



**NORTH AYRSHIRE**  
COUNCIL

Cunninghame House,  
Irvine.

9 January 2014

### **Cabinet**

You are requested to attend a Meeting of the Cabinet of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **TUESDAY 14 JANUARY 2014** at **2.30 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

**1. Declarations of Interest**

Members are requested to give notice of any declaration of interest in respect of items of business on the agenda.

**2. Minutes (Page 7)**

The accuracy of the Minutes of (i) the ordinary meeting held at 2.30 p.m. on 10 December 2013 and (ii) the special meeting held at 10.00 a.m. on 11 December 2013, will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copies enclosed).

**3. North Ayrshire Leisure Limited (NALL) Business/Service Plan: Progress Report December 2013 (Page 19)**

Submit report and receive presentation by a representative from North Ayrshire Leisure Limited (copy enclosed).

## **GENERAL BUSINESS FOR DECISION**

### **Reports by the Chief Executive**

**4. Private Members Bill Consultation - Promoting Greater Accountability and Transparency in Local Government (Page 81)**

Submit report by the Chief Executive on a proposed response to the consultation by John Finnie MSP on his proposed Local Government Accountability and Transparency (Scotland) Bill (copy enclosed).

### **Reports by the Corporate Director (Education and Skills)**

**5. Community Empowerment (Scotland) Bill (Page 107)**

Submit report by the Corporate Director (Education and Skills) on the Council's response to the second stage of the Scottish Government consultation on the proposed Community Empowerment Bill (copy enclosed).

## **CONTRACTS**

**6. Replacement of Dirrans Resource Centre (Page 145)**

Submit report by the Corporate Director (Finance and Corporate Support) on the result of the tender exercise for the replacement of the Dirrans Resource Centre (copy enclosed).

## **GENERAL BUSINESS FOR INFORMATION**

**7. Opioid Replacement Therapy (Page 155)**

Submit report by the Director (North Ayrshire Health & Social Care Partnership) on the key findings of the Independent Expert Review of Opioid Replacement Therapies in Scotland (copy enclosed).

## **MINUTES**

**8. Economic Development and Regeneration Board: Minutes of 13 November 2013 (Page 163)**

Submit report by the Corporate Director (Development and Environment) on the minutes of the Economic Development and Regeneration Board held on 13 November 2013 (copy enclosed).

**9. South West Hub Territory Partnership Board: Minutes of 21 November 2013 (Page 169)**

Submit report by the Corporate Director (Finance and Corporate Support) on the minutes of the meeting of the South West Hub Territory Partnership Board held on 21 November 2013 (copy enclosed).

**10. Physical Environment Advisory Panel: Minutes of 2 December 2013  
(Page 175)**

Submit report by the Corporate Director (Development and Environment) on the minutes of the meeting of the Physical Environmental Panel held on 2 December 2013 (copy enclosed).

**11. 1<sup>st</sup> Tier JCC and Corporate Health & Safety Group: Minutes of 5 December 2013 (Page 185)**

Submit report by Chief Executive on the minutes of the 1st Tier JCC and the Corporate Health and Safety Group held on 5 December 2013 (copy enclosed).

**12. Brodick Pier Redevelopment Committee: Minutes of 9 December 2013  
(Page 197)**

Submit report by the Corporate Director (Development and Environment) on the minutes of the Brodick Pier Redevelopment Committee held on 9 December 2013 (copy enclosed).

**13. Urgent Items**

Any other items which the Chair considers to be urgent.



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## Cabinet

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Sederunt: **Elected Members**

Willie Gibson (Chair)  
Alan Hill (Vice-Chair)  
Marie Burns  
John Bruce  
Anthea Dickson  
Tony Gurney  
Ruth Maguire

Chair:

Attending:

Apologies:

Meeting Ended:



Cabinet  
10 December 2013

**IRVINE, 10 December 2013** - At a meeting of the Cabinet of North Ayrshire Council at 2.30 p.m. in Cunninghame House, Irvine.

**Present**

Willie Gibson, Alan Hill, Marie Burns, John Bruce, Anthea Dickson, Tony Gurney and Ruth Maguire; Very Reverend M. Canon McManus, E. Higton and M. Fraser (Church Representatives); G. Smith (Teaching Representative); and E. Hawthorn (Youth Representative).

**Also Present**

Alex Gallagher.

**In Attendance**

E. Murray, Chief Executive; L. Friel, Corporate Director, Y. Baulk, Head of Finance, G. Macgregor, Head of Human Resources and Organisational Development, T. Reaney, Procurement Manager, A. Blakely, IT Manager (Finance and Corporate Support); I. Colvin, Director of North Ayrshire Health and Social Care Partnership, J. McCaig, Interim Head of Community Care and A. Adrain, Interim Head of Housing (Social Services and Health); C. Kirk, Corporate Director, Mary Docherty, Head of Education (3-18), A. Sutton, Head of Community and Culture and S. Quinn, Head of Service Development (Education and Skills); C. Hatton, Corporate Director (Development and Environment); A. Fraser, Head of Democratic and Administration Services, A. Todd, Policy and Performance Officer, M. Gilmour, Senior Communications Officer (Media and Internal Communications), M. Anderson, Committee Services Officer and A. Pearson, Committee Services Support Officer (Chief Executive's Service)

**Also In Attendance**

K. Merrick (Acting Head Teacher), E. Duncan, R. Sillars (pupil representatives) (Broomlands Primary School); C. Sim (Head Teacher), E. Nix and L. Cummings (pupil representatives) (Fencedyke Primary School); and E. Cumming (Head Teacher), K. McAdam and N. Riddell (pupil representatives) (Towerlands Primary School).

**Chair**

Councillor Gibson in the Chair.

**Apologies for Absence**

J. McCormick (Youth Representative).

**1. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 16 and Section 5 of the Code of Conduct for Councillors.

## **2. Minutes**

The accuracy of the Minutes of the meeting of the Cabinet held on 26 November 2013, was confirmed and the Minutes signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

## **3. Naming of the New Primary School Development in Irvine**

Submitted report by the Corporate Director (Education and Skills) which invited the Cabinet to select a name for the new primary school development in Irvine, from a short-list provided by a working group comprising representatives of the existing three school communities.

Pupil representatives from Broomlands, Fencedyke and Towerlands Primary Schools gave a presentation on the justifications for the short-listed names of Cherrylands Primary School, Cunninghame Primary School and Elderbank Primary School.

Following a ballot, the Cabinet agreed, by a majority decision, to name the new primary school development in Irvine "Elderbank Primary School".

## **4. Stanley Primary School Accommodation Pressures**

Submitted report by the Corporate Director (Education and Skills) which (a) advised of accommodation pressures at Stanley Primary School, Ardrossan; and (b) presented options for addressing the issue.

Members asked questions, and received clarification, on the following:-

- the process for, and difficulties associated with, attempting to predict school capacity requirements;
- issues relating to the PPP model;
- the importance of general purpose and library areas within schools; and
- the disruption likely to arise from a change to the school catchment.

The Cabinet agreed (a) to note the content of the report; (b) to approve procurement of modular accommodation for August 2014 at an estimated cost of £110,000 in year 1 (installation and maintenance), with £23,500 revenue implications per annum thereafter; and (c) that Officers undertake further work around options for a permanent solution for the future taking account of the wider school estate.

## **5. Corrie Primary School Annexe - Structural Issues**

Submitted report by the Corporate Director (Education and Skills) which (a) advised on structural issues at the Corrie Primary School Annexe, which accommodates dining/PE/Early Years; and (b) provided information on the various options for addressing the issue, together with associated costs.

The Cabinet agreed to approve funding of £175,000 from the approved Capital Plan, for the reconfiguration of Corrie school house to create a fit for purpose learning and teaching environment for the school.

## **6. Toilet Provision in North Ayrshire Council Schools**

Submitted report by the Corporate Director (Education and Skills) which (a) advised on the views held by young people within schools on the current condition and suitability of school toilets; and (b) made recommendations for future investment.

Members asked questions, and received clarification, on the following:-

- whether individual schools had their own policies on access to school toilets;
- the importance of learning from best practice elsewhere;
- the timescale for future meetings of the reference group;
- the value of members of the Cabinet and, in particular, lay members, having the opportunity to undertake visits to familiarise themselves with the school estate; and
- whether issues associated with school toilets relate mainly to the secondary school sector, rather than primary schools.

The Cabinet agreed (a) to note the content of the report; (b) to approve the proposed way forward as set out at Section 3 of the report, in terms of continuing to place a high priority on upgrading toilet facilities, prioritising the schools identified, involving pupils in the design process for new schools and learning from good practice throughout the country; (c) that the Head of Service Development (Education and Skills) make arrangements for members of the Cabinet, including lay representatives, to (i) visit the school estate and (ii) receive a copy of any school policies covering the use of school toilets; and (d) that the Corporate Director (Education and Skills) submit a further report to the Cabinet (Education) on any issues arising as a result of the Cabinet's visits to schools.

## **7. 600 Hours Update**

Submitted report by the Corporate Director (Education and Skills) on the progress made towards delivering 600 hours of early learning and childcare by August 2014.

The Cabinet agreed that the Corporate Director (Education and Skills) (a) continue to develop the plans to ensure 600 hours provision is in place for August 2014; and (b) provide an update to the Cabinet in February 2014.

## **8. Strategic Review of Educational Services**

Submitted report by the Chief Executive on proposals to take forward the Strategic Review of Education Services.

Members asked questions, and received clarification, on the following:-

- best practice in terms of public engagement in consultation exercises;
- the importance of focussing on achievement and innovation in schools, rather than simply on school buildings themselves;
- educational approaches across Scotland and internationally;
- the opportunity, following the outcome of the recent Three Towns Campus proposals, to undertake further consultation on educational provision; and
- the value of the approach being proposed.

The Cabinet agreed (a) to note the work proposed to take forward the Strategic Review of Educational Services during 2014, in terms of the six workstreams detailed at Section 2.6 of the report; and (b) that, while the review takes place, any new investment in the Council's property assets will be limited to essential maintenance.

## **9. Council Plan, Performance Management Strategy and Single Outcome Agreement (SOA):Q2 Progress Update**

Submitted report by the Chief Executive on progress in implementing Action Plans in respect of the Council Plan, the Performance Management Strategy and the Single Outcome Agreement.

Members asked questions, and received clarification, on the following:-

- the likely timescale for the introduction of the National Assessment Toolkit;
- the appropriateness of the indicator relating to the number of active volunteers who have participated in training delivered by Community and Culture;
- work being undertaken by Community and Culture to focus support on volunteer groups, rather than individual volunteers;
- the strategy to address the projected decline in the population of North Ayrshire;
- the need for further background information on actions which are adrift of target; and
- recruitment difficulties associated with the new Vulnerable Children (0-5) Support Service.

The Cabinet agreed (a) to note that progress continues in implementing the three Action Plans for the Council Plan, Performance Management Strategy and Single Outcome Agreement (SOA); (b) that future reports should include further background information on any actions which are adrift of target; and (c) to refer the report to the Scrutiny and Petitions Committee for its consideration.

## **10. 2012/13 Statutory Performance Indicators - Scottish Rankings**

Submitted report by the Chief Executive on the performance of the Council in comparison with other Councils, in terms of Audit Scotland's published Statutory Performance Indicators.

Members asked questions, and received clarification, on the Council Tax collection rates, compared with that of other Scottish Councils, and measures to improve performance.

The Cabinet agreed to (a) note the Council's position in relation to other Councils; (b) note progress being made in terms of the Council's overall performance; and (c) refer the report to the Scrutiny and Petitions Committee for its consideration.

## **11. Service Plan 2013/14 Progress Reports as at 30 September 2013**

Submitted report by the Chief Executive which provided an update on the performance of all Council Services as at 30 September 2013.

Members asked questions, and received clarification, on the following:-

### Finance and Corporate Support

- plans to brief Members on the outcome-based budgeting pilot;

### Education and Skills

- the level of detail available on post-school destinations and the extent to which ongoing tracking takes place;

### Development and Environment

- the positive work being done by the Service, particularly the new Team North Ayrshire approach;
- the potential for North Ayrshire to increase its population via immigration from the EU and beyond, including Afghan relocation;

### Social Services and Health

- the pressure being experienced by frontline staff as a result of workload issues associated with Welfare Reform, and measures to support staff.

Members of the Cabinet expressed their appreciation of the work being done by staff across the Council, particularly those continuing to produce award-winning work notwithstanding the additional pressures and workload associated with Welfare Reform.

The Cabinet agreed to (a) note the performance of all Services as at 30 September 2013 against the actions, key performance indicators and risks in the 2013/14 Service Plans; (b) the removal of Social Services and Health ( Social Services) indicator SPSS\_P\_E02 (Percentage of learning disability service users receiving respite accessing short breaks); (c) the amendment of Social Services & Health ( Social Services) indicator SPSS\_P\_F01 - Debt Advice indicator (£), which will be converted to data only but will remain in the Service Plan; and (d) refer the Service Plan 2012/13 Progress Reports for the consideration of the Scrutiny and Petitions Committee on 12 December 2012.

## **12. Provost's Hospitality Budget and Fundraising Activity**

Submitted report by the Chief Executive which (a) advised on the Provost's committed hospitality expenditure for 13/14; and (b) gave details of the Provost's fundraising activity from June 2013.

The Cabinet agreed to (a) note the contents of the report; (b) approve the requests for funding to date, as set out in the report; and (c) receive an update in six months.

## **13. Commission on Strengthening of Local Democracy: Call for Evidence**

Submitted report by the Chief Executive which (a) provided information on COSLA's Commission on Strengthening Local Democracy; and (b) sought agreement on a proposed response to the Commission's Call for Evidence.

The Cabinet agreed to approve the response to the Commission on Strengthening Local Democracy's Call for Evidence, as set out at Appendix 2 to the report.

## **14. Learning Disabilities Strategy Review**

Submitted report by the Corporate Director (Social Services and Health) on (a) the outcome of the strategic review of North Ayrshire Council Learning Disabilities Services; and (b) sought approval to implement the proposals arising from it.

Members asked questions, and received clarification, on the following:-

- the positive work being done in terms of the Employability Skills Hub; and
- the importance of marketing the products on offer from Hazeldene social enterprise.

The Cabinet agreed to (a) note the outcome of the strategic review of North Ayrshire Council Learning Disabilities Services; and (b) approve the implementation of the service model set out at Section 3 of the report, in terms of the Learning Disabilities Team, Day Services, Commissioned Day Services, Supported Accommodation, Complex Needs, Telecare, and Carers.

## **15. Protection from Eviction (Bedroom Tax) (Scotland) Bill - Consultation Paper**

**This item is subject to the call-in procedure per the Council's Scheme of Administration and will be considered at a meeting of the Scrutiny and Petitions Committee.**

Submitted report by the Corporate Director (Social Services and Health) which (a) advised on the Protection from Eviction (Bedroom Tax) (Scotland) Private Members Bill (Consultation Paper); and (b) proposed a response to the consultation.

Members asked questions, and received clarification, on the following:-

- the importance of reiterating this Administration's complete opposition to the Bedroom Tax;
- the potential of the proposed Bill to create further issues; and
- any impact on the Council's share of funds for Discretionary Housing Payments arising from a recent vote at a meeting of the Scottish Parliament's Economy, Energy and Tourism Committee.

The Cabinet agreed to (a) note the content of the consultation paper on the Protection from Eviction (Bedroom Tax) (Scotland) Private Members Bill; and (b) approve the content of the proposed consultation response, as set out at Appendix 2 to the report.

## **16. Recovery, Reuse and Recycling of Bulky Household Waste**

Submitted report by the Corporate Director (Finance and Corporate Support) which (a) advised of the results of the tender exercise for the Recovery, Reuse and Recycling of Bulky Household Waste; and (b) presented a recommendation in respect of the award of the contract.

The Cabinet agreed to approve the award of the contract for the provision of a service for the Recovery, Reuse and Recycling of Bulky Household Waste to Lowmac Alloys Limited.

## **17. Ayrshire Civil Contingencies Team - Accommodation Move**

Submitted report by the Chief Executive which provided information on changes in accommodation for the Ayrshire Civil Contingencies Team, which will relocate to the John Pollock Centre in Mainholm, Ayr on 4 January 2014.

Members asked questions, and received clarification, on the potential for rent or rates to be charged in the future.

Noted.

## **18. ICT Strategy Update**

Submitted report by the Corporate Director (Finance and Corporate Support) which provided an update on progress and details of the next steps in relation to the ICT Strategy.

Noted.

## **19. Treasury Management Mid-Year Report 2013/14**

Submitted report by the Corporate Director (Finance and Corporate Support) which provided a Treasury Management update for the period 1 April to 31 October 2013.

Noted.

## **20. Maximising Attendance Performance - September 2013 (Quarter 2 Summary)**

Submitted report by the Corporate Director (Finance and Corporate Support) which gave an analysis of sickness absence in Quarter 2 and the current year to date position.

Members asked questions, and received clarification, on any preventative measures in place in respect of work-related stress.

Noted.

## **21. Employee Engagement Survey**

Submitted report by the Corporate Director (Finance and Corporate Support) which provided a six-monthly update on progress on Employee Engagement Survey improvement plans.

Noted.

## **22. Arran Outdoor Education Centre**

Submit report by the Corporate Director (Education and Skills) which offered an interim progress report on the options appraisal to determine options for the future of Arran Outdoor Education Centre.

The Cabinet agreed (a) that officers (i) continue to identify and develop opportunities for the future sustainability of Arran Outdoor Education Centre and (ii) conclude the review of the operation of the centre, while maintaining a high quality service for young people in North Ayrshire; and (b) that, once the Roseangle report is complete, a further report is submitted to the Cabinet in early Spring 2014 on the options appraisal to determine options for the future of Arran Outdoor Education Centre.

### **23. South West Hub Territory Partnering Board: Minutes of 10 October 2013**

Submitted report by the Corporate Director (Finance and Corporate Support) on the Minutes of the meeting of the South West Hub Territory Partnering Board: Minutes of 10 October 2013.

Noted.

### **24. Exclusion of the Public and Press**

The Cabinet 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 that it involved the likely disclosure of exempt information as defined in Paragraph 9 of Part 1 of Schedule 7A of the Act.

### **25. Garnock Campus Project - Acquisition of Land at Longbar**

**This item was subject to the call-in procedure per the Council's Scheme of Administration. The Council, at its meeting on 18 December 2013, agreed to uphold the Cabinet's decision.**

Submitted report by the Corporate Director (Finance and Corporate Support) which (a) advised on progress made in development of the design proposals and acquiring the land required at Longbar (known as Site 7) to support the development of the new Garnock Campus; and (b) sought approval to conclude the purchase of land from the current landowners.

The Cabinet agreed to (a) note the progress to date in developing the new Garnock Campus design proposals; and (b) approve the purchase of the four areas of land at Longbar (known as Site 7), on the terms outlined in the report.

The meeting ended at 5.00 p.m.



Cabinet  
11 December 2013

**Irvine, 11 December 2013** - At a special meeting of the Cabinet of North Ayrshire Council at 10.00 a.m. in Cunninghame House, Irvine.

**Present**

Willie Gibson, John Bruce, Marie Burns, Anthea Dickson, Alan Hill, Ruth Maguire and Tony Gurney.

**Also Present**

Robert Barr, John Bell, Ian Clarkson, Joe Cullinane, John Easdale, Alex Gallagher, John Hunter, Peter McNamara, Ronnie McNicol, Jim Montgomerie and Donald Reid.

**In Attendance**

E. Murray, Chief Executive; L. Friel, Corporate Director, Y. Baulk, Head of Finance and Property and G. Macgregor, Head of Human Resources and Organisational Development (Finance and Corporate Support); I. Colvin, Director of North Ayrshire Health and Social Care Partnership and A. Adrain, Interim Head of Housing (Social Services and Health); C. Hatton, Corporate Director (Development and Environment); C. Kirk, Corporate Director and S. Quinn, Head of Service Development (Education and Skills); and A. Fraser, Head of Democratic and Administration Services, M. McKeown, Committee and Member Services Manager, K. Dyson, Communications Officer and M. Anderson, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor Gibson in the Chair.

**1. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 16 and Section 5 of the Code of Conduct for Councillors.

**2. General Services Revenue Estimates 2014/15 to 2016/17 and Capital Investment Programme 2014/15 to 2022/23**

Submitted report by the Corporate Director (Finance and Corporate Support) on the Council's revenue spending requirements and anticipated funding for the years 2014/15 to 2016/17, amendments to the 2014/15 budget as approved by the Council on 30 January 2013, the level of reserves and fund balances held by the Council, options to address the funding gap, and the draft capital investment programme to 2022/23.

The expenditure requirements identified for 2014/15 to 2016/17 were summarised at Appendix 1 to the report, with further details of service pressures given at Appendix 2. Proposed efficiencies and savings were outlined at Appendix 3. The Capital Investment Programme for the period 2014/15 to 2022/23 was attached at Appendix 4, and Appendix 5 provided a summary of the equality impact of all efficiencies and savings.

The Cabinet agreed to (a) note the amendment to the 2014/15 budget as approved by the Council on 30 January 2013; (b) note the revenue funding gap from 2014/15 to 2016/17; (c) support the proposed efficiencies and savings outlined at Appendix 3 to the report in order to address the funding shortfall and achieve a balanced budget for 2014/15; (d) support the draft capital investment programme to 2022/23 set out at Appendix 4 to the report; and (e) refer the report to the Council for determination.

### **3. Housing Revenue Account (HRA) Capital Investment Programme, Revenue Budget and Rent Levels for 2014/15**

Submitted report by the Corporate Director (Finance and Corporate Support) on the HRA capital investment programme and revenue budget for 2014/15 and the consequential rent levels.

The proposed 2014/15 HRA capital programme, including associated 2015/16 budgets for projects spanning both years, was detailed at Appendix 1 to the report. Appendix 2 outlined the proposed 2014/15 HRA revenue budget, with planned expenditure of £48.540m mainly funded by rental income, a contribution from the General Fund towards the cost of the homelessness service and charges for services. The report proposed to increase housing rents by 3.5% for 2014/15 and noted an anticipated rent increase of 4.5% for 2015/16 and 2016/17.

The Cabinet agreed to (a) support the proposals set out in Section 3 of the report and its appendices; and (b) refer the report to the Council for approval.

The meeting ended at 10.35 a.m.

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**NORTH AYRSHIRE COUNCIL**

**Agenda Item 3**

**14 January 2014**

**Cabinet**

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**Subject:** **North Ayrshire Leisure Limited (NALL)  
Business/Service Plan incorporating Budget  
2014-5: Progress Report December 2013**

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**Purpose:** To seek Cabinet's approval for the North Ayrshire Leisure Limited (NALL) Business/Service Plan incorporating Budget 2014-15: Progress Report December 2013.

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**Recommendation:** That the Cabinet agrees to approve the NALL Progress Report on the Business/Service Plan at December 2013 and Budget for 2014-15 set out at Appendix 1.

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**1. Introduction**

- 1.1 At the former Executive Committee of 6 December 2011, the Council agreed to negotiate a revised arrangement with NALL to operate the new Irvine Leisure Centre – together with the other facilities and the Sports Development Service - whilst taking the opportunity to redefine the agreements to provide a better framework for the partnership.
- 1.2 In December 2011, KA Leisure submitted a three-year Business / Service Plan to North Ayrshire Council. The Council has requested that progress reports be submitted on an annual basis thereafter.
- 1.3 The report highlights the main areas of progress during the preceding year and determines some areas for future action and development.

**2. Current Position**

- 2.1 In the intervening period since December 2011, the strategic partnership between KA Leisure and North Ayrshire Council has developed significantly and this has facilitated the following areas of progress:
  - Finalising the design and progressing the operating arrangements for the new leisure centre;

- Progressing the design and future operation of the sports facilities at the new Garnock Campus, to include swimming pools and fitness suite;
  - Initiating a review of the operation of the KA Campuses;
  - Developing proposals for a new facility at Quarry Road, Irvine;
  - Reviewing sports development in North Ayrshire;
  - Increasing the range of partnership initiatives and projects;
  - Developing events and arrangements for 2014; and
  - Progressing the overall revised operating and funding agreement, based partly on new facilities.
- 2.2 Work on the revised agreements and sports development arrangements is due to be completed in April 2014 and the proposals contained therein will form a further report to Cabinet.
- 2.3 The information contained within the current progress report provides a range of information which illustrates the progress made by KA Leisure towards responding to the requirements of North Ayrshire Council and in improving the performance of the company.
- 2.4 The company established a working group comprising Directors and Senior Management to develop the current progress report.
- 2.5 The progress report provides performance and financial projection information, the current status of specific company commitments and includes a projected budget for 2014/15. In addition, the progress report includes strategic partnership working and activity/event programming information.
- 2.6 In the first six months of the financial year, the company has achieved encouraging operational and financial performance results.
- 2.7 The progress report provides detailed performance information across all sites. This year there has been an increase of 70,557 customer visits across all areas of the business compared to the first six months of last year. Overall activity has increased by 8% compared to last year's six month results. This has been attributed to an increase in subscription levels, investment in fitness suites, continued marketing and partnership working. It is anticipated that, for the remainder of the financial year, performance overall will exceed last year's actual outturn figure and target.

- 2.8 Significantly, the improvements in performance have also resulted in improvements in performance against national benchmarks, with notable progress being made in Statutory Performance Indicators performance.
- 2.9 Financially, the company is performing within its overall budgetary framework and is anticipating a small surplus at year end.
- 2.10 The company is committed to achieving a number of strategic objectives: staff realignment to meet business needs, investment, implementing “spend to generate” initiatives, adopting contemporary marketing techniques, strengthening relationships with strategic partners and extending customer engagement. The company will continue to progress the objectives in the current year and in 2014/15.
- 2.11 To date, a variety of events has been organised and hosted by the company. The purpose of all events is to encourage participation in activities, showcase facilities and ultimately ensure that customers have fun. The report also provides information on the extensive range of event programming, activity portfolio and the strategic partnership network that has resulted in growth in several business areas. The company works extensively with a broad range of partners to deliver specific projects and initiatives across the communities of North Ayrshire. A number of projects are externally funded. The development of community based projects is an integral part of the company’s programme.
- 2.12 The progress report contains the proposed budget for 2014/15. This budget contains a financial contribution of £3,286,624 from North Ayrshire Council. The company has adopted a realistic approach in projecting operational income levels for 2013/14.

### **3. Proposals**

- 3.1 The Cabinet is invited to approve the NALL Progress Report on the Business/Service Plan at December 2013 and Budget for 2014-15 set out at Appendix 1.

### **4. Implications**

#### Financial Implications

- 4.1 The report details the current and projected financial results for the company.

#### Human Resource Implications

- 4.2 There are no human resource implications arising from this report.

#### Legal Implications

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

#### Equality Implications

- 4.4 There are no equality implications arising from this report.

#### Environmental Implications

- 4.5 There are no environmental implications arising directly from this report.

#### Implications for Key Priorities

- 4.6 The review of the contractual and operating arrangements with NALL will contribute to the achievement of the following SOA outcomes:

3a: "opportunities for lifelong learning have increased";

5a: "opportunities to support the positive development of young children have increased";

6a "We live longer, healthier lives";

6b: "health inequalities have reduced";

6e "people are more active more often";

11a "levels of voluntary actions and community involvement have increased";

11b "partnership working between the public, community and voluntary sector has improved"; and

15 Our public services are high quality, continually improving, efficient and responsive to local people's needs.

## **5. Consultations**

- 5.1 North Ayrshire Leisure Ltd has worked with a range of partners in working towards the delivery of the Business Plan and Progress report. These are detailed within the progress report (attached at Appendix 1).

## **6. Conclusion**

- 6.1 The Progress Report on the Business/Service Plan presented by NALL continues to address the key improvements recommended by the working group and agreed by Elected Members at the former Executive on 6 December 2011.
- 6.2 It also includes a range of proposals which are continuing to transform the operation of the company, which includes working with the Council towards the future operation of the new Irvine leisure centre and other new facilities.



CAROL KIRK  
Corporate Director (Education and Skills)

Reference : AS/JN

For further information please contact Audrey Sutton, Head of Community and Culture (Education and Skills) on telephone number 01294 324414

### **Background Papers**

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# Progress Report

incorporating 2014/15 Budget





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## Introduction

In December 2011 KA Leisure submitted a 3 year Business / Service Plan to North Ayrshire Council outlining the Company's strategy for fulfilling our core objective to make "more people more active more often."

The aim of this Progress Report is to highlight the action taken and the progress made in the delivery of the commitments made in the Business / Service Plan.

Despite financial challenges and the current economic climate the Company is pleased to report a number of successful outcomes in the Company's efforts to fulfil the "5 Company Commitments" in the Business / Service Plan.

The Company pledged;

- To Protect Frontline Services
- To Adhere to a Pricing Promise
- To be Prepared to Adapt
- To Properly Engage
- To Improve Promotion and Profiling

These commitments have been at the core of the Company strategy over the last two years and have resulted in the delivery of an effective and efficient service tailored to meet customer and strategic partner needs whilst protecting the long term viability of the Company.

There are six key components to the Company strategy;

- Staff realignment to meet business needs
- Investment in fitness equipment resulting in a positive upturn in customer visits
- Implement "Spend to Generate" Initiative to engage staff and boost attendances
- Adopting contemporary marketing techniques via a modern marketing strategy to generate public interest through the Company website, social media and print
- Strengthening relationships with strategic partners through working groups and joint initiatives
- Extending customer engagement through feedback opportunities and forums

This Progress Report also contains a summary of the current year's financial performance with performance projections and budgetary requirements.

The report also provides information on the extensive range of event programming, activity portfolio and the strategic partnership network that has resulted in growth in several business areas.

## DID YOU KNOW...

The KA Website has approximately 20,140 visits a month. Visitor traffic has increased by 34% compared to last year.





## Overall

In the first six months of the financial year the Company has achieved encouraging operational and financial performance results.

The following table illustrates customer visit performance across the Company comparing the first six months of this year to the corresponding period last year. It should be noted targeted figures for financial year 2013/14 were prepared six months prior to the conclusion of 2012/13.



### KA Leisure – Performance by Facility/Service – Number of Visits

Facility/Service	2012/2013 Actual	2013/2014 Target	2012/2013 6 Month Actual	2013/2014 6 Month Actual	2013/2014 6 Month Variance (%)
Leisure Centres	1,261,780	1,212,650	626,666	694,885	+11%
KA Campus	306,832	294,200	138,161	148,600	+8%
Golf & Outdoor Sports	128,876	131,400	82,330	73,670	-11%
Physical Activity	181,774	163,000	87,123	87,682	+1%
<b>Total</b>	<b>1,879,262</b>	<b>1,801,250</b>	<b>934,280</b>	<b>1,004,837</b>	<b>+8%</b>

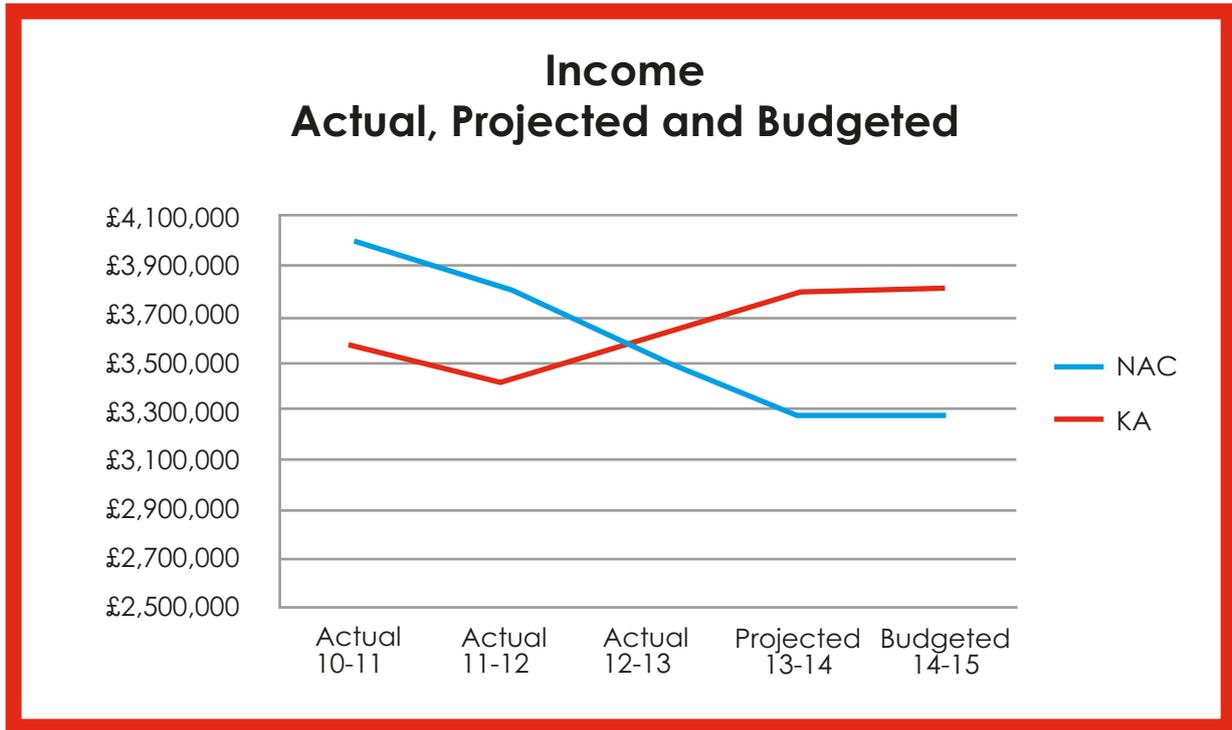
This year there has been an increase of 70,557 customer visits across all areas of the business compared to the first six months of last year. This represents an increase of approximately 8%.

The increase can be attributed to investment in leisure centre fitness equipment, the addition of the West Kilbride site to the KA Campus portfolio, the continuous development of products and services and the heightened interest in sporting activities since the 2012 London Olympics and the anticipated 2014 Glasgow Commonwealth Games.

