

The Executive of North Ayrshire Council
9 December 2008

IRVINE, 9 December 2008 - At a Meeting of the Executive of North Ayrshire Council at 2.00 p.m.

Present

David O'Neill, John Reid, Tom Barr, John Bell, Margaret McDougall and Peter McNamara.

Also Present

I. Snodgrass, Chief Executive; B. Docherty, Corporate Director and S. Gault, Head of Service (Social Services); C. Kirk, Corporate Director (Educational Services); T. Orr, Corporate Director and O. Clayton, Head of Housing and Building Services (Property Services); A. Herbert, Assistant Chief Executive (Finance); I. T. Mackay, Assistant Chief Executive (Legal and Protective); J. Montgomery, General Manager, J. Murray, Community Planning Co-ordinator, M. McKeown, Committee Services Officer and A. Wattie, Communications Officer (Chief Executive's).

Chair

Councillor O'Neill in the Chair.

1. North Ayrshire Community Planning Partnership (CPP): Governance Review - Involvement of Elected Members

Submitted report by the Chief Executive on the findings of North Ayrshire Community Planning Partnership's governance review and on the future involvement of elected Members in the new CPP structure.

The CPP has completed a review of its governance arrangements. New Terms of Reference have been developed which outline a proposed new CPP structure and include information on remits, membership, reporting arrangements and responsibilities. The new Terms of Reference, an excerpt from which was appended to the report, will be submitted to the CPP Board on 11 December 2008 for approval.

Elected Members are currently represented at CPP Board level by the Leader of the Council and the Community Planning portfolio holder. Elected Members have however expressed a wish to become more involved in community planning. The governance review concluded that elected Members should be represented on each of four new Strategic Partnerships being established as part of the new CPP structure. To this end a report will be submitted to the Council meeting on 14 January 2009 seeking two nominations and two substitutes for each of the four Strategic Partnerships.

It is anticipated that the nominees and substitutes will include both Executive and non-Executive representatives, and also that all nominations will relate to the Members' portfolios, appointments to outside bodies, or active community interests.

In addition to the appointments to the Strategic Partnerships, all elected Members will be invited to attend the CPP's Community Engagement Network. It is anticipated that the new governance arrangements will come into effect from January 2009.

The Executive (a) noted the findings of the CPP governance review in relation to the involvement of elected Members; and (b) agreed to approve the proposal to seek nominations and substitutes from North Ayrshire Council for each of the four CPP Strategic Partnerships.

2. Treasury Management Annual Report

Submitted report by the Assistant Chief Executive (Finance) on the Treasury Management Annual Report and Prudential Indicators for 2007/08.

Treasury management involves the management of the Council's cash flows, its banking, money market and capital market transactions, the effective control of the risks associated with those activities and the pursuit of optimum performance consistent with those risks.

In December 2001, the Chartered Institute of Public Finance and Accountancy published a revised Code of Practice on Treasury Management which was adopted by the Council on 30 April 2002. One of the requirements of the code is the receipt by the Council of an annual review of the previous year. The Annual Treasury Report for 2007/08, a copy of which was appended to the report, highlighted the following:-

- The agreed strategy put to the Council was that with 50 year Public Works Loan Board (PWLB) rates at 4.25%, borrowing should be made in this area of the market at any time in the financial year. This rate will be lower than the forecast rates for shorter maturities in the 5 year and 10 year area. A suitable trigger for considering new fixed rate long term borrowing, therefore, would be 4.25%.
- Long term borrowing taken out in 2007/08 amounted to £16.521m. Repayment of long term loans amounted to £10.980m.
- During the financial year, the Council operated within the treasury limits and prudential indicators as set out in the Council's Annual Treasury Statement.
- The return on investments during the year averaged 5.64%. This compared favourably with the benchmark return - 7 day London Inter-bank Bid (LIBID) rate (uncompounded) of 5.58%.

The following debt rescheduling transactions took place:-

- On 8 June 2007, PWLB loans amounting to £6.437m, with an average interest rate of 5.615%, were prematurely repaid. A discount of £0.001m was received as a result of this early repayment and was credited to revenue in 2007/08. A replacement loan of £6.5m at a rate of 4.4% was taken out on 23 August 2007.
- On 7 September 2007, PWLB loans amounting to £4.085m, with an average interest rate of 9.974%, were prematurely repaid. A premium of £1.659m was incurred as a result of the early repayment of these loans and was charged to revenue in 2007/08.

