning) for determination:**

- The application is a national development as designated in the National Planning Framework
- The application is a major development as defined in The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009
- 10 or more competent written objections have been received from individuals, organisations or third parties and the recommendation is to approve.
- In the case of planning applications which relate to land in the ownership of the Council or to land in which the Council have a financial interest and 1 or more competent written objections have been received.
- A competent written objection has been received from a Community Council, via their designated contact person(s), and the appointed officer is minded to recommend a determination which is contrary to the views expressed by the Community Council.
- The application is made by an Elected Member or a member of the Planning Authority; specifically, the appointed persons for the purposes of Section 43A of the Town and Country Planning (Scotland) Act 1997 being the Council's Director of Housing, Operations and Development, Assistant Director – Planning and Development, Service Lead – Planning and Building Standards, Place Planning and Planning Strategy Co-ordinators and the Supervisory Officers within the Planning Service.

- Any application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to remove/ vary/ modify conditions that the Regulatory Panel specifically imposed on an earlier permission, that were in addition to the appointed officer's recommendation.
- In respect of the Electricity Act 1989 (as Amended), to provide consultation responses on all applications in terms of Section 36.
- Where the Director of Housing, Operations and Development, Assistant Director – Planning and Development or Service Lead – Planning and Building Standards under S43A (6) of the Planning Etc. (Scotland) Act 2006 considers that it would be appropriate for members of the planning authority to take the decision on the application for reasons, including the application raising new or significant issues meriting determination at Regulatory Panel. In each such case the applicant/agent will be provided with a statement giving the reasons for the application not being determined by the Appointed Officer.
- In respect of The Town and Country Planning (Scotland) Act (1997) (Section 159 to 178), the making and confirmation of Tree Preservation Orders.

## South Ayrshire Council Equality Impact Assessment Scoping Template

Equality Impact Assessment is a legal requirement under the Public Sector Duty to promote equality of the Equality Act 2010. Separate guidance has been developed on Equality Impact Assessment's which will guide you through the process and is available to view here: <https://www.south-ayrshire.gov.uk/equalities/impact-assessment.aspx>

Further guidance is available here: <https://www.equalityhumanrights.com/en/publication-download/assessing-impact-and-public-sector-equality-duty-guide-public-authorities/>

The Fairer Scotland Duty ('the Duty'), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider ('pay due regard to') how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. [FSD Guidance for Public Bodies](#) in respect of the Duty, was published by the Scottish Government in March 2018 and revised in October 2021. See information here: <https://www.gov.scot/publications/fairer-scotland-duty-guidance-public-bodies/>

### 1. Policy details

Policy Title	Revision to Scheme of Delegation for Planning
Lead Officer (Name/Position/Email)	Craig Iles Service Lead Planning & Building Standards <a href="mailto:craig.iles@south-ayrshire.gov.uk">craig.iles@south-ayrshire.gov.uk</a>

**2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts**

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	N/A	N/A
Disability	N/A	N/A
Gender Reassignment (Trans/Transgender Identity)	N/A	N/A
Marriage or Civil Partnership	N/A	N/A
Pregnancy and Maternity	N/A	N/A
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	N/A	N/A
Religion or Belief (including lack of belief)	N/A	N/A
Sex – (issues specific to women & men or girls & boys)	N/A	N/A

Community or Groups of People	Negative Impacts	Positive impacts
Sexual Orientation – person’s sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	N/A	N/A
Thematic Groups: Health, Human Rights & Children’s Rights	N/A	N/A

**3. What likely impact will this policy have on people experiencing different kinds of social disadvantage i.e. The Fairer Scotland Duty (This section to be completed for any Strategic Decisions). Consideration must be given particularly to children and families.**

Socio-Economic Disadvantage	Negative Impacts	Positive impacts
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	N/A	N/A
Low and/or no wealth – enough money to meet Basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	N/A	N/A
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	N/A	N/A
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	N/A	N/A
Socio-economic Background – social class i.e. parent’s education, employment and income	N/A	N/A

**4. Do you have evidence or reason to believe that the policy will support the Council to:**

General Duty and other Equality Themes Consider the ‘Three Key Needs’ of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
<b>Eliminate unlawful discrimination, harassment and victimisation</b>	Low Positive
<b>Advance equality of opportunity</b> between people who share a protected characteristic and those who do not	Low Positive
<b>Foster good relations</b> between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	Low Positive