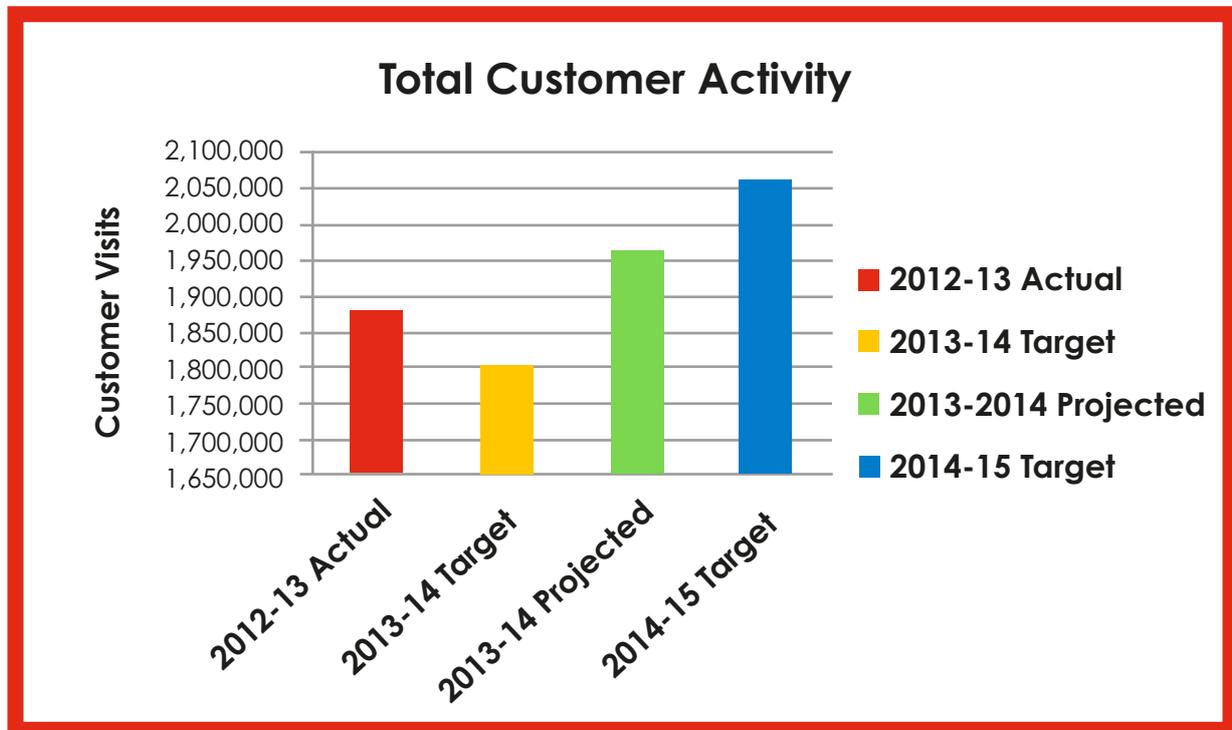
In financial terms the Company continues to work within its overall budgetary framework. It is projected that the Company will achieve a modest operating surplus at year-end.

The Company remains committed to developing its reporting and management information systems. In the current year the Company has adopted North Ayrshire Council's performance reporting system, Covalent. It is anticipated that this system will simplify reporting information to stakeholders internally and externally.

The following graph depicts the financial contribution level from North Ayrshire Council compared to Company operational income.

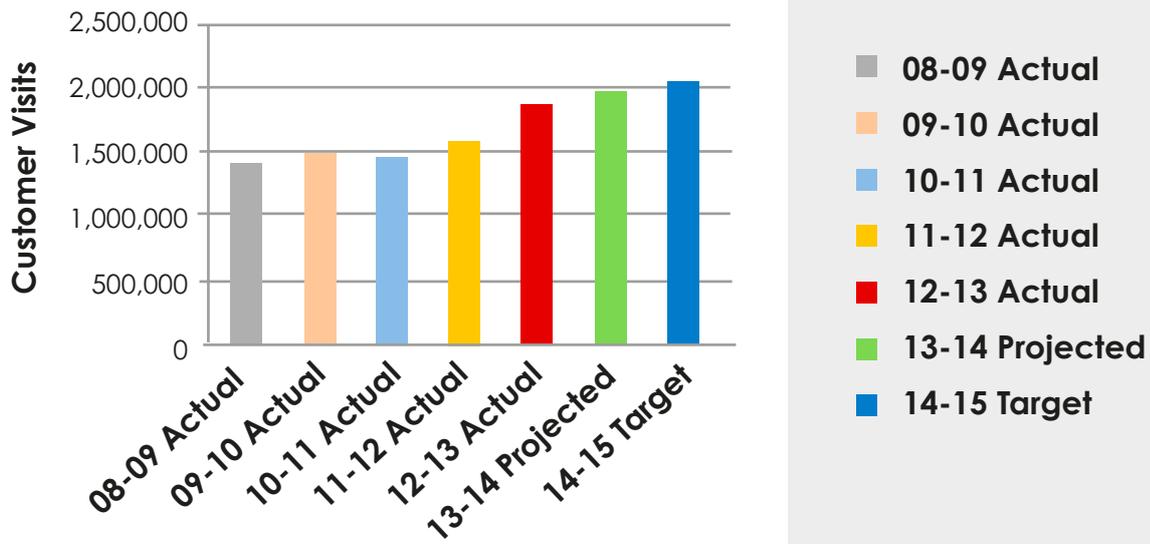


The following graph depicts last year's actual outturn compared with 2013/14 target. The graph also includes projected outturn for this year and a target outturn for 2014/15. Full details of targeted and projected customer activity levels on an area basis are contained in Appendix A of this report.



Customer activity levels are projected to increase by 9% due to further expansion of the strategic partnership subscriptions, programme development and continued partnership and customer engagement.

## Total Customer Activity Year on Year

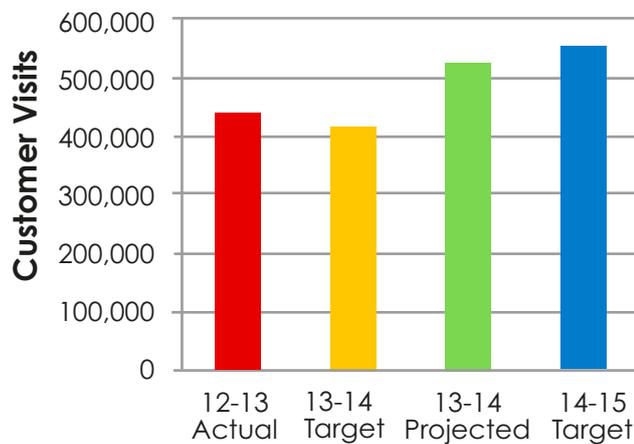


The graph above traces customer activity levels over the past few years. The projected current year activity levels and the target level for 2014/15 reveal

an anticipated continuation of the upward trend in performance. Appendix B provides historical statistical data.



## Fitness



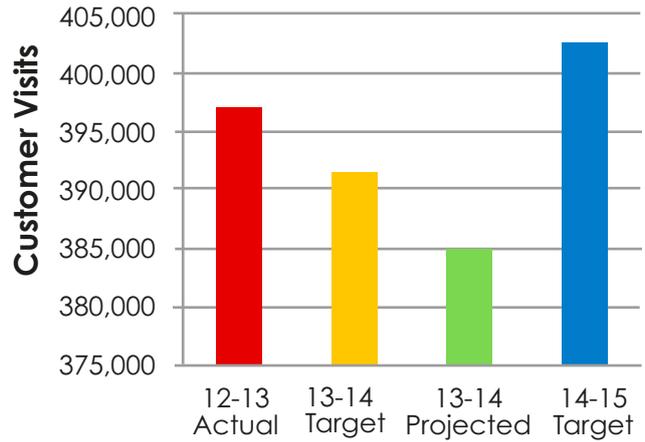
■ 12-13 Actual     ■ 13-14 Projected  
■ 13-14 Target     ■ 14-15 Target

The completion of fitness suite refurbishments at the 4 leisure centres including the installation of new equipment is a contributory factor in the projected fitness figures exceeding expectation. Also, the Company added the West Kilbride site to its KA

Campus portfolio early in this financial year, leading to increased activity levels within this business area. The new post of Fitness Manager has been filled in the current year, enabling the continued development of this area of the business.



## Swimming

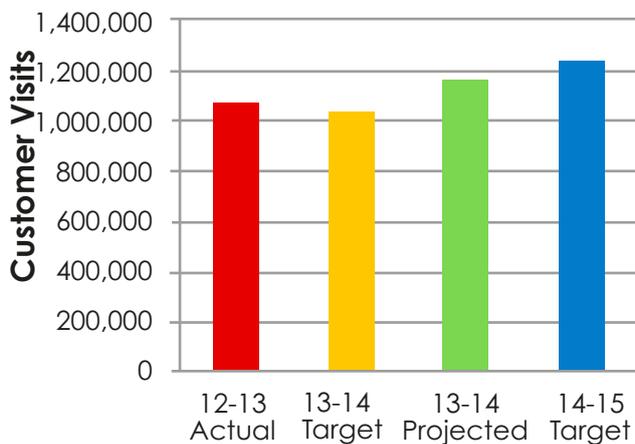


■ 12-13 Actual     ■ 13-14 Projected  
■ 13-14 Target     ■ 14-15 Target

Swimming activity is not expected to achieve the target figure. The decline is due to the Magnum Leisure Centre's figures being lower than expected, all other centres exceed combined swim targets. The decrease at the Magnum is predominantly

due to fewer visits to this leisure pool during the exceptionally warm weather in the summer months. For the remainder of the financial year the Company is revising its Learn to Swim programme to increase capacity of swim classes.

## Indoor Activities



■ 12-13 Actual     ■ 13-14 Projected  
■ 13-14 Target     ■ 14-15 Target



Indoor activities include; ice, fitness gyms, fitness studios, sports hall activities, etc. This area is performing above expectations. This is due to fitness

suite investment, targeted marketing, partnership working and activity development.

## Leisure Centres

The following table illustrates performance across Leisure Centres comparing the first six months of this year to the corresponding period last year. It should be noted targeted figures for financial year 2013/14 were prepared six months prior to the conclusion of 2012/13.



KA Leisure – Leisure Centre – Number of Visits					
Facility/Service	2012/2013 Actual	2013/2014 Target	2012/2013 6 Month Actual	2013/2014 6 Month Actual	2013/2014 6 Month Variance (%)
Auchenharvie LC	477,004	444,950	225,368	273,959	+22%
Garnock Pool	81,180	80,000	40,686	44,852	+10%
Magnum LC	497,137	490,000	257,448	259,378	+1%
Vikingar!	206,459	197,700	103,164	116,696	+13%
<b>Total</b>	<b>1,261,780</b>	<b>1,212,650</b>	<b>626,666</b>	<b>694,885</b>	<b>+11%</b>

Activity levels at leisure centres have increased mainly due to an increase in subscription levels. A number of factors have led to subscription levels increasing; the refurbishment of the fitness suites across the 4 leisure centres (the refurbishment included the installation of new fitness equipment), extending fitness class programmes, effective marketing and partnership engagement.

The greatest increase has been experienced at Auchenharvie Leisure Centre with fitness activity increasing significantly following the fitness suite refurbishment, introduction of a functional training room and further development of the fitness class programme. In addition activity levels have increased within swimming pool activities and the ice rink, with the increase in the latter due to improved utilisation of programmed time periods by the various ice clubs. There has been some disruption to ice availability during the year due to an on-going maintenance issue. This is currently being investigated by the Company and North Ayrshire Council. However ice activity overall is currently performing above target. The introduction of free swimming for school age children during the school summer holiday period has contributed to increased swimming visits.

Swimming pool activities continue to perform at a similar level to previous years at Garnock Swimming Pool. In common with other sites an

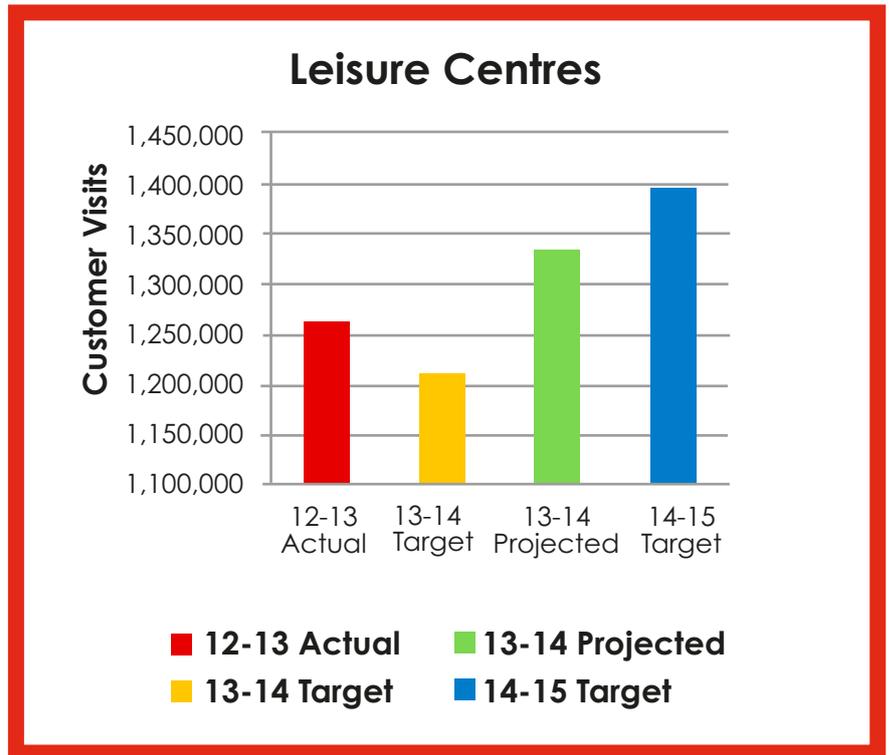
increase in fitness activity has contributed to the overall increase, with a significant increase of over 60% recorded for the first half of the year.

At the Magnum Leisure Centre better weather during the summer period adversely impacted indoor activities including the swimming pool, soft play and sports hall. However reductions in these activities have been offset by increases within fitness activities. The introduction of The 360° Exercise Hub at the Magnum Leisure Centre has provided a flexible fitness training space. This accommodates a range of customer groups including; exercise referral classes, children's fitness, Nurturing Excellence sessions, sports team sessions, supported needs classes and exercise to music classes. Facilitated classes, through partnership working for both North Ayrshire Council and NHS Ayrshire and Arran, has also helped increase activity levels.

Vikingar experienced increases within the swimming pool, fitness and visitor attraction. Refurbishment of the fitness suite, including the removal of the former bar, has expanded the fitness area. Further re-decoration and flooring works will be undertaken later in the current year. Vikingar played a role in the 750th celebrations of the anniversary of the Battle of Largs leading to an increase in visitors to the attraction during the first half of the year.

The following graph depicts last year's actual outturn compared with the 2013/14 target. The graph also includes projected outturn for this year and a target outturn for 2014/15. Full details of targeted and projected customer activity levels on an area basis are contained in Appendix A of this report.

Leisure centre activity levels for 2013/14 are anticipated to exceed target. The 2014/15 target reflects anticipated usage to increase on the basis of expansion of the strategic partnership subscription rates and the continued development of programming activities and classes through engagement with partners and customers.



# KA Campus

The following table illustrates performance across KA Campuses comparing the first six months of this year to the corresponding period last year. It should be noted targeted figures for financial year 2013/14 were prepared six months prior to the conclusion of 2012/13.



## KA Leisure – Leisure Centre – Number of Visits

Facility/Service	2012/2013 Actual	2013/2014 Target	2012/2013 6 Month Actual	2013/2014 6 Month Actual	2013/2014 6 Month Variance (%)
Dalry	33,819	34,500	15,206	11,562	-24%
Kilwinning	24,685	21,600	8,573	10,608	+24%
Arran	28,308	28,750	13,977	12,525	-10%
Greenwood	97,378	89,850	42,905	45,029	+5%
St Matthew's	110,886	105,750	52,376	54,241	+4%
Stanley	11,756	13,750	5,124	4,404	-14%
West Kilbride	-	-	-	10,231	-
<b>Total</b>	<b>306,832</b>	<b>294,200</b>	<b>138,161</b>	<b>148,600</b>	<b>+8%</b>

Activity levels across KA Campuses overall reveals an increase of 8%. The main contributory factor for this increase is the addition of the West Kilbride site to the KA Campus portfolio. The West Kilbride site opened to the public in May 2013. The site was developed by West Kilbride Community Association and the Company facilitates the delivery of a comprehensive gym and studio class programme.

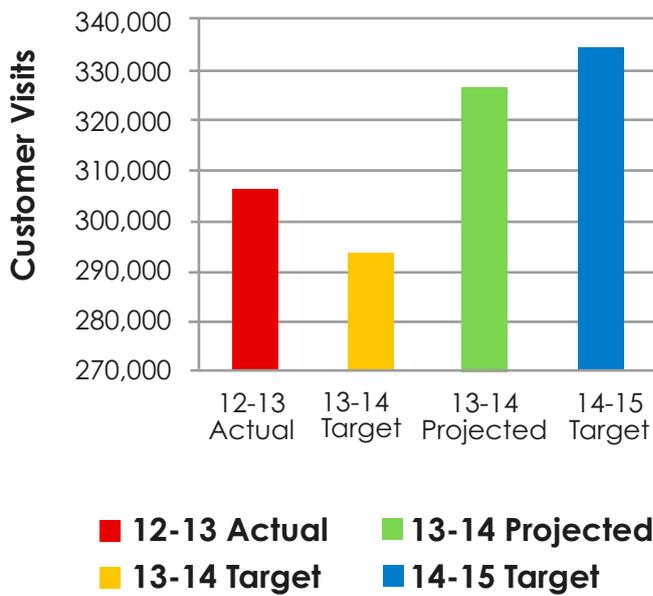
With regards to the other KA Campus locations a number of sites are performing above expectations mainly as a result of increased subscription levels and growing community use that has come to fruition due to targeted marketing and partnership working.

There has however been a reduction in usage at particular sites. At Arran participation figures were affected due to extreme adverse weather conditions at the beginning of the financial year. In Dalry figures reveal a decrease compared to the same period last year due to a reduction in the number of community event bookings at this facility. In Stanley participation figures are lower than last year due to fewer teams booking the synthetic pitch in April and May 2013 compared to the same period in 2012.

The following graph depicts last year's actual outturn compared with the 2013/14 target. The graph also includes projected outturn for this year and a target outturn for 2014/15. Full details of targeted and projected customer activity levels on an area basis are contained in Appendix A of this report.



## KA Campuses



KA Campus activity levels for 2013/14 are anticipated to exceed target. The 2014/15 target reflects anticipated usage to increase on the basis of the additional KA Campus site, West Kilbride, and continued development of community programmes and activities being delivered.



*I attend 2 classes per week and I think the staff are great, friendly, helpful and supportive*



# Physical Activity

Physical Activity comprises all projects and initiatives delivered by the Company Health and Fitness and Sports Development Teams.

Health and Fitness incorporates the delivery of the Company's health promotion and community activities e.g. the Activator (mobile health and physical activity unit), community walking groups, Active North Ayrshire (exercise on referral programme) and a range of health and fitness classes delivered within community venues across North Ayrshire.

Sports Development activities are focussed on 7 key sports; football, gymnastics, swimming, athletics, disability sport, rugby and basketball. The team has a pivotal role in the development of sport pathways within North Ayrshire from pre 5 grass root level to competition level.

The following table illustrates performance across the Physical Activity area comparing the first six months of this year to the corresponding period last year. It should be noted targeted figures for financial year 2013/14 were prepared six months prior to the conclusion of 2012/13.



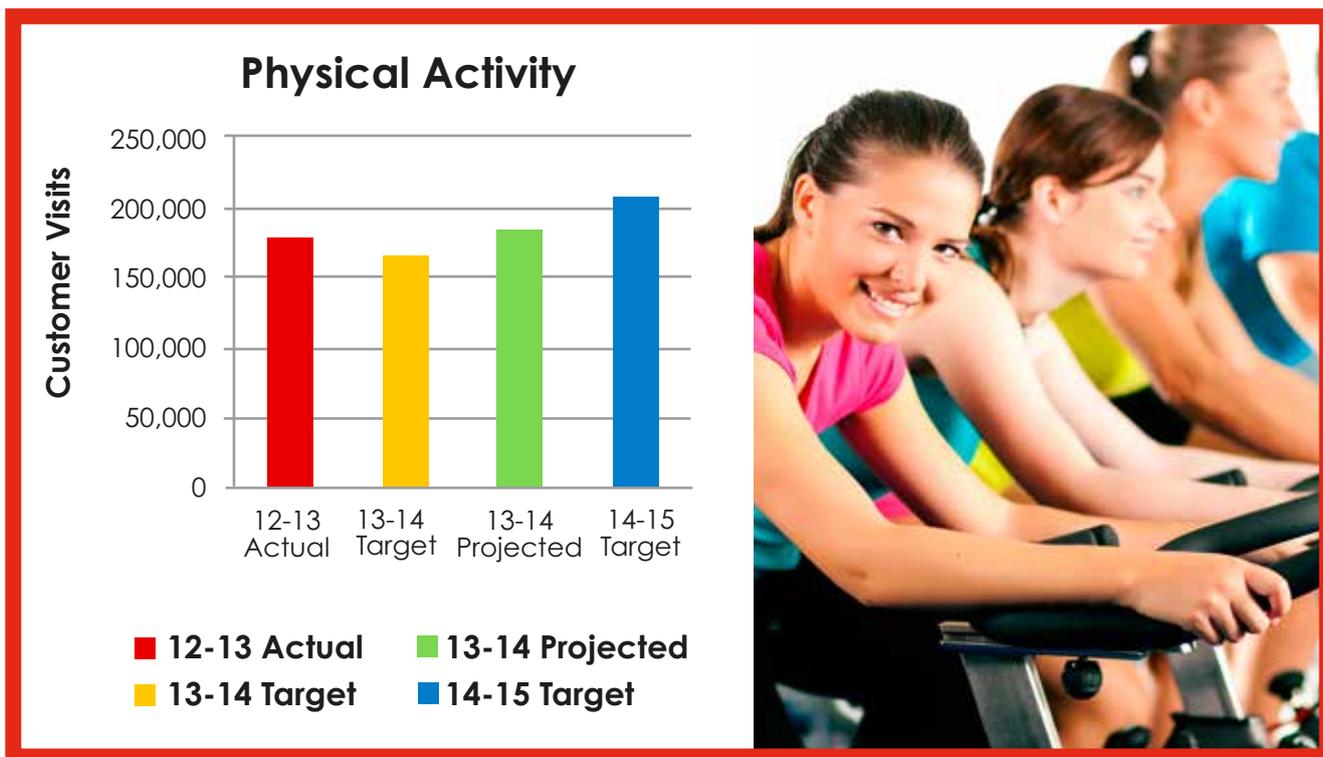
KA Leisure – Physical Activity – Number of Visits					
Facility/Service	2012/2013 Actual	2013/2014 Target	2012/2013 6 Month Actual	2013/2014 6 Month Actual	2013/2014 6 Month Variance (%)
Health and Fitness	80,769	79,000	47,633	41,977	-12%
Sports Development	101,005	84,000	39,490	45,705	+16%
<b>Total</b>	<b>181,774</b>	<b>163,000</b>	<b>87,123</b>	<b>87,682</b>	<b>+1%</b>



Health and Fitness activity levels have not performed to target primarily due to a decrease in the number of events attended by the Activator vehicle during the summer. This was due to a temporary operational difficulty. An enhanced delivery programme has been developed for the Activator for the remainder of the year but it is anticipated that the overall performance will not meet target.

Sports Development activity for the period has exceeded target by 16% due in part to Company involvement in Schools of Sport, increased participation within football development activity and increased attendances and activities for people with additional support needs.

The following graph depicts last year's actual outturn compared with the 2013/14 target. The graph also includes projected outturn for this year and a target outturn for 2014/15. Full details of targeted and projected customer activity levels on an area basis are contained in Appendix A of this report.



Overall activity levels across physical activity are projected to exceed 2013/14 target figure with targets for 2014/15 set to reflect the anticipated impact of the 2014 Glasgow Commonwealth Games.



# Golf and Outdoor Sports

The Company operates 3 golf courses; Ravenspark in Irvine, Auchenhavie in Stevenston (including a driving range) and Routenburn in Largs.

The Company also operates numerous outdoor facilities, including; pavilions, synthetic pitches and grass pitches.

The following table illustrates Golf and Outdoor sports performance comparing the first six months of this year to the corresponding period last year. It should be noted targeted figures for financial year 2013/14 were prepared six months prior to the conclusion of 2012/13.



KA Leisure – Physical Activity – Number of Visits					
Facility/Service	2012/2013 Actual	2013/2014 Target	2012/2013 6 Month Actual	2013/2014 6 Month Actual	2013/2014 6 Month Variance (%)
Golf	58,232	59,400	42,274	42,266	0%
Outdoor Sports	70,644	72,000	40,056	31,404	-22%
<b>Total</b>	<b>128,876</b>	<b>131,400</b>	<b>82,330</b>	<b>73,670</b>	<b>-11%</b>

Golf participation figures have been maintained at last year's levels in a national context for golf which currently records a 2.9% decline in the sport in Scotland. This is an encouraging result for the Company. It is anticipated golf participation will increase due to planned development works and the impending Ryder Cup.

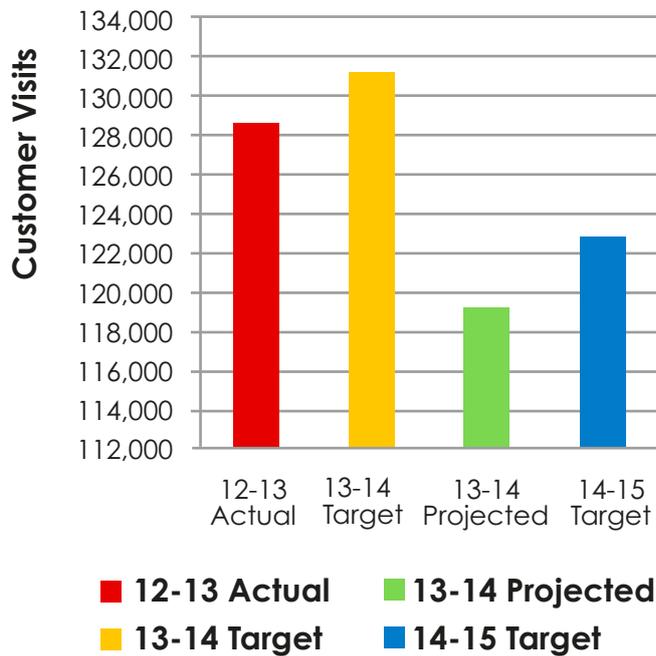
Outdoor sports participation has reduced in the current year due mainly to the limited playability of grass pitches and increasing availability of synthetic pitches in North Ayrshire. The Company is currently

working with North Ayrshire Council to identify supply and demand of sports pitches across North Ayrshire as part of a wider facility and condition review.

The following graph depicts last year's actual outturn compared with the 2013/14 target. The graph also includes projected outturn for this year and a target outturn for 2014/15. Full details of targeted and projected customer activity levels on an area basis are contained in Appendix A of this report.



## Golf and Outdoor Sports



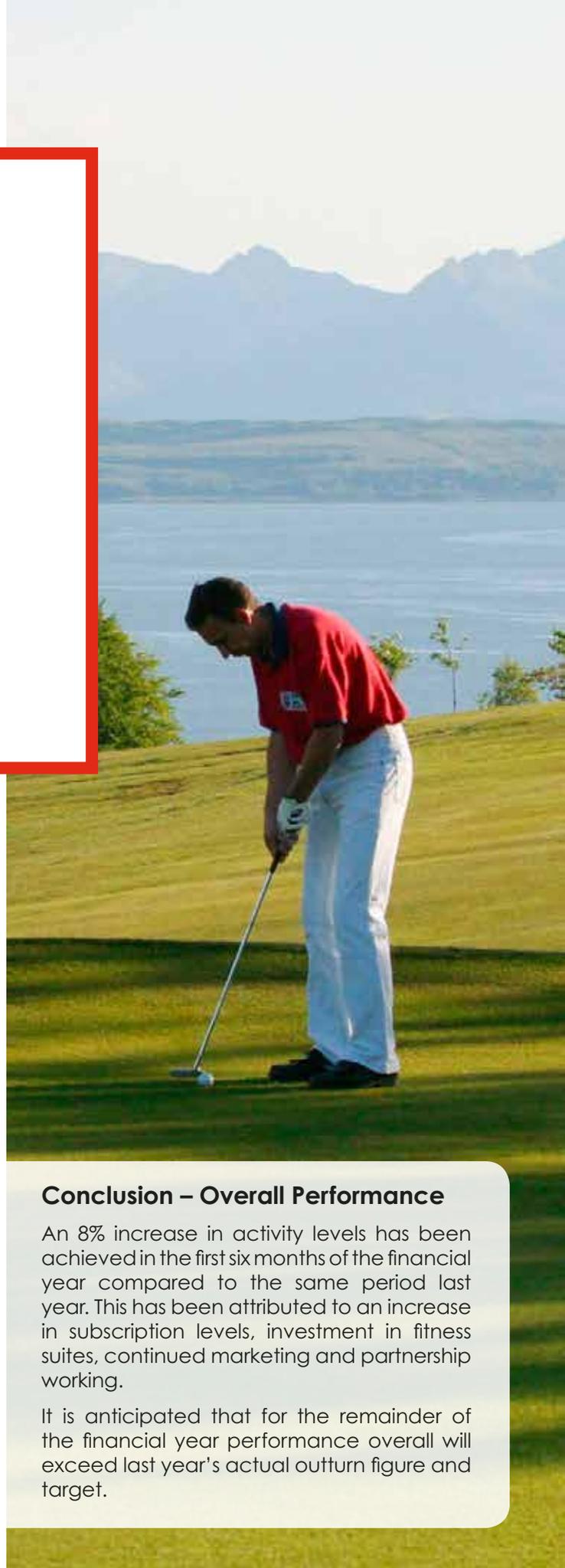
Performance within the current year is unlikely to achieve the targeted figure predominantly due to the decline in grass pitch participation levels. The 2014/15 target has been adjusted to reflect grass pitch participation to remain constant at the current year projected level. However, it is anticipated golf participation will increase due to heightened interest in the sport from Scotland staging the Ryder Cup in 2014 and additional development works being carried out by the Company to attract new players to the sport. This will be based on the main themes of:

- Pathways and legacy programme development; through supporting Active Schools delivering the Scottish Government Primary 5 programme, the introduction of 4 development centres and an advanced development centre at Auchenharvie Golf Course, introducing a holiday programme, a development centre festival and a secondary school competition.
- Club Support; by partnership development with the five resident clubs, Scottish golf and Club golf.
- Coach Education; Support partnering clubs through Club Golf training, supporting clubs and coaches in good practice and development including child protection.

### Conclusion – Overall Performance

An 8% increase in activity levels has been achieved in the first six months of the financial year compared to the same period last year. This has been attributed to an increase in subscription levels, investment in fitness suites, continued marketing and partnership working.

It is anticipated that for the remainder of the financial year performance overall will exceed last year's actual outturn figure and target.



# Business Plan Commitments

## Financial Performance

The Company is operating within its budgetary framework. The probable outturn reveals a modest surplus of £43,734. The table below reveals the current overall financial position.

Financial Performance					
	Annual Budget (£)	Probable Outturn (£)	Budget to 30th Sept (£)	Actual to 30th Sept (£)	Variance on Budget to Date (£)
Expenditure	6,763,173	6,950,568	3,143,724	3,215,651	71,927
Income	(6,765,323)	(6,994,302)	(3,460,123)	(3,561,866)	(101,743)
Surplus	(2,150)	(43,734)	(316,399)	(346,215)	(29,816)

In the first six months of the year income recovery and expenditure are both higher than anticipated at this stage. This is predominantly due to increased income and expenditure relating to unbudgeted projects due to timing of securing funding.

## Governance

During the current year two new Directors have joined the Board of Directors following an external recruitment campaign. The new Directors complement the existing skill base and proficiency of the Board of Directors.

Shepherd and Wedderburn provided Company and Charity Law training for new and existing Directors during the current year.

The Board of Directors have agreed to establish an Audit Committee. Basic advice and guidance has been sourced on establishing Audit Committees. Further training is planned later this year.

The Company has established an employee forum during the current year. Two members of the Board of Directors attend meetings of this forum thus increasing Director interaction with Company employees.

Directors were invited to participate in health and safety training earlier in the year delivered by Quality Leisure Management. The Board of Directors have appointed a representative from their membership to engage with employees to endorse good health and safety practice.



## Strategic Objectives

As previously stated the Company devised a strategy, contained within the Business/Service Plan 2012/15, to meet financial constraints whilst safeguarding the "5 Company Commitments". A brief outline of the status of each strategic objective and commitment follows;

### Staff Realignment to Meet Business Needs

**(Commitment: Protecting the Frontline Service)**  
**(Commitment: Preparing to Adapt)**

There were two stages to the staff realignment exercise, both are now complete.

In 2012/13 there were reductions in staffing within senior management (6.6 full time equivalents (FTE) to 4 FTE), support services staff (15.2 FTE to 9.6 FTE) and catering (5.6 FTE to 2.7 FTE). This exercise generated £320,000 of savings for the Company.

In the current year (2013/14) stage two of the staff realignment involved the creation of two new developmental posts in Fitness and Golf and Outdoor Sports and a review of operational working arrangements.

These realignments are now complete.

The Company will continue to review its staffing complement in order to meet the needs and demands of the business.

In light of the impending Commonwealth Games and the success of the fitness subscription scheme, the Company has been reviewing its aerobics and seasonal staffing provision and will make necessary budgetary adjustments to ensure staffing levels are



*My quality of life has improved as I am able to do more everyday activities and my fitness level has increased.*

appropriate during the year. The Company has also recently undertaken a benchmarking exercise in relation to swimming instructor rates of pay as part of the Company's commitment to reviewing and refreshing its swim development programme. This will ensure that the Company can meet customer expectation regarding programming of swim lessons and swim activities.

Over the last few months the Company has begun a programme of reviewing its cleanliness and maintenance standards across all sites. Investment in cleaning equipment has taken place. A series of briefing sessions has commenced to raise awareness of issues in order to improve facilities for both customers and staff.

Effective employee engagement is extremely important in our Company. In the current year an Employee Forum has been established comprising staff from across the business. Employee Forum meetings are attended by members of the Board of Directors and Senior Management.

The function of the Employee Forum is to communicate and consult with employees on a range of Company issues in conjunction with providing a representative vehicle for nomination and election of an Employee Director. The forum, at its last meeting, nominated a new employee director to fill the vacancy on the Board of Directors.