The production of the annual report satisfies the requirements of the Treasury Management Code of Practice. The report reflects the position for 2007/08 and does not take into account any possible losses in connection with Icelandic Banks which will be subject of future reports to the Executive. The Treasury Management Strategy for 2008/09 will be prepared in due course.

The Executive agreed to approve the Annual Report and Prudential Indicators for 2007/08.

3. EC Bathing Water Directive 76/160/EC: Bathing Water Directive 2006/7/EC - Bathing Water (Scotland) Regulations 2008

Submitted report by the Assistant Chief Executive (Legal and Protective) on the quality of bathing water at the identified beaches in North Ayrshire.

There are 5 identified beaches within North Ayrshire at Irvine, Ardrossan/Saltcoats South Beach, Seamill, Largs Pencil Beach and Newton Beach Millport. Monitoring and sampling of the bathing water quality at these beaches is undertaken by the Scottish Environmental Protection Agency (SEPA). The water quality standards refer to 10 different parameters comprising microbiological, chemical and physical standards which must meet European Bathing Water Directive requirements.

The appendix to the report set out the results of sampling for the 2008 season. Of the 5 identified beaches in North Ayrshire only the Ardrossan/Saltcoats South Beach failed the water quality standards with 4 failures out of 20 samples. Millport and Seamill Beaches each recorded 1 failure but passed overall, whilst Largs Pencil and Irvine did not record any failures. Each of the failures at Ardrossan/Saltcoats followed heavy rain incidents and this was recorded by SEPA. Heavy rain in the area also caused a number of flooding incidents in the Holm Plantation caused by the Stanley Burn overflowing and it is likely that such incidents contributed to the water quality failures at the beach.

The results of any sample can be waived by SEPA if it can be shown the beach may have been affected by floods, other natural disasters or abnormal weather conditions. During the season a total of 20 wet weather waivers were granted for 13 beaches on the east coast. 9 east coast beaches were saved from failing the standards as a result of these waivers. No wet weather waivers were however recorded for any west coast beach. Although locally the Stanley Burn flooded on a number of occasions during the summer, SEPA was not prepared to grant waivers. SEPA also reported that the burn had consistently poor water quality and the agency is investigating possible sources of pollution. If the recent trend of wet summers continues, it will be difficult for some beaches to comply with water quality standards particularly as the standards become tighter.

During 2008, 4 beaches within North Ayrshire were in receipt of Keep Scotland Beautiful Beach Awards i.e. Irvine, Ardrossan/Saltcoats South Beach, Largs Pencil Beach and Newton Beach Millport. The beach awards in general have had a positive impact on the seaside towns. To qualify for an award the beaches must have a high level of amenities/facilities, be well maintained and the water quality in the previous year must meet the European water quality standards. Following the failure of South Beach it is unlikely the beach will qualify for an award in 2009. Whilst the Council has provided facilities and annually maintains, cleans and operates the beaches to a high standard, the monitoring and enforcement of the water quality legislation is entirely SEPA's responsibility. Failure to meet the water quality standards, as well as impacting on the Council's ability to secure beach awards, also attracts national and local criticism and both Irvine and Ardrossan/Saltcoats beaches have attracted negative publicity in newspapers.

The Executive agreed to (a) note the results of the Bathing Water Samples taken during the Summer at the 5 identified beaches in North Ayrshire; (b) instruct the Assistant Chief Executive (Legal and Protective) to make representations to the Scottish Environment Protection Agency in relation to the application of wet weather waivers; and (c) apply to Keep Scotland Beautiful for beach awards at 4 beaches within North Ayrshire.

4. Parenting and Family Support Strategy

Submitted report by the Corporate Director (Educational Services) on the draft North Ayrshire Parenting and Family Support Strategy and Action Plan.

An extensive mapping exercise of all parenting and family support services in North Ayrshire was completed in 2006, and the results presented to the Integrated Children's Services Plan (ICSP) Steering Group. The mapping exercise informed the Steering Group that whilst there were a range of services in North Ayrshire providing support to parents, these services were not available in all areas and some were subject to short-term funding. There was a lack of co-ordination in the development of services and this resulted in some families working with a number of agencies.