<b>General Duty and other Equality Themes</b> <b>Consider the 'Three Key Needs' of the Equality Duty</b>	<b>Level of Negative and/or Positive Impact</b> <b>(High, Medium or Low)</b>
Increase participation of particular communities or groups in public life	Low Positive
Improve the health and wellbeing of particular communities or groups	Low Positive
Promote the human rights of particular communities or groups	Low Positive
Tackle deprivation faced by particular communities or groups	Low Positive

## 5. Summary Assessment

<b>Is a full Equality Impact Assessment required?</b> (A full Equality Impact Assessment must be carried out if impacts identified as <b>Medium and/or High</b> )	<b>No</b>
<b>Rationale for decision:</b>  Not required as there is no specific impact on communities, groups of people, employees or thematic groups.	
<b>Signed :</b> Craig Iles <b>Service Lead - Planning &amp; Building Standards</b>  <b>Date:</b> 12 September 2022	

**South Ayrshire Council**

**Report by Assistant Director – Place  
to South Ayrshire Council  
of 13 October 2022**

---

**Subject: New Leisure Centre Project**

---

**1. Purpose**

- 1.1 The purpose of this report is to provide Members with a further update on the work to cleanse the outstanding suspensive conditions for the site acquisition of the Arran Mall; to present options available to Council to respond to the Stage 2 submission; and to provide further information on the abortive costs should the project not go ahead.

**2. Recommendation**

**2.1 It is recommended that Council:**

- 2.1.1 notes the further update on the site acquisition of the Arran Mall to facilitate the new leisure centre development;**
- 2.1.2 notes the options available to the Council in response to the Stage 2 submission from HubSW;**
- 2.1.3 notes the information provided on the abortive costs should the project not proceed; and**
- 2.1.4 provides instructions on how officers should proceed with the project.**

**3. Background**

- 3.1 On 30 August 2022, a report was presented to Cabinet with an update on the new leisure centre project including costs, site acquisition and the UK Levelling Up Fund bid.
- 3.2 In summary Members were informed that:
- a. the costs for the new leisure centre project are now sitting at £51,004,915 which is approx. £6m over the approved budget in the Council's Capital Programme;
  - b. there are still 2 outstanding suspensive conditions that are yet to be purified to allow the site acquisition of the Arran Mall to be concluded; and
  - c. a bid for the UK Levelling Up Fund has now been submitted.

3.3 Members noted the update provided and requested that officers submit a further report to a meeting of South Ayrshire Council on 13 October 2022 with a further update on the work to purify the outstanding suspensive conditions for the site acquisition of the Arran Mall and to provide further information on the abortive costs should the project not go ahead.

#### 4. Proposals

4.1 The Council is currently in receipt of a Stage 2 submission from HubSW that is considerably over the affordability cap set for the project. Members should be aware that the £6m funding gap was predicated on the successful conclusion of the site acquisition and signing of the contract at financial close by 8 July 2022. By the time this report is presented to Council in October 2022, the project costs would likely be exposed to an additional quarters inflation of 2% which would add approx. £1m to the project costs reported to Cabinet in August 2022.

4.2 In response to the Stage 2 submission, the Council has a number of options that could be considered and further details on those options is contained in [Appendix 1](#).

4.3 A considerable amount of development work has already been undertaken on the project for which fees were due and have been paid. This equates to £968,018 and is broken down as follows:

<b>Paid to date</b>	<b>Amount</b>
Strategic Support Services (SSS) Fees	£105,777
Stage 1 Fees	£478,876
<b>Sub Total</b>	<b>£584,653</b>
Surveys and Investigative Works (Arran Mall)	£237,042
<b>Sub Total</b>	<b>£821,695</b>
Surveys and Investigative Works (Hourstons)	£146,323
<b>Total</b>	<b>£968,018</b>

4.4 If the project was not to proceed, then the costs associated with Strategic Support Services (SSS) and Stage 1 Fees (£584,653) would be classified as abortive as they are specific to the design development of the new leisure centre.

4.5 The output from the surveys and investigative works carried out on Arran Mall could be utilised in the future if the Council proceeds with the site acquisition and develops the site for an alternate use, so this sum (£237,042) wouldn't necessarily be considered an abortive cost.

4.6 The output from the surveys and investigative works carried out on Hourstons (which the Council owns) could also be utilised in the future if the Council proceeds with an alternate use, so again this sum (£146,323) wouldn't necessarily be considered an abortive cost.

