

Corporate Services Committee
30 January 2007

IRVINE, 30 January 2007 - At a Meeting of the Corporate Services Committee of North Ayrshire Council at 2.00 p.m.

Present

David Munn, Tom Barr, John Moffat, Jack Carson, Jane Gorman, Alan Hill, Elizabeth McLardy, Elisabeth Marshall, David O'Neill, Robert Rae and John Reid.

In Attendance

I. Snodgrass, Chief Executive; I.T. Mackay, Assistant Chief Executive (Legal and Protective); C. McCourt, Finance Manager (Finance); B. Samson, Principal Estates Officer (Property Services); G. Lawson, Corporate Support Manager, A. Wattie, Communications Officer and M. Anderson, Corporate Support Officer (Chief Executive's).

Chair

Councillor Munn in the Chair

Apologies for Absence

Drew Duncan, Margaret McDougall, Alan Munro and Ian Richardson.

1. Minutes

The Minutes of the Meeting of the Committee held on 28 November 2006, copies of which had previously been circulated, were confirmed.

2. North West Resource Centre (Brooksby), Largs: Car Park

Submitted report by the Chief Executive on the contract for the construction of the car park for the North West Resource Centre (Brooksby), Largs.

The new resource centre at Brooksby is being developed jointly by the Council and NHS Ayrshire. As part of the project, the Council was asked to arrange for a car park for the new centre to be built on land to the rear of Moorburn House. Under the Council's Standing Orders Relating to Contracts, the work would normally be put out to tender. However, the car park forms part of the larger resource centre project and is included in the overall cost package for the centre. Any delay in commencing the car park works would have an adverse impact on the overall project, for which the tender process has already been completed.

The Council's Standing Orders permit the Chief Executive, in consultation with the Chairs of Corporate Services and Property Services Committees, to exempt a contract from the tendering process by virtue of special circumstances.

In this case, it has been agreed that the contract be awarded to the Council's Roads Services, subject to the preparation of a priced schedule to allow Wyllie Shanks, the consultants appointed for the overall project, to verify that the rates to be charged represent value for money.

The Committee (a) noted that the contract for the construction of the car park for the North West Resource Centre (Brooksby), Largs had been awarded to Roads Services; and (b) agreed that a report be submitted to an early meeting of the Corporate Policy Committee on the final agreement for the overall project, including the arrangements for public use of the car park.

3. Scottish Executive consultations on proposed European Structural Fund Operational Programmes 2007-13

Submitted report by the Chief Executive on responses submitted to Structural Fund Programme consultations for Lowland and Upland Scotland and the Highlands and Islands of Scotland.

With the closure of the Western Scotland Objective 2 and the Lowland Scotland Objective 3 programmes, mainland North Ayrshire's principal access to European Structural Funds will be through the new Lowland and Upland Scotland (LUPS) programme. The North Ayrshire islands will be eligible to access support from the new Highlands and Islands programme. The Scottish Executive is carrying out a consultation exercise on both programmes.

The Council's consultation response to the LUPS consultation document, set out in Appendix 1 to the report, highlights the following key points:-

- Since its publication, the Council has been arguing for the Scottish Executive Regeneration Policy Statement, "People and Place", to be used as a key tool in informing the process of spatial targeting which needs to be applied across the Structural Funds Programmes and run through all Priorities.
- It will be important to introduce spatial targeting to ERDF Priority 1 as, based on past experience with this type of activity, there is a high risk that most resources would otherwise be allocated to projects located in prosperous parts of Scotland.
- In conjunction with other local authority partners in the West of Scotland, a change is recommended to the percentage balance of funding between the three ERDF priorities 48/29/23 to 40/40/20.

Through its membership of the Highlands and Islands Convenors' Group, the Council has worked in conjunction with Highlands and Islands Enterprise to agree a joint response to the Highlands and Islands consultation paper. The Council's own submission, set out in Appendix 2 to the report, includes the following points:-

- The proposed priorities are broadly acceptable.
- There is a need for a greater level of sub regional analysis to reflect the differing needs and opportunities which exist across the region, and this should be used as the basis for geographic targeting of support.
- Community Planning Partnerships should be used in the delivery aspects of the programme, adapted as required by the individual partnerships.
- Data relating to Arran and the Cumbraes requires to be featured in all document tables.

The Committee agreed to approve the consultation responses made on its behalf by the Chief Executive, as set out in the appendices to the report.

4. Irvine: 26 Bridgegate: Shop Premises

Submitted report by the Corporate Director (Property Services) on action taken by the Chief Executive in authorising the grant of a 3-year lease of 26 Bridgegate, Irvine.

The shop premises, which extend to 76 square metres, lie within the Bridgegate pedestrian precinct. Following advertisement, one offer was received, from Mrs Marion Bennett for a 3-year lease of the premises in the sum of £26,000 per annum, for use as a hairdressing and beauty salon. To ensure that rental income is achieved at the earliest opportunity, the Chief Executive, following agreement with the Leader of the Council and the Provost, authorised acceptance of this offer.

The Committee agreed to approve the action taken by the Chief Executive to grant a lease to Mrs Marion Bennett for a period of 3 years at an annual rental of £26,000 and on other terms to be agreed.

5. Irvine: 22 Bridgegate: Shop Premises

Submitted report by the Corporate Director (Property Services) on action taken by the Chief Executive in authorising the grant of a 3-year lease of 22 Bridgegate, Irvine.

The shop premises, within the pedestrian precinct of Bridgegate, extend to 99 square metres. Following advertisement, one offer was received, from Mrs Katherine McDonald and Mrs Angeline Campbell for a 3-year lease of the premises in the amount of £26,000 per annum, for use as a wool, haberdashery and garment alteration service. In the interests of achieving rental income at the earliest opportunity, the Chief Executive, following agreement with the Leader of the council and the Provost, authorised acceptance of the offer.