In the coming months the Company has plans to devise an Employee Recognition Scheme which will be established in conjunction with the Employee Forum.

During the current year the Company has also re-introduced a quarterly staff newsletter. Employees are actively encouraged to provide information on events and news within their respective areas of the business. The newsletter is also used as a mechanism to inform employees on corporate information and developments.



**Good value for money  
and personal training  
standards are good.**

## **Investment in Fitness Equipment**

**(Commitment: Preparing to Adapt)**

**(Commitment: Promoting and Profiling)**

The fitness suites at Auchenhavrie Leisure Centre, Garnock Swimming Pool and Magnum Leisure Centre were refurbished. The former bar facility was removed from the fitness suite at Vikingar and further refurbishment work will be completed within the current financial year. New fitness equipment was installed within the four leisure centres.

The Company has entered into a partnership with Life Fitness for both the supply of fitness equipment and the provision of tailored solutions to support the organisation for the next five years. Through this partnering approach Life Fitness will provide the Company with ongoing marketing support, create an educational pathway with accredited training, a web based referral software programme (providing secure on-line access for both staff and participating GP practices, and a wide ranging reporting suite), equipment for the new "Exercise and Referral Hub" and demographic mosaic profiling. The demographic profiling will enable the Company to identify current member socio-economic and social cultural profiles by matching our subscribers against both the local and national populations, to assist the Company in attracting new subscribers.

The successful installation of new fitness equipment has been made possible by external financing measures. This development has significantly expanded the customer base causing, in some areas, difficulties in meeting customer demand. The age and layout of certain facilities are also challenging for the Company. The Company is actively working with North Ayrshire Council to determine the current capacity levels and condition of facilities, pitches and community use venues across the authority.

The Company is committed to improving facilities and services, however, given current limited investment reserves it is restricted with regards to significant development works. The Company, as part of a service specification review with North Ayrshire Council, is discussing funding requirements, both revenue and capital, to ensure leisure and recreational provision meets demand and safeguards the longevity of facilities.

## **Implement "Spend to Generate" Initiative**

**(Commitment: Properly Engaging)**

**(Commitment: Preparing to Adapt)**

The "Spend to Generate" Initiative was developed to encourage employees to develop ideas for new activities or services to increase participation and income levels.

As the Company has established an Employee Forum this group of employees will have a pivotal role in developing "spend to generate" initiatives across the Company in the future.

The Board of Directors, in the current year, have agreed the development of an indoor 3G pitch. The pitch will be placed in part of the Main Hall at the Magnum Leisure Centre. It is anticipated the pitch will increase participation figures, increase income and provide an indication of the level of demand for an indoor pitch within North Ayrshire enabling consideration for future developments of this nature.

## **Adopting Contemporary Marketing Techniques**

**(Commitment: Properly Engaging)**

**(Commitment: Promoting and Profiling)**

Adopting contemporary and appropriate marketing techniques allows the Company to inform, consult and communicate effectively with its customers of all ages. General, and more targeted marketing techniques currently being adopted by the Company include; on-going website development ensuring customers can access up to date information on events and activities available on all platforms including mobile phones and tablets.

The Company also has Facebook and Twitter accounts providing real time information, enabling comment and response to customers who prefer to access information through social media.

The Company continues to utilise targeted marketing through advertisements, posters and flyers e.g. on-going advertisements within internal NHS Scotland communication systems; school bag drops for primary aged children; information flyers and leaflets in Libraries, GP surgeries and community venues.

Also the Company continues to utilise the media for marketing purposes e.g. information and promotional features on local and national radio to target geographical areas.

Following on from the successful "If We Can ...You Can" marketing campaign, the "New Year, New Us, New You" campaign proved equally successful in attracting an increase of 25% new subscription holders to the Company whilst simultaneously informing the general public of the new equipment and refreshed image being adopted within the Company studios.

## Strengthening Relationships with Strategic Partners

**(Commitment: Properly Engaging)**

**(Commitment: Promoting and Profiling)**

**(Commitment: Preparing to Adapt)**

Over the past few years the Company has successfully strengthened existing partnerships and forged new working relationships with several organisations who share common objectives.

North Ayrshire Council is the Company's principal funder and main strategic partner. Both organisations work closely on projects and initiatives to enable the single outcome agreement vision to be realised. For further details on this please refer to the Projects and Partnerships section within this document.

The Company continues to develop a productive partnership with NHS Ayrshire and Arran on a range of community based projects where physical activity has been identified as a key preventative and restorative factor. The Company is represented on a number of NHS working groups including a Weight Management Group, a Mental Health Operational Group and a Cancer Support Partnership Group.

The Company continues to promote the strategic preferential subscription rate which was introduced in 2011. The current number of subscribers to date in this category is 2,179. This subscription rate has increased participation levels, encouraged organisations to consider lifestyle initiatives for their respective employees and ultimately has expanded the Company's network of partners.

Volunteers have a pivotal role across the Company supporting a range of activities, including; theatre ushering, walk leading, athletics events and swimming galas. The Company engages volunteers through our existing customer base, partner community groups and through referral from The Ayrshire Community Trust (TACT).

The Company endeavours to ensure it delivers an exemplary service. To do this the Company works with strategic partners to ensure continuous improvement. The Company is affiliated to a number of organisations aimed at adopting best practice in leisure and quality management standards. As a member of SPORTA (Sports and Recreation Trust Association) the Company has access to industry guidance and assistance on all aspects of leisure trust management.

The Company has also recently engaged with Quality Scotland and Investors in People to determine a pathway to gain formal accreditation through each agency. These discussions are at an early stage however the Company is keen to commit to programmes aimed at achieving accreditation for operational and management working practices.



## Extending Customer Engagement

**(Commitment: Pricing Promise)**

**(Commitment: Properly Engaging)**

Customer engagement is crucial to ensure the Company delivers services and activities that meet the needs and aspirations of the communities it serves. The Company provides the public with a variety of methods to express their views and suggestions. As an extension to the Company's periodic customer surveys, case studies and social media methods the Company has invested in tablet devices to encourage more customer comment on services and activities at particular sites.

The Company has established a number of customer forums over the last few years to provide customers with an opportunity to directly influence particular services and activities. The Company has recently been engaging with members of the Youth Parliament with a view to establishing a user forum for younger people across North Ayrshire.

Price is a significant factor for customers. Since 2011 the Company has reviewed the pricing structure and

revised the variety of customer subscription rates available. The Company continues to administer a discounted scheme, Access Plus, for individuals meeting particular qualifying criteria. The Company has also remained consistent with the Company's pricing promise as there has been no price increase on core leisure activities. It is anticipated there will be no price increases to core services in 2014/15.





# KA Leisure Events

The Company showcases a number of events each year. The events programme is varied and is devised to ensure the calendar encapsulates a broad spectrum of activities and interests to meet the expectations of the communities of North Ayrshire and beyond. The overarching aim of the programmed events is to promote physical activity and the benefits of a healthy lifestyle whilst ensuring customers have fun.

A significant number of events have taken place over the last six months, including;

## Best of British Ice Hockey Camps

Young ice hockey players travel from all over the country to be put through their paces by top international coaches during week long camps. The camps, accommodating over 50 young people, are held three times per year and repeat bookings have already been made for next year.

## Ice Sports Events

A range of new figure skating and ice hockey events have developed to become annual events within the calendar attracting representatives from Scotland, North England and Ireland.

## Aquatic Events

The Company has continued to provide support for local schools, North Ayrshire Sports Association for the Disabled, the four local swimming clubs and North Ayrshire Amateur Swimming Club swimming galas.

## Big Day Family Fun Days

The annual programme of Big Day Family Fun Days operated throughout the Leisure Centres and Campuses continue to prove popular with the family audience with a range of activities attracting over 8,200 attendances during the course of the year.

## Community Games

The range of events during the Games Weekend and in the week building up to the main event continue to expand, and for the second year included a satellite event at KA Campus Arran. The Community Games has been established with partner organisations to be the premier Legacy Event for North Ayrshire with over 3,000 customers participating in the programme of events and activities.



## District and National Sports Events

KA Leisure facilities continue to attract a range of events including; sports hall athletics, cross country athletics, Scottish Basketball age group training camps, open and Scottish Ranking table tennis tournaments, Active Schools Badminton Championships and the Scottish Gymnastics Gymfest event. The 3 day Gymfest event attracts over 1,500 participants from all over Britain to this non-competitive event. Providing gymnasts of all ages the opportunity to showcase skill and ability to friends, family and fellow gymnasts.

## Entertainment Events

Throughout the Leisure Centres and KA Campus facilities a wide ranging number of entertainment events have been catered for during the past 6 months. These include; the Arran Drama and Music Festivals, a range of performances by the amateur groups in Largs at Barrfields Theatre, Largs has Talent, North Ayrshire Council Music Service Concert, The Singing Kettle, both at the Magnum Leisure Centre and Vikingar, and a variety of dance shows.

*Within 2 months of having a stroke I attended the stroke classes at Auchendarvie. I found it beneficial. I enjoy the banter with everyone. I really enjoy it.*



# Events still to come...

As well as the Company's continued programme of aquatic, ice, entertainment and national / district events for the remainder of the year there are a number of other events planned for the second half of the year. Here is a selection of events coming soon...

## Football Festivals

The Company in partnership with the SFA and external funders, including Tesco Bank and McDonald's, will deliver a series of football festivals at various sites across North Ayrshire. These festivals target pre-school and primary school aged children.

## Young Farmers Events

An annual programme of Young Farmers Events are staged at the Magnum Theatre including stage shows and fund raising concerts. Kilmours Young Farmers have a variety fund raising concert planned for December.

## Uniformed and Young People's Groups

Events taking place across the Company before the end of the financial year include a range of events and activities for uniformed youth groups including the Girl Guides – Rainbow Fun Day for girls aged 5 – 7 years; North Ayrshire Boys Brigade 5-a-side Football tournament and the Girl Guides "Star Gang Dance Show".





# Projects and Partnerships

Project development and partnership working enable the Company to deliver a range of health promotion, supported physical activity and targeted diversionary activities to all communities across North Ayrshire.

Partnership working ensures that the health and social benefits of regular supported physical activity is accessible by the most excluded individuals within our community and that sport can be used as an effective diversion within communities experiencing high levels of youth disorder and anti social behaviour.

## Projects

A selection of projects currently being delivered by the Company in partnership is shown below.

<b>Project Title:</b>	<b>Active North Ayrshire</b>
Project Description:	Community based, Exercise on Referral Project (see case study)
Key Delivery Partner/s:	NHS Ayrshire and Arran (NHS A&A); GP Surgeries
Annual Project Cost:	£135,500 (£68,000 NHS A&A; £67,500 KA Leisure)
Participation to Sept 13/14:	16,432 attendances
<b>Project Title:</b>	<b>B-Active Initiative</b>
Project Description:	Includes Activator mobile health and fitness unit; KA Walk; KA Dance; Community Outreach Activities; Big Family Fun Days
Key Delivery Partner/s:	North Ayrshire Community Planning Partnership (NACPP); North Ayrshire Council
Annual Project Cost:	£129,200 (£100,000 NACPP; £29,200 KA Leisure)
Participation to Sept 13/14:	26,589 attendances
<b>Project Title:</b>	<b>Portable Football Pitch Project</b>
Project Description:	Portable Football Pitch deployed in partnership with MAPSG into areas with high levels of youth disorder and anti social behaviour. Pitch also used for a range of community events.
Key Delivery Partner/s:	Multi Agency Problem Solving Group (MAPSG)
Annual Project Cost:	£10,000 (£10,000 NACPP)
Participation to Sept 13/14:	2,929 attendances
<b>Project Title:</b>	<b>Schools of Sport</b>
Project Description:	KA Leisure host 2 Rugby and 1 Basketball Development Officers who deliver sport specific activities within 3 secondary schools within North Ayrshire.
Key Delivery Partner/s:	NAC; Scottish Rugby Union (SRU); Scottish Football Association (SFA); Basketball Scotland
Annual Project Cost:	£51,000 (£21,000 NAC; £14,000 SRU; £16,000 Clubs)
Participation 2012/13 School Year:	20,203 attendances
<b>Project Title:</b>	<b>Active Change</b>
Project Description:	Free at point of sale scheme for individuals and families currently experiencing homelessness to access sports and physical activities.
Key Delivery Partner/s:	NHS A&A, NAC; Quarriers
Annual Project Cost:	£5,000 (NACPP)
Participation to Sept 13/14:	954 activities accessed

## DID YOU KNOW...

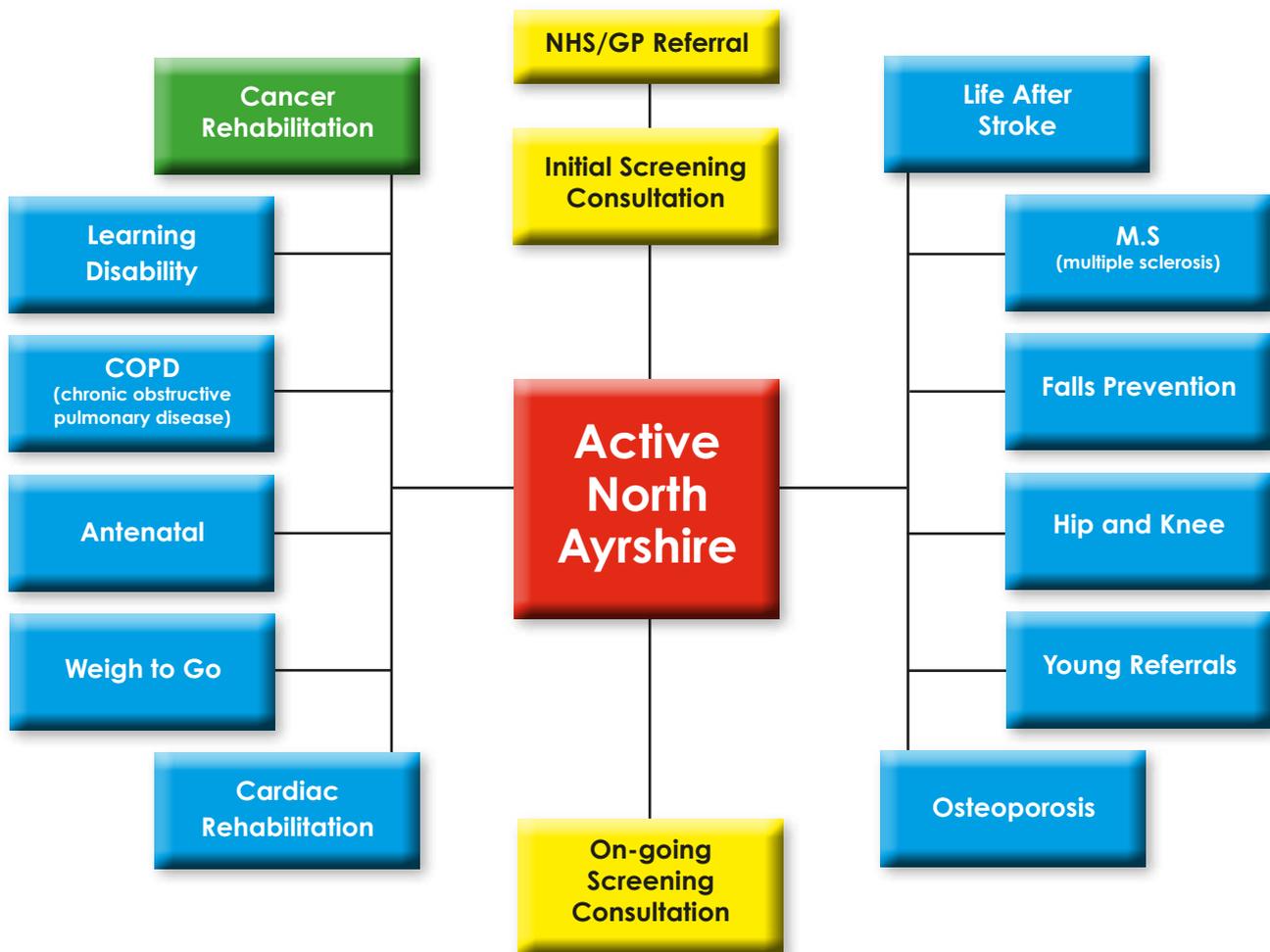
KA Leisure supports 96 young athletes through the NAC Nurturing Excellence Programme.

## PROJECT CASE STUDY

# Active North Ayrshire

Active North Ayrshire (ANA) is a community based Exercise on Referral programme delivered by KA Leisure across the communities of North Ayrshire. ANA is a weekly programme of over 45 classes delivering a range of condition specific or supported physical activity sessions to over 4,500 registered participants. Classes are delivered by highly qualified staff and take place in swimming pools, dance studios, gyms and community halls. All 22 GP practices refer patients to ANA along with a range of NHS Ayrshire and Arran departments.

The extent of conditions and referral types of ANA participants is shown in the diagram below.



To the end of September 2013, there were 16,432 attendances at ANA classes. Other key facts about the programme include; 511 new referrals have been made to the programme by health professional partners this financial year, 70% of participants are over 50 years of age, 38%

of participants are male and 62% female, 10 volunteer "Buddies" welcome all new participants to the programme and £68,000 grant income was received from NHS Ayrshire and Arran in respect of Falls Prevention and "Weigh to Go" in 2013/14.

# Key Partnerships

Partnership working is pivotal to the success of the Company. Identification of key strategic partners assists the Company to deliver targeted activities to the hardest to reach communities in addition to adding value to Company and strategic partner activities. Successful partnership working will address target outcomes for all parties utilising the skills and knowledge of all partners. This is in line with the shared objectives within the Single Outcome Agreement and the Strategy for Physical Activity and Sport: North Ayrshire: Fit for the Future 2010-2015.

**Partner Agency/Group: North Ayrshire Council**

Partnership Activity: Various activities. Further detail provided on pages 28-29.

**Partner Agency/Group: Barrfields User Group**

Partnership Activity: Barrfields User Group (BUG) is a representative body comprising community groups that use the theatre including Largs Youth Theatre, Largs Operatic, Largs Players and Variations. BUG advises the Company on day to day operation of the facility in addition to promoting shows and productions and providing technical and usher support for visiting productions. Barrfields Theatre attendances have risen 67% since the partnership began.

**Partner Agency/Group: West Kilbride Community Association**

Partnership Activity: West Kilbride Community Association (WKCA) was successful in receiving funds to renovate the east wing of West Kilbride Community Centre. The remodelled wing now contains a 17 piece gym facility, a Dance Studio and associated changing facilities. KA Leisure operates the new facility in partnership with WKCA, providing a range of classes and activities on site and sharing any surplus generated.

**Partner Agency/Group: NHS Ayrshire and Arran**

Partnership Activity: Partnership working with NHS Ayrshire and Arran predominantly centres on development and maintenance of clear referral pathways from GPs and NHS provision to the Active North Ayrshire Project. Additional partnership areas include development of the Invigor8 Falls Prevention programme and Weigh to Go community weight management programme for which NHS provides grant funding. 10 Invigor8 Falls Prevention classes are delivered across North Ayrshire per week with over 250 regular participants, the majority of who report improved balance, confidence and self esteem.

**Partner Agency/Group: Multi Agency Problem Solving Group (MAPSG)**

Partnership Activity: The Multi Agency Problem Solving Group (MAPSG) is a sub group of the Safer North Ayrshire Partnership which aims to deliver targeted interventions to areas of high youth disorder and anti social behaviour.

As part of each intervention, the Company deploys the Portable Football Pitch to attract and divert young people, signposting them to their local sports clubs to continue their sporting activity.

The Portable Pitch is deployed with the Mobile Youth Centre (MYC) facilitating youth work interventions to take place. Attendances have totalled 1,299 to September 2013.

**Partner Agency/Group: North Ayrshire Sports Association for Disabled (NASAD)**

Partnership Activity: KA Leisure provides secretarial support for this group which represents a range of Disabled Sports clubs within North Ayrshire. A programme of sports activities and events for people with additional support needs are delivered in partnership throughout the year and include swimming and bowling activity.



**Excellent! 10 out of 10  
for the staff, they are very  
knowledgeable**

North Ayrshire Council (NAC) is a key strategic partner to the Company. Key elements of the successful partnership arrangements in place with NAC are identified in the case study which follows.

## PARTNERSHIP CASE STUDY

# North Ayrshire Council

The key strategic delivery partner for the Company is North Ayrshire Council (NAC). There are a number of sections and departments across the authority with which the Company has developed mutually productive partnerships aimed at addressing key outcomes for all.

A selection of the key partnerships with NAC services are detailed below.

## NAC Education and Skills – Community and Culture

### Schools of Sport

This partnership facilitates the development of Schools of Sport within North Ayrshire with the Company employing 3 sports development officers (2 for rugby, 1 for basketball) to deliver activities within host secondary schools. Funding for the posts is provided by NAC and the relevant sports governing bodies. The Company also contributes £1,000 per sport to include a community delivery element within each programme.

20,203 attendances were recorded at the School of Sport activities during the first school year.



### Youth Diversionary Activity

A highly successful partnership has been developed between the Company and the Youth Services team within NAC involving the joint deployment of the Portable Football Pitch and the Mobile Youth Centre (MYC) as part of the Multi Agency Problem Solving Group (MAPSG). The Portable Pitch and MYC van attract young people of all ages to joint activities giving NAC youth workers the opportunity to engage with, and support young people, enabling Company staff to signpost individuals to local community sports clubs.

1,299 young people have taken part in joint MYC and Portable Pitch activities to date this financial year.

### Arts and Culture

A developing partnership between the Company and the Arts and Culture team from NAC has enabled the staging of a successful primary school production at Barrfields Theatre, it has also delivered a range of activities at Vikingar as part of the "Tidelines" Festival, supported a number of Largs Youth Theatre productions and provided a location for a modern tapestry being created by a local community arts group.

### Libraries

A successful partnership between the Company and NAC Libraries delivered the Free Swimming Programme for children and young people during the school summer holiday period. Joint promotion of the initiative generated new and returning users to the library service and provided the Company with a means of ensuring only North Ayrshire residents benefited from the free promotion.

In total, 15,428 free swims were enjoyed by young people from North Ayrshire during the school summer holiday period.

## DID YOU KNOW...

KA Leisure has not increased prices on core activities since 2011.

## NAC Social Services and Health

### Young Persons Support Teams

A very successful partnership has been in place for over 5 years between the Company and NAC Young Person's Support Teams (YPST). The partnership facilitates free at point of sale access to all KA Leisure activities for young people engaged with the teams in conjunction with their workers. The partnership also provides bespoke swimming lesson sessions for groups of young people organised through the YPST.

### Older People's Services

A productive partnership has been developed by the Company and Older People's Services within NAC in conjunction with the Older People's Change Fund. A range of activities has, and is being delivered in partnership including community and care home activities for people with dementia, class diamonds activity sessions and currently, a programme of community activity visits to Arran.

### Active Change

A very successful partnership has been developed between the Company and NAC Housing in relation to the Active Change project. This project facilitates free at point of sale access to Company activities for individuals and families currently experiencing homelessness. NAC Housing carries out the invaluable role of distributing activity vouchers produced by the Company to eligible families across North Ayrshire.

954 activities have been accessed through this partnership so far this financial year.

### Crimestoppers

A partnership between the Company and the NAC Anti Social Behaviour Team allows Crimestoppers information and contact numbers to be distributed through the Activator Mobile Health and Information vehicle. Although still in early stages, Crimestoppers information has been handed out to over 360 adults visiting the Activator since April 2013.





# Going Forward 2014/15

In devising a revised budget 2014/15 the Company is steadfast in its resolve to meet its "5 Company Commitments".

## - **Protecting the Frontline Service**

In 2014/15 the Company will ensure its staffing complement meets the needs and demands of the business.

## - **Pricing Promise**

Given the effect the current economic climate is having on our customers it is anticipated there will be no price increases on core activities.

## - **Preparing to Adapt**

The Company will continue to develop products and activities to ensure exceptional service and choice for its customers. The Company will also continue reviewing its governance policies.

## - **Properly Engaging**

Customers and strategic partners are crucial to the reshaping and growth of the Company. Customer User Forums will be increased and strategic partnership working will continue.

## - **Promoting and Profiling**

The Company will continue to work with strategic partners, customers and our marketing advisors to ensure maximum exposure of our activities and products.

To address the above commitments, the following initiatives are currently in development. These initiatives will be implemented during 2014/15.

## **DID YOU KNOW...**

KA Leisure delivers 180 swimming lesson classes per week.

## • **Funding Agreement**

North Ayrshire Council is the Company's principal funder and main strategic partner. Over the last few years the Company and the Council have reviewed their working relationship. Both organisations have successfully worked together to strengthen and develop the existing partnership. To reflect this refreshed approach to the Company and Council's partnership the existing Funding Agreement is being reviewed and replaced with a modern, transparent and flexible service specification.

The Company is currently working with North Ayrshire Council to develop the service specification which will include reviewing the funding mechanism between the Company and the Council encompassing revenue and capital requirements. This will be essential to ensure the sustainability of facilities across North Ayrshire.

A new service specification will enable effective monitoring of leisure service provision across the Company. It will ensure future leisure service provision meets the needs and expectations of the population across North Ayrshire thus achieving the shared partner objective of making "more people more active more often".



### • Employee Recognition

The Company's greatest asset is its employees. As a Company we are proud of the dedicated, professional and conscientious team we have working at KA Leisure. To recognise the talented and committed workforce we have in place the Company, in conjunction with the Employee Forum, will develop an Employee Recognition Scheme. It is envisaged this will acknowledge employee commitment, highlight good practice and boost morale within the workforce.

### • Commonwealth Games

The recent 2012 London Olympics and the impending Glasgow 2014 Commonwealth Games have created an appetite within the general public to become more involved in sporting and leisure pursuits. The Company has, and will continue, to promote Games themed events and activities to ensure customers have an opportunity to be part of this momentous time. The Company has also been reviewing its seasonal staffing requirements and has begun a programme of works throughout the organisation in preparation for the Games.

The Company, in conjunction with North Ayrshire Council, is currently planning a series of events and activities to celebrate and welcome the Queen's Baton Relay which will arrive in North Ayrshire in July 2014.

The legacy of the Commonwealth Games is to achieve lasting change. This is an opportunity for the Company and its strategic partners to continue working together to ensure leisure and recreational provision in North Ayrshire, from facility condition and usage to service availability and delivery is exceptional.

### • Opening Hours

The Company is currently reviewing the opening hours for the KA Fitness Suite at Magnum Leisure Centre. Consideration is being given to extending the opening hours into early mornings to meet the demand and expectations from customers who work business hours for the opportunity to complete their work out prior to attending their place of work. It is anticipated that extended hours would commence at the beginning of 2014.

### • New Irvine Centre

In December 2012 the Company was advised by North Ayrshire Council that the operation of the new Irvine Leisure Centre would be included within the Company's portfolio of facilities. The Company has been working closely with North Ayrshire Council to ensure the new facility will be of a superlative standard for the communities of North Ayrshire. The Company will continue to engage with North Ayrshire Council to enable the Company to plan operational transfer in the future.

### • Ryder Cup

2014 will be a significant year for golf as Scotland will host the Ryder Cup at Gleneagles. This event will inspire many individuals to participate in golf creating a Ryder Cup legacy. The Company will re-launch the Junior Golf Development programme delivered in conjunction with ClubGolf and in partnership with Active Schools. This programme gives young players aged 9 to 18 a first experience of the game, this, in turn supports the transition into junior and senior membership within appropriate club structures enabling the future development of Scottish golf.



## Budget Considerations

It is anticipated that there will be no change to the financial contribution from North Ayrshire Council for 2014/15. The Company received £3,286,624 in 2013/14.

The Company is faced with financial challenges e.g. increased supplier costs, etc and is particularly mindful of the effect the economic climate has on its customers. The Company will continue to strive to ensure its costs are controlled via robust monitoring and review processes. In 2014/15 the Company is not anticipating increasing any customer prices for core service activities. This is in keeping with the pricing promise contained within the "5 Company Commitments".



## Budget 2014/15

The following table illustrates the 2014/15 Budget in conjunction with the 2013/14 Budget for comparative purposes;

Budget		
	2013/14 Budget (£)	2014/15 Budget (£)
<b>EXPENDITURE:</b>		
Employee Costs	3,937,349	4,108,019
Property Costs	1,564,989	1,594,446
Supplies and Services	389,730	401,125
Transport and Plant	43,119	38,328
Administration Costs	237,650	239,200
Payments to Other Bodies	166,795	164,153
Finance / Other Expenditure	423,541	498,842
<b>Total Expenditure</b>	<b>6,763,173</b>	<b>7,044,113</b>
<b>INCOME:</b>		
North Ayrshire Council	3,286,624	3,286,624
Operational Income	3,478,699	3,783,748
<b>Total Income</b>	<b>6,765,323</b>	<b>7,070,372</b>
<b>Surplus</b>	<b>2,150</b>	<b>26,259</b>

The following narrative provides a detailed breakdown of the significant variances from the 2013/14 budget to the 2014/15 budget.

### Employee Costs

Employee Costs are budgeted approximately £170,000 higher than 2013/14. This is mainly attributed to;

- **Staff Realignment**

Following a review of swim teacher instruction pay rates, aerobics and seasonal staffing levels across all sites this has resulted in an increase of approximately £111,000 to staffing costs. This review encompassed a benchmarking exercise relating to instructor rates of pay. There is also an expectation that the Commonwealth Games in 2014 will increase the Company's seasonal staffing requirements. It is projected that these additional costs will be offset by income.

- **Pay Award**

The 2014/15 budget also includes a 1% pay award totalling approximately £40,000. This amount is offset by additional income from North Ayrshire Council.

- **Other Factors**

The 2014/15 budget also includes an additional £19,000 representing, incremental increases and living wage provision.

### Property Costs

Property Costs are budgeted approximately £29,000 higher than 2013/14 due to an increase in energy costs.

### Supplies and Services Costs

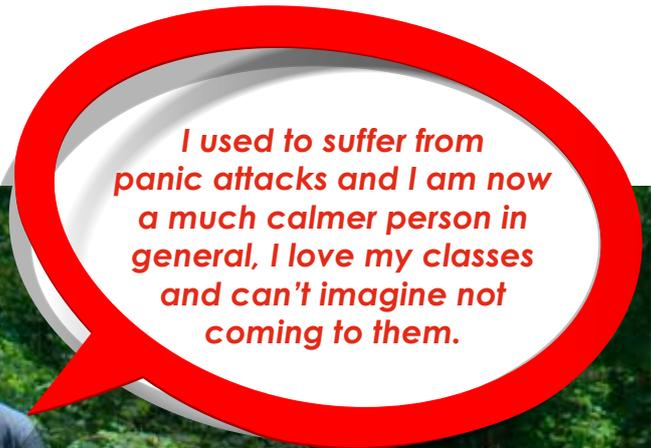
Supplies and Services Costs are budgeted approximately £11,000 higher than 2013/14 due to an increase in performing rights society licence fees.

### Transport and Plant Costs

Transport and Plant Costs are budgeted approximately £4,800 lower than 2013/14 to reflect a reduction in travel costs.

### Finance and Other Expenditure

Finance and Other Expenditure is budgeted approximately £75,000 higher than 2013/14. This is due predominantly to the depreciation costs associated with the new fitness equipment installed at the 4 leisure centres.



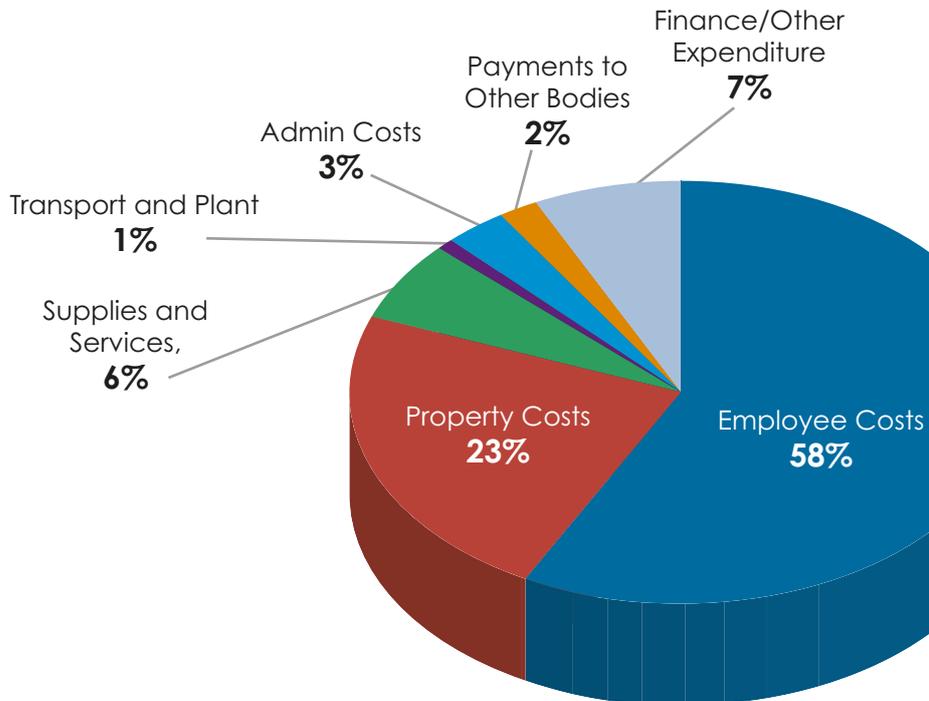
## Capital Investment

The income and expenditure statement for 2014/15 reveals an anticipated modest surplus of £26,259. The budget does not allow for any capital investment allocation. The income projections are prudent therefore if the Company is successful in generating additional income during the financial year this will be transferred to an Investment Reserve Fund for capital spend purposes.

The pie chart below reveals the percentage breakdown of expenditure across the Company for 2014/15. The percentage breakdown of budgeted expenditure for 2014/15 is similar to the current year budgeted expenditure breakdown. Employee costs and property costs remain constant at 58% and 23% of budgeted expenditure respectively.



## 2014-15 Budgeted Expenditure



## Income

An analysis of income is illustrated on the following table in conjunction with variance explanations below.