4.7 If the procedure to reject the Stage 2 submission is triggered as detailed in [Appendix 1](#), Option 3, and Hub fail to resubmit a revised Stage 2 Report, or do and it is rejected, then the Council is not obliged to pay HubSW the incurred Project Development Fees in respect of Stage 2. These fees equate to £980,441 and have not been paid to date.

- 4.8 In addition, the Council has also incurred other project-related costs including the non-returnable deposit for the Arran Mall, in-house staff costs and statutory consent fees, totalling £713,700. With the exception of the non-returnable deposit for the Arran Mall, which would not be considered an abortive cost if the site is acquired for a different use, these costs would also be considered abortive should the project not proceed.
- 4.9 The report presented to Cabinet on 30 August 2022 provided an update on the suspensive conditions that require to be purified before the sale of the Arran Mall can be concluded. The one regarding planning consent has been achieved, leaving 2 remaining for reciprocal access rights and vacant possession.
- 4.10 With regards to the matter of reciprocal access rights, Project Officers have communicated the layout of the proposed leisure centre and are working with the Seller to agree terms for the temporary and permanent access rights over the Seller's Kyle Centre site during and after the development. In response, the Seller has now communicated the temporary access rights that they are seeking. The design of the development has been undertaken to respond to the historical access known to the Council and this will be maintained during and after the construction phase. The Seller has now informed the Council that they would be happy to accept these rights also. It is understood that the Sellers Legal Representative will be communicating these requirements to the Council for review.
- 4.11 With regards to the matter of vacant possession, Project officers are aware of a particular issue with one tenancy of a storage unit in particular. In respect of that storage unit the Council has been advised that the Seller is not going to be able to provide vacant possession and is looking into providing title indemnity insurance to cover the risk of another party coming forward and claiming a right to the tenancy and that they therefore have a right to occupy the storage unit. This title indemnity insurance would allow a claim against the insurance company if an event like that arose. In the event of such a claim, whilst the Council would potentially receive an insurance pay-out (and we have asked for this amount to be for the currently estimated full development value of the site), the Council's solicitors, Harper Macleod, who are acting in respect of the conveyancing with the Seller, have advised that such a pay-out would not change the risk that this Council could be forced to close down at least part of the leisure centre to reinstate the storage unit and allow any potential tenant access and use (which would potentially mean also clearing some of the leisure centre site to allow access and egress from the unit to the nearest street). The proposed terms of the title indemnity policy are currently being worked on with the Seller.
- 4.12 Members are asked to consider the update on costs associated with the Stage 2 Submission provided in paragraph 4.1; the options available to the Council in response as detailed in [Appendix 1](#); notes the information provided on the abortive costs should the project not proceed as detailed in 4.3 to 4.8; notes the further update on the work to cleanse the outstanding suspensive conditions for the site acquisition of the Arran Mall provided in paragraphs 4.9 to 4.11; and provides instructions on how officers should proceed.

## **5. Legal and Procurement Implications**

- 5.1 The Council has appointed specialist legal advisors (Shepherd and Wedderburn) to develop the project agreements with HubSW to deliver the project. They have provided legal advice on the Council's obligations and rights in response to the Stage 2 submission in [Appendix 1](#).
- 5.2 There are no procurement implications arising from this report.

## **6. Financial Implications**

- 6.1 The new leisure centre development is an approved identified project within the General Services Capital Programme with a budget of £44,997,239. To date a total of £1,681,720 has been spent on the project and funded from this budget (£968,018 for project development fees and £713,700 for other project related costs), leaving £43,315,519 unspent.

## **7. Human Resources Implications**

- 7.1 Not applicable.

## **8. Risk**

### **8.1 *Risk Implications of Adopting the Recommendations***

- 8.1.1 Any acquisition of the Property made without full vacant possession being granted by the Seller is a variation of standard term of missives. The Council have been notified of a particular issue with one tenancy of a storage unit and that the Seller cannot grant vacant possession. Although title indemnity insurance is being offered by the Seller, which could lead to the Council receiving an insurance pay-out in the event of a claim on the insurance, if the Council accept this rather than full vacant possession the Council would have to accept the risks of another party claiming that they have a right to occupy the affected storage unit and of the Council being forced to close down at least part of the leisure centre, to reinstate the storage unit and allow any potential tenant access and use: this would in addition potentially mean clearing some of the leisure centre site to allow access and egress from the unit to the nearest street.