In response to this mapping exercise, the ICSP Steering Group identified a multi-agency group to develop a North Ayrshire Parenting and Family Support Strategy. The draft North Ayrshire Parenting and Family Support Strategy, a copy of which was appended to the report, has been developed to provide a co-ordinated range of services for parents of vulnerable children from pre-birth to 18 years. The draft Strategy will inform service planning and development across a range of community planning partners. The implementation of the Strategy requires a commitment from all partners to integrated working. The Strategy will be implemented and monitored by the ICSP Steering Group as part of the Community Planning Partnership (CPP).

Increasing opportunities to support the positive development of vulnerable young children and ensure that more children and young people live in a safe and supportive environment are identified as outcomes in North Ayrshire's Single Outcome Agreement. The Parenting and Family Support Strategy has a key role to play in delivering these outcomes and therefore improving the life chances for children, young people and families at risk in North Ayrshire. The importance of early intervention, support for families and integrated working and planning are also at the core of the Scottish Government's Early Years Framework which emphasises the need to build both parenting and community capacity to improve outcomes for children and young people.

A detailed action plan has been developed to support the implementation of the first year of the Strategy. The ICSP Steering Group, the CPP, and the Getting It Right for Every Child (GIRFEC) Steering Group, have key roles to play in the implementing the Strategy. The implementation of the draft Strategy is dependent on integrated planning and the refocusing of resources as required. Funding to support the implementation will be identified from Childcare Strategy funding, ICSP funding and existing service budgets.

The Executive agreed (a) that the draft Parenting and Family Support Strategy and Action Plan be circulated to appropriate partners for comment; (b) to receive a further report on the outcome of the consultation at a future meeting; and (c) to receive a progress report on the implementation of the year one Action Plan in due course.

5. Social Services - Spend to Save Initiative within Older People's Care at Home Provision

Submitted report by the Corporate Director (Social Services) on a proposed pilot scheme to assess the benefits of using re-ablement services for older people requiring care at home services, and to evaluate the pilot over a one-year period.

Social Services has previously implemented the recommendations of a strategic review of older people services, designed to shift the balance of care from long stay institutional care to care delivered in the community, to enable older people to live as independently as possible in their own homes.

This strategic shift has been successful on many levels, with the number of care home places funded by the Council being reduced and money redirected to community services to enable more older people to live at home for longer with intensive supports.

Trends indicate that North Ayrshire will see a marked change in the demography of older people over the coming years and it is likely that more elderly people will require care. The level of care required differs from case to case. Increasingly, care at home services are working with service users who require more care time and have extended personal care needs, due to their increased levels of dependency. Although Social Services endeavours to promote independence, many service users believe that the care at home worker will do all tasks for them rather than assist them to maximise their ability for self care and reduce the need for a service. At the opposite end of the spectrum, there are service users who require less intensive levels of care. As the number of referrals for care at home services continues to increase, this will put added pressure on a finite budget which is already fully committed.

In line with the 21st Century Review of Social Work, the aim of care at home services should be to work within an "ability" model of practice, that enables service users to maximise their skills and abilities, in order to remain as independent as possible. This change in direction has already begun in North Ayrshire with care at home staff scheduled to receive training in basic rehabilitation and re-ablement techniques. Evidence based practice in other Scottish and English local authorities has shown that using an enablement or re-ablement model either significantly reduced the numbers of people who required services or reduced the care hours required within care packages.

The report set out a proposal to undertake a pilot exercise to test whether it is possible within North Ayrshire, to reduce the dependency of older people on services and increase the ability of some older people to live in the community with limited or no supports. It is intended that the pilot will run for one year after which an evaluation will be undertaken. If successful, the approach will be developed further. Funding will be required on a 'spend to save' basis to employ one whole time equivalent Occupational Therapist and one whole time equivalent Occupational Therapy Assistant. The financial implications were set out in the report.

The role of the re-ablement service will be to work closely with assessment teams and provide a specialist dimension to the assessment before services are put in place. By identifying the appropriate equipment, services can be reduced for low level provision such as meals on wheels and bathing, together with labour intensive provision such as moving and handling. The pilot will target new service users most in need of specific services, together with existing service users where it is felt there is some capacity for increased self care. The proposed change in direction will bring many benefits to the Council, services users and staff. Services users should feel more in control of their day to day activities, with staff assisting them to realise their potential, with an improvement in general well-being through increased independence.

The Executive agreed to (a) fund the 'spend to save' pilot programme as set out in the report; and (b) receive a progress report at a future meeting.