The Committee agreed to approve the action taken by the Chief Executive to grant a lease to Mrs Katherine McDonald and Mrs Angeline Campbell for a period of 3 years at an annual rental of £26,000 and on other terms to be agreed.

6. Dalry: Sharon Street: Part of Existing Dalry Primary School Campus

Submitted report by the Corporate Director (Property Services) on part of the existing Dalry Primary School Campus.

The 2-storey stone school building, which lies within its own 6130 square metre site, is held on the Educationl Services Account. Whilst other school buildings currently on site will be demolished as part of the Dalry Primary School replacement project, the remainder of the existing school property is not required. It is considered that the retention this building, through conversion for residential purposes, or redevelopment on a cleared site basis, should proceed through open marketing for sale.

The proposal is for a specialist Architectural Design Brief to be prepared for incorporation into a Sales Marketing Brief for the refurbishment of the building, or demolition for residential development.

Members expressed the view that conversion of the property, rather than demolition, should be the favoured option and would wish to receive a further report on the outcome of the specialist Architectural Design Brief before any decision is taken on the future of the site.

The Committee agreed (a) to declare the existing building and adjoining land surplus to requirements; and (b) that a further report be submitted by the Corporate Director (Property Services) on the outcome of the specialist Architectural Design Brief before the property is marketed for sale.

7. Corporate Services Budget 2006/07: Budgetary Control

Submitted report by the Assistant Chief Executive (Finance) on the budgetary control position for Corporate Services at the end of December 2006 and on projections to the end of financial year 2006/07.

The Committee (a) noted the year-end projected underspend based on current information; and (b) agreed that the Chief Executive and Assistant Chief Executives continue to closely monitor the position for the remainder of the financial year.

8. Employment Tribunal: Legal Costs

Submitted report by the Assistant Chief Executive (Legal and Protective) on payment of professional fees in connection with an action before the Employment Tribunal.

In 2005, a claim for constructive dismissal and sex discrimination was lodged with the Employment Tribunal in Glasgow by a former Social Services employee against the Council and six named Officers. It was decided to defend the action. However, due to the fact that Officers within Legal Services had been named in the claim, it was agreed that private practice solicitors should represent the Council and its employees.

No settlement was achieved prior to the date of the hearing and, thus far, 12 days of evidence have been heard, with a further 3-5 days anticipated. The Council's legal costs are currently in the region of £95,000 and are not likely to exceed £120,000 in total. Actions before an Employment Tribunal do not include award of expenses and, therefore, the Council cannot expect to recover any of these costs upon successful defence of the claim.

The Committee expressed concern that there is no mechanism for the recovery of costs in the event of the Council successfully defending the claim and considered that action should be taken to lobby for a change to this position.

The Committee agreed (a) to authorise the Assistant Chief Executive (Finance) to arrange for payment of the legal fees to be met from Council reserves and balances; and (b) that the Assistant Chief Executive (Legal and Protective) investigate what action might be taken to lobby for a change to provide for the recovery of costs by the Council in cases where a claim is successfully defended.

9. St. Andrew's Day Public Holiday

Submitted report by the Chief Executive on the provisions which have been made for a St. Andrew's Day public holiday.

The St. Andrew's Day Holiday (Scotland) Bill was approved by Parliament on 29 November 2006. The Bill does not add to the total number of designated local holidays in any year, but it does add 30 November (or the following Monday should 30 November fall on a weekend) to the schedule of bank holidays in Scotland.

The Bill also provides a legal framework in which the St. Andrew's Day bank holiday could be substituted for an existing local holiday from another date in the year and it gives employers the discretion to choose St. Andrew's Day as an alternative holiday. Each organisation and company is free to take its own decision about whether to have a holiday or replace an existing one. The Executive has written to local authorities asking that, in deciding on local holidays, consultation takes place with the local business community on the possibility of St. Andrew's Day replacing another local holiday.

The Committee agreed (a) to consultation taking place with the local business community on the option of St. Andrew's Day as a replacement public holiday; and (b) that the Chief Executive submit a further report in due course on the outcome of the consultation.

10. Corporate Services (Conditions of Service) Sub Committee

Submitted the annexed report (Appendix CS1) being the Minute of the Meeting of the Corporate Services (Conditions of Service) Sub Committee held on 18 December 2006.

The Committee agreed to approve the Minutes.

The Meeting ended at 2.25 p.m.

Corporate Services Committee
30/01/2007

Appendix No
CS1

Corporate Services (Conditions of Service) Sub Committee
18 December 2006

IRVINE, 18 December 2006 - At a Meeting of the Corporate Services (Conditions of Service) Sub Committee of North Ayrshire Council at 11.00 a.m.

Present

David Munn, Peter McNamara, David O'Neill and Sam Taylor.

In Attendance

J. Currie, Head of Cleansing, Grounds Maintenance and Transport (Property Services); S. Ferguson, Personnel Manager (Personnel); and M. Anderson, Corporate Support Officer (Chief Executive's).

Chair

Councillor Munn in the Chair.

Apologies for Absence

Alan Munro.

1. Exclusion of the Public

The Sub Committee resolved in terms of Section 50(A)4 of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public for the following item of business on the grounds indicated in terms of Paragraph 1 of Part I of Schedule 7A of the Act.

2. Request for Early Retirement: Property Services

Submitted report by the Assistant Chief Executive (Personnel) on a request for early retirement from an employee within Property Services.

The report indicated the implications for the Council should the request be approved.

The Sub Committee agreed to approve the request for early retirement on the terms and conditions detailed in the report.

The Meeting ended at 11.10 a.m.