### **8.2 *Risk Implications of Rejecting the Recommendations***

- 8.2.1 Not proceeding with the project may impact on the reputation of the Council by failing to meet the commitments set out in the agreed Ayr Town Centre Strategy and Action Plan with regards to the development of the Leisure Centre.
- 8.2.2 If the project were not to proceed, then the Council may be liable for abortive costs for development work already undertaken as detailed in paragraphs 4.3 to 4.7.
- 8.2.3 If the Stage 2 submission is rejected, then Hubco is entitled to refer the matter to dispute resolution. That said, the remedies only apply where the resolution is that the Approval Criteria were actually met by the re-submitted Stage 2 Submission, which, in relation to the Affordability Cap, is highly unlikely in this case.

## **9. Equalities**

- 9.1 This report provides an update on the progress of a recent Cabinet report which was assessed for potential equality impacts and the relevant documentation is attached in [Appendix 2](#).

## 10. Sustainable Development Implications

- 10.1 **Considering Strategic Environmental Assessment (SEA)** - The proposals in this report do not represent a qualifying plan, programme, policy or strategy for consideration for SEA. There exists therefore no obligation to contact the Scottish Government Gateway and no further action is necessary. An SEA has not been undertaken.

## 11. Options Appraisal

- 11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

## 12. Link to Council Plan

- 12.1 The matters referred to in this report contribute to Commitment 6 of the Council Plan: A Better Place to Live/ Enhanced environment through social, cultural and economic activities.

## 13. Results of Consultation

- 13.1 There has been no public consultation on the contents of this report.
- 13.2 Consultation has taken place with Councillor Martin Kilbride, Portfolio Holder for Buildings, Housing and Environment, and Councillor Brian Connolly, Portfolio Holder for Sport and Leisure, and the contents of this report reflect any feedback provided.

## 14. Next Steps for Decision Tracking Purposes

- 14.1 If the recommendations above are approved by Members, the Assistant Director - Place will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Cabinet in the 'Council and Cabinet Decision Log' at each of its meetings until such time as the decision is fully implemented:

<b><i>Implementation</i></b>	<b><i>Due date</i></b>	<b><i>Managed by</i></b>
Implement instructions provided	To be confirmed	Service Lead – Special Property Projects

**Background Papers**      **Report to Cabinet of 30 August 2022 – New Leisure Centre Update (Members only)**

**Person to Contact**      **Derek Yuille – Service Lead - Special Property Projects**  
**County Buildings, Wellington Square, Ayr KA7 1DR**  
**Phone 01292 612820**  
**Email derek.yuille@south-ayrshire.gov.uk**

**Date: 3 October 2022**

## Options available to the Council in response to Stage 2 Submission:

### 1. ***A significant redesign of major elements of the building to bring the costs back down to align with the budget.***

Any significant changes to the design of the building would require an amendment to the planning consent already granted, or in the worst-case scenario, a new application. It would also require additional time to implement the design changes in the work packages that have already been tendered. Due to the time required for both these actions, any savings brought about may be offset by additional inflation costs, thus potentially nullifying the effectiveness of the exercise. This option would also result in a potential compromise of the spaces in the new leisure centre, e.g. a reduction in the size of the pool hall, or removal of certain facilities such as the fitness suite or multi-use studios. The building would no longer contain the level of accommodation that was consulted on and approved at Leadership Panel on 24 August 2021. It could also result in a reduction in the quality of the fabric of the building with materials swapped for cheaper alternatives.

### 2. ***Seek additional funding for the project.***

A report would be presented to Members at Cabinet seeking to increase the existing approved budget to address the predicted £7m shortfall as of October 2022. Members should be aware that the original approved budget has already been uplifted twice, £4m in October 2021 to address the impact of inflation on projects, and £942k to offset rising costs associated with covid lockdowns. A further increase in the project budget will result in additional pressure on the capital programme, likely resulting in deferrals or cancellation of other commitments.

It should be noted that on 29 June 2022, South Ayrshire Council approved the submission of 3 bids to the UK Levelling Up Fund. One of these bids targets the theme of Town Centre Regeneration with particular focus on the new leisure centre development at the Arran Mall and is seeking funding of £20m. It was understood that applicants will be notified of the outcome of their bids in October 2022 although this is yet to be officially confirmed and as of 13 October 2022, no response has been received. If the bid is successful, then the funding received could be used to offset the increased project costs.