<b>Income</b>			
<b>Area of Business</b>	2013/14 Budget (£)	2014/15 Budget (£)	Variance (approximate)
Auchenharvie Leisure Centre	830,940	970,300	17% increase
Garnock Leisure Centre	144,000	151,900	5% increase
Magnum Leisure Centre	763,850	865,575	13% increase
Vikingar Leisure Centre	334,000	358,500	7% increase
KA Campus	310,500	365,594	18% increase
Golf	317,729	331,029	4% increase
Outdoor Sports	89,550	75,350	16% decrease
Physical Activity	168,200	170,000	1% increase
Projects	310,760	301,264	3% decrease
Other	209,170	194,236	7% decrease
North Ayrshire Council	3,286,624	3,286,624	—
<b>Total</b>	<b>6,765,323</b>	<b>7,070,372</b>	<b>5% increase</b>

### Leisure Centres and KA Campuses

The budgeted increase at leisure centres and campuses is predominantly due to the significant rise in fitness subscriptions. To date the Company has 5,080 subscribers compared to 4,045 at the same point last year. In 2014/15 the Company is projecting a further 250 new subscribers. This is a prudent projection.

In 2014/15 the Company is projecting increased income and attendances in swimming activities due to the refreshing of the Company Learn to Swim Programme and reviewing swimming development provision. The Company plans to expand its swim lesson and swim activity programme thus improving availability. Swim lesson payment methods will also be modified to simplify the booking process for the customer.

In the current year the Company will install a 3G indoor synthetic pitch in part of the Main Hall at the Magnum Leisure Centre. It is anticipated that there will be significant demand for this product. This has been reflected in projected attendance and income figures. It is anticipated that following the closure of the Magnum Leisure Centre the pitch would either be moved to a set location or used in conjunction with the portable pitch for community use.

In the current year Auchenharvie Leisure Centre ice rink is operating at maximum booking capacity. There has been disruption to ice delivery due to an on-going maintenance issue, this is currently being investigated by the Company and North Ayrshire Council. It is anticipated that the ice rink will operate at maximum capacity in 2014/15.

Vikingar is performing well in the current year predominantly due to the new fitness equipment installation and the 750th Battle of Largs Anniversary celebrations. It is anticipated that due to the further refurbishments planned at the facility and continued developments within the fitness and swimming programmes usage and income will increase. This has been reflected in the 2014/15 budget.

In the current year KA Campuses are operating at maximum capacity levels with the exception of Arran and Dalry. It is anticipated that through promotion and development of specific programmes in 2014/15 all campuses will operate at maximum capacity. Income projections in 2014/15 are higher due to the West Kilbride site being included within the campus portfolio.

## DID YOU KNOW...

KA Leisure has 113 trained Volunteers supporting a variety of activities.

### Golf and Outdoor Sports

Golf income has been budgeted to increase in 2014/15 to reflect the development work the Company is currently undertaking relating to the Golf Development Plan. The Company will also be actively promoting golf through a series of marketing campaigns in light of the Ryder Cup being held in Scotland in 2014.

Outdoor Sports is showing a decrease in income for 2014/15 reflecting the decline in current usage due to the playability of pitches. The Company is currently working with North Ayrshire Council to identify supply and demand of sports pitches across North Ayrshire.

### Physical Activity

Physical Activity is budgeted to achieve a slight increase in income in 2014/15.

### Projects

Project income is budgeted approximately £9,500 lower in 2014/15 due to a carry forward amount being available in the current year.

### Other Income

The decrease of approximately £15,000 in other income is due to catering income being budgeted lower to reflect current income levels.

### North Ayrshire Council

The anticipated financial contribution from North Ayrshire Council in 2014/15 is £3,286,624. This figure is unchanged from 2013/14.

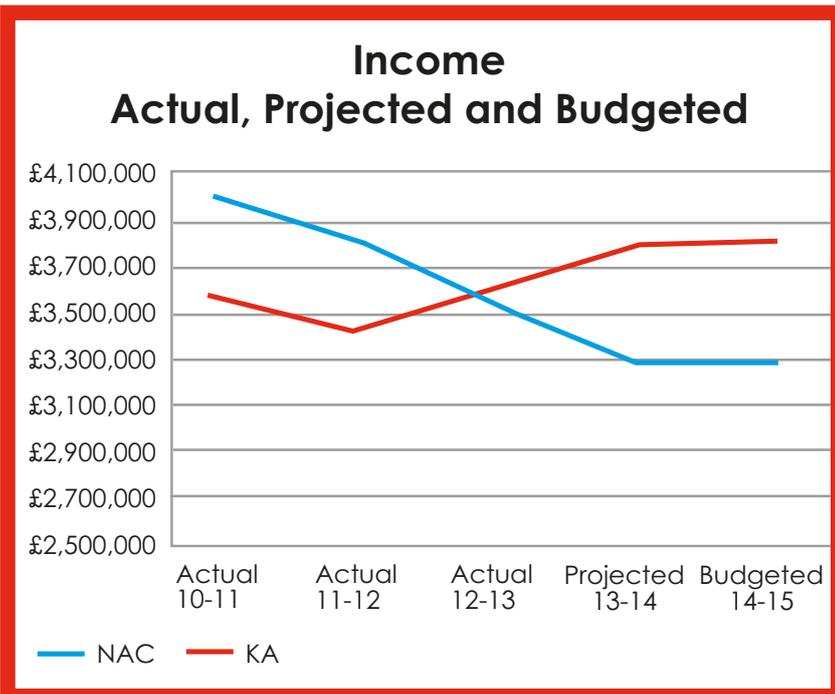
### Conclusion

2014/15 will be a momentous year for leisure and sport in Scotland as the country welcomes the Commonwealth Games and Ryder Cup. The Company will ensure it continues to provide activities and events that will meet the heightened customer demand and expectation that is anticipated in 2014. The Company, in conjunction with strategic partners, will strive to ensure leisure and sport provision from activity availability to facility condition is exceptional, thus ensuring that these events create lasting change.

The Company remains firmly focussed on its "5 Company Commitments." The Company is continually striving to develop its services and products by actively engaging with partners and customers. Developments such as the fitness programme, incorporating new fitness equipment and preferential subscription rates has been successful in promoting healthier lifestyles, increasing attendances and improved income performance.

In 2014/15 the Company anticipates customer visits will continue to increase overall. Expenditure will also increase predominantly due to higher staffing costs to service additional demand for services and activities.

The 2014/15 income projections are higher than in the current year, but are realistic. If income targets are to be exceeded the Company will invest any surpluses into developing the organisation.





## Reference and Administration



Charity Registration Number:	SC029780
Company Registration Number:	SC202978
Registered Office:	The Magnum Leisure Centre Harbourside Irvine KA12 8PP
Trustee Directors:	G Higgon (Chair) A Munro (Vice Chair) T Marshall R Martin A McLean J Montgomery A Pringle
Chief Executive:	E Cairns
Solicitor:	Shepherd and Wedderburn 191 West George Street Glasgow G2 2LB
Auditor:	Grant Thornton LLP 95 Bothwell Street Glasgow G2 7JZ
Banker:	Clydesdale Bank 151 High Street Irvine KA12 8AD



# APPENDIX A

## Target and Projected Customer Activity Levels by Site

<b>Auchenharvie Leisure Centre</b>	2012-13 Actual	2013-14 Target	2013-14 Projected	2014-15 Target
Swimming	90,650	88,000	90,000	90,000
Swim Lessons	23,204	20,000	22,000	24,000
Fitness - Gym	186,126	180,000	218,000	237,000
Health Suite	6,491	7,000	5,500	5,500
Ice Rink	85,135	81,850	83,000	83,000
Fitness – Studio Classes	67,011	50,100	75,000	75,000
Events/Admissions	18,387	18,000	18,000	18,000
<b>Total</b>	<b>477,004</b>	<b>444,950</b>	<b>511,500</b>	<b>532,500</b>

<b>Garnock Pool</b>	2012-13 Actual	2013-14 Target	2013-14 Projected	2014-15 Target
Swimming	46,853	47,000	47,000	47,000
Swim Lessons	12,260	13,000	13,000	13,000
Fitness Gym	13,908	12,000	20,000	20,000
Events/Admissions	8,159	8,000	8,000	8,000
<b>Total</b>	<b>81,180</b>	<b>80,000</b>	<b>88,000</b>	<b>88,000</b>

<b>Magnum Leisure Centre</b>	2012-13 Actual	2013-14 Target	2013-14 Projected	2014-15 Target
Swimming	141,335	141,000	131,000	141,000
Swim Lessons	18,897	20,500	18,500	22,000
Fitness - Gym	140,589	132,000	170,000	175,000
Health Suite	7,261	7,500	5,500	5,500
Sports Hall Activities	46,467	55,000	45,000	55,000
Soft Play	12,084	13,500	11,000	11,000
Fitness – Studio Classes	56,839	48,500	70,000	75,000
Entertainments	21,778	22,000	22,000	22,000
Events/Admissions	51,887	50,000	40,000	40,000
<b>Total</b>	<b>497,137</b>	<b>490,000</b>	<b>513,000</b>	<b>546,500</b>

<b>Vikingar</b>	2012-13 Actual	2013-14 Target	2013-14 Projected	2014-15 Target
Swimming	52,340	51,500	51,500	53,000
Swim Lessons	10,509	10,500	12,000	13,000
Fitness - Gym	61,767	60,000	70,000	75,000
Health Suite	2,865	3,500	2,500	2,500
Soft Play	3,832	4,400	4,000	4,000
Fitness – Studio Classes	24,684	20,000	30,000	30,000
Entertainments	13,198	14,000	14,000	14,000
Events/Admissions	19,067	15,800	20,000	20,000
Visitor Attraction	18,197	18,000	19,000	19,000
<b>Total</b>	<b>206,459</b>	<b>197,700</b>	<b>223,000</b>	<b>230,500</b>

### K:A Campus Dalry

	2012-13 Actual	2013-14 Target	2013-14 Projected	2014-15 Target
Sports Hall Activities	17,224	17,000	15,000	15,000
Fitness – Studio Classes	1,593	2,500	2,500	2,500
Outdoor Sports	7,940	8,500	8,500	8,500
Events/Admissions	7,062	6,500	5,000	5,500
<b>Total</b>	<b>33,819</b>	<b>34,500</b>	<b>31,000</b>	<b>31,500</b>

### K:A Campus Kilwinning

	2012-13 Actual	2013-14 Target	2013-14 Projected	2014-15 Target
Fitness – Gym	5,732	5,100	7,000	7,000
Sports Hall Activities	14,320	14,000	14,000	14,000
Fitness – Studio Classes	1,815	1,500	2,000	2,000
Events/Admissions	2,818	1,000	2,500	2,500
<b>Total</b>	<b>24,685</b>	<b>21,600</b>	<b>25,500</b>	<b>25,500</b>

### K:A Campus Arran

	2012-13 Actual	2013-14 Target	2013-14 Projected	2014-15 Target
Fitness – Gym	2,050	2,250	1,500	2,250
Sports Hall Activities	14,899	14,000	12,000	14,000
Fitness – Studio Classes	0	0	0	0
Outdoor Sports	2,315	2,500	2,500	2,500
Events/Admissions	9,044	10,000	9,500	10,000
<b>Total</b>	<b>28,308</b>	<b>28,750</b>	<b>25,500</b>	<b>28,750</b>

### K:A Campus Greenwood

	2012-13 Actual	2013-14 Target	2013-14 Projected	2014-15 Target
Fitness – Gym	5,077	3,500	6,000	6,000
Sports Hall Activities	42,563	37,350	42,000	42,000
Fitness – Studio Classes	3,356	3,000	4,000	4,000
Outdoor Sports	40,824	41,500	41,500	41,500
Events/Admissions	5,558	4,500	5,000	5,000
<b>Total</b>	<b>97,378</b>	<b>89,850</b>	<b>98,500</b>	<b>98,500</b>

### K:A Campus St Matthews

	2012-13 Actual	2013-14 Target	2013-14 Projected	2014-15 Target
Fitness – Gym	24,544	19,000	30,000	30,000
Sports Hall Activities	37,505	41,750	35,500	35,500
Fitness – Studio Classes	12,030	10,000	12,500	12,500
Outdoor Sports	19,352	20,000	19,000	19,000
Athletics track	2,530	2,000	2,500	2,500
Events/Admissions	14,925	13,000	14,000	14,000
<b>Total</b>	<b>110,886</b>	<b>105,750</b>	<b>113,500</b>	<b>113,500</b>

# APPENDIX A

## Target and Projected Customer Activity Levels by Site

### Stanley Primary

	2012-13 Actual	2013-14 Target	2013-14 Projected	2014-15 Target
Sports Hall Activities	2,798	2,500	3,000	3,000
Fitness – Studio Classes	500	1,000	0	0
Outdoor Sports	6,705	8,250	7,000	7,000
Events/Admissions	1,753	2,000	1,800	1,800
<b>Total</b>	<b>11,756</b>	<b>13,750</b>	<b>11,800</b>	<b>11,800</b>

### West Kilbride Community Centre

	2012-13 Actual	2013-14 Target	2013-14 Projected	2014-15 Target
Fitness – Gym	-	-	15,000	17,000
Fitness – Studio	-	-	6,000	7,000
Events/Admissions	-	-	340	500
<b>Total</b>	<b>-</b>	<b>-</b>	<b>21,340</b>	<b>24,500</b>

### Golf Courses

	2012-13 Actual	2013-14 Target	2013-14 Projected	2014-15 Target
Auchenharvie	15,671	17,000	16,000	18,000
Ravenspark	29,268	29,000	30,000	31,000
Routenburn	13,293	13,400	11,500	12,500
<b>Total</b>	<b>58,232</b>	<b>59,400</b>	<b>57,500</b>	<b>61,500</b>

### Outdoor Sports

	2012-13 Actual	2013-14 Target	2013-14 Projected	2014-15 Target
Sports Pitches	56,580	59,000	50,000	50,000
Pavilion Halls	14,064	13,000	11,500	11,500
<b>Total</b>	<b>70,644</b>	<b>72,000</b>	<b>61,500</b>	<b>61,500</b>

### Physical Activity

	2012-13 Actual	2013-14 Target	2013-14 Projected	2014-15 Target
Sport Development	101,005	84,000	115,000	125,000
Health and Fitness	80,769	79,000	70,000	82,000
<b>Total</b>	<b>181,774</b>	<b>163,000</b>	<b>185,000</b>	<b>207,000</b>

### Total Customer

	2012-13 Actual	2013-14 Target	2013-14 Projected	2014-15 Target
Leisure Centres	1,261,780	1,212,650	1,335,500	1,397,500
K:A Campuses	306,832	294,200	327,140	334,050
Golf & Outdoor Sports	128,876	131,400	119,000	123,000
Physical Activity	181,774	163,000	185,000	207,000
<b>Total</b>	<b>1,879,262</b>	<b>1,801,250</b>	<b>1,966,640</b>	<b>2,061,550</b>



## APPENDIX B

### Historical Customer Activity by Site

#### Auchenharvie

##### Leisure Centre

	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
Swimming	65,634	79,211	75,619	81,752	90,650
Swim Lessons	23,465	24,867	21,714	17,303	23,204
Fitness - Gym	61,675	70,629	76,059	106,696	186,126
Health Suite	6,689	6,811	9,361	7,972	6,491
Ice Rink	28,214	9,449	67,324	79,679	85,135
Fitness – Studio Classes	15,831	17,173	20,621	33,212	67,011
Events/Admissions	2,909	15,428	15,561	17,958	18,387
<b>Total</b>	<b>204,417</b>	<b>223,568</b>	<b>286,259</b>	<b>344,572</b>	<b>477,004</b>

#### Garnock Pool

	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
Swimming	36,949	38,218	38,252	43,786	46,853
Swim Lessons	13,805	15,076	14,846	11,388	12,260
Fitness Gym	9,675	8,170	7,626	8,594	13,908
Events/Admissions	44	7,368	7,040	7,956	8,159
<b>Total</b>	<b>60,473</b>	<b>68,832</b>	<b>67,764</b>	<b>71,724</b>	<b>81,180</b>

#### Magnum

##### Leisure Centre

	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
Swimming	149,616	127,800	136,539	133,468	141,335
Swim Lessons	29,176	27,782	23,546	18,497	18,897
Fitness - Gym	67,885	63,380	66,113	88,586	140,589
Health Suite	6,338	7,155	8,205	7,906	7,261
Ice Rink	59,325	68,195	-	-	-
Sports Hall Activities	65,854	61,249	58,478	57,287	46,467
Soft Play	14,009	12,976	13,090	12,952	12,084
Fitness – Studio Classes	29,125	27,631	27,936	36,182	56,839
Entertainments	36,089	27,954	24,830	22,541	21,778
Events/Admissions	14,708	42,410	46,183	47,176	51,887
Body and Skincare	3,338	-	-	-	-
<b>Total</b>	<b>475,463</b>	<b>466,532</b>	<b>404,920</b>	<b>424,595</b>	<b>497,137</b>

#### Vikingar

	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
Swimming	44,959	51,803	49,962	49,721	52,340
Swim Lessons	14,101	12,430	11,849	9,821	10,509
Fitness - Gym	27,896	28,609	32,854	37,018	61,767
Health Suite	3,791	4,493	5,100	4,318	2,865
Soft Play	5,182	5,454	4,926	4,363	3,832
Fitness – Studio Classes	10,028	9,549	10,863	13,208	24,684
Entertainments	10,267	9,218	7,916	10,396	13,198
Events/Admissions	11,607	17,224	18,070	17,949	19,067
Visitor Attraction	22,661	19,602	20,228	19,279	18,197
<b>Total</b>	<b>150,492</b>	<b>158,382</b>	<b>161,768</b>	<b>166,073</b>	<b>206,459</b>

## APPENDIX B

### Historical Customer Activity by Site

#### K:A Campus

<b>Dalry</b>	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
Sports Hall Activities	11,655	15,105	15,041	14,299	17,224
Fitness – Studio Classes	2,962	2,981	3,664	1,934	1,593
Outdoor Sports	13,270	14,638	11,031	9,508	7,940
Events/Admissions	4,238	4,793	5,423	6,273	7,062
<b>Total</b>	<b>32,125</b>	<b>37,517</b>	<b>35,159</b>	<b>32,014</b>	<b>33,819</b>

#### K:A Campus

<b>Kilwinning</b>	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
Fitness – Gym	3,538	3,292	3,837	3,550	5,732
Sports Hall Activities	9,712	11,047	13,877	14,853	14,320
Fitness – Studio Classes	433	160	68	401	1,815
Events/Admissions	910	1,730	1,653	359	2,818
<b>Total</b>	<b>14,593</b>	<b>16,229</b>	<b>19,435</b>	<b>19,163</b>	<b>24,685</b>

#### K:A Campus

<b>Arran</b>	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
Fitness – Gym	4,791	4,820	3,506	2,317	2,050
Sports Hall Activities	8,081	9,898	13,894	12,760	14,899
Fitness – Studio Classes	1,954	1,620	577	0	0
Outdoor Sports	4,088	3,650	3,987	2,805	2,315
Events/Admissions	8,620	5,566	10,913	8,362	9,044
<b>Total</b>	<b>27,534</b>	<b>25,554</b>	<b>32,877</b>	<b>26,244</b>	<b>28,308</b>

#### K:A Campus

<b>Greenwood</b>	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
Fitness – Gym	605	935	1,413	1,577	5,077
Sports Hall Activities	13,738	21,912	27,085	32,809	42,563
Fitness – Studio Classes	934	1,950	1,728	2,019	3,356
Outdoor Sports	25,720	31,210	29,957	41,362	40,824
Events/Admissions	1,705	4,474	5,143	4,694	5,558
<b>Total</b>	<b>42,702</b>	<b>60,481</b>	<b>65,326</b>	<b>82,461</b>	<b>97,378</b>

#### K:A Campus

<b>Greenwood</b>	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
Fitness – Gym	4,136	7,970	9,816	13,920	24,544
Sports Hall Activities	23,502	32,428	44,350	44,975	37,505
Fitness – Studio Classes	1,380	3,495	5,523	8,102	12,030
Outdoor Sports	16,491	13,899	16,399	17,144	19,352
Athletics track	1,725	1,919	1,229	3,040	2,530
Events/Admissions	4,495	8,466	12,082	13,675	14,925
<b>Total</b>	<b>51,729</b>	<b>68,177</b>	<b>89,399</b>	<b>100,856</b>	<b>110,886</b>

<b>Stanley Primary</b>	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
Sports Hall Activities	1,607	1,775	1,575	1,765	2,798
Fitness – Studio Classes	-	773	1,125	1,076	500
Outdoor Sports	3,794	5,912	5,837	7,314	6,705
Events/Admissions	1,668	1,879	2,251	1,942	1,753
<b>Total</b>	<b>7,069</b>	<b>10,339</b>	<b>10,788</b>	<b>12,097</b>	<b>11,756</b>

<b>Golf Courses</b>	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
Auchenharvie	11,001	17,035	16,843	16,834	15,671
Ravenspark	31,275	31,293	31,302	30,357	29,268
Routenburn	18,454	14,746	14,479	13,346	13,293
<b>Total</b>	<b>60,730</b>	<b>63,074</b>	<b>62,624</b>	<b>60,537</b>	<b>58,232</b>

<b>Outdoor Sports</b>	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
Sports Pitches	91,080	73,920	66,210	59,040	56,580
Pavilion Halls	37,584	38,208	27,582	18,816	14,064
<b>Total</b>	<b>128,664</b>	<b>112,128</b>	<b>93,792</b>	<b>77,856</b>	<b>70,644</b>

<b>Physical Activity</b>	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
Sports Development	88,073	106,238	69,122	73,089	101,005
Health and Fitness	64,040	62,034	75,581	86,309	80,769
<b>Total</b>	<b>152,113</b>	<b>168,272</b>	<b>144,703</b>	<b>159,398</b>	<b>181,774</b>

<b>Total Customer</b>	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
Leisure Centres	890,845	917,314	920,711	1,006,964	1,261,780
K:A Campuses	175,752	218,297	252,984	272,835	306,832
Golf & Outdoor Sports	189,394	175,202	156,416	138,393	128,876
Physical Activity	152,113	168,272	144,703	159,398	181,774
<b>Total</b>	<b>1,408,104</b>	<b>1,479,085</b>	<b>1,474,814</b>	<b>1,577,590</b>	<b>1,879,262</b>



# APPENDIX C

## Activity Guidelines and Benefits

### BENEFITS OF EXERCISE:

- Improved blood pressure
- Reduced risk of some cancers
- Improved mood – helps to alleviate symptoms of depression/anxiety
- Increased energy levels
- Improved cholesterol
- Increase in bone density – helps with Osteoporosis
- Increase in functional capacity
- Helps maintain a healthy weight
- Helps with weight loss
- Live longer
- Improve mobility/ joint problems

Our staff are here to support you and help you adopt a new active and healthy lifestyle through prescribing a suitable activity programme.

### RECOMMENDED GUIDELINES TO GAIN HEALTH BENEFITS:

#### ADULTS

- Adults should aim to be active daily. Over a week, activity should add up to at least 150 minutes (2 ½ hours) of moderate intensity activity in bouts of 10 minutes or more – one way to approach this is to do 30 minutes on at least 5 days per week.\*
- Moderate intensity – feeling a bit hot, sweaty and slightly breathless
- Examples – brisk walking, cycling, swimming, keep fit class, gym session

#### CHILDREN

- All children and young people should engage in moderate to vigorous intensity physical activity for at least 60 minutes and up to several hours every day.\*
- Moderate intensity – feeling a bit hot, sweaty and slightly breathless
- Examples – cycling, swimming, gym session, jogging, aerobics, cheerleading, street dance, football



\* Guidelines taken from "Start Active, Stay Active" report approved by the Scottish Government





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## NORTH AYRSHIRE COUNCIL

### Agenda Item 4

14 January 2014

#### Cabinet

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**Subject:** Private Members Bill Consultation - Promoting Greater Accountability and Transparency in Local Government

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**Purpose:** To agree a response to the consultation by John Finnie MSP on his proposed Local Government Accountability and Transparency (Scotland) Bill.

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**Recommendation:** That the Cabinet agrees to approve the response contained at Appendix 2.

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#### 1. Introduction

1.1 The Scottish Parliament rules require that a Member's Bill is subject to a 12 week consultation prior to the final proposal being lodged with the Scottish Parliament. On 4 November 2013 John Finnie MSP launched a consultation document on his proposals for the Local Government Accountability and Transparency (Scotland) Bill. The closing date for responses is 27 January 2014. The consultation paper is attached at Appendix 1.

#### 2. Current Position

2.1 The proposals in the Bill are:-

- Local Authorities should no longer be required to appoint three church representatives to the Education Committee;
- The Education Committee should have at least two thirds elected Councillor membership (presently half);
- Any unelected Members on Committees should not be entitled to vote;
- All Local Authority votes should be by roll call rather than by show of hands. This would also apply to other bodies such as arms-length external organisations (aleos) which undertake Council functions;
- Councils should be obliged to webcast all meetings; and
- Councils should be obliged to record all meetings and make recordings available to the public.

2.2 A proposed response is attached at Appendix 2.

### **3. Proposals**

- 3.1 The key issues covered in the paper and the proposed response are as follows.
- 3.2 The proposal that Local Authorities should no longer be obliged to have three church representatives on their Education Committee - the reason why a Council is still obliged to have church representatives on its Education Committee is uncertain and probably for historic reasons. This requirement can create procedural difficulties where a Council operates an Executive or Cabinet system, as it requires a separate Education Cabinet with different membership. In addition, as almost all Councils are now run on a minority or coalition, there have been cases where voting by church representatives has achieved a different result than would otherwise be the case had they not been so appointed. The consultation response is drafted on the assumption that the Council would wish to keep the present church representation on the Education Cabinet, and continue to allow such representatives to have full voting rights. It is also drafted on the basis that democratically elected Councils should be free to decide which external representatives serve on its committees, and their voting rights. Legislation should give Councils the right to determine such representation and should not impose mandatory requirements on Councils. Thus the response agrees that church representation should no longer be mandatory.
- 3.3 The provision that no unelected members should be able to vote would stop Local Authorities making effective arrangements for the governance of partnerships with external bodies. For example, the creation of Health and Social Care Partnerships relies on the creation of a committee with 50% of Members being from the Health Board. In the same way that a Local Authority should be able to decide whether to appoint Church members to an Education or other committee, it should also be free to decide as to the voting rights of unelected members.
- 3.4 The remaining proposals in the Bill run contrary to the principles of self-determination, subsidiarity and local decision making which underlie the approach of both COSLA's Commission on Strengthening Local Democracy and the First Minister's Lerwick declaration. Councillors are democratically elected by their community and should be empowered as far as possible to deliver outcomes for their community. Councils should be free to determine how they arrange their business and how they publicise this to the local community.

3.5 Accordingly the proposed response sees little benefit in the Bill proposals with the exception of that relating to the mandatory appointment of Church representatives to the Education Committee.

3.6 The Cabinet is invited to approve the response contained at Appendix 2.

#### **4. Implications**

##### Financial Implications

4.1 There are no financial implications arising from this consultation.

##### Human Resource Implications

4.2 There are no human resource implications arising from this consultation.

##### Legal Implications

4.3 There are no legal implications arising from this consultation.

##### Equality Implications

4.4 There are no equality implications arising from this consultation.

##### Environmental Implications

4.5 There are no environmental implications arising from this consultation.

##### Implications for Key Priorities

4.6 If the Bill proposals were adopted this would have a detrimental impact on the delivery of efficient and effective services.

#### **5. Consultations**

5.1 There has been consultation with the Director of Educational Services.

## **6. Conclusion**

- 6.1 While the provision that Councils require to have Church representatives on their Education Committee is arguably overdue for review, the remaining proposals contained in the consultation paper run contrary to the principle that as democratically appointed bodies, Councils should be empowered to make their own decisions.



ELMA MURRAY  
Chief Executive

Reference : AF/cf

For further information please contact Andrew Fraser, Head of Democratic and Administration Services on telephone number 01294 324125

### **Background Papers**

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# **Promoting greater accountability and transparency in local government**

**A proposal for a Bill to remove the obligation on local authorities to appoint religious representatives to Education Committees; to remove the right of unelected members of local authority committees to vote; to require the full results of local authority voting to be published; and to require remote access to the public proceedings of local authorities.**

**Consultation by  
John Finnie MSP**

4 November 2013



## **CONTENTS**

**Foreword by MSP**

**Aim of the proposed Bill**

- **Background**
- **Detail of the proposed Bill**
- **Questions**

**How to respond to this consultation**

## FOREWORD

A foundation stone of any democracy must be that elected representatives can be challenged by their electorate for decisions they make particularly when such decisions involve public expenditure.

At this time, unelected persons have a statutory right to participate in local authority committee meetings, including voting on decisions with significant financial implications. Local authorities are also not required to publish information about which elected members took part in particular decisions or to record who voted which way; nor are they required to provide the public with a means to view their proceedings remotely, either by live webcast or recordings. As a result, there is a distinct lack of transparency and accountability about much local government decision-making.

My proposed Bill will ensure that decisions taken by local authorities are made only by democratically elected representatives of the people. It will also ensure that the electorate will be able to know precisely whether and how their representatives cast their vote on any decision and provide technology to afford the public more ready access to council proceedings. I would welcome your views on the proposals contained herein.

A handwritten signature in black ink, appearing to read 'John Finnie', written in a cursive style.

*John Finnie MSP*

## HOW THE CONSULTATION PROCESS WORKS

This consultation is being launched in connection with a draft proposal which I have lodged as the first stage in the process of introducing a Member's Bill in the Scottish Parliament. The process is governed by Chapter 9, Rule 9.14, of the Parliament's Standing Orders which can be found on the Parliament's website at: <http://www.scottish.parliament.uk/parliamentarybusiness/17797.aspx>

A minimum 12 week consultation period is required, following which responses will be analysed. Thereafter, I would expect to lodge a final proposal in the Parliament along with a summary of the consultation responses. If that final proposal secures the support of at least 18 other MSPs from three or more political parties or groups represented on the Parliamentary Bureau, and the Scottish Government does not indicate that it intends to legislate in the area in question, I will then have the right to introduce a Member's Bill. A Member's Bill follows a 3-stage scrutiny process, during which it may be amended or rejected outright. If it is passed at the end of the process, it becomes an Act.

At this stage, therefore, there is no Bill, only a draft proposal for the legislation.

The purpose of this consultation is to provide a range of views on the subject matter of the proposed Bill, highlighting potential problems, identifying equalities issues, suggesting improvements, considering financial implications and, in general, assisting in ensuring that the resulting legislation is fit for purpose.

The consultation process is being supported by the Scottish Parliament's Non-Government Bills Unit (NGBU) and will therefore comply with the Unit's good practice criteria. NGBU will also analyse and provide an impartial summary of the responses received.

Details on how to respond to this consultation are provided at the end of the document.

Additional copies of this paper can be requested by contacting me at (MSP's Parliamentary address, telephone number and email address).

Enquiries about obtaining the consultation document in any language other than English or in alternative formats should also be sent to me.

An on-line copy is available on the Scottish Parliament's website under Parliamentary Business/Bills/Proposals for Members' Bills/Session 4 Proposals  
<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/12419.aspx>

## AIM OF THE PROPOSED BILL

### Introduction

1. I firmly believe that all those taking decisions within local authorities should be accountable to their electorate. We have seen in Highland Council the preferred view of the elected representatives of the people being blocked by the appointed religious representatives. The instance in question was when the religious representatives on the Adult and Children's Services Committee managed to block the Council Administration's preferred location for a Gaelic School in Lochaber, with consequential financial implications, a decision which then had to be over-turned by a meeting of the full Council. The Edinburgh Secular Society has recently pointed out that "church representatives hold the balance of power on 19 council committees across Scotland."<sup>1</sup>

2. It is simply an anomaly that in modern day Scotland we can have unelected representatives of religions being able to vote on local government committees. The ability of such representatives to affect decisions on a wide range of services and the resulting financial implications with absolutely no accountability to taxpayers runs counter to the very idea of democratic governance.

3. This proposal would remove the requirement that local authorities must have unelected representatives on their education committees, but would allow local authorities to continue to appoint unelected representatives to committees, albeit without voting rights.

### Membership of Local Authority committees

#### *Background*

4. The Local Government (Scotland) Act 1973 ("the 1973 Act") permits delegation of council decisions to committees, but not to individual elected members.<sup>2</sup> In practice, local authorities throughout Scotland operate a range of structures to devolve responsibility and decision-making.

5. The 1973 Act permits membership of local authority committees by persons who are not elected members of the local authority. Furthermore, councils are **obliged** to appoint three unelected members, representing churches, to their Education Committees.<sup>3</sup>

6. The 1973 Act sets a minimum membership by elected members. "At least half" of the members of Education Committees must be elected to the council, while "at least

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<sup>1</sup> BBC News, 17 July 2013, <http://www.bbc.co.uk/news/uk-scotland-23349729>

<sup>2</sup> Local Government (Scotland) Act 1973, Section 56.

<sup>3</sup> Local Government (Scotland) Act 1973 Section 124(2)(a) (for education committees) and (b) and Section 124 (4).

two thirds” of the members of other council committees must be elected.<sup>4</sup> With membership of the committee comes the right to vote. This raises a concern that unelected, unaccountable individuals are involved in decision-making, some of which has a financial consequence.

7. The arrangements for church representatives date back to when responsibility for running schools was transferred from churches to local government with the passage of the Education (Scotland) Act of 1872. Under the Act, parish and burgh schools were taken over by the state and managed by locally elected School Boards.

8. In August 1999, the Leadership Advisory Panel (LAP) was established by the then Scottish Executive as a result of recommendations made by the Commission on Local Government and the Scottish Parliament. Its report: *Moving forward: Report of the Commission on Local Government and the Scottish Parliament* is also known as “The McIntosh report.”

9. The LAP found that the statutory obligation with regard to education committees presented some difficulties for local authorities which were planning, as a result of recommendations contained in the McIntosh report, to move away from traditional committee structures to more streamlined structures, for example by adopting executive structures or devolved structures involving area committees. The impact was particularly felt by smaller local authorities, where the obligation could produce an unacceptably high proportion of unelected members of small executive structures where those structures had education matters among a range of responsibilities.