6. Intensive Support and Monitoring Service (ISMS)

Submitted report by the Corporate Director (Social Services) on the provision of an Intensive Support and Monitoring Service (ISMS) for North Ayrshire.

ISMS was introduced by the Antisocial Behaviour etc. (Scotland) Act 2004 and the Intensive Support and Monitoring (Scotland) Regulations 2005. ISMS allows Councils across Scotland to help the most vulnerable and at risk young people with intensive support and provides for the use of electronically monitored movement restrictions. ISMS is available through the Children's Hearings system for children who are likely to abscond or injure themselves or someone else.

At its meeting held on 24 June 2008, the Executive considered a report by the Corporate Director (Social Services) on the outcome of the piloting of ISMS within seven local authority areas in Scotland between 2004 and 2007. At that time the Executive noted the preliminary resource implications for the Council in relation to ISMS and agreed that further information regarding the model of delivery, external provider arrangements, and projected costs be submitted to the Executive at a later date.

A multi-agency working party consisting of representatives from Social Services, Community Learning and Development, the Reporter to the Children's Hearing System, health and education, was established to scope the likely demand for an ISMS service in North Ayrshire. A local process and procedure for partners undertaking any ISMS assessments has now been developed, together with supporting packages. Three options for service delivery were put to senior Social Services managers for consideration, who agreed a model of delivery involving:-

- The delivery of the main programme of supports from in house services and partner agencies;
- The installation and monitoring of any movement restriction conditions (MRC) by the government approved provider SERCO;
- The provision of respite services as required would be either provided in-house or purchased from an external provider as per each young person's needs' assessment; and
- The purchase of an out of hours crisis service from an external provider

Senior Managers also agreed that the provision of such services should be closely monitored and reviewed, with any resource implications reported to them on a regular basis. If the implementation of the suggested approach is successful in preventing or returning a young person from secured accommodation, there will be potential savings to the Council.

The report set out the financial implications of implementing the proposed approach and the potential savings to the Council resulting from diverting young people from secure accommodation.

The Executive agreed to (a) approve the approach to delivering ISMS in North Ayrshire as set out in the report; and (b) receive a progress report at a future meeting.

7. Community Safety and Antisocial Behaviour Strategy

Submitted report by the Corporate Director (Property Services) on proposals for the introduction of a new Community Safety and Antisocial Behaviour Strategy.

The Antisocial Behaviour etc. (Scotland) Act 2004 places a duty on the Council and the Chief Constable of Strathclyde Police to jointly prepare and publish an Antisocial Behaviour Strategy for North Ayrshire. The first ASB Strategy was published in June 2005 and covered the 3 year period to 2008. The strategy was underpinned by a Local Outcome Agreement, and the Scottish Government required evidence of satisfactory progress against outcomes each year as a condition of continued grant funding for antisocial behaviour services. Whilst there is no equivalent legislation covering community safety, community safety priorities and grant funding were also previously subject to Scottish Government approval. This took the form of a 3 year Community Safety Problem Solving Plan covering the period 2005-2008, with annual monitoring and reporting similar to that for antisocial behaviour. The Community Planning Partnership's (CPP's) Safer Communities Thematic Group has monitored the implementation of both the Antisocial Behaviour Strategy and the Community Safety Problem Solving Plan over the last 3 years.

There is a duty to review and publish a revised Antisocial Behaviour Strategy. With the implementation of the Single Outcome Agreement, and with funding for antisocial behaviour services no longer subject to ring-fencing, there is, however, no longer a requirement to submit the new strategy for Government approval. The Scottish Government is currently reviewing the national Antisocial Behaviour Strategy. The outcome and recommendations from this review are expected in February 2009 and these will be essential to inform North Ayrshire's new strategy. The Scottish Government has advised that local partnerships are free to determine the scope and content of their ASB Strategy, provided that the statutory requirements are met.

The remit of the CPP's current Safer Communities Thematic Group includes the key themes of crime and antisocial behaviour, youth diversion, violence against women, road safety, and fire safety. The Group has agreed in principle that, rather than focusing solely on a strategy to address antisocial behaviour, all of these themes should be incorporated into a new, single Community Safety Strategy that also meets the requirements of the Antisocial Behaviour legislation.