### 3. ***Reject the Stage 2 submission from HubSW.***

Under the Territory Partnering Agreement (TPA) that was set up to oversee the Hub delivery process, if Hubco fails to submit proposals at Stage 2 that align with the affordability cap set by the Client, then the Client can reject the submission.

If the Council rejects the Stage 2 Submission on the grounds that it fails the Affordability Cap Approval Criteria, then there is a requirement for the Council to work together with Hubco to address the reasons for such failure. Hubco will also have to attempt to produce a revised Stage 2 Submission 'in good faith' which they must re-submit to the Council within 30 Business Days of the rejection. As such, if Hubco fails to re-submit in that timescale or having re-submitted, the re-submitted Stage 2 Submission it is again rejected by the Council on the grounds that it still fails the Affordability Cap Approval Criteria it will be treated as rejected. Subject to any dispute resolution, neither party will then have any further obligations to the other in relation to that New Project and would not be treated as a Council Event of default under the TPA. However, in the event of rejection, Hubco is entitled to refer the matter to dispute resolution. That said, the remedies only apply where the resolution is that the

Approval Criteria were actually met by the re-submitted Stage 2 Submission, which, in relation to the Affordability Cap, is highly unlikely in this case.



## South Ayrshire Council Equality Impact Assessment Scoping Template

Equality Impact Assessment is a legal requirement under the Public Sector Duty to promote equality of the Equality Act 2010. Separate guidance has been developed on Equality Impact Assessment's which will guide you through the process and is available to view here: <https://www.south-ayrshire.gov.uk/equalities/impact-assessment.aspx>

Further guidance is available here: <https://www.equalityhumanrights.com/en/publication-download/assessing-impact-and-public-sector-equality-duty-guide-public-authorities/>

The Fairer Scotland Duty ('the Duty'), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider ('pay due regard to') how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. [FSD Guidance for Public Bodies](#) in respect of the Duty, was published by the Scottish Government in March 2018 and revised in October 2021. See information here: <https://www.gov.scot/publications/fairer-scotland-duty-guidance-public-bodies/>

### 1. Policy details

Policy Title	New Leisure Centre
Lead Officer (Name/Position/Email)	Derek Yuille, Service Lead – Special Property Projects – derek.yuille@south-ayrshire.gov.uk

**2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts**

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	No	No
Disability	No	Yes
Gender Reassignment (Trans/Transgender Identity)	No	No
Marriage or Civil Partnership	No	No
Pregnancy and Maternity	No	No
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	No	No
Religion or Belief (including lack of belief)	No	No
Sex – (issues specific to women & men or girls & boys)	No	No
Sexual Orientation – person's sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	No	No
Thematic Groups: Health, Human Rights & Children's Rights	No	No

**3. What likely impact will this policy have on people experiencing different kinds of social disadvantage i.e. The Fairer Scotland Duty (This section to be completed for any Strategic Decisions). Consideration must be given particularly to children and families.**

Socio-Economic Disadvantage	Negative Impacts	Positive impacts
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	No	No
Low and/or no wealth – enough money to meet Basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	No	No
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	No	No
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	No	No
Socio-economic Background – social class i.e. parent’s education, employment and income	No	No

**4. Do you have evidence or reason to believe that the policy will support the Council to:**

General Duty and other Equality Themes Consider the ‘Three Key Needs’ of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
<b>Eliminate unlawful discrimination, harassment and victimisation</b>	Low impact
<b>Advance equality of opportunity</b> between people who share a protected characteristic and those who do not	Low impact
<b>Foster good relations</b> between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	Low impact
Increase participation of particular communities or groups in public life	Low impact
Improve the health and wellbeing of particular communities or groups	Low impact
Promote the human rights of particular communities or groups	Low impact
Tackle deprivation faced by particular communities or groups	Low impact

**5. Summary Assessment**

<p><b>Is a full Equality Impact Assessment required?</b> (A full Equality Impact Assessment must be carried out if impacts identified as <b>Medium and/or High</b>)</p>	<p><b>YES</b></p> <p><b>NO</b></p>
<p><b>Rationale for decision:</b> <b>The proposal does not have significant positive or negative impact with regards to equality therefore an EQI is not required</b></p>	
<p><b>Signed :</b> Derek Yuille <b>Date:</b> 8 July 2022</p>	<p><b>Service Lead</b></p>