10. The Report concluded “we sympathise with councils which are experiencing difficulties in creating new structures as a result of this legislation but we believe it important that all interests are properly represented in whatever new structures are adopted”.<sup>5</sup>

11. The issue of religious representation has created controversy from time to time. In Highland Council, in 2012, religious representatives influenced a vote which defeated the coalition of SNP, Liberal Democrats and Labour members which had formed to run the Council. The Council’s depute leader described the arrangement as an “historic anomaly” and argued that it “threatens democratic decision-making”.<sup>6</sup> This example raises the question of whether religious representatives should be in a position to influence such decisions, which involve major expenditure, when they are neither elected nor accountable.

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<sup>4</sup> Local Government (Scotland) Act 1973 Section 124(2)(a) (for education committees) and section 57(3).

<sup>5</sup> Scottish Local Government’s Self-Review of its Political Management Structures. Report of the Leadership Advisory Panel. April 2001. Page 16. Paragraph 18. <http://www.scotland.gov.uk/Resource/Doc/158978/0043204.pdf>

<sup>6</sup> <http://www.inverness-courier.co.uk/News/Clergy-embroiled-in-school-site-vote-controversy-31082012.htm>

12. In August 2011, the obligation provoked a good deal of discomfort among councillors of Shetland Islands Council, with one describing the ability of an unelected representative to vote as “offensive”.<sup>7</sup> The issue has recently been raised by the Edinburgh Secular Society, who described the arrangements as “profoundly undemocratic”.<sup>8</sup>

13. I propose a legislative change in this area which would remove the obligation on councils to appoint religious representatives to Education Committees, but would not prevent local authorities from doing so if they wished to continue this practice. My proposal would be for education committees to be brought into line with other local authority committees, and so be subject to the rule that at least two-thirds of their members must be elected. A council could, therefore, continue to include three religious representatives in its education committee (so long as that committee had at least six other elected members), but could also have fewer such representatives, or none at all.

14. With regard to voting rights, I propose that unelected members who are appointed to any committees of the council will not have the right to vote but will continue to take part in all other aspects of committee work.

**Q1: Do you agree that the obligation on local authorities to appoint three church representatives to Education Committees (set out in section 124 of the Local Government (Scotland) Act 1973) should be removed?**

**Q2: Do you agree that at least two-thirds of the members of all local authority committees should be elected councillors?**

**Q3: Do you agree that any unelected members of committees should no longer have a right to vote?**

## Recording votes

### *Background*

15. Schedule 7 to the 1973 Act makes provisions for meetings and proceedings of local authorities. Practices of recording votes are determined by councils. Standing Orders<sup>9</sup> and, as such, are subject to variation from one local authority to the next. Some decisions are taken by a show of hands and no record is taken of individuals voting a particular way. There is currently no legislation that determines how votes are taken and recorded by local authorities.

<sup>7</sup> <http://www.shetlandtimes.co.uk/2011/08/25/education-committee-to-have-three-religious-representatives-despite-concerns>

<sup>8</sup> Article in The Herald, 18 July 2013, “[Secular bid to halt religious influence on schools committees](#)”

<sup>9</sup> Local Government (Scotland) Act 1973. Schedule 7, paragraph 8.

16. Where a vote does take place, it is common practice to record who voted “yes”, “no” or “abstain”. However, it is not necessarily a straightforward matter for any constituent wishing to determine whether an elected member was present for the vote but *chose* not to cast a vote as opposed to being called away on other business or unable to attend that part of the meeting for various reasons.

17. The 1973 Act states that “The names of the members present at a meeting of a council shall be recorded” and that this applies to committees and sub committees.<sup>10</sup> In practice however, members need not be present throughout every meeting, and there have been suggestions that some members deliberately absent themselves from controversial votes, perhaps in order to avoid accounting to their constituents for voting in a particular way or abstaining. It certainly appears from examining minutes of council meetings that the number of votes cast for “yes”, “no” or “abstain” does not always correspond with the numbers recorded as present at each meeting, reflecting the fact that some members choose not to participate in every vote.

18. I believe that recording at every vote the names of those who voted “yes”, “no”, or “abstain”, and the names of those who were present at the time of voting but “did not vote”, would produce greater accountability in decision-making. The inclusion of a new category of “present but did not vote” would enable constituents to identify at a glance those members who declined to take part in a vote, as opposed to those who were unable to take part in the vote for other reasons.

19. A further category of “ineligible to vote” would identify individuals who are not eligible to take part in a particular decision due to conflicts of interest.

20. For the purposes of my bill, the word “committee” applies to any structures which comprise a sub-set of the whole council regardless of whether they are named “cabinets”, “executives”, “sub-committees” and so on.

21. I propose that local authorities should be required to record and publish, for every vote taken by the full council and council committees and sub-committees:

Names of all members present for that vote

Names of those voting yes

Names of those voting no

Names of those abstaining

Names of those ineligible to vote and the reason (e.g. because of a conflict of interest).

Names of those present and eligible but who did not vote

22. In addition to meetings of full council and committees (and committee-like structures), I would argue that this should also apply to all other meetings at which the statutory functions of the council are pursued. Bodies which discharge some of a local authority’s functions – such as arms-length external organisations, joint boards, trusts –

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<sup>10</sup> Local Government (Scotland) Act 1973. Schedule 7, paragraphs 6 and 10(1)

do not form part of local authorities' structures and, in some cases, are subject to different areas of law.

23. Audit Scotland defines arms-length external organisations as follows—

“companies, trusts and other bodies that are separate from the local authority but are subject to local authority control or influence. Control or influence can be through the council having representation on the board of the organisation, and/or through the council being a main funder or shareholder of the organisation. ALEOs can take many forms including companies limited by guarantee or shares, community enterprises, such as industrial and provident societies, trusts and Scottish Charitable Incorporated Organisations. Examples of the services they deliver include leisure, transportation, property development, and more recently, care services. ALEOs are often set up as non-profit making organisations such as charities to promote public benefit in areas such as health, education, recreation and equal opportunities”.<sup>11</sup>

24. Due to the range of bodies involved, and the various laws to which they are subject, I propose that an obligation should be placed on councillors to record, in the same way, any votes cast regarding the statutory functions of the council and report publicly to local authorities the details of that vote.

*Consultation questions on recording of votes*

**Q4. Do you agree that all votes taken by councils and committees of councils should be recorded in a manner which would allow constituents to identify whether their elected member(s) had been present and able to take part in the vote?**

**Q5: Do you agree with the following proposed categorisations of votes and no-votes? If not, what categories would best achieve the aim of greater accountability?**

**Names of all members present for that vote**

**Names of those voting yes**

**Names of those voting no**

**Names of those abstaining**

**Names of those ineligible to vote and the reason (e.g. because of a conflict of interest).**

**Names of those present and eligible but who did not vote**

**Q6: Beyond meetings of the whole council and its committees, are there any other meetings which should be covered by such a provision? How should such meetings be defined so as to apply clearly to every local authority and allow for variations in structure?**

<sup>11</sup> Audit Scotland. [Arm's-length external organisations \(ALEOs\): are you getting it right?](#)

**Q7: Do you agree that councillors should be obliged to record, in the same way as set out at question 5, any votes taken regarding local authorities' statutory functions that take place in organisations and bodies out-with the local authority?**

## **Webcasting meetings**

### *Background*

25. Many local authorities now webcast meetings of the council and its committees, allowing the public to watch and hear meetings online as they take place and, in some cases, access an archive of recordings of meetings which have taken place.

26. Practice regarding webcasting varies considerably. While some local authorities webcast some or all of their meetings, not all of them provide an archive which can be used to catch up with meetings after the event. Some councils do not webcast any meetings.

27. The 1973 Act<sup>12</sup> obliges councils to make meetings of the council (and committees and sub-committees of council) open to the public (barring some exceptions relating to the disclosure of confidential and other sensitive information). Sections 50B to 50D cover the provision of access to documents associated with meetings. Section 50A(7) of the 1973 Act explicitly states that councils are not required to make provision for people not present to see or hear proceedings. Councils are also subject to Freedom of Information and Environmental Information Regulations.

28. I propose to oblige LAs to webcast live all meetings and parts of meetings to which members of the public currently have access, having regard to the normal exceptions under the 1973 Act.

29. I further propose that webcasts should be archived and available on the council's website for a period after the meeting took place

### *Consultation questions on webcasting*

**Q8: Do you agree that local authorities should be obliged to webcast all meetings to which the public are currently permitted?**

**Q9: Should the scope of this measure go beyond meetings of the full council and its committees and sub-committees? If so, what other meetings should local authorities be required to webcast?**

**Q10: Do you agree that, in addition to live webcasting, local authorities should be required to make archived recordings available for a period following the meeting? What would an appropriate period be?**

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<sup>12</sup> Local Government (Scotland) Act 1973. Sections 50A and 50E.

## Other issues

### *Financial implications*

30. I do not envisage that measures on membership of local authority committees or recording of votes will have a significant financial implications. I accept that webcasting of meetings and the provision of archived webcast will involve a degree of additional expenditure for some local authorities who are not currently webcasting but do not consider that this would be of a scale that could not be managed within existing budgets.

31. A recent report to the City of Edinburgh Council<sup>13</sup> recorded a total cost of £30k for the council's webcasting project in its pilot year. It was estimated that on-going annual costs would be £17k. I have obtained information from Highland Council that costs in relation to webcasting and archiving meetings are just over £27k.

**Q11: What is your assessment of the likely financial implications of the proposed Bill?**

### *Equalities implications*

32. Webcasting meetings would have a beneficial impact on those with mobility issues and would also benefit those who are unable to travel to attend meetings in person, perhaps for socio-economic reasons.

33. The Equality Act 2010<sup>14</sup> protects people who lack religious belief as well as those who have it. Certain religious groups will be directly affected by any provision to alter representation on education committees under Section 124 of the Local Government (Scotland) Act 1973. As this measure would remove a privilege which benefits particular religious groups, it is not at odds with equalities legislation.

34. Local authorities are obliged under the public sector equality duty<sup>15</sup> and the Equality Act<sup>16</sup> to take steps to meet the needs of pupils from particular religious backgrounds. However, this should not present a barrier to the repeal of section 124 of the 1973 Act.

**Q12: Is the proposed Bill likely to have any substantial positive or negative implications for equality? If it is likely to have a substantial negative implication, how might this be minimised or avoided?**

### *Other considerations*

<sup>13</sup> Report to City of Edinburgh Council, August 2012. [Council Meetings – Webcasting and ICT developments](#).

<sup>14</sup> Equality Act 2010. Section 10.

<sup>15</sup> Public sector equality duty. <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/>

<sup>16</sup> Equality Act 2010, section 149.

35. Finally, it would be useful to know of any other relevant considerations, not covered in the previous questions, that you think I should consider in developing this proposal.

**Q13: Do you have any other comments or suggestions relevant to the final proposal?**

## HOW TO RESPOND TO THIS CONSULTATION

You are invited to respond to this consultation by answering the questions in the consultation and by adding any other comments that you consider appropriate.

Responses should be submitted by 27 January 2014 and sent to:

*John Finnie MSP*  
*Room M3.19*  
Scottish Parliament  
Edinburgh EH99 1SP

Tel: 0131 348 6898

E-mail: [john.finnie.msp@scottish.parliament.uk](mailto:john.finnie.msp@scottish.parliament.uk)

Please indicate whether you are a private individual or an organisation

Respondents are also encouraged to begin their submission with short paragraph outlining briefly who they are, and who they represent (which may include, for example, an explanation of how the view expressed was consulted on with their members).

To help inform debate on the matters covered by this consultation and in the interests of openness, please be aware that the normal practice is to make responses public – by posting them on my [website](#) and in hard copy in the Scottish Parliament's Information Centre (SPICe).

Therefore, if you wish your response, or any part of it, to be treated as **anonymous**, please state this clearly along with the reasons for this. If I accept the reasons, I will publish it as “anonymous response”. If I do not accept the reasons, I will let you know and give you the option of withdrawing it or submitting it on the normal attributable basis. If your response is accepted as anonymous, it is your responsibility to ensure that the content of does not allow you to be identified.

If you wish your response, or any part of it, to be treated as **confidential**, please state this clearly and give reasons. If I accept the reasons, I will not publish it (or publish only the non-confidential parts). However, I am obliged to provide a (full) copy of the response to the Parliament's Non-Government Bills Unit (NGBU) when lodging my final proposal. As the Parliament is subject to the Freedom of Information (Scotland) Act (FOISA), it is possible that requests may be made to see your response (or the confidential parts of it) and the Parliament may be legally obliged to release that information. Further details of the FOISA are provided below.

NGBU may be responsible for summarising and analysing the results of this consultation and will normally aim to reflect the general content of any confidential

response in that summary, but in such a way as to preserve the confidentiality involved. You should also note that members of the committee which considers the proposal and subsequent Bill may have access to the full text of your response even if it has not been published in full.

There are a few situations where not all responses will be published. This may be for practical reasons: for example, where the number of submissions we receive does not make this possible or where a large number of submissions are in very similar terms. In the latter case, only a list of the names of people and one response who have submitted such responses would normally be published.

In addition, there may be a few situations where I may not choose to publish your evidence or have to edit it before publication for legal reasons. This will include any submission which contains defamatory statements or material. If I think your response potentially contains such material, usually, this will be returned to you with an invitation to substantiate the comments or remove them. In these circumstances, if the response is returned to me and it still contains material which I consider may be defamatory, it may not be considered and it may have to be destroyed.

#### *Data Protection Act 1998*

As an MSP, I must comply with the requirements of the Data Protection Act 1998 which places certain obligations on me when I process personal data. Normally I will publish all the information you provide (including your name) in line with Parliamentary practice unless you indicate otherwise. However, I will not publish your signature or personal contact information (including, for example, your home telephone number and home address details, or any other information which could identify you and be defined as personal data).

I may also edit any information which I think could identify any third parties unless that person has provided consent for me to publish it. If you specifically wish me to publish information involving third parties you must obtain their consent first and this should be included in writing with your submission.

If you consider that your response may raise any other issues concerning the Data Protection Act and wish to discuss this further, please contact me before you submit your response.

Further information about the Data Protection Act can be found at: [www.ico.gov.uk](http://www.ico.gov.uk).

#### *Freedom of Information (Scotland) Act 2002*

As indicated above, once your response is received by NGBU or is placed in the Scottish Parliament Information Centre (SPICe) or is made available to committees, it is considered to be held by the Parliament and is subject to the requirements of the Freedom of Information (Scotland) Act 2002 (FOI(S)A). So if the information you send

me is requested by third parties the Parliament is obliged to consider the request and provide the information unless the information falls within one of the exemptions set out in the Act, even if I have agreed to treat all or part of the information in confidence or to publish it anonymously. I cannot therefore guarantee that any other information you send me will not be made public should it be requested under FOI.

Further information about Freedom of Information can be found at:  
[www.itspublicknowledge.info](http://www.itspublicknowledge.info).

## **Local Government and Accountability and Transparency (Scotland) Bill**

### **Consultation Response by North Ayrshire Council**

North Ayrshire Council's response to the proposed Bill is as follows: -

**Q1 – Do you agree that the obligation on Local Authorities to appoint three Church representatives to Education Committees (set out in section 124 of the Local Government (Scotland) Act 1973) should be removed?**

Yes.

North Ayrshire Council believes that as democratically appointed bodies, Local Authorities should be free to appoint Church and other external representatives to Education or other committees and decide if such member have full voting Rights.

Nevertheless the question of whether there should be a mandatory condition which requires Local Authorities to appoint three church representatives to its Education Committee is worthy of further consideration for two reasons:-

- The starting point should be to identify why three religious representatives are required on an Education Committee. It is accepted that in most cases external membership, whether from churches, staff or young people will be helpful to the Local Authority. Equally, opening membership of other Committees to external members can provide benefits. However the reasons why a local authority is required to have three voting church members on its Education Committee are now lost in mists of time. This probably reflects the fact that until the 19<sup>th</sup> Century Churches and not Local Authorities provided Education. No other Local Authority Committee requires to have external representation.. It is therefore a historical anomaly that a Local Authority is required to have church representatives on its Education Committee.
- The introduction of proportional representation has resulted in almost all Councils in Scotland being led by a minority Administration or Coalition. In terms of the Local Government (Scotland) Act 1973 where a Council discharges its education functions through a Committee it is obliged to appoint three church representatives. Effectively this means that unless Education Authorities are discharged by full Council, there requires to be an Education Committee. In practice this creates two problems.

Firstly it necessitates a Cabinet or Executive to have a separate Education and normal Cabinet, with different members. Secondly non-elected church members can hold the balance of power. Their votes can produce a different result from that which would otherwise be the case were Elected Members only to be present.

In light of the forgoing North Ayrshire Council would respond to question one by stating that while this Council has no proposals to change its present Church representation on its Education Cabinet, the mandatory provision that a Local Authority must have three Church representatives on its Education Committee should be reviewed. The number and voting rights of the Church and other representatives who serve on an Education Committee should be a matter for the decision of a Local Authority.

**Q2 - Do you agree that at least 2/3 of Members of all Local Authority Committees should be Elected Councillors?**

No.

North Ayrshire Council is not in favour of a requirement that 2/3 of the Members of any Local Authority Committees should be Elected Councillors. This would create serious Governance problems should a Local Authority wish to enter into a partnership arrangement with any body other than a Local Authority. Indeed we would argue that a Local Authority should be entitled to appoint up to 50% of its Committee Members from external representatives.

The present legislative provision states that with the exception of the Education Committee and sub-committees, Local Authority Committees have to comprise of at least 2/3 of Elected Members. This creates difficulties if Councils seek to enter into a shared service with any body other than another Local Authority. For example a number of Local Authorities have entered into a Health and Social Care Partnership with their local Health Board. From 1 April 2014 North Ayrshire Council will have such an arrangement with NHS Ayrshire and Arran. Such a Committee needs to have 50% representation from the Council and 50% representation from the Health Board. This arrangement only works because of the provision in the Local Government (Scotland) Act 1973 that Sub-Committees of Local Authorities do not require to comply with the rule that 2/3 of the Members of Local Authority Committees should be Elected Councillors.

If the Bill proposal was enacted a Local Authority would be unable to set up any Joint Committee except with another Local Authority. There would then be no means of providing for the Governance of such shared services.

This is a particularly important issue as the Christie Commission report emphasised that Public Service Organisations need to work together effectively to achieve outcomes. The Scottish Government's four Pillars of Public Sector Reform include 'greater Integration of Public Services at a local level, driven by better partnership collaboration and effective delivery'.

Accordingly the proposal in this Bill would be seriously detrimental to the aims of the Christie Commission and the Scottish Government to ensure that Public Sector organisations are able to work together effectively to achieve outcomes.

**Q3 – Do you agree that any Unelected Members of Committees should no longer have a right to vote?**

No.

North Ayrshire Council does not agree with this. For the reasons set out in our answer to question two this would be seriously detrimental to the ability of Public Service Organisations to work together effectively to achieve outcomes. As set out in our answer to question one it should be a decision for each individual Local Authority as to whether any non-elected Members which it appoints to Committees should have a right to vote.

**Q4 – Do you agree that all votes taken by Councils and Committees of Councils should be recorded in a manner which should allow constituents to identify whether their Elected Members had been present and able to take part in the vote?**

No.

The minute of the meeting makes it clear whether a Member is present. Members of the public who attend Council or Committee meetings are able to identify how individual Members voted. Most Councils Standing Orders also provide that in certain circumstances a roll call vote can be asked for. This identifies how Members have voted. There is no need to impose a roll call vote system for all votes. This would be time consuming and detrimental to the interests of good administration.

**Q5- Do you agree with the following proposed categorisations of votes? If not, what categories would best achieve the aim of greater accountability?**

- **Names of all Members present for that vote.**
- **Names of those voting yes**
- **Names of those voting no**
- **Names of those abstaining**
- **Names of those ineligible to vote and the reason (eg because of a conflict of interest)**
- **Names of those present and eligible but they did not vote**

No.

As detailed in the answer to question four we do not agree that a roll call vote is required unless Council agree this in a particular vote. Councils are democratically Elected Bodies and it is important that Councils are given discretion and flexibility as to their own procedures.

**Q6 – Beyond meetings of the whole Council and its Committees are there any other meetings which should be covered with such a provision? How should such meeting be defined so as to apply clearly to every Local Authority and allow variations and structure?**

No.

It should be borne in mind that companies and charitable bodies also require to comply with the requirements of the Companies Acts, the Trust Acts and the Charities Acts.

**Q7 – Do you agree that Councillors should be obliged to record, in the same way as set out in question 5, any votes taken regarding Local Authorities statutory functions that take place in organisations and bodies out-with the Local Authority**

No.

**Q8 – Do you agree that local authorities should be obliged to webcast all meetings to which the public are currently permitted?**

No.

Almost all Council and Committee meetings are open to the public. There are financial and technical considerations involved with webcasting all meetings. As previously detailed, Local Authorities are democratically Elected Bodies and the decision on how they should publicise their meetings should be a matter for their own self-determination. Technology also moves quickly and it is possible that webcasting will soon be redundant. Making provisions for a particular type of technology will stifle innovation when technology moves on.

**Q9 – Should the scope of this measure go beyond meetings of the full council and its committees and sub-committees? If so, what other meetings should local authorities be required to webcast?**

No, for the reasons set out in question eight.

**Q10 – Do you agree that, in addition to live webcasting, local authorities should be required to make archived recordings available for a period following the meeting? What would an appropriate period be?**

No. for the reasons set out in question eight. Again this should be a matter for the discretion of the individual Local Authority.

**Q11 – What is your assessment of the likely financial implications of the proposed Bill?**

The proposal that no unelected Members of a Local Authority Committee should have voting rights would essentially preclude a Council from setting up proper Governance arrangements for a Shared Service with another body other than a Local Authority. This would have potential to derail the objective of the Christie Commission that Public Service Organisations work together effectively to achieve outcomes, and the Government's Pillar of Public Sector Reform that there should be 'greater integration of public services at a local level, driven by better partnership collaboration and effective delivery'. The failure to enter into such arrangements due to the lack of appropriate Governing structures could have major but unquantifiable costs.

The costs of webcasting would be in the region of £18,000 capital cost plus annual maintenance for North Ayrshire Council, albeit this is probably less for this authority as provision for this is being included in the proposed changes to our Council and Committee Chambers.

**Q12 – Is the proposed Bill likely to have any substantial positive or negative implications for equality? If it is likely to have a substantial negative implication, how might this be minimised or avoided?**

The proposal detailed in question three that only Elected Councillors should have voting rights would have a negative equalities impact as it could stop Authorities entering into arrangements with outside bodies designed to have equalities benefits. The creation of Health and Social Care Partnerships is an example.

**Q13 – Do you have any other comments or suggestions relevant to the final proposal?**

From a philosophical point of view the Bill contains mixed messages. The introduction to the consultation paper by John Finnie MSP states that the proposed Bill will ensure that decisions taken by Local Authorities are made only by democratically Elected Representatives of the people. In seeking to remove the mandatory requirement to have Church Members on an Education Committee the argument is made that this fetters the accountability of Elected Members. However all the remaining proposals in the Bill go on to restrict the ability of local Elected Member to organise the running of their own affairs. As such, all bar the first proposal are contrary to the principles of self – determination, that publically Elected Representatives should be empowered to make their own decisions to deliver outcomes for their community.

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**NORTH AYRSHIRE COUNCIL**

**Agenda Item 5**

**14 January 2014**

**Cabinet**

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**Subject:** **Community Empowerment Bill: Scottish Government Consultation**

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**Purpose:** To seek approval from the Cabinet for the Council's response to the second stage of the Scottish Government consultation on the proposed Community Empowerment Bill.

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**Recommendation:** That the Cabinet agrees to (a) note the key proposals from the Scottish Government's consultation; (b) approve the proposed response from the Council to the questions posed in the paper as detailed in Appendix 1; and (c) note the implications for the North Ayrshire Council contained within the paper.

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**1. Introduction**

1.1 On 6 June 2012 the Minister for Local Government and Planning launched an exploratory consultation on a range of ideas for the proposed Community Empowerment and Renewal Bill designed to:

- strengthen community participation;
- unlock enterprising community development; and
- renew our communities.

1.2 The aims of the bill included:

- enabling communities to take independent action to achieve their own goals and aspirations; and
- ensuring communities are able to have a greater role in determining how their local public services are delivered.

The Government's Programme for Scotland 2013-14 placed community empowerment and public service reform at the centre of the Government's agenda. The Community Empowerment (Scotland) Bill is intended to provide a legislative underpinning that will support and drive forward key areas of policy.

- 1.3 A consultation document was released in November 2013 and the full document and other relevant consultation documents can be accessed online at:

<http://www.scotland.gov.uk/Publications/2013/11/5740>

## **2. Current Position**

- 2.1 The draft Bill recognises that empowering communities and reforming public services are key to achieving improved outcomes for Scotland as a whole and for local communities. It highlights how further improvement can be achieved by encouraging greater integration and more effective partnership working and by further embedding an outcomes focussed approach at both national and local levels.
- 2.2 The proposals in this consultation paper are set out in three groups:
- 2.2.1 Chapter 3 covers proposals which have already been subject to some consultation, and on which draft legislation is now provided for comment.
- 2.2.2 Chapter 4 sets out detailed policy questions on issues which have been discussed in more general terms elsewhere, but have not yet reached the stage of draft legislation.
- 2.2.3 Chapter 5 proposes some new policy ideas on wider issues about the organisation of central and local government.

### Implications for North Ayrshire Council

## **2.3 Chapter 3: Community Participation Requests for Public Service Delivery Outcome Improvement Processes**

- 2.3.1 The Consultation and Bill set out a framework for processing “Community Participation Requests for Public Service Delivery Outcome Improvement Processes”. Community Bodies are able to request one of the named Public Bodies to undertake an “Outcome Improvement Process” (OIP) in relation to a public service which that body provides, with a view to achieving improvements to the service. The Community Body can request to participate in the OIP.
- 2.3.2 The purpose of this legislation is to ensure that communities’ voices are heard as well as ensuring that public bodies provide the best outcomes possible for their communities.

2.3.3 There would be financial and resource implications to this process in managing requests and conducting OIPs but at the moment these are unknown as this will be a new process for public bodies.

2.3.4 It will be critical to ensure that the Council's community engagement and community involvement in service delivery is of the highest quality and follows best practice. This will have resource implications for the Council.

## **2.4 Chapter 4: Strengthening Community Planning**

2.4.1 The Consultation sets out a framework for "Strengthening Community Planning". This enhances existing provisions by requiring all Public Bodies (to be defined) to play a more equal role in the community planning processes and delivering outcomes for their communities.

2.4.2 The proposals will create a legislative framework that:

1. Places increased emphasis on the planning and delivery of shared outcomes;
2. Places CPPs and their key roles and responsibilities on a statutory basis;
3. Places new duties on partner bodies so that the CPP can fulfil its responsibilities, and so that each partner's role in community planning is fully reflected in its own governance and accountability arrangements; and
4. Ensures that the external scrutiny provided by the Accounts Commission, the Auditor General and other bodies reinforces the above and supports progress towards the Statement of Ambition.

2.4.3 The proposals to strengthen community planning will build on the Statement of Ambition for CPPs and statutory guidance. This will enable work that is ongoing locally to be strengthened and become more robust, ensuring partners are working together more closely to deliver the best possible outcomes for their communities.

2.4.4 The Local Government in Scotland Act 2003 currently identifies Public Bodies who have a duty to participate in Community Planning as Local Authorities (lead body), Health Boards, Police Service, Fire Service, Enterprise Companies (Scottish Enterprise) and Transport Bodies (e.g. SPT). CPPs are then able to invite other partners who are key to delivering local outcomes into their arrangements.

2.4.5 The consultation asks whether the duties should be extended to other organisations such as Scottish Natural Heritage, Skills Development Scotland and VisitScotland or whether there are other ways of ensuring participation within the CPP that fits with local priorities.

## **2.5 Chapter 5: Subsidiarity and Local Decision-making**

2.5.1 The consultation poses a broad question in relation to “subsidiarity and local decision-making:” “Are there any other actions that could be taken to support local decision-making that would benefit local communities?”

2.5.2 The proposed response to the draft Bill responds to this question on the basis of the response provided by North Ayrshire Council in relation to the Commission on Strengthening Local Democracy.

## **3. Proposals**

3.1 It is proposed that Cabinet (a) notes the key proposals from the Scottish Government’s consultation; (b) approves the draft response from the Council to the questions posed in the paper as detailed in Appendix 1; and (c) notes the implications for North Ayrshire Council and the Community Planning Partnership. It is recommended that the Council supports the Scottish Government’s aspirations, which are designed to strengthen community participation, unlock enterprising community development; and renew our communities.

## **4. Implications**

### Financial Implications

4.1 At this stage the financial implications are not quantifiable. It is unclear how many of the proposals will be taken forward and how they will be resourced. Key financial implications would emerge in relation to reform of the Common Good legislation; in relation to right to buy and compulsory purchase orders; and in relation to a community’s right to challenge the quality of public sector service delivery. Resource and capacity issues would require to be considered in greater detail and this is highlighted in the Council’s response to the draft Bill.

### Human Resource Implications

4.2 There are no human resource implications arising directly from this report.

## Legal Implications

- 4.3 At this stage the legal implications are not quantifiable. It is unclear how many of the proposals will be taken forward and in what form. Key legal implications would emerge in relation to reform of the Common Good legislation; in relation to right to buy and compulsory purchase orders; and in relation to a community's right to challenge the quality of public sector service delivery. Legal implications would include the definition of which services are suitable to be delivered by a community organisation rather than as part of the local authority's duty of well being under the Local Government (Scotland) Act.

## Equality Implications

- 4.4 The proposals contained within the bill are designed to strengthen community participation, unlock enterprising community development; and renew our communities. However, the opportunity for all communities to participate is key, and the role of capacity building to ensure this equality of access to proposed developments within the bill should be addressed.

## Environmental Implications

- 4.5 There are no environmental implications arising directly from this report.

## Implications for Key Priorities

- 4.6 The proposals contained within the bill could assist in achieving the following SOA outcomes:

3a "opportunities for lifelong learning have increased";

4a "levels of educational attainment and achievement have improved";

4b "more young people are leaving school for positive destinations";

5a "opportunities to support the positive development of young children have increased";

6b "health inequalities have reduced";

6e "people are more active more often";

11a "levels of voluntary actions and community involvement have increased"; and

11b "partnership working between the public, community and voluntary sector has improved.

## 5. Consultations

- 5.1 The Scottish Government consultation on the Community Empowerment Bill was sent to the following partners:
- All Community Planning Partners;
  - All community associations in North Ayrshire; and
  - The Third Sector Interface organisations.
- 5.2 All relevant North Ayrshire Council departments contributed to the consultation response. This included Education and Skills; Social Services (Housing Services); Planning and Building Standards; Legal Services and Financial Services.

## 6. Conclusion

- 6.1 North Ayrshire Council welcomes the aspirations contained within the Scottish Government's consultation on the Community Empowerment Bill. The responses contained within the response at Appendix 1 highlight areas of good practice in North Ayrshire, in order to contribute to the range of ideas available to the Scottish Government as it progresses the bill.
- 6.2 North Ayrshire Council welcomes the Scottish Government's continued consultation with local authorities in relation to the bill and would be pleased to provide further information in relation to the information contained within the response.



CAROL KIRK  
Corporate Director (Education and Skills)

Reference : AS/JN

For further information please contact Audrey Sutton, Head of Service on  
01294 324432

## Background Papers

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## Consultation on the Community Empowerment (Scotland) Bill

### RESPONDENT INFORMATION FORM

**Please Note** this form **must** be returned with your response to ensure that we handle your response appropriately

#### 1. Name/Organisation

##### Organisation Name

North Ayrshire Council

**Title** Mr  Ms  Mrs  Miss  Dr  **Please tick as appropriate**

##### Surname

Sutton

##### Forename

Audrey

#### 2. Postal Address

Education and Skills

North Ayrshire Council

Cunninghame House

IRVINE

**Postcode** KA12 8EE

**Phone** 01294 324414

**Email** [asutton@north-ayrshire.gov.uk](mailto:asutton@north-ayrshire.gov.uk)

#### 3. Permissions - I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

- (a)** Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

**Please tick as appropriate**

**Yes**  **No**

- (b)** Where confidentiality is not requested, we will make your responses available to the public on the following basis

- (c)** The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

**Please tick ONE of the following boxes**

**Please tick as appropriate**

Yes  No

Yes, make my response, name and address all available

**or**

Yes, make my response available, but not my name and address

**or**

Yes, make my response and name available, but not my address

**(d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

**Please tick as appropriate**

Yes

No

**3. Please indicate which category best describes you or your organisation (Tick one only). If you are a representative or umbrella body, please tick the category you represent.**

Community organisation	<input type="checkbox"/>
Third sector / equality organisation	<input type="checkbox"/>
Private sector organisation	<input type="checkbox"/>
Representative body for professionals	<input type="checkbox"/>
Local government	<input checked="" type="checkbox"/>
Community Planning Partnership	<input type="checkbox"/>
Public Body, including Executive Agencies, NDPBs, NHS etc	<input type="checkbox"/>
Academic or Research Institute	<input type="checkbox"/>
Individual	<input type="checkbox"/>
Other – please state...	<input type="checkbox"/>

# Consultation on the Community Empowerment (Scotland) Bill

## Response Questionnaire

### Chapter 3 - Proposals with draft legislation

Please read the draft Bill provisions before you answer these questions. You do not need to answer all the questions in this questionnaire, only answer the questions that you have an interest in. Separate questionnaires are provided for each chapter of the consultation paper.

Please make sure you also return the Respondent Information Form with your response, so that we know how to handle it.

#### 3.1 Community Right to Request Rights in Relation to Property

**Please read Part 1 of the draft Bill (Annex C pages 1 to 9) before you answer these questions:**

Q1 Do you agree with the definition of community body at section 1?

Yes  No

Do you have any changes to suggest?

The list appears to be comprehensive.

However, it is possible that a group or organisation which obtains a community asset could restrict use of this asset to particular sections of the community or for particular community interests. For this reason we propose that the definition of “community body” requires more consideration in order to ensure that any asset transfer benefits as wide a range of community interests as possible.

Moreover, an “unincorporated company” may take a variety of forms, including a trust or an unincorporated association governed by a management committee. In general, this type of company has no recognised legal structure or formal regulation. Voluntary organisations, groups and sports clubs are often unincorporated associations and governed by a management committee who have limited organisational capacity or resources to support sustainable community asset transfer projects.

The definition should therefore include consideration that any approach to designating unincorporated persons as a community body should contain sufficient appropriate safeguards. The draft bill does not define what the implications would be for transferred assets if a body designated by Scottish Ministers was subsequently determined by the Scottish Ministers to be no longer a community body. (Section 1 (4)).