As a first step to developing such a strategy, a consultation event was held with local community representatives, voluntary and interest groups and statutory and voluntary service providers. The findings from this event will be used to inform the development of the new Community Safety Strategy. The new strategy will cover the period 2009-2012, and will take account of recommendations from the Scottish Government's review of the national Antisocial Behaviour Strategy and other relevant national strategies e.g. the proposed Road Safety Strategy for Scotland. The new strategy will also link closely to local strategies, including the North Ayrshire Youth Justice and Violence Against Women Strategies, and strategic assessments prepared by the Police and Fire and Rescue services. The new Community Safety Strategy will also support the delivery of outcomes in the North Ayrshire Single Outcome Agreement. It is anticipated that the new strategy will be completed and published by June 2009.

The Executive agreed to approve the proposal to develop a Community Safety Strategy on the terms outlined in the report.

8. Housing Offers to Homeless People

Submitted report by the Corporate Director (Property Services) on a proposal to reduce the number of offers of permanent housing made to homeless applicants.

In April 2008, the Council introduced a policy of securing two offers of permanent housing to homeless households. It was anticipated that implementing this policy would give homeless applicants greater choice and ensure equality for all housing applicants. In reality however, homeless households are being given greater choice than waiting list applicants as not only are they first priority for an offer of all housing available under the Common Housing Register, on refusal they still have the option to remain on the waiting list where they will receive further offers. In addition, many households are appealing their first offer of housing resulting in a bottleneck within temporary accommodation. During 2007/2008 the average length of time spent within temporary accommodation was 170 days. In September 2008 this rose to 187 days. The effect of this is that less temporary accommodation is available, reducing the Council's ability to meet its statutory duty to provide temporary accommodation to all homeless households.

Housing Services have evaluated homeless presentation statistics and appraised the practices of other Scottish Local Authorities, many of whom have or are in the process of reducing offers of housing to homeless households to one reasonable offer in line with the Housing Scotland Act 1987 and the Code of Guidance on Homelessness (Scotland) 2004. Given the impact of the existing policy on both temporary accommodation and the housing waiting list, it was proposed that there should with immediate effect be a reduction in offers of permanent housing for homeless households from two to one. The revised policy will assist the Council to meet its statutory obligations and achieve strategic outcomes and objectives set out in the Single Outcome Agreement and the Homelessness Strategy.

The Executive agreed that the number of offers of permanent housing for homeless households be reduced from two to one with immediate effect.

9. Measured Term Contract: Gas Soundness

Submitted report by the Corporate Director (Property Services) on tenders received for the Gas Soundness contract.

The Council's Infrastructure and Design Services manages a range of Measured Term Contracts allowing statutory inspection, testing and repairs to maintain the operational status and statutory compliance of the Council's operational property portfolio. One such contract is for Gas Soundness and Repairs/Boiler Servicing, Testing and Repairs, which enables the Council to fulfil its statutory obligations in respect of gas safety for non-housing properties.

Following approval to re-tender this contract, a tendering exercise was undertaken in line with European and UK legislation and in accordance with the Council's own Corporate Procurement Policy. The tendering exercise included a thorough evaluation of all submissions made by tenderers, on a cost/quality ratio to determine the most economically advantageous tender for the Council. The results of evaluation were set out in the appendix to the report.

The Executive agreed to accept the offer from Mitie Engineering Maintenance Limited, at an annual notional value of £75,000, as set out in the report.

10. Ayrshire Civil Contingencies Team

Submitted report by the Chief Executive on preparations for the establishment of an all Ayrshire emergency planning unit based at Prestwick Airport.

At its meeting on 1 April 2008, the Executive (a) agreed to approve (i) the co-location of the three Emergency Planning Units for North, East and South Ayrshire Councils at premises at Prestwick Airport and (ii) the Council's contribution of £15,000 towards the cost of fitting out the premises; and (b) agreed to receive a further report on the terms of the lease at a future meeting. Since April discussions have been ongoing between the 3 Ayrshire Councils to take the proposals forward. A Minute of Agreement, a copy of which was appended to the report, was signed between the 3 Councils on 1 December 2008. The new Team, to be known as the "Ayrshire Civil Contingencies Team", will deliver a comprehensive civil emergency planning service to ensure each Council is able to fulfil its duties as a Category One responder under the Civil Contingencies Act 2004.

The new Team will be based in leased premises located at Glasgow Prestwick International Airport. A Steering Group comprising one senior officer from each Council has been established to provide strategic direction, oversee financial management and monitor the Team's effectiveness. The Team will initially be comprised of 5 Officers led