The provisions of Section 1 (5) (f) are also unclear and could be of concern if a property was returned to the relevant authority due to the winding up of a community body, and any liabilities associated also transfer, e.g. buildings in poor or dangerous condition, possible sub-let or lease liabilities to be complied with. It could be argued that the liabilities of the company (Section 5 (f)) should include the costs of addressing these liabilities if they were not in place at the time of the original sale or transfer of the asset.

Q2 Do you agree with the list of public bodies to be covered in this Part at Schedule 1 (Annex C page 21)?

Yes x  No

What other bodies should be added, or removed?

It is proposed that consideration should be given to extending the proposed list to include arms length external organisations of the listed relevant authorities.

Q3 What do you think would be reasonable timescales for dealing with requests, making an offer and concluding a contract, in relation to sections 5(6), 6(2)(c) and 6(6)?

The timescales defined in the draft legislation seem reasonable, providing flexibility to extend can be mutually agreed between the parties if required.

Each relevant body should have local arrangements for asset transfer, mutually agreed with community organisations, which address these issues. North Ayrshire's asset transfer policy and asset transfer toolkit is an example of such local arrangements.

Q4 Do you agree that community bodies should have a right of appeal to Ministers as set out in section 8?

Yes x  No

Are there other appeal or review procedures that you feel would be more appropriate?

n/a

Q5 What form of appeal or review processes, internal or external, would be appropriate in relation to decisions made by local authorities and by Scottish Ministers?

It is possible that internal appeals processes could be introduced within local authorities. The exact nature of this would vary among authorities and could be detailed as part of the local policies and processes as detailed in Q3 above. For example, if the full Council agreed an asset transfer it would be difficult to design an effective appeals process; however, if for example, the decision was made by Cabinet, an appeals body involving elected members not involved in the original decision could be appropriate.

Q6 Do you have any other comments about the wording of the draft provisions?

Clarification is required in relation to the extension of the community right to buy to urban areas.

The consultation proposes that the right to buy should be extended to the whole of Scotland, including urban areas, and settlements with a population of 10,000 or more (which are excluded under the current legislation). It is proposed that the extended right to buy would operate in much the same way as the current system, but it is proposed that "streamlining" measures be introduced to ensure that the process is less onerous on community bodies.

The same applied to extension of community right to buy to include tenants' interests

The bill indicates that Scottish Ministers may 'in the future' want to extend the scope of the right to buy 'to include, for example, the interests of the tenant in tenanted land'. The consultation contains no further details in relation to this issue, and further detail and clarification is required.

Q7 What costs and savings do you think would come about as a result of these draft provisions? Please be as specific as you can.

The proposals will inevitably result in greater demands on existing staff resources across a range of organisations and services, to administer and evaluate requests, negotiate terms and conclude contracts. In addition, the new proposed statutory procedure will require additional dedicated resources and capacity to monitor approved requests and to provide support to successful applicants to help them deliver the agreed benefits.

It is anticipated that the proposals will result in two outcomes:

- Increased demand for asset transfer, with the above resultant capacity issues; and
- Increased expectation from organisations and groups in relation to support towards successful asset transfer, again with resultant capacity issues for a range of local authority departments, including Community Development, Estates and Legal departments.

In turn, it is possible that the Council may achieve longer term revenue savings through property asset transfer and also through the capacity built within communities to maintain and develop their own services and facilities. However, it must be acknowledged that, in the main, the savings will not be deliverable in the short term and the capacity building will require to be resourced in the short and medium term.

The requirement for investment to bring properties up to standard before transferring assets is also an important factor. In some cases the costs will be significant or prohibitive and examination of this must be a feature of any individual asset transfer request.

Local third sector interfaces will also be required to be major players in supporting community bodies through the application and asset transfer process including assembling funding packages and business cases to support the applications. The capacity of the local third sector interface to perform this role may vary from area to area and will require investment from Scottish Government and local authorities to ensure appropriate support is available.

The funding of professional fees must also be taken into consideration.

### **3.2 Community Right to Request to Participate in Processes to Improve Outcomes of Service Delivery**

**Please read Part 2 of the draft Bill (Annex C pages 9 to 14) before you answer these questions:**

Q8 Do you agree with the definition of community body at section 11?  
Yes x No

Do you have any changes to suggest?

n/a

Q9 Do you agree with the list of public bodies to be covered in this Part at Schedule 2 (Annex C page 21)?  
Yes x No

What other bodies should be added, or removed?

As above, consideration should be given to extending the list to include any arms length external organisations of the listed relevant authorities.

Q10 Do you agree with the description at section 13 of what a participation request by a community body to a public service authority should cover?

Yes  No

Is there anything you would add or remove?

The description is suitable in terms of legislation but requires to be explained in clear language and to be supported by clear guidance in order that community bodies can engage effectively with the process. This relates especially to definitions of outcomes and processes. It is envisaged that substantial support will be required to assist community groups to develop successful business cases for participation requests in this context.

It is also important to assess the viability of the request at a fairly early stage. The amount of resources which can be directed to assessing multiple single issue participation requests may pose serious capacity issues for public sector organisations.

Q11 Do you agree with the criteria at section 15 that a public service authority should use when deciding whether to agree or refuse a participation request?

Yes  No

Are there any other criteria that should be considered?

It is proposed that consideration should be given to including “public service efficiency” under the list of criteria in Section 15 (3)(c).

Q12 Do you have any other comments about the wording of the draft provisions?

The guidance on this section of the draft Bill relates to the new proposals in relation to engaging communities in Community Planning. This relationship is important in ensuring that the request to participate becomes part of the wider participation and locality planning context and the sole catalyst for community participation does not rest on the participation request by communities. Community Planning partners should also have responsibility for ensuring participation within the strategic CPP context.

In addition, the processes set out for requesting a right to participate are fairly complex. Unless appropriate support and guidance is provided for marginalised and less organised communities, the complex process will result in further marginalisation of less powerful communities and interests.

Q13 What costs and savings do you think would come about as a result of these draft provisions? Please be as specific as you can.

Please see response to Q3 above.

### 3.3 Increasing Transparency about Common Good

**Please read Part 3 of the draft Bill (Annex C pages 14 to 16) before you answer this question:**

Q14 Do you think the draft provisions will meet our goal to increase transparency about the existence, use and disposal of common good assets and to increase community involvement in decisions taken about their identification, use and disposal?

Yes  No

What other measures would help to achieve that?

We believe the draft provisions will meet the goal of increasing transparency about the existence, use and disposal of common good assets and increase community involvement in decisions with regard to these assets.

However, lack of a statutory definition of 'common good' will hinder the above process. Lack of clarity of definition will result in inconsistencies throughout the process between local authorities. A statutory definition is preferred.

Guidance issued must definitively address the matter of representations, how representations are to be dealt with and ultimately who makes a decision with regard to a representation. Also the consequences of a representation would need to be considered, for example, if following a representation the local authority includes in the register an asset not previously identified as common good would any income/expenditure in respect of that asset be backdated and reallocated and if so for what period?

The proposed provisions in S24 and 25 make no distinction with regard to alienable and inalienable common good. Have these provisions to be read in conjunction with the provisions of the Local Government (Scotland) Act 1973 or is it the intention to codify the law relating to common good?

In addition, Councils have already carried out a considerable amount of work in recent years to establish a common good register following the publication of LASAAC: Accounting for the Common Good in December 2007. It would be helpful to clarify whether this new requirement is intended to add to or replace the existing LASAAC requirement. The proposals in the Bill appear to create an additional step in the process of disposal of common good.

### 3.4 Defective and Dangerous Buildings – Recovery of Expenses

**Please read Part 4 of the draft Bill (Annex C pages 17 to 19) before you answer these questions:**

Q15 Do you agree that the cost recovery powers in relation to dangerous and defective buildings should be improved as set out in the draft Bill?

Yes  No

Yes. North Ayrshire Council's Standards Service have been contributing to various pieces of research, mainly led by Local Authority Building Standards Scotland (LABSS), to improve on the current position. The powers noted in the consultation will allow for a more effective means of cost recovery than we have at present.

Q16 Do you agree that the same improvements should apply to sections 25, 26 and 27 of the Building (Scotland) Act 2003?

Yes  No

Yes (see comments above)



# Consultation on the Community Empowerment (Scotland) Bill

## Response Questionnaire

### Chapter 4 - Detailed Policy Proposals

Please read the draft Bill provisions before you answer these questions. You do not need to answer all the questions in this questionnaire, only answer the questions that you have an interest in. Separate questionnaires are provided for each chapter of the consultation paper.

Please make sure you also return the Respondent Information Form with your response, so that we know how to handle it.

#### 4.1 Improve and extend Community Right to Buy

Q17 The Scottish Government proposes to extend right to buy to communities in all parts of Scotland, where the Scottish Government is satisfied that it is in the public interest. Do you agree with this proposal?

Yes x  No

Are there any additional measures that would help our proposals for a streamlined community right to buy to apply across Scotland?

It would seem logical to extend the right to buy to communities in all parts of Scotland in these circumstances to ensure fairness and equal opportunity.

We would support extending the RTB across Scotland, in instances where interest had been registered, and the land-owner then offered the land for sale, as it has been suggested that the existing scheme may offer an option for self and community build projects

However, implementation will require to balance the aspirations of communities with the rights of landowners, particularly in urban areas where properties and land being bought is in close proximity to other properties and land and where potential uses will have an impact on neighbouring properties.

Competing applications from community groups may also be an issue. Strong and comprehensive business cases and demonstration of community benefit will be crucial in this context. Implications for local development plans and town centre regeneration plans should be addressed; and longer term social and economic benefits and community planning priorities will also be a feature of decision making in relation to requests. Where a powerful argument exists for a particular type of land use, this should have an over-riding preference within the local development and town centre regeneration plans.

- Q18 Do you think that Ministers should have the power to extend “registrable” land” to cover land that is currently not included as “registrable land”?  
Yes x No

What other land should also be considered as being “registrable”?

In principle we would support Scottish Ministers having the right to extend the 'registrable land' definition, particularly in light of the example that tenants on the land may benefit. Again, this may offer those residing on the land an opportunity to meet their housing need, through development.

However, we acknowledge that within urban communities in particular it may be difficult to meaningfully define pockets of land or assets as registrable at a national level. Urban land is less clearly classified in many instances than rural land.

- Q19 Do you think that there should be a compulsory power for communities to buy neglected or abandoned land in certain circumstances?  
Yes  No

What should these circumstances be?

Consideration should be given to this clause. Abandoned or neglected land may be subject to contamination, undermining or some other constraint, which would inhibit future development.

For this reason, the proposals relating to Right to Buy land should include a responsibility on the local authority to make an assessment of the appropriate use of the land, particularly in relation to public health. For example, community groups may wish to take over land for allotments, but based on appropriate and robust assessments the Council may determine that because of previous use/contamination (seepage) the land may not be suitable for digging/growing food.

Compulsory purchase may be a viable tool, but those seeking such a measure should be required to demonstrate that development is a feasible option on the land.

There should be a reluctance to extend compulsory purchase powers unless these are seen as absolutely necessary and proportionate to the benefit that it is sought to be achieved.

Q20 How do you think this should work in practice? How do you think that the terms “neglected” and “abandoned” should be defined?

Land not used for beneficial purposes where the owner has failed to maintain or manage the land to a reasonable standard for a period of 20 years, or more.

Note: There may be heritable rights over the land such as servitudes or wayleaves.

Q21 Do you think that the criteria to be met by a community body in section 38(1) of the Act are appropriate?

Yes x  No

Do you think that there should be additional criteria? Please set out what changes or additions should be made to the criteria.

n/a

Q22 Do you think that the information that is included in the Register of Community Interests in Land is appropriate?

Yes x  No

If not, what should that information include?

n/a

Q23 How could the application form to register a community interest in land be altered to make it easier to complete (e.g. should there be a word limit on the answers to particular questions)?

The form should be as simple as possible to complete.

Should the questions be more specifically directed to the requirements of sections 36(2) and 38(1) of the Act?

Yes  No x

Do you have any other suggestions?

This statement is justified, in order to ensure land is used and maintained in a sustainable and ethical manner and is used in ways that promote wider community benefit, communities wishing to own the land must be confident, skilled and able to evidence that they will use the land to meet local need. Many communities in Scotland have bodies and processes in place that

should enable them to make positive use of this aspect of the legislation, but the complexity and rigour attached to the legislative proposals reinforces our earlier point about the need for tailored support designed to allow communities without capacity and processes in place to be able to access the opportunity to own their own land and reap the potential benefits to be derived from this.

- Q24 Do you agree that communities should be able to apply to register an interest in land in cases where land unexpectedly comes on the market and they have not considered using the community right to buy?

Yes x No

If so, what changes should be made to section 39 to ensure that such communities can apply to register a community interest in land?

Yes, in principle. However, care would have to be taken to ensure that anyone registering a 'late' interest in the land was able to utilise it for some necessary purpose.

There should be a tight timescale for Scottish Ministers to approve or refuse a request.

In relation to changes to section 39, if land which has not been registered is made available for sale, the community should not have the right to restrict the sale. They should be able to propose a purchase and pursue this through the normal process.

- Q25 Do you agree that the process to re-register a community interest should be a re-confirmation of a community interest in land?

Yes x No

- Q26 Do you think that the community body should be asked to show that its application is (1) still relevant, (2) has the support of its "community", and that (3) granting it is in the public interest?

Yes x No

- Q27 What do you think should be the length of the statutory period for completing the right to buy, taking into account both the interests of the landowner and the community body? Please explain the reasons for your proposal.

While we don't have a particular duration to suggest, a balance should be found between allowing the community enough time to mobilise themselves in terms of the purchase, and ensuring that the land owner isn't disadvantaged. However, it is noted that the duration can be extended by mutual agreement, and this will allow the required flexibility.

The statutory process period should allow for the complicated nature of property transactions, including the need to obtain site and soil assessments, planning consent, building warrants, approvals and conveyancing.

- Q28 Do you think that some of the tasks within the right to buy (such as valuation, ballot etc) should be rearranged and the timescales for their completion changed in order to make the best use of the time available within the right to buy? Please set out what changes you think should be made and why.

n/a

- Q29 Do you agree that Scottish Ministers should organise the undertaking of a community body's ballot and pay its costs?

Yes  No

If you disagree, please provide your reasons.

Local authorities have experience of organising ballots at a local level and should be responsible for organising the undertaking of a community body's ballot in their area.

However, the additional cost of the ballot should be met by the Scottish Ministers. In instances of conflict of interest an arrangement could be made with a neighbouring council to organise the ballot.

- Q30 Should Scottish Ministers notify the ballot result to the landowner?

Yes  No

Please explain your reasons.

The process should be open and transparent.

In the interests of transparency, all parties involved should be provided with the same level of information on the ballot.

- Q31 Do you think Ministers should develop a pro-forma for community bodies to set out their plans for the sustainable development of land and community?

Yes  No

Please give reasons for your view.

This would streamline the process. A pro-forma would provide consistency of information and process and help members of the community to ensure that all aspects of their proposals were considered and detailed. It could help focus plans, and give community bodies a steer in terms of various elements

of the overall project which require to be considered.

- Q32 Do you agree that community bodies should be able to define their “community” in a more flexible way by the use of either postcodes, settlement areas, localities of settlements, and electoral wards, or a mixture of these, as appropriate?

Yes, a variety of methods should be available for identifying communities – and this should also be defined in the constitution of the community body.

- Q33 Are there any other ways that a “community” could be defined?

Specific interest groups (e.g. social, environmental) could be included in the definition of a “community.”

- Q34 Do you agree that other legal entities in addition to the company limited by guarantee should be able to apply to use the community right to buy provisions?

Yes x No

- Q35 Do you agree that SCIOs should be able to apply under the provisions?

Yes x No

- Q36 What other legal entities should be able to apply under the community right to buy provisions – and why?

Community Interest Companies (CIC), which are incorporated and include an “Asset Lock” to ensure the assets held are used for social objectives should be able to apply. This type of company is designed for social enterprises that use their profits and assets for the public good.

- Q37 Do you agree that Ministers should only have to “approve” the changes to Articles of Association for community bodies that are actively seeking to use or are using the community right to buy?

Yes x No

- Q38 Do you think that the length of a registered interest in land should remain as five years or be changed? If it should be changed, how long should it be – and what are your reasons for making that change?

Five years seems reasonable; any less and the need to re-register interest may become onerous; a longer period of time could mean that the community has lost interest in proceeding, and it isn't noted timeously.

Q39 Do you agree that the valuation procedure should include counter representations by the landowner and community body? Yes  No

If you disagree, please give your reasons for your decision.

n/a

Q40 Do you think that there should be a provision to deter landowners from taking the land off the market after they have triggered the right to buy? Yes  No

Please explain your reasons.

Landowners must retain the right to make commercial decisions concerning the sale of assets. The removal of the right to take land off the market would restrict this right.

If the landowner does not wish to sell they should be entitled to withdraw. In appropriate circumstances, the local authority could exercise compulsory purchase powers to acquire the land on behalf of the community.

Q41 Do you think that there should there be greater flexibility in a community body's level of support for a right to buy in the ballot result than is currently permitted? Yes  No

Q42 Do you think that the ballot result should focus on a sufficient amount of support to justify the community support to proceed with the right to buy the land? Yes  No

If yes, please explain how secured community support should be measured

The defining factor would be a majority of those voting in favour of the proposal from within the defined community (geographical, interest etc).

Q43 Do you agree that community bodies should be able to submit evidence to Ministers in support of their ballot result where they believe that their ballot has been affected by circumstances outwith their control? Yes  No

- Q44 Do you think that Scottish Ministers should be able to ask community bodies for additional information relating to their right to buy “application” which Ministers would then take into account in considering their right to buy “application”?

Yes  No

Please explain your reasons.

Scottish Ministers should be able to seek further information for any area in relation to which they are unclear.

This will help to clarify any issues and support the right to buy application and ensure that applications for potential projects are considered if appropriate.

- Q45 Do you think that Ministers should be able to accept an application to register a community interest in land which is subject to an option agreement (on part or all of the land)?

Yes  No

- Q46 If there is an option agreement in place, do you think that the landowner should be able to transfer the land as an exempt transfer while there is a registered interest over that land?

Yes  No

Please explain your answer.

An option agreement should not be used as a vehicle to prevent a community’s right to buy. Providing the interest over the land has been formally registered, the landowner should be required to provide the community with first refusal.

- Q47 Do you think that the prohibition on the landowner from taking steps to market or transfer the land to another party should apply from the day after the day on which Ministers issue the prohibition letter rather than the day when the owner/heritable creditor receives the notice?

Yes  No

Please explain your answer.

The prohibition should apply from the date when the landowner receives the notice.

- Q48 Do you agree that public holidays should be excluded from the statutory timescales to register a community interest in land and the right to buy?

Yes  No

Q49 Do you agree that where a landowner makes an “exempt” transfer, this should be notified to Scottish Ministers?

Yes x No

If you disagree, please provide reasons for your decision.

n/a

Q50 Do you agree that community bodies and landowners should notify Scottish Ministers of any changes to their contact details (including any registered office)?

Yes x No

Q51 Do you think that Ministers should monitor the impact of the community right to buy?

Yes x No

How do you think that monitoring should be undertaken and what information should Ministers seek?

Measurement of the impact will be complicated and resource intensive.

The following outcomes should be assessed within any process:

- Local community benefit, including impact on and benefit to young people;
- Local regeneration (urban or rural);
- Environmental improvement or sustainability;
- Social well-being, including through SROI;
- Health improvements.

Should the monitoring process be a statutory requirement, including provisions for reporting?

Yes x  No

## 4.2 Strengthening Community Planning

Q52 What are your views on our proposals for requiring a CPP to be established in each local authority area, and for amending the core statutory underpinning for community planning to place stronger emphasis on delivering better outcomes?

The Council agrees that a CPP should be established for each local authority area, and an increased focus on outcomes would be encouraged.

The Council would not wish the proposals to be restricted to the establishment of CPPs contiguous with local authority boundaries, thus

allowing for the possibility of merging or joining up of CPPs if appropriate.

The current situation encourages more focus on process than on outcomes. Any changes to the legislative basis for community planning require to be based on a stronger emphasis on delivering better outcomes which are defined and agreed at a local level within the community planning partnership. This localisation of community planning, as is being developed currently in North Ayrshire, will be crucial in ensuring that outcomes are relevant to communities and the overall process supports and promotes the empowerment of communities.

In general the Council supports the proposals. If specific duties are to be placed upon Community Planning Partners it is important that the requirement to have a Community Planning Partnership in place is itself a statutory requirement.

- Q53 What are your views on the core duties for CPPs set out above, and in particular the proposal that CPPs must develop and ensure delivery of a shared plan for outcomes (i.e., something similar to a Single Outcome Agreement) in the CPP area?

It is important that the Shared Plan for Outcomes identified is based on a analysis and sharing of data, both as to the demographics of each area, but also as to the policies and spend of agencies within this. This also needs to involve a robust community consultation process.

National guidance and local delivery plans e.g. Council plans, Scottish Enterprise plans and NHS local plans must also reinforce and support the Shared Plan.

- Q54 Do the proposed duties of the CPP support effective community engagement and the involvement of the third and business sectors?

Yes  No

What other changes may be required to make this more effective?

The proposed duties support effective community engagement up to a point. The inclusion of local third sector interface organisations on the list of organisations in paragraph 161 to which duties should apply would strengthen potential third sector engagement.

A 'place based' or neighbourhood planning approach is at the heart of getting effective business and third sector engagement. There should be a requirement to develop an evidence-based neighbourhood profile, to agree priorities and obtain partner commitment to pursue such priorities. This process provides ample opportunity to engage with businesses, community and third sector, both in agreeing the priorities and their roles in

implementing these.

The proposed use of the National Standards for Community Engagement, and the requirement to publish and implement a community engagement plan as discussed in the previous consultation on the Community Empowerment and Renewal Bill, should be reintroduced.

The draft Bill does not require Community Planning Partner agencies to report annually on their community engagement activity. The draft Bill could be an opportunity to encourage Community Planning Partners to jointly plan and monitor community engagement, and the resultant outcomes.

Q55 How can we ensure that all relevant partners play a full role in community planning and the delivery of improved outcomes in each CPP area? Do the proposed core duties achieve that?

Yes  No

What else might be required?

It is important that each partner takes a lead role where relevant to deliver shared partnership outcomes. Having a lead role encourages ownership and participation, and ensures emphasis on outcomes rather than inputs. The proposed duties will assist in ensuring that all relevant partners play a full role.

Audit Scotland's report on Improving Community Planning identified that one of the barriers to effective community planning was a perception that it was a Council led process and not a part of the day job for other partners. This is particularly the case for national organisations that, for reasons of administrative convenience often prefer a standardised or common approach rather than one targeted on the needs of individual communities.

It is important that all relevant partners are committed to a place-based or neighbourhood planning approach and that all public sector agencies operating in an area (not just formal community planning partners) should be obliged to have regard to the recommendations of the CPP and the SOA/Shared Plan for Outcomes in exercising their functions within that area. This will encourage all such bodies to develop a 'place-based' approach.

It is also important that service and budget planning timetables of the core community planning partners are aligned with and have regard to the SOA/Shared Plan for Outcomes. Audit Scotland can play a useful role in encouraging compliance with this, through guidance and their mainstream audit role.

Q56 What are the respective roles of local elected politicians, non-executive board members and officers in community planning and should this be clarified through the legislation?

While the general duties will ensure that all public sector organisations will be required to participate in and contribute to community planning it is important that the role of local authorities as leaders of the process is clear.

Local elected members have a democratic mandate which differentiates them from other CPP members. This clarity and distinctive role as the democratically accountable local elected representatives will be critical if community planning is to lead to meaningful community engagement and empowerment. The legislation needs to strengthen and support the mandate of local elected politicians as visible and accountable leaders of the process.

It would be helpful in guidance to make it clear that all serving on the CPP owe their primary duty through effective community planning to improve the wellbeing of the whole CPP area and its inhabitants and to act in the interests of the CPP as a whole rather than their parent body.

Q57 Should the duty on individual bodies apply to a defined list of public bodies – if so, which ones? Or should we seek to take a more expansive approach which covers the public sector more generally?

It is important that the list of organisations to which the duty should apply should be clearly defined in order to avoid ambiguity. Other members may be involved directly through the CPP itself, thematic groups or through a neighbourhood planning approach and there should be the opportunity within the legislation for this list to be reviewed and updated. The list should include the third sector interface organisations in each area as well as the Council, NHS Boards, Police, Fire, Scottish Enterprise and other organisations as appropriate.

Q58 Local authorities are currently responsible for initiating, facilitating and maintaining community planning. How might the legislation best capture the community leadership role of Councils without the CPP being perceived as an extension of the local authority?

The general duties contained within the draft Bill will ensure that all public sector organisations will be required to participate in and contribute to community planning. This should ensure that the process is not simply an extension of the local authority.

The role of the democratically accountable local elected representatives will be critical if community planning is to lead to meaningful community engagement and empowerment. The legislation needs to strengthen and support the mandate of local elected politicians as visible and accountable leaders of the process.

The integration of adult health and social care and the strategic planning and joint services which form part of this, should create a culture whereby local authorities and NHS boards work together in a more structured and integrated manner. It is important to recognise the opportunities this affords. It is also important that this comes under the overall community planning umbrella and does not develop in isolation from community planning.

It is also important that local authorities are not left to fund the increasing cost of community planning on their own. A duty should be placed on core community planning partners to provide such support and assistance as is required by a local authority to undertake its community planning functions.

The success with which the partners carry out this role will be judged by the level of engagement and support the process achieves among all partners and within the local community.

Q59 How can the external scrutiny regime and the roles of organisations such as the Accounts Commission and Auditor General support the proposed changes? Does this require changes to their powers or functions?

The role of organisations such as the Accounts Commission and Audit Scotland should include CPP audits covering all relevant partners and to support CPPs where areas for improvement have been identified.

The opportunity should also be taken to ensure that the processes are complementary and that there is no duplication in audit and inspection processes that places unreasonable burdens on partners.

Self assessment and self-evaluation should also play an important role, whether through EFQM, PSIF, VSE etc. Often this is far more effective at delivering meaningful improvements than external scrutiny. Integrated self assessment arrangements will need to be developed.

In relation to Councils this will mean ensuring that the scope and requirements for current BV2 audits and Community Planning Audits are examined to ensure that there is minimal overlap and duplication.

Q60 What other legislative changes are needed to strengthen community planning?

The following proposals could assist in strengthening community planning:

- The need for an established framework and co-ordinating group in Scotland who can support and provide leadership and guidance to CPPs and the strengthening of the role of the National Community Planning Group;
- A clear commitment to place-based or neighbourhood planning;
- Each public sector agency operating in an area should be obliged to have regard to the recommendations of the CPP and the SOA/Shared Plan for Outcomes in exercising their functions within that area;
- A requirement when preparing a Shared Plan for Outcomes to assess the needs of areas with the CPP, which assessment should be based on analysis of data, both as to the demographics of each area, but also as to the policies and spend of agencies within this;
- in guidance, to make it clear that all serving on the CPP owe their primary duty through effective community planning to improve the wellbeing of the whole CPP area and its inhabitants and to act in the interests of the CPP as a whole rather than their parent body; and
- A duty should be placed on core community planning partners to provide such support and assistance as is required by a local authority to undertake its community planning functions.
- 

### 4.3 Allotments

Q61 Do you agree with the proposed definition of an allotment site and allotment plot?

Yes x No

How else would you suggest they be defined?

The definition of an allotment site and an allotment plot appears reasonable.

The consultation asks for the minimum and maximum size of allotment plots in our area as they are trying to identify a maximum and minimum size to state in the definition of an allotment plot. Locally, the Council leases the ground to a Growers' Association and allows them to divide the subjects into garden allotments which are then let on to members of the association. The Council are therefore not directly involved in the lease of individual plots and the leases don't regulate the sizes of the plots.

Any definition needs to take into account the various needs of plot holders as well as the differences in scale and shape of sites. Allotment sites should reflect a community growing ethos and therefore make available communal

garden areas to be cultivated and utilised for activities such as bee keeping, tree planting and polytunnels.

It is noted that no upper level of measurement has been given at present.

The definition should not exclude the use of produce from an allotment by a social enterprise or non profit community organisation to permit local affordable fruit or vegetable consumption. The reference to non commercial use needs to reflect this.

- Q62 In order to include all existing allotments in the new legislation they must fit within the size range. What is the minimum and maximum size of one allotment plot in your area/site?

It is presently accepted by the two allotment associations within North Ayrshire that plots are made available in three sizes: 10m x 10m, 10m x 20m and 10m x 30m.

- Q63 Do you agree with the proposed duty to provide allotments?

Yes  No

Are there any changes you would make?

The consultation recommends that where there are no allotments in an area, the local authority should have a duty to provide them once the waiting list reaches 15 people. It may be fairer to relate the number on the waiting list to the population of the area as 15 may be a very low target in some urban authority areas but more reasonable in other areas.

Allotments and Community Gardens contribute to a wide range of council policies and objectives including, improving the environment, promoting community engagement, increasing volunteering and community capacity building, promoting biodiversity, providing a sustainable and healthy food supply and improving health and well-being. North Ayrshire Council recognises the benefits that community allotments bring and this demand-led approach ties in with existing guidance contained in the NAC Allotment Policy (Annex 2), which refers to advice contained within the Planning Advice Note (PAN) 65 Planning and Open Spaces, which states that '*a demand-led approach is suited to those spaces for which a quantifiable demand can be identified*' for example allotments, and this should '*allow the local authority to consult with relevant user groups or carry out necessary survey work in order to establish the demand for facilities*'. However, the potential duty to make provision once a waiting list reaches 15 people - and as the popularity and potential need for allotment sites increases, North Ayrshire Council could find itself in the position of being inundated with requests from potential plot holders and groups.

In addition, the authority would need to actively engage with the public if it accepted the requirement to maintain a waiting list. If people don't know that the opportunity potentially exists then the true level of demand will not be recognised. This information could potentially be gathered by existing allotment/community gardening projects, however, there are large gaps in provision in certain areas and therefore no organisations to gather relevant data.

A duty on public bodies to acquire additional land for allotments risks imposing a disproportionate financial burden on Councils where land is not readily available or where land prices are high.

Do you agree with the level of the trigger point, ie that a local authority must make provision for allotments once the waiting list reaches 15 people?

Yes  No

Q64 Do you prefer the target Option A, B or C and why? Are there any other target options you wish to be considered here? Do you agree with the level of the targets?

This deals with areas where allotments are provided already, but there is a demand for more. In particular, it suggests there should be a duty to keep waiting lists below a specified target, whether by acquiring land or otherwise. If we are unable to do this we must be able to show that we are taking all reasonable steps to meet the duty and explain why this has not been possible. The suggested trigger for the duty to provide more allotments are that the waiting list is more than 3 years in length, or that it exceeds 50% of the current number of allotment plots or a combination of these. There is no information on the current demand for allotments in North Ayrshire. This would have a bearing on how reasonable the waiting list targets are, although they do not seem unreasonable.

Option A. This is based on the potential issues that can and do arise in the process of securing and developing a suitable site, i.e. identifying a suitable piece of land, negotiating lease terms, obtaining planning permission, carrying out a site contamination report, raising the capacity of volunteers and groups to develop and manage the site and securing grant funding. Three years would provide adequate time for a group to work with partners to successfully develop a sustainable community asset.

There remains a concern that the Council might be statutorily obliged to provide allotments in a situation where the circumstances envisaged by the legislation exist, but where there may be insufficient resources.

Q65 Do you agree with the proposed list of local authority duties and powers?

Yes  No

Would you make any changes to the list?

The consultation sets out a number of proposed duties which would be placed on local authorities in connection with allotments. These are fairly extensive and include maintaining a waiting list, producing an annual report and a food growing strategy, as well as a duty to produce and publish regulations for regulating letting allotments and an obligation to protect permanent allotment sites from closure and to make local authority land not required for some other purpose which may be suitable for allotments available for such use on a temporary basis. The authority may delegate control of allotments to an appropriate allotment association or group while retaining overall responsibility for the site. It also suggests existing legislation would be updated to cover such matters as compulsory purchase of land for use as allotments, the definition of a fair rent, power to enter adapt and let unoccupied land for use as allotments, as well as the power to improve adapt and maintain land for letting as allotments.

It appears some of these duties may involve significant resources. For example, the duty to produce a food growing strategy would include preparing a list of local authority and non-local authority land identified as potential land for allotment sites, an assessment of the suitability of potential sites, etc. The various duties and obligations appear reasonable given the intended purpose of the promotion of allotment use and regulation of this use by local authorities, but there is the question of how this would be funded. Clearly there are some aspects which would involve expense on the part of the council and others which could only be exercised if funds were available, e.g. the power to compulsorily purchase land for allotments. At present, the leases by the council of land for allotment sites are made for a nominal rent and it does not appear there is any income received from allotments to fund these increased duties.

The present NAC Allotment Policy approach is to support constituted groups to develop allotment sites and provide, within existing resources, advice and support to help them to build capacity to develop sustainable allotment sites. If the local authority accepts the proposed duties, such as maintaining a waiting list, publishing an annual report, producing a food growing strategy and supporting organisations to develop the capacity to manage and maintain allotment sites then key personnel would need to be identified and processes simplified and revised. North Ayrshire Council would need to identify key partners who will work with groups and organisations to make this a smoother and less time consuming process.

A criteria would also need to be established which identifies the suitability of potential land for allotment sites/community gardens.

The Council's main duty should be to make land and support available. Communities and Growers' Associations should be responsible for establishing the allotments and ensuring sustainability.

Q66 Do you think the areas regarding termination of allotment tenancies listed should be set out in legislation or determined by the local authority at a local level?

Legislation

Determined by local authority x

Termination of existing policies should be determined at a local level and this is incorporated in the NAC Allotment Policy are Model Management Rules for Allotment Sites. Any proposal to develop an NAC Tenancy Agreement should involve working in partnership with local allotment groups and organisations in order to utilise their knowledge, expertise and considerable experience in this area.

Q67 Are there any other areas you feel should apply to private allotments?

n/a

Q68 Do you agree that surplus produce may be sold?

Yes x No

If you disagree, what are your reasons?

The consultation states this sale would be on a non commercial basis and all proceeds reinvested back into the site and or the local community and charities which again seems reasonable. It must be clarified that commercial use for non-profit making enterprises is permissible.

Surplus should not be sold for personal profit and only for the purposes of raising funds for the association in the process towards self-sustainability.

Q69 Do you agree with the proposed list of subjects to be governed by Regulations?

Yes x No

Would you make any changes to the lists?

The intention is that local authorities would be required to produce and publish regulations for regulating the letting of allotments. The leases entered into so far by the Council include a schedule setting out rules and regulations for the allotments site. Together with the terms of the lease these appear to cover most of the matters which the consultation suggests should be included in the regulations. It should be noted that some of these issues are presently left to the Growers Association, such as payment of rent for the plots, number of plots per plot holder and rules on the allocation of plots themselves. However, the Council could regulate on these matters if necessary and apply these to any future leases.

There does not appear to be any funding to cover the additional costs which may be placed on the Council by increased regulation of allotments unless the Council decides to recover payments from the Growers Associations in respect of leases. Another option would be for the Council to become more closely involved in regulating individual allotments, perhaps by maintaining control over the actual plot leases. However, this would incur additional costs.

If allotment management is devolved to constituted groups and as long as their rules are within the confines of NAC guidance and they have fully engaged with their membership, then they should have the freedom to draw up their own rules/regulation and tenancy agreements.



# Consultation on the Community Empowerment (Scotland) Bill

## Response Questionnaire

### Chapter 5 – Wider Policy Proposals

Please read the draft Bill provisions before you answer these questions. You do not need to answer all the questions in this questionnaire, only answer the questions that you have an interest in. Separate questionnaires are provided for each chapter of the consultation paper.

Please make sure you also return the Respondent Information Form with your response, so that we know how to handle it.

#### 5.1 Scotland Performs – embedding the outcomes approach in legislation.

Q70 We invite your views on the proposal to include in the Bill a provision that places a duty on Ministers to develop, consult on and publish a set of outcomes that describe their long term, strategic objectives for Scotland, and include a complementary duty to report regularly and publicly progress towards these outcomes.

In principle, “Measuring what Matters,” i.e. developing, consulting on and reporting a set of outcomes that describe the long term strategic objectives for Scotland would be a useful way of continuing to support and drive an outcomes based approach.

However, outcomes must be established in consultation with local CPPs and communities to avoid undermining the objective of community empowerment. Otherwise, a top down approach to nationally set objectives and outcomes could undermine or reduce the capacity of local CPPs to focus on the locally determined outcomes designed to respond to local community situations.

This would reinforce the need for the existing National Performance Framework or similar at a national level to undertake the collection, analysis and reporting of this performance information to avoid passing on a burden to local CPPs and individual partner organisations.

#### 5.2 Subsidiarity and local decision-making

Q71 Given the actions that the Government and others already take to enable and support local democracy, together with the additional measures proposed in this consultation, are there any other actions we could take to reflect local democracy principles that would benefit communities?

The Council welcomes the Government’s statement that it is committed to subsidiarity and local decision-making in public life and the recognition that

councils are the level of government closest to the citizen, giving people an opportunity to participate in decision making affecting their everyday environment.

The recent commitment by the Scottish Government in the Consultation paper on the Community Empowerment (Scotland) Bill to the principles of the European Charter of Self Government is welcome. This recognises that Local Authorities are one of the main foundations of any democratic regime and that it is at local level that this right can be most directly exercised. There should be a commitment to delegate functions down to the lowest level, whether to Local Government or the community. It is noted that in section 5.2 of the Scottish Government's consultation paper on the Community Empowerment (Scotland) Bill, the Government states that on independence they will argue for Scotland's Constitution to guarantee the status and rights of local government.

The importance of the role of young people should be recognised, including their right to statutory consultation.

Commitments by the Government not to pass legislation which centralises or standardises at the expense of addressing local priorities are welcome. Greater control by Councils of the financial resources needed to deliver locally is essential.

A commitment that if Neighbourhood Planning is to be the driver of better outcomes for communities, that any structural change requires to involve all Community Planning partners, not just Local Government, is key.

A continued reduction of ring-fenced resources and associated challenge funds would be welcome.

Also welcome would be more radical investment in Early Intervention and Prevention across the public sector and reduction in investment in acute provision.

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**NORTH AYRSHIRE COUNCIL**

**Agenda Item 6**

**14 January 2014**

**Cabinet**

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**Subject:** Replacement of Dirrans Resource Centre

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**Purpose:** To advise the Cabinet of the result of the tender exercise for the replacement of the Dirrans Resource Centre and present a recommendation for the award of the contract.

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**Recommendation:** That the Cabinet agrees to approve the award of contract to Ashleigh (Scotland) Ltd.

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**1. Introduction**

- 1.1 The Council requires to put in place a contract for the construction of a replacement Dirrans Resource Centre.
- 1.2 In order to comply with the Council's Standing Orders Relating to Contracts, a formal tender exercise was advertised on the Public Contracts Scotland (PCS) portal and Bravo E-tendering system. The estimated total value of the requirement is below the Official Journal of the European Union (OJEU) threshold for works.
- 1.3 The duration of the contract is forty weeks, with an anticipated start date of February 2014.

**2. Current Position**

- 2.1 The contract notice attracted thirty expressions of interest from which thirteen submitted Pre-Qualification Questionnaires (PQQs). The PQQ returns were evaluated against the published criteria and this resulted in six companies being short-listed to be invited to tender.
- 2.2 The Invitation to Tender (ITT) was issued to the six companies and returns were evaluated against the published criteria of lowest compliant price.
- 2.3 A tender outcome report which provides details of the tender process and award recommendation is provided at the Appendix.

### **3. Proposals**

- 3.1 It is proposed that the contract is awarded to Ashleigh (Scotland) Ltd.
- 3.2 The Cabinet is invited to approve the award as detailed in the tender outcome report provided at the Appendix.

### **4. Implications**

#### Financial Implications

- 4.1 The total value of the contract is £1,581,863, which will be met from the total planned expenditure for the project in the approved capital programme.

#### Human Resource Implications

- 4.2 None.

#### Legal Implications

- 4.3 The tender was conducted in accordance with the Council's Standing Orders Relating to Contracts.

#### Equality Implications

- 4.4 None.

#### Environmental Implications

- 4.5 None.

#### Implications for Key Priorities

- 4.6 This contributes to the Council Plan Core Objectives "Protecting Vulnerable People" and "Operating more efficiently and effectively".

#### Community Benefit Implications

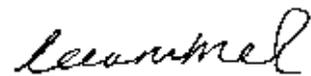
- 4.7 A targeted training and recruitment clause was included in the tender and the contractor has confirmed that one new entrant will be employed and that seven existing apprentices will be maintained for this contract. The community will also benefit from the provision of this new facility.

**5. Consultations**

- 5.1 Discussions have taken place between the Corporate Procurement Unit, Property Management & Investment and Social Services & Health.

**6. Conclusion**

- 6.1 It is recommended that the award of the contract is made to Ashleigh (Scotland) Ltd at a cost of £1,581,863.



LAURA FRIEL  
Corporate Director (Finance and Corporate Support)

Reference : TR/CG

For further information please contact Chris Garbutt, CPU, Category Manager (Construction & FM) on telephone number 01294 32 4541

**Background Papers**

Tender documentation





**NORTH AYRSHIRE**  
COUNCIL

Tender Outcome Report  
For Recommendations over £350K

*Proposed Replacement Dirrans Resource Centre*

*KIW/401/001*

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KIW/401/001

For the procurement of

Proposed Replacement Dirrans Resource Centre

## 1 Purpose

- 1.1 The purpose of this document is to summarise the invitation to tender process and present a recommendation for contract award. The recommendation is based on the results of the tender evaluation carried out on the responses to the Proposed Replacement of Dirrans Resource Centre Invitation to Tender. The report will provide assurance that the tender evaluation has been undertaken in accordance with EU Procurement Directives, Public Contracts (Scotland) Regulations 2012 (SSI 2012/88) (as amended) and the Councils Standing Orders Relating to Contracts and Contract Procedure Rules for North Ayrshire Council.

## 2 Introduction

- 2.1 This report has been compiled on behalf of the Tender Evaluation Team following the completion of the evaluation of responses to the Invitation to Tender for the Proposed Replacement of Dirrans Resource Centre, Ref KIW/401/001.

## 3 Background

- 3.1 North Ayrshire Council required a contractor to undertake the construction of a new single storey building to create a local Resource Centre to include service users' accommodation, multi-purpose room, lounge/dining area, medical room, visiting services room and consultation room together with office accommodation. The works include car parking, access and landscaping.
- 3.2 In order to comply with the Council's Standing Orders and Public Contracts (Scotland) Regulations 2012 (SSI 2012/88) (as amended) a formal tendering exercise was undertaken.
- 3.3 The contract term is for 40 weeks, with an anticipated start date of February 2014.
- 3.4 The estimated budgetary spend to North Ayrshire Council is £1,600,000.

## 4 Tender Notice, Interest and Returns

- 4.1 A formal contract notice was advertised under the Restricted process in Public Contracts Scotland Procurement Portal and Bravo E-Tendering System on 04<sup>th</sup> March 2013 with a return date of 22<sup>nd</sup> March 2013.
- 4.2 The contract notice attracted 30 expressions of interest from a wide range of potential providers of which 13 submitted Pre-Qualification Questionnaires (PQQs).
- 4.3 Following evaluation of PQQ's the following six (6) potential providers were short-listed to receive Invitation To Tender documents:
- Ashleigh (Scotland) Ltd
  - Clark Contracts Ltd
  - CBES Ltd
  - CCG (Scotland) Ltd
  - McLaughlin Construction Ltd
  - Luddon Construction Ltd
- 4.4 The return date for completed Invitation To Tenders was 12 noon on Monday 11<sup>th</sup> November 2013. All six potential providers returned the completed documents.

## 5 Evaluation Process

- 5.1 The evaluation of tenders was single stage – lowest price (100%).
- 5.2 The assessment of the tenders was undertaken by Finance and Property (Property Management and Investment) technical staff.

## 6 Evaluation Results

### 6.1 Price 100%

Contractors were asked to submit prices for the whole requirement which gave the following results and scores:

Company	Price Tendered	Ranking
Ashleigh (Scotland) Ltd	£1,581,863.28	1
Clark Contracts Ltd	£1,608,230.38	2
CBES Ltd	£1,694,471.99	3
CCG (Scotland) Ltd	£1,698,486.20	4
McLaughlin Construction Ltd	£1,791,230.72	5
Luddon Construction Ltd	£1,925,325.86	6

## **7 Recommendation**

- 7.1 The recommendation of the Tender Evaluation Panel is that a Contract be awarded to Ashleigh (Scotland) Ltd at a contract price of £1,581,863.
- 7.2 Subject to approval, letters will be issued to all successful and unsuccessful Tenderers.
- 7.3 Both successful and unsuccessful Tenderers will be provided with the opportunity to receive a full debrief in accordance with EU Legislation, the Public Contracts (Scotland) Regulations and Scottish Procurement Directorate guidance.

## **8 Authority to Approve**

- 8.1 In line with Standing Orders Relating to Contracts and Contract Procedure Rules for North Ayrshire Council, the Tender Evaluation Panel seeks to obtain authority from the Cabinet to accept the Tender and award a Contract to the Tenderer identified in section 7.1.



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**NORTH AYRSHIRE COUNCIL**

**Agenda Item 7**

**14 January 2014**

**Cabinet**

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**Subject:** Opioid Replacement Therapy

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**Purpose:** To advise Cabinet of the key findings of the Independent Expert Review of Opioid Replacement Therapies in Scotland and to outline the position of North Ayrshire in relation to the key themes.

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**Recommendation:** That Cabinet notes the information herein and the continued development of the local Alcohol and Drug Partnership's approach to addressing alcohol and substance misuse issues affecting North Ayrshire.

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**1. Introduction**

- 1.1 The current Scottish drugs strategy '*The Road to Recovery*' was published in 2008 and, despite general consensus about the approach being the best way to promote a culture of recovery within treatment services, by early 2012 questions were being asked about the progress being made. These questions were further fuelled by the publication of the annual drug death statistics that showed Scotland was bucking the trend of other western European countries and seeing an increase in drugs deaths. It was also felt by some that the approach was failing to deliver the expected improvement in outcomes.
- 1.2 A very public debate then ensued around the use of Opioid Replacement Therapy (ORT) in general and methadone in particular.
- 1.3 The tabloid press was particularly vociferous in criticising the use of methadone, raising questions about its effectiveness and cost.
- 1.4 At a Scottish parliamentary debate on 8 November 2012, the Minister for Community Safety and Legal Affairs, Roseanna Cunningham, announced that the Chief Medical Officer (CMO) was to commission an independent review of the quality of delivery in the use of the ORT in Scotland with a view to the report being available by the Spring 2013.

- 1.5 The independent Drug Strategy Delivery Commission (DSDC) accepted the Chief Medical Officer's invitation to lead the review process. Two lead researchers, Dr Charles Lind and Dr Kennedy Roberts, were appointed to undertake a review of literature and information gathering exercises, supported by a steering group, drawn from the DSDC and the National Forum for Drug Related Deaths and a secretariat, provided by the Scottish Government.
- 1.6 The report of the Independent Expert Review on Opioid Replacement Therapies (ORT) was published in August 2013. The full report can be viewed through the link [\(Independent Expert Review on Opioid Replacement Therapies \(ORT\)\)](#) and a link to the Executive Summary is provided as a background paper.

## **2. Current Position**

- 2.1 The Review team was able to utilise the work of Kidd (2013) who had just completed a literature review of methadone ORT. This was an extensive study of published research and looked at international evidence from systematic reviews of methadone undertaken since 2007. The findings overwhelmingly, and consistently, conclude that ORT is associated with improved retention in treatment, reduced illicit opioid/heroin use and reduced HIV and blood borne virus risk behaviours related to injecting. Indeed, international experts acknowledge that no other treatment options produces such a strong evidence base.
- 2.2 Whilst the evidence clearly demonstrates some positive outcomes for opiate dependent individuals, the evidence base for effectiveness in achieving abstinence or promoting long term recovery - as opposed to reducing harm - remains much less compelling. There is a dearth of Scottish or even UK-based research in this area and we currently have to rely on US-based literature for much of our evidence.
- 2.3 Many service users and families expressed a view that high doses can make coming off methadone more difficult. Indeed, most concerned family members felt that ORT reflected a process which simply replaced one addiction with another. Some clinicians however expressed caution about reducing the dose of methadone prescribed to an individual. Even when their patients were relatively stable, they felt that reduction was often dangerous as it resulted in people being maintained on 'sub-therapeutic' doses which exposed them to increased risks.

- 2.4 The Review asserts that what is more important than the length of time an individual is on methadone is that service users are afforded all the services they require to meet their needs at any point in their own journey with regular opportunities for review and, when they are ready to do so, are given the opportunity to come off ORT safely. It is equally important that those who do choose to cease ORT are not 'lost to follow up' but are monitored and reviewed for at least a year and have the opportunity to restart ORT without delay if they struggle to progress.
- 2.5 There were 584 drug-related deaths recorded in Scotland in 2011. The Review highlights that methadone was the drug most frequently implicated in the death (53.4%) and yet 60.7% of those found with methadone in their toxicology were not in receipt of a methadone prescription at the time of death.
- 2.6 The Review expresses dismay at the quality of information submitted by Alcohol and Drug Partnerships (ADP) about the use of methadone and other ORT. Only six ADP areas (21%) were able to provide a complete breakdown and analysis of their prescribing activity. The assumption of the review therefore is that the information is either not being collated or not readily available in a useable form. This is clearly a concern but the time constraints of the review did not allow for further analysis of the reasons behind this.
- 2.7 In relation to the costs of methadone, the review found that payment mechanisms to pharmacists for dispensing methadone are complex and at times can seem opaque. The first two elements of payment involve dispensing fees and additional supervision fees for supervised consumption. The setting of methadone dispensing and supervision fees for community pharmacy owners/contractors is devolved to Health Board level. These fees vary across Scotland as they are negotiated locally by NHS Board and reflect local circumstances and expectations.
- 2.8 The third element of payment relates to the reimbursement of the cost of the drug itself. The formula used for this reimbursement is complex and from the evidence received by the Review it appears that methadone ingredient costs are inextricable linked to the totality of the pharmacy remuneration negotiations. Nevertheless, the Review established that the current reimbursement price for generic methadone hydrochloride solution 1mg/ml 500mls (the most common prescribed form) is £4.58. This figure, provided by the Chief Pharmaceutical Officer, compares favourably with the £6.42 paid to pharmacists in England.

- 2.9 Opioid Replacement Therapy is only one element of treatment that should be available to maximise the potential of service users to achieve a successful recovery from addiction. Unfortunately, the Review found evidence that in many ADP areas, the development of a recovery focus was very limited.

#### Local Context

- 2.10 There are no specific proposals relating to this report as it is intended as a summary of key findings of the national review. In addition, however Cabinet is asked to note the following points that explore the local position in the context of some of the key findings.
- 2.11 North Ayrshire ADP was one of only 21% of all ADPs that was able to provide the Review with full details relating to prescribing activity. The evidence provided to the Review by North Ayrshire ADP confirmed there were 867 people in receipt of ORT, with 858 of those receiving methadone. Full details were also provided to the review of the levels of dosage and length of time that each and every service user has been on ORT. Additional details around the supervision regimes in place were also provided.
- 2.12 Further detail was submitted relating to the number of people successfully detoxified from methadone and how this was being improved upon now with the introduction of a Methadone Cessation Programme run jointly by NAC and NHS addictions staff.
- 2.13 North Ayrshire was also one of only 46% of ADPs with a sub-group specifically dedicated to recovery and more specifically the Recovery Orientated System of Care. In addition, we have funded a Recovery Policy Officer post that is unique in Scotland.
- 2.14 This focus on recovery has meant that we are more advanced than many ADPs in furthering the recovery agenda. We commissioned and have now received a report from the Scottish Drugs Forum (SDF) that explored with almost 100 service users the strengths and weaknesses of current treatment provision and is now being used to inform service developments. We have utilised the World Café Model to hold recovery conversations with internal and external stakeholders and service users. We have held a number of engagement events, the most recent of which was attended by over 100 people more than 40 of whom were people in recovery. We now also have 9 female service users participating in Peer Research training being delivered by the Scottish Drug Forum.

- 2.15 In North Ayrshire, NAC and NHS addictions services have been co-located within Caley Court since the autumn of 2011 and this has helped ensure that alongside the provision of ORT, a range of other treatment supports are delivered as appropriate to the individual's recovery care plan. There are a range of psychosocial interventions delivered including groupwork; physical, social and educational activities; creative arts; family and parenting support; and financial and housing advice.
- 2.16 North Ayrshire ADP also has good links to, and joint ventures with organisations such as Children 1st, Women's Aid, Momentum and the SDF. The menu of treatment options available in North Ayrshire, provided by the statutory organisations and third sector, allows a flexible and individualised response to service users dependent on assessed needs and is in keeping with the holistic approach to treatment envisaged by *'The Road to Recovery'*.

### **3. Proposals**

- 3.1 The Cabinet is invited to note the above information and the continued development of the local Alcohol and Drug Partnership's approach to addressing alcohol and substance misuse issues affecting North Ayrshire.

### **4. Implications**

#### Financial Implications

- 4.1 There are no financial implications.

#### Human Resource Implications

- 4.2 There are no human resources implications.

#### Legal Implications

- 4.3 The approach to treatment and recovery in North Ayrshire governed and overseen by the ADP, is in line with all legal frameworks and national policies.

#### Equality Implications

- 4.4 There are no equality implications.

## Environmental Implications

- 4.5 There are no environmental implications.

## Implications for Key Priorities

- 4.6 The approach to treatment and recovery in North Ayrshire is in keeping with all locally set key priorities and North Ayrshire's SOA outcomes:-

- A Healthy and Active North Ayrshire
- A Safe and Secure North Ayrshire
- A Working North Ayrshire

## 5. Consultations

- 5.1 The Independent Expert Review of Opioid Replacement Therapies in Scotland involved extensive consultation.

## 6. Conclusion

- 6.1 The use of Opioid Replacement Therapy as a treatment option for people suffering opiate addiction has proven, well evidenced benefits. The independent expert Review has found, however, that if the recovery agenda envisaged by 'The Road to Recovery' is to be truly realised across Scotland, then ADPs need to have accurate and accessible information on the prescribing activity in their localities and need to place the provision of ORT in the context of an extensive menu of treatment provision of ORT that can effectively address the holistic needs of individuals, families and communities affected by substance misuse.

- 6.2 North Ayrshire ADP was one of the few ADPs able to provide the rigorous information around prescribing activity expected by the Review. In addition, our current progress on the wider recovery agenda compares very favourably with other ADPs. The submission of North Ayrshire ADP's annual report to the Scottish Government attracted the following comments from the national delivery group -

- "Joint Strategic Commissioning Plan - yours is the only ADP to date already progressing this level of planning in advance of the Annual Reports' submission. This will be useful to show a measure of Needs Assessment in the ADP area, supporting Joint Strategic Commissioning to ensure necessary services are accessible to create an effective Recovery Orientated System of Care across the ADP area."

- "ADP ROSC Policy Officer - the appointment of such a post is unique in Scotland, and has significantly lifted the profile of North Ayrshire (both locally and nationally) in terms of its recovery focus, with several recovery focused events, service user involvement work, SMART provision, the development of an outcomes tool for performance monitoring in services (we would like to let other ADPs know about the development of this outcomes tool, if possible), ADP publicity materials and much more."

6.3 Cabinet is asked to note the content of this report.



IONA COLVIN

Director (North Ayrshire Health and Social Care Partnership)

Reference : SB/LH

For further information please contact Stephen Brown, Senior Manager (Children & Families) on telephone number 01294 317804

**Background Papers**

Independent Expert Review on Opioid Replacement Therapies - Executive Summary [www.scotland.gov.uk/Resource/0043/00431024.pdf](http://www.scotland.gov.uk/Resource/0043/00431024.pdf)



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**NORTH AYRSHIRE COUNCIL**

**Agenda Item 8**

**14 January 2014**

**Cabinet**

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**Subject:** **Economic Development & Regeneration Board**

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**Purpose:** To submit the minutes of the Meeting of the Economic Development & Regeneration Board held on 13 November 2013.

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**Recommendation:** That the Cabinet notes the minutes attached at Appendix 1.

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**1. Introduction**

- 1.1 The Economic Development and Regeneration Board was established in August 2010 and consists of key stakeholders and agencies including representatives from the private sector business.

**2. Current Position**

- 2.1 The Economic Development and Regeneration Board met on 13 November 2013.

**3. Proposals**

- 3.1 The Cabinet is invited to note the minutes attached at Appendix 1.

**4. Implications**

Financial Implications

- 4.1 There are no financial implications at this time.

Human Resource Implications

- 4.2 There are no Human Resource implications at this time.

Legal Implications

- 4.3 There are no legal implications at this time.

#### Equality Implications

- 4.4 There are no equality implications at this time.

#### Environmental Implications

- 4.5 There are no environmental implications at this time.

#### Implications for Key Priorities

- 4.6 Economic Regeneration is a key priority for the Council.

### 5. Consultations

- 5.1 No consultation was undertaken in the production of this report.

### 6. Conclusion

- 6.1 The attached minutes are submitted for information.



CRAIG HATTON  
Corporate Director (Development and Environment)

Reference : AB/KY

For further information please contact Karen Yeomans, Head of  
Development Planning on 01294 324308

### Background Papers

none

<b>Meeting:</b>	<b>Economic Development &amp; Regeneration Board</b>	
<b>Date/Venue:</b>	<b>Wednesday 13<sup>th</sup> November 2013 at 2.00 p.m. in Committee Room 1, Cunninghame House, Irvine</b>	
<b>Present:</b>	<p>Professor Alan McGregor, Glasgow University (<b>Chair</b>)  Councillor Marie Burns, Portfolio Holder: Economy &amp; Employment (North Ayrshire Council)  Alastair Dobson, Managing Director (Taste of Arran)  Councillor William Gibson, Leader of the Council (North Ayrshire Council)  Carol Dutch, (Jobcentre Plus)  Gordon McGuinness, Skills Development Scotland  Malcolm Simpson, Simpslnns Limited  Gordon McLean, (UPM Caled  Patrick Wiggins, Chief Executive (Irvine Bay Regeneration Company)  Councillor Peter McNamara, (North Ayrshire Council)  Val Russell, (Ayrshire Chamber of Commerce)  Jackie Galbraith, (Ayrshire College)</p>	
<b>Apologies:</b>	<p>Elma Murray, CE, North Ayrshire Council  Craig Hatton, Corporate Director, North Ayrshire Council  Joy Love, Scottish Enterprise  Jim Reid, Scottish Enterprise</p>	
<b>In Attendance:</b>	<p>Billy Love, The Scottish Government  Karen Yeomans, Economic Development &amp; Regeneration Project Director (North Ayrshire Council)  Lauren McInally, (North Ayrshire Council)  Richard Scothorne, (Rocket Science)  Lesley Lyon, Clerical Officer (North Ayrshire Council)  Annmarie Robertson, Administration Assistant, (North Ayrshire Council)</p>	
<b>ACTIONS</b>		
<b>No.</b>	<b>Action</b>	<b>Responsible</b>
1.	<p><b>Welcome and Introductions</b></p> <p>The Chair welcomed everyone to the meeting. Apologies were received from Elma Murray, Craig Hatton and Joy Love.</p>	Noted.
2.	<p><b>Actions arising from the Economic Development &amp; Regeneration Board held on Wednesday 11 September 2013.</b></p> <p>The Action Note arising from the Economic Development and Regeneration Board Meeting held on 11<sup>th</sup> September 2013 was confirmed.</p>	Noted.
3.	<p><b>Review of Progress on the economy and labour market – Presentation by Lauren McInally.</b></p> <p>A review of the progress of North Ayrshire's economy following on from the Economic Development and Regeneration Strategy for North Ayrshire 2010 – 2012. The economic objectives of the strategy include supporting companies to move up the value chain, stimulating the demand for skills and training and increasing the number jobs. The report provided an update on a number of indicators addressed in the strategy and compared North Ayrshire to other local authorities in Scotland. Particular focus was placed on jobs, businesses, qualification levels, skills investment, unemployment, worklessness and earnings.</p>	

	<p>Discussion took place as to where the gap was closing or widening between North Ayrshire and the West of Scotland and against Scotland averages. Cllr McNamara commented that sufficient progress is being made but more needs to be done.</p> <p>Discussion took place around the findings, The Board asked for a breakdown in the data of where people are going into positive destinations. The Board thought it would be beneficial to bench mark against this information. LM to look at a simple dashboard a draft of which to be brought to next meeting.</p>	LM
4.	<p><b>Presentation by Rocketscience – Skills &amp; Employability</b></p> <p>Discussion took place around unemployment trends and what is in place to assist people into work (5 stages to employment). It was said that this system appears to be complex.</p> <p>There is an indication that the economy is recovering and businesses are growing. It was suggested that we make full use of business engagement. Resources such as Education and Skills could work jointly with businesses to engage schools with helping youngster develop skills for the workplace. It was felt that this process could be started earlier possibly around the time pupils are making their subject choices. Cllr Burns to come up with ideas and propositions to take to next meeting.</p> <p>Volunteering could be improved as the Employability and Skills group should review this.</p> <p>Cllr Burns to look recommendations of the Report and provide a proposed action plan to the next meeting.</p> <p>General discussion took place regarding attracting a project or large business to the area which in turn would create more jobs. North Ayrshire is trying to improve and show that this is a good place to invest. KY to start the process and report to next meeting with suggestions.</p>	<p>MB</p> <p>MB</p> <p>KY</p>
5.	<p><b>Update of Business Support</b></p> <p>KY informed the Board the launch date is 25 November 2013.</p> <p>The Board were advised that engagement with businesses is needed via a Business Advisory Group who can carry out a deeper engagement.</p> <p>AD agreed that a Business Advisory Group would be worthwhile as he feels that businesses are looking to engage and this would be a major aspect of moving forward.</p> <p>MS commented that both the Public and Private sectors need to work together to make this work.</p>	KY

6.	<p><b>Development of the Local Transport Strategy</b></p> <p>KY advised that North Ayrshire are currently embarking on a new Transport Strategy and will look at how this can assist with Economic Development and Regeneration. KY is looking to start this process next month with a view for completion in 2014. KY is looking at our local plan and how this links in with the regional network and in turn the national network.</p>	KY
7.	<p><b>Single Outcome Agreement Quarter 2 Performance Report</b></p> <p>KY discussed the SOA quarter 2 Performance Report and confirmed that good progress is being made overall.</p> <p>There were no questions from the Board.</p>	
8.	<p><b>Dates for ED&amp;R Board Meetings 2014</b></p> <p>Proposed dates for 2014 are:-</p> <p>Wednesday 26th February 2014  Wednesday 4th June 2014  Wednesday 10th September 2014  Wednesday 26th November 2014</p> <p>Agreed by Board.</p>	
9.	<p><b>Any Other Business</b></p> <p>There was no other business.</p>	
10.	<p><b>Date of Next Meeting</b></p> <p>Wednesday 26th February 2014</p>	

Lesley Lyon 13<sup>th</sup> November 2013  
KY/LL



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**NORTH AYRSHIRE COUNCIL**

**Agenda Item 9**

**14 January 2014**

**Cabinet**

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**Subject:** **South West Hub Territory Partnership Board held on 21 November 2013**

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**Purpose:** To submit the minutes of the meeting of the South West Hub Territory Partnering Board held on 21 November 2013.

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**Recommendation:** That the Cabinet agrees to note the Minutes attached at Appendix 1.

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**1. Introduction**

- 1.1 South West Hub is a partnership vehicle through which the Council can procure its capital projects. Two current Council projects are being progressed through this route: the new Arran care home and the Garnock campus.

**2. Current Position**

- 2.1 The South West Hub Territory Partnering Board (TPB) comprises of representatives from each of the constituent public bodies. The Board meets regularly to consider appropriate strategic issues and also review the pipeline of work available to Hub.
- 2.2 The minute of the most recent meeting on 21 November 2013 is attached at Appendix 1.

**3. Proposals**

- 3.1 That the Cabinet agrees to note the Minute attached at Appendix 1.

**4. Implications**

Financial Implications

- 4.1 There are no financial implications.

Human Resource Implications

- 4.2 There are no human resource implications.

Legal Implications

- 4.3 There are no legal implications.

Equality Implications

- 4.4 There are no equality implications.

Environmental Implications

- 4.5 There are no environmental implications.

Implications for Key Priorities

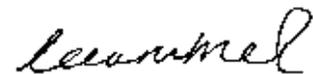
- 4.6 There are no implications.

**5. Consultations**

- 5.1 No consultations were required in the preparation of this report.

**6. Conclusion**

- 6.1 The attached Minute is submitted for information.



LAURA FRIEL  
Corporate Director (Finance and Corporate Support)

Reference :

For further information please contact Yvonne Baulk, Head of Finance and Property on 01294 324542

**Background Papers**

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**Minutes of Meeting of the Territory Partnering Board  
Held on 21st November 2013 at 10:30am in Perceton House, Irvine, KA11 2AL  
(North Ayrshire Council)**

**Attendees**

<b>Name</b>	<b>Organisation</b>	<b>Initials</b>
Rhona Wells (Chair)	Dumfries & Galloway Council	RJW
Derek Craig	South Lanarkshire Council	DC
Laurence Cree	North Ayrshire Council	LC
Michael McBrearty	South West hub	MMcB
Arthur Watson	Irvine Regeneration Company	AW
Bill Martin	South West hub	BM
Martin Blencowe	Scottish Futures Trust	MB
Donald Gilles	South Ayrshire Council	DG

**Apologies Received**

<b>Name</b>	<b>Organisation</b>
David Browning	NHS Lanarkshire
Ian Bryden	NHS Dumfries & Galloway
Mary Anne Robb	North Lanarkshire Council
Malcolm Roulston	East Ayrshire Council
Robin McNaught	State Hospital for Scotland
John Wright	NHS Ayrshire & Arran
Yvonne Baulk	North Ayrshire Council

**1. Welcome & Introductions**

RJW welcomed those in attendance and listed apologies received.

A presentation was given by Ian Wardrop (SFT) and was well received by the Board. Slides to be distributed. **AC**

**2. Review of Last Meeting Notes – 10<sup>th</sup> October 2013**

The minutes were approved as an accurate record of events.

**3. Matters Arising from Last Meeting**SWhub Final Contract

Disk copies have been prepared and will be distributed to Participants. **AC**

**4. Long Term Running Actions**Core Costs

MMcB advised that the management accounts which include the hubco costs have been passed to BM.

MMcB will present to TPB at next meeting on the current status with respect Working Capital expended and income generated via hubco portions realised to date. This would also include Management Services Agreement actuals incurred against the agreed caps in the first year of SWhub.

**MMcB**

**5. Territory Revenue Budget and Enabling Funds Update**

A full update to be provided at the next TPB meeting. BM stated that the enabling funds awarded for the land purchase at Dalbeattie, Ayr and Garnock were the major spend elements planned for this year and asked that any update on likelihood should be passed to him asap.

**BM/ALL**

**6. Public Sector Director Replacement**

BM confirmed that Derek Lindsay, Director of Finance, NHS Ayrshire and Arran had been elected as Public Sector Director(PSD) to replace Craig Marriott. Derek attended the Participants Forum and has agreed to attend the March TPB Meeting to discuss the PSD role.

**DL/AC**

**7. Joint Report by TPD/GM**

A copy of the progress report was circulated and presented.

AW raised the matter of recruitment and training for the Ardrossan Medical Centre project with MMcB. Irvine Bay's requirement had been advised from the beginning and was included in the NPR which was accepted by SWhub. MMcB said this may not have found its way into the contract. AW said that irrespective of the contract he hoped SWhub would meet Irvine Bay's requirements. To be discussed further with MMcB outside the meeting.

**MMcB/AW**

It was agreed that the draft Annual Performance Report would be circulated to TPB members by 20<sup>th</sup> December 2013 for discussion at the meeting on the 30<sup>th</sup> January 2014. In accordance with the TPA it would cover the period from 22<sup>nd</sup> November 2012 to 11<sup>th</sup> October 2013. Following which it shall be finalised taking on board TPB comments.

**MMcB**

The Shareholders Forum shall take place during the last week of February. AC to confirm date and location.

**AC**

The proposed alternative wording for KPI 6.2 (previously circulated) was accepted with the proviso practicality of measurement will be reviewed as it is used. KPI schedule to be updated accordingly.

**MMcB**

MMcB to update TPB on whether progress has been made seeking funding from the Construction Industry Training Board for the Skills Coordinator post.

**MMcB**

The TDP was reviewed and variations since the last TPB meeting

were highlighted.

Some concern was expressed at the proportion of Professional Services commissions being awarded outwith the Territory (£15k within, £2M outwith). SWhub to consider how this might be addressed and report back.

**MMcB**

#### **8. Scottish Futures Trust Update**

A brief verbal update on SFT activities within the Territory was given.

**MB**

#### **9. AOCB**

The TPB Chair will become vacant following the meeting on the 30<sup>th</sup> January 2014 and therefore volunteers are requested. BM will circulate a brief description of the role etc and asked all Participants to consider putting themselves forward.

**BM/ALL**

#### **10. Date and Time of Next Meeting**

The next meeting of the Territory Partnering Board will take place on Thursday 30<sup>th</sup> January 2014 at 10.30am in the Cumbrae Meeting Room, Perceton House, Irvine, KA11 2AL (North Ayrshire Council).

Participants Forum commences at 10.00am



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**NORTH AYRSHIRE COUNCIL**

**Agenda Item 10**

**14 January 2014**

**Cabinet**

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**Subject:** **Physical Environment Advisory Panel held on 2nd December 2013**

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**Purpose:** To submit the minutes of the meeting of the Physical Environmental Panel held on 2nd December 2013.

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**Recommendation:** That the Cabinet notes the minutes attached at Appendix 1.

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**1. Introduction**

- 1.1 The first meeting of the Physical Environment Advisory Panel has been held.

**2. Current Position**

- 2.1 A meeting of the Physical Environment Advisory Panel was held on 2 December 2013. At its meeting, the panel considered reports in respect of:

- Property Management & Investment (Capital Revenue & Spending Plans)
- Development of a Parking Strategy for North Ayrshire

**3. Proposals**

- 3.1 The Cabinet is invited to note the minutes attached at appendix 1.

**4. Implications**

Financial Implications

- 4.1 There are no financial implications.

Human Resource Implications

- 4.2 There are no human resource implications.

Legal Implications

4.3 There are no legal implications.

Equality Implications

4.4 There are no equality implications.

Environmental Implications

4.5 There are no environmental implications.

Implications for Key Priorities

4.6 None

Community Benefit Implications

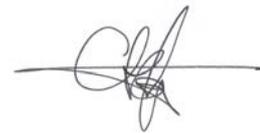
4.7 None

**5. Consultations**

5.1 There have been no consultations in the formation of this report.

**6. Conclusion**

6.1 The attached minutes are submitted for information.



CRAIG HATTON  
Corporate Director (Development and Environment)

Reference : CH/JA

For further information please contact Craig Hatton, Corporate Director on  
01294 324312

**Background Papers**

None

## **Physical Environmental Advisory Panel Monday 2<sup>nd</sup> December 2013**

A meeting of the Physical Environmental Advisory Panel of North Ayrshire Council was held on Monday 2<sup>nd</sup> December, 2013 at 2pm in Council Chambers, Cunninghame House, Irvine.

### **Members Present:**

Cllr Robert Barr  
Cllr Marie Burns  
Cllrs Ian Clarkson  
Cllr John Easdale  
Cllr John Hunter  
Cllr Ruth Maguire  
Cllr Tom Marshall  
Cllrs Donald Reid

### **In Attendance:**

Craig Hatton, Corporate Director (Development & Environment)  
Yvonne Baulk, Head of Finance & Property  
Karen Yeomans, Head of Development Planning  
David Lodge, Supervisory Engineer  
David Hilditch, Transportation Engineer  
Stuart Clarke, CAPITA  
Jacqui Armstrong, Admin Assistant (Minutes)

### **Chair**

Cllr John Bruce

### **Apologies for Absence:**

Cllr Anthea Dickson  
Cllr Elizabeth McLardy  
Cllr Jim Montgomerie  
Cllr David O'Neil

#### **1. Welcome and introductions**

The Chair opened the meeting at 2pm & welcomed everyone to the first Physical Environment Advisory Panel. It was explained this Panel has been set up to help shape & develop strategies and keep everyone updated with major projects.

#### **2. Property Management & Investment – Capital & Revenue Spending Plans – Y Baulk**

2.1 Yvonne Baulk (YB) gave a presentation to the advisory panel on the Capital and Revenue Spending Plans.

2.2 Questions were invited from the members. During the discussions the following points were noted:

- Questions were raised about unused properties, is too much being asked for them. In response it was advised the restructure has recognised performance issues. There is now a team dedicated to sell properties & a team to market the properties. The Council has a duty of best value & we need to justify if taking a lower value.
- It was noted there will be 975 staff based within Cunninghame House upon completion of all phases & it was questioned if this will be double the amount of staff which are currently based there? It was confirmed there are approx. 670 staff at the moment.
- The question was asked if there will be additional parking available for Cunninghame House? The grass verge at the roundabout is empty space which could be utilised. It was confirmed that parking is a high priority for people and it was advised parking will be covered within the next agenda item. Consideration is being given to adjusting the existing car park.
- It was asked when services move location can members be informed of where they have moved to? It was confirmed that members would be advised when departmental moves take place.
- It was questioned if the Town Centre projects take place over the next 4-6 years? It was advised that there are a number of proposals under consideration which will take place over the next 10 years.

### **3 Development of a Parking Strategy for North Ayrshire – C Hatton**

3.1 Craig Hatton (CH) reported that consultation has taken place over the last few months, data had been gathered which will be presented today. It has been identified that each town has different needs therefore different options are required for each town.

3.2 CH indicated that the purpose today is for the panel to review the work undertaken to date and agree the interventions that are required for each town. CH then introduced Stuart Clarke (SC) from Capita – the consultant engaged to assist with the project.

3.3 SC gave the first part of the presentation to the Advisory Panel on the work carried out to date. Members were then advised that issues and interventions for each town would be discussed and agreed.

3.4 Before considering each town it was noted that there are two principal issues across the area:

- Enforcement of on-street parking controls
- Wish to maintain free parking

3.5 During discussions the following points were noted for each town:

#### Ardrossan

- The car park at South Beach is being used more by visitors than traders.
- There is a unit at Hill Street which could possibly be considered. It was advised that this will be checked as part of the strategy to see if this is Council property.
- Glasgow Street and Princes Street contains both residential and retail.
- It was raised that within Ardrossan there are hundreds of cars that park on the green area & in response it was confirmed that we are aware of this & will see if we can get something to make the ground more substantial.

The general consensus within Ardrossan is to review traffic flows and controls, review duration of stay, seasonal issues at South Beach & there could be additional parking within Hill Street's derelict areas.

#### Brodick

- There is new parking along the promenade
- There is an area behind the shops which could be turned into a parking area
- There are seasonal pressures
- There is a re-development at the Pier which will see additional parking.

The general consensus within Brodick was there are no priorities.

#### Beith and Dalry

- The general consensus was that Dalry and Beith can be taken together as they have similar issues.
- Beith's main issues are the duration of the stay.
- There is double parking within the Main Street.

- It was highlighted there is a bus stop across from the funeral parlour, which is situated badly, could this be considered to be moved.
- There is adequate parking in Dalry.
- Within Dalry there is a problem with on street parking and the duration of stay. People who work in shops/offices park on the roadside all day.

The general consensus within Beith and Dalry is to review traffic flows and control and review on-street duration of stay.

#### Irvine – East of River

- It was suggested that Cunninghame House does not have enough parking spaces and the number of staff will increase from approx. 670 to 975. The grass area could be used to create more spaces for staff & it was advised the roundabout is too big. It was discussed that very few people employed in Irvine get dedicated parking and NAC should not be seen to creating parking solely for Council staff.
- It was highlighted that the streets on the other side of the river are being used by workers within Irvine & staff will suffer more when Perceton House closes & the staff move to Cunninghame House.
- It was advised that there are car parking spaces in Irvine which are not being managed correctly, for example; the multi storey is only utilised by 36%.
- There is a new car park being proposed and we will work with the private sector to ensure the current car parks are utilised.
- Fullarton Church - the parking spaces are being used by NAC employees. The full area of Irvine needs to be reviewed and not just the town centre.
- It was stated that Aldi & Halfords car parks are not Council owned & the top 6 Council owned car parks have no time restrictions.
- It was noted that where restrictions were in place there was available parking but car parks with no restrictions were heavily utilised throughout the weekday and weekends.
- It was advised there are on-road parking issues at West Road and Seagate; these are not used by the residents. It was highlighted that it is difficult enough for bin lorries to get up those streets without there being parking issues.
- As part of the development process it was indicated that short stay car parks would be identified.

- It was advised that Irvine has also to be considered as a tourist destination.

The general consensus within Irvine (East of the River), is to improve direction signing to car parks, parking variable message signing, introduce short stay off-street parking, introduce long stay off-street parking and seasonal car park operations.

#### Irvine – West of River

- The purpose of the strategy is that we are looking to generate economic development by stopping people parking all day so people can use the spaces to go shopping.

The general consensus within Irvine (West of River), is to introduce short stay off-street parking, introduce long stay off-street parking, seasonal car park operations and it was advised the Council will work with the private sector to see what can be done to improve availability.

#### Kilbirnie

- It was advised there are street parking on double yellow lines which are a problem causing a bottleneck.
- There are enforcement issues through illegally parked vehicles.
- There was a proposal put forward for a new car park within the old police station but it is unsure whether this is taking place.
- It was highlighted there are no real issues with space availability as there are always plenty of spaces.

The general consensus within Kilbirnie is to review traffic flows and control and review on-street duration.

#### Kilwinning

- The main issue in Kilwinning is the duration of the parking as the college utilises all parking spaces.
- It was advised discussions have already taken place with the college.

The general consensus within Kilwinning is to introduce short stay off-street parking, introduce long stay off-street parking and college parking.

## Largs

- It was highlighted there are car parks that are empty as people do not know where the spaces are.
- The matrix indicates there is an issue with college parking, this is an error.
- The on-street restriction surveys were completed in July 2011.
- School holidays are an issue.
- Signage is required to divert people appropriately.
- It was advised additional parking spaces are required. It was asked for thoughts on the use of green space & in response it was confirmed the green space could not be used on the sea front.
- It was mentioned that Millport is busy with the number of passengers travelling to Millport increasing, which results in the car parks being busier.
- It was highlighted restrictions are required in the summer.
- It was stated there has always been a charge for parking in Largs, however time restrictions are required.

The general consensus within Largs is to review traffic flows and control, improve direction signing to car parks, parking variable message signing, introduce short stay off-street parking, introduce long stay off-street parking, review on-street duration, seasonal car park operations and we will work with private operators.

## Saltcoats

- It was highlighted the car parks within Chapelwell Street, Dockhead Street & Bradshaw Street are being fully utilised.
- It was asked if the car park behind the pub is back in use. CH indicated that this is one of the actions we are working on to bring this back into use.
- The owners of the car park in Bernard Street have put up a meter and the car park is now empty.
- It was highlighted the car park at Sainsbury has a 3 hour restriction, as does Aldi; however there is good turnover of traffic there.

The general consensus within Saltcoats is to review traffic flows and control, improve direction signing to car parks, parking variable message signing, consider short stay off-street parking, consider long stay off-street parking, review on-street duration, seasonal car park operations and we will work with private operators.

## Stevenston

- There is a car park which is pitch-black so no-one goes into it and it is lying empty.
- It was asked if the Council has money to spend on car parks within Stevenston as the land at the Lonsdale would be ideal if we could afford it. In response the panel were advised negotiations would need to take place with the landlord.
- It was highlighted that Stevenston's issues are low compared to other places and that parking spaces can always be found.

The general consensus within Stevenston is to review on-street parking duration.

## West Kilbride

- There are on-going reviews with Roads & external companies regarding one-way systems. It was advised SPT are willing to increase their parking bays from 25 to 40.
- It was noted that West Kilbride has high tourism
- There are enforcement issues.
- No traffic wardens and police regulate the restrictions.

The general consensus within West Kilbride is to review traffic flows and control, review on-street duration and seasonal car park operations.

- 3.6 On completion of the town discussions the panel were advised that the information from today will be included within a strategy which will be drawn up. It will identify car parks with time restrictions. The strategy put in place will be monitored and be re-visited later if need be.
- 3.7 A draft report will be presented to the advisory panel in the new year and then, if agreeable, will be presented to Cabinet for approval. There will be a further public consultation on the draft and, if required, re-consider any information as appropriate. The final strategy, if substantially altered through consultation will be presented to the advisory panel; otherwise it will be presented to cabinet for approval. This will take place over the next 6 months.
- 3.8 SC gave the second part of the presentation to the Advisory Panel on Decriminalised Parking Enforcement (DPE).

3.9 Questions were invited from the members. During the discussions the following points were noted:

- No charging is important within NAC.
- How will time restrictions be enforced? The Council will work more closely with Police to enforce restrictions.
- It was advised it is unlikely that a business case for DPE can be made without introducing charges for parking. Alternatively there would be a substantial deficit that would require to be resourced.

It was noted that a sustainable financial business case is a requirement of Government to enable the transfer of powers.

There was a general consensus that North Ayrshire Council should not proceed with Decriminalised Parking Enforcement (DPE) at this time.

#### 4 **Future Meetings – Proposed Dates**

4.1 It was proposed that there will be regular 6-8 weekly meetings and there may be issues that members want to put forward for these meetings. It was requested that the advisory panel only meets if there are items for discussion.

It was also confirmed that Y Baulk plans to bring a report to the next meeting.

#### 5 **Future Agenda Items**

5.1 The following items which are noted for future discussion are:

- Flooding
- Dog Fouling
- Waste
- Hunterston

#### 6 **AOB**

6.1 A question was raised on the policy of the replacement of food waste bags. It was confirmed the policy is to provide the equivalent of three bags per week, per property, which are delivered on an annual basis. A future report upon the policy & the recycling services provided could be brought before the panel if the members require.

#### 7 **Date of Next Meeting – 3<sup>rd</sup> February 2014**

With no further questions the Chair thanked those in attendance & the meeting ended at 4.20pm.

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**NORTH AYRSHIRE COUNCIL**

**Agenda Item 11**

**14 January 2014**

**Cabinet**

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**Subject:** **1st Tier Joint Consultative Committee and Corporate Health and Safety Group: Minutes of Meetings held on 5 December 2013**

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**Purpose:** To submit the Minutes of the Meetings of the 1st Tier JCC and the Corporate Health and Safety Group, both held on 5 December 2013.

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**Recommendation:** That the Cabinet agrees to note the Minutes contained in Appendices 1 and 2.

---

**1. Introduction**

1.1 The 1st Tier Joint Consultative Committee comprises Elected Members, Officers and Trade Union representatives. Its purpose can be summarised as follows:

- "To provide a forum and procedure for Council members and Trade Unions to meet on a regular and constructive basis to exchange information and resolve issues of mutual concern"; and
- "To promote and develop good relations between the Council, Management, employees and their Trade Unions".

1.2 The Council's Corporate Health and Safety Group consists of Elected Members, Officers who chair the four Health and Safety Planning Groups and safety representatives from the Trade Unions. The Group aims:-

- To engage employee representatives as an inclusive partner in the Council's arrangements for the management of health and safety to create a safe working environment that supports the well being of the Council's employees.
- To provide a forum for Council Elected Members, senior managers and safety representatives to meet on a regular and constructive basis to exchange information and resolve issues of mutual concern.

## **2. Current Position**

- 2.1 Both the 1st Tier JCC and the Corporate Health and Safety Group meet up to four times per year. The Minutes of the latest meetings, held on 5 December 2013 are appended for information.

## **3. Proposals**

- 3.1 The Cabinet is invited to note the content of the Minutes contained in Appendices 1 and 2.

## **4. Implications**

### Financial Implications

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

### Human Resource Implications

- 4.2 There are no human resource implications arising from this report.

### Legal Implications

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

### Equality Implications

- 4.4 There are no equality implications arising from this report.

### Environmental Implications

- 4.5 There are no environmental implications arising from this report.

### Implications for Key Priorities

- 4.6 There are no implications for key priorities arising from this report.

**5. Consultations**

5.1 No consultations were required.

**6. Conclusion**

6.1 The attached Minutes are submitted for information.



ELMA MURRAY  
Chief Executive

**Reference :**

For further information please contact Melanie Anderson, Committee Services Officer on telephone number 01294 324131.

**Background Papers**

Constitutions of the 1st Tier JCC and Corporate Health and Safety Group



1st Tier Joint Consultative Committee  
5 December 2013

**IRVINE, 5 December 2013** - At a Meeting of the 1st Tier Joint Consultative Committee of North Ayrshire Council at 2.20 p.m.

**Present**

Willie Gibson and Ronnie McNicol (North Ayrshire Council); M. Gettins and L. McDaid (UNISON); P. Watkins (UCATT); and P. Houston and P. Arkison (GMB).

**Also Present**

Robert Steel.

**In Attendance**

G. MacGregor, Head of Human Resources and Organisational Development and A. Young, HR Operations Manager; and M. Anderson, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor Gibson in the Chair.

**Apologies for Absence**

Robert Barr, John Bell, Alan Hill Peter McNamara and Tom Marshall (North Ayrshire Council); F. Boyle, J. Macdonald, N. McArthur, C. Mulhern, J. Nicholls, J. Purvis and C. Turbett (Unison).

**1. Quorum**

The Chair advised that the meeting was inquorate but would proceed on an informal basis.

**2. Minutes**

The accuracy of the Minutes of the previous meeting of the Committee held on 19 September 2013 was agreed and the Minutes signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Review 1st Tier Joint Consultative Committee Format (Local Government & Craft Operatives)**

Submitted report by the Corporate Director (Finance and Corporate Support) on proposed revisions to the current 1<sup>st</sup> Tier JCC meeting format and constitution.

Discussion took place on the following:-

- the intention to continue to hold quarterly meetings, coinciding with the dates of Corporate Health and Safety Group meetings;
- the proposal to select broad themes for discussion at future meetings in lieu of formal officer reports;

- the removal of the "Budget Overview" from the proposed list of discussion themes, on the grounds that this matter is already discussed with Trades Unions in a different forum;
- the inclusion of "Adult Health and Social Care" and the "Regeneration Strategy" as discussion themes for the next two meetings; and
- further changes to the constitution, to allow Staffing and Recruitment Committee Named Substitutes to serve on the 1st Tier JCC and to provide clarification on voting arrangements.

The Committee agreed (a) that it be remitted to the Joint Secretaries to (i) make further amendments to the revised Constitution, making Staffing and Recruitment Committee Named Substitutes eligible to become members of the 1st Tier JCC and providing clarification on voting arrangements; (ii) submit the revised draft Constitution to the next meeting for formal approval, whereupon Councillor Robert Steel will be invited to replace Councillor Alan Hill as a member of the Committee; (iii) put in place arrangements to facilitate a discussion on "Adult Health and Social Care" at the next meeting and the "Regeneration Strategy" at the following meeting; (b) that further discussion themes will be the subject of discussion at future meetings; and (c) that the dates for meetings in 2014 will coincide with those of the Corporate Health and Safety Group, namely 6 February, 15 May, 23 October and 4 December 2014.

The Meeting ended at 2.45 p.m.

Corporate Health and Safety Group  
5 December 2013

**IRVINE, 5 December 2013** - At a Meeting of the Corporate Health and Safety Group of North Ayrshire Council at 1.20 p.m.

**Present**

Willie Gibson, Ronnie McNicol and Robert Steel (North Ayrshire Council); P. Houston and P. Arkison (GMB); E. Duncan (SSTA); and L. McDaid (Unison).

**In Attendance**

G. Macgregor, Head of Service, F. Walker, Team Manager (Human Resources) and C. Smyth, Health and Safety Adviser (Health and Safety) (Human Resources and Organisational Development), W. Turpie, Operations Manager (Streetscene) (Development and Environment); D. Reid, Team Manager (Administration) (Education and Skills); M. McIntosh, Maintenance Supervisor (Finance and Corporate Support); and M. Anderson, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor Gibson in the Chair.

**Apologies for Absence**

Robert Barr, John Bell, Peter McNamara and Tom Marshall (North Ayrshire Council); and J. Purvis (Unison).

**1. Minutes**

The accuracy of the Minutes of the previous meeting of the Committee held on 19 September 2013 was agreed and the Minutes signed in accordance with Paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**2. Health and Safety: Progress Report**

Submitted report by the Corporate Director (Finance and Corporate Support) on progress in terms of the implementation of the Council Health and Safety Action Plan.

The following points were highlighted:-

- meetings of the Council's Health and Safety Groups;
- the revised Guidance on the Management of Work Involving Asbestos, which will be launched in January 2014;
- plans for the provision of asbestos awareness training;
- the current review of the stress risk assessment system;

- the remit of the working group on agile working, which will include Trades Union participation;
- the revised Incident Report Form;
- the gap analysis of the Council's health and safety management systems and plans for pilot audits;
- background information on the premises which scored below 50% on the Fire Audit;
- technical fire risk assessment work, which will be carried out by Finance and Corporate Support;
- a pilot of the electronic six-monthly workplace inspection tool, carried out in November 2013;
- issues associated with the national Moving and Handling Passport; and
- the development of a slips, trips and falls campaign.

Discussion took place on the following:-

- whether the issues associated with the delayed Moving and Handling Passport had been raised with COSLA;
- the extent to which the adequacy of risk assessments would be covered in the new approach to audit work;
- the Stredia Risk Management tool;
- the number of staff members currently off work as a result of stress-related issues;
- the scope of the slips, trips and falls campaign;
- any potential, in the light of the integration of Adult Health and Social Care, for a shared Council and NHS approach to seeking to reduce slips, trips and falls;
- whether the aim was to achieve full compliance with the OHSAS 18001 framework and if external verification would be sought;
- the planned date the completion of technical fire risk assessments;
- the aim of the Moving and Handling Passport and the likely costs which would be associated with it; and
- the involvement of the HSE in respect of any of the reportable incidents cited.

The Health and Safety Adviser undertook to (i) advise Councillor McNicol on the number of employees staff currently off work as a result of a stress-related issue; and (ii) liaise with colleagues in the NHS on the potential work joint working to promote a reduction in slips, trips and falls.

Noted.

### **3. Health and Safety Groups**

#### **3.1 Development and Environment**

Submitted report by the Corporate Director (Development and Environment) on the current position in respect of the Development and Environment Health and Safety Action Plan.

The following points were highlighted:-

- the number and nature of reportable incidents recorded during the period from July to September 2013;
- the conduct of services premises inspections and the development of a new electronic form to assist in carrying out the inspections;
- health and safety training undertaken;
- the ongoing programme of health surveillance;
- the review and update of risk assessments within Trading Standards and Building Standards; and
- issues associated with the fire safety audit of operational buildings.

Discussion took place on the following:-

- the application of the Council's Maximising Attendance Policy to absences associated with accidents at work; and
- the level of food hygiene training undertaken by catering employees.

Noted.

#### **3.2 Education and Skills**

Submitted report by the Corporate Director (Education and Skills) on the current position in respect of the Education and Skills Health and Safety Action Plan.

The following points were highlighted:-

- changes to the structure of the Education and Skills Planning Group;
- the completion rate of workplace inspections for the period between July and September 2013;
- a request for Corporate Health and Safety to conduct an audit of practical subject risk assessments;
- the ongoing review of fire risk assessments;

- plans to complete the programme of DSE self-assessments;
- the circulation among staff of information on Healthy Working Lives;
- the relatively low uptake of Occupational Health services;
- the planned completion by January 2014 of lung function tests by technical staff;
- the completion by 10 staff of the IOSH Managing Safely course in September 2013;
- fire awareness training courses planned for February and March 2014;
- regular CALM training sessions;
- the number of reported incidents relating to employees and to pupils between July and September 2013;
- incidents of violence and aggression between July and September 2013 compared with the same period last year; and
- the planned implementation of the Stredia approach to completing the Management of Stress assessment.

Discussion took place on the following:-

- possible reasons for the low uptake of Occupational Health services;
- current capacity in terms of the Occupational Health services on offer;
- NHS waiting times for Occupational Health service referrals;
- the work being done to improve safety associated with parents driving pupils to school; and
- fire awareness training provision in 2014.

The Team Manager (Administration) (Education and Skills) undertook to include in future reporting some information on work to improve the safety associated with parents driving pupils to school.

Noted.

### **3.3 Social Services and Health**

Submitted report by the Corporate Director (Social Services and Health) on the current position in respect of the Social Services and Health: Health and Safety Action Plan.

The following points were highlighted:-

- completion of the workplace inspections programme for the period July to September 2013;
- the review and updating of operational fire risk assessments and fire safety management systems;
- the establishment of a systematic review and update of risk assessments in all areas of the service;
- provision in respect of DSE self-assessments;
- the promotion of Health Working Lives activities and information;
- a recent review of lifting equipment and plans for the audit of management procedures;
- the number and nature of referrals to Occupational Health;
- staff attendance at health and safety training courses;
- work to finalise a blended risk assessment training package;
- the delivery in inanimate load training;
- the accreditation and re-accreditation in CALM techniques for staff involved in physical interventions;
- employee incidents during between July and September 2013, one of which was reportable to the HSE; and
- the number of reported aggression and violence incidents.

Discussion took place on the involvement of Occupational Health in workplace risk assessments.

Noted.

#### **4. Employee Incident Statistics: Monitoring Report: 2013**

Submitted report by the Corporate Director (Finance and Corporate Support) on a summary of employee injury incidents, including those which require to be reported to the Health and Safety Executive in line with Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995.

During the reporting period, there were 49 employee incidents, 10 of which were serious enough to be reported to the HSE. Details of the incidents were provided in the report.

Discussion took place on the following:-

- the application of the Maximising Attendance Policy to accidents at work; and
- the circumstances surrounding one of the incidents involving staff from the Burials Service.

Noted.

## **5. Corporate Health and Safety Group - Aggression and Violence Working Group**

Submitted report by the Corporate Director (Finance and Corporate Support) on the current position of the Aggression and Violence Working Group set up to review the incident reporting format. Appendix 1 to the report set out a proposed revised incident reporting form.

Discussion took place on the following:-

- the intention to make the form available electronically; and
- the scope for including further detail on, for example, police involvement in the reported incident.

The Group agreed to (a) note the actions undertaken by the working group; and (b) approve the revised incident report form set out at Appendix 1 to the report.

## **6. Aggression and Violence Incidents - Monitoring Report:**

Submitted report by the Chief Executive on a summary of incidents involving violence and aggression towards employees.

During the reporting period, there were 146 incidents of reported aggression and violence. A breakdown of the incidents by Service was provided within the report.

Discussion took place on the need for further information to allow the identification of trends.

The Health and Safety Adviser undertook to include in future reporting sufficient data to allow the easy identification of trends.

Noted.

## **7. Date of Next Meeting**

The next meeting of the Group will be held on 6 February 2014, with further meetings scheduled for 15 May, 23 October and 4 December 2014.

Noted.

The Meeting ended at 2.10 p.m.

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**NORTH AYRSHIRE COUNCIL**

**Agenda Item 12**

**14 January 2014**

**Cabinet**

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**Subject:** **Brodict Pier Redevelopment Committee**

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**Purpose:** To submit the minutes of the meeting of the Brodict Harbour Redevelopment Group held on 9 December 2013.

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**Recommendation:** That the Cabinet notes the Minutes at Appendix 1.

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**1. Introduction**

- 1.1 The formation of the Brodict Pier Redevelopment Committee was agreed by Cabinet on 25 June 2013 with the objective of pursuing the implementation of proposals.

**2. Current Position**

- 2.1 The Brodict Pier Redevelopment Committee is chaired by Councillor John Bruce, and the most recent meeting was held on 9 December. Represented on the group, are Caledonian Maritime Assets Ltd, Visit Arran, Transport Scotland and Highlands and Islands Enterprise.

**3. Proposals**

- 3.1 The Cabinet is invited to note the Minute attached at Appendix 1.

**4. Implications**

Financial Implications

- 4.1 There are no financial implications arising at this time.

Human Resource Implications

- 4.2 There are no human resource implications arising at this time.

Legal Implications

- 4.3 There are no legal implications arising at this time.

#### Equality Implications

- 4.4 There are no equality implications arising at this time.

#### Environmental Implications

- 4.5 There are no environmental implications arising at this time.

#### Implications for Key Priorities

- 4.6 The Council's Core Objective 1: Regenerating our communities and increasing employment is supported.

#### Community Benefit Implications

- 4.7 There are no community benefit implications arising at this time.

### 5. Consultations

- 5.1 Represented on the group are Caledonian Maritime Assets Ltd (CMAL), Visit Arran, Transport Scotland and Highlands and Islands Enterprise. Public consultation was carried out by CMAL on their proposals for the redevelopment of the harbour on 6 November in the Brodick Hall.

### 6. Conclusion

- 6.1 The Minute attached is submitted for information.



CRAIG HATTON  
Corporate Director (Development and Environment)

Reference : AL

For further information please contact Alasdair Laurenson, Team Manager (Regeneration) on telephone number 01294 324758

#### Background Papers

N/A

# Minute.....Appendix 1

<b>Meeting:</b>	<b>Brodick Pier Redevelopment Committee</b>	
<b>Date/Venue:</b>	Monday 9 <sup>th</sup> December 2013 Cunninghame House, Irvine	
<b>Present:</b>	Councillor John Bruce (Chair) North Ayrshire Council Karen Yeomans; North Ayrshire Council Alasdair Laurenson: North Ayrshire Council Ramsay Muirhead; CMAL Lorna Spencer; CMAL Gillian Bruton; CMAL Lucinda Gray; HIE Alasdair Dobson: Taste of Arran/Visit Arran Tom Tracey; Visit Arran	
<b>Apologies:</b>	Richard Hadfield; Scottish Transport	
<b>No.</b>		<b>Responsible</b>
<b>1.</b>	<p><b>Welcome and Apologies</b></p> <p>The Chair welcomed everyone to the meeting, the Chair welcomed Lorna Spencer and Gillian Bruton. There was no formal minute of the previous meeting (11 November 13). The issues arising from that meeting would be carried forward and discussed today.</p>	
<b>2</b>	<ul style="list-style-type: none"> <li>• R Muirhead updated the group on progress by CMAL on the development of the pier including the following: Design work for the pier and associated works has been finalised.</li> <li>• Tenders for initial ground works are being assessed and would be awarded in the next few weeks with the team being on site June 2014.</li> <li>• The Public meetings held in Arran had been positive it was agreed the questions and answers from meeting would be circulated to group.</li> </ul>	<i>R Muirhead</i>
<b>3</b>	<p><b>Presentation: EKOS Report</b></p> <p>Alasdair Laurenson presented the EKOS Report. Some of the key issues identified as arising from the report which merited further discussion included:</p> <ul style="list-style-type: none"> <li>• Table 5.1 on pages 55, headed Uplift in Visitor Trips and Expenditure Assumptions - questions were raised on how the assumptions used were arrived at (a 25% uplift in visitors under full development, and a 15% under a phased development).</li> <li>• The additional economic value (GVA) generated through the uplift in visitor and expenditure on page 66 was noted to be one of the key conclusions of the report in making the case for investment and a single phase of construction.</li> <li>• Page 72 referred to the wider impacts for business on the island using the creative industries and golfing as examples – this was considered to be a key output for HIE and their assessment of the case for any funding contribution. .</li> </ul>	

	<p>Discussion was held on the report being very tourism related and not exhaustive in what other benefits for businesses could be realised, although in the absence of further certainty at this stage on what other proposals may emerge beyond the £16m infrastructure project, it was accepted that this may be difficult to assess.</p> <p>LG stated that HIE would not be in a position to support the infrastructure elements of the proposal. HIE fund projects which will develop the local economy. In the view of LG, the report did not sufficiently articulate the benefits of the proposals for wider businesses on the Island beyond tourism.</p> <p>HIE may be in a position to fund future additional developments which are enabled by the CMAL proposals (i.e. retention of existing pier, terminal building, development of a port masterplan to accommodate businesses, etc). It was pointed out that these may never happen should the initial £16m project not be funded, or funded in multiple phases.</p> <p>There was discussion on the extent to which the need for further articulation of benefits to businesses was a requirement of the original brief which had been agreed and issued by the group. The work which the group were now seeking may be considered additional to that sought in the brief and moving towards assessment of additional development phases as a result of the response from HIE that capital funding contribution would not be forthcoming to the original £16m project.</p> <p>To further articulate the benefits of the proposals to businesses on the Island, it was agreed to hold a Forum in January 2014, which would seek feedback from local businesses on the benefits of the proposals, and the potential later development of additional shoreside land. The forum would look at looking at the whole picture, what the position is, the costs and benefits and a framework that includes the challenges facing the Arran Community.</p> <p>It was also agreed that HIE and the Council would meet to discuss any other opportunities available on Arran.</p> <p>The group agreed that comments on the EKOS report should be provided to AL by 20 December 2013. These would then be discussed between AL and LG and taken to EKOS with a view to finalising the report in early January.</p>	<p><i>A :Laurenson/ L Gray HIE</i></p>
<p><b>4</b></p>	<p><b>Funding</b></p> <p>AL updated the group on positive discussions which had been held recently with Strathclyde Passenger Transport, who would welcome an application for funding of shoreside public transport elements of the proposal which may amount to a capital cost of c.£1m. The eligible cost will be confirmed in discussions between CMAL and SPT.</p>	

	<p>AL outlined the potential provided by the recent launch of the Coastal Communities Fund with a deadline of March 2014. Organisations are limited to one bid, and NAC will require to confirm whether the project would be the subject of this bid. Based upon previous years funding awards, the maximum grant which may be sought may be in the region of £350k.</p> <p>Even assuming that these sources are confirmed, a significant shortfall in funding would remain for the original £16m project. It was again pointed out that any HIE funding of future phases based upon potential economic benefit, would not be realised, or would be severely prejudiced should the proposals not be implemented in a single phase.</p>	
<b>5</b>	<b>Next Steps</b>  Comments on EKOS report to be provided to AL. AL and LG to meet with EKOS in early January 2014. EKOS report to be finalised. CMAL to liaise with SPT re eligible expenditure and costs. Further consideration to be given to Coastal Communities Fund Application. Forum with businesses to be held on Arran.	

Fiona Millar December 2013  
KY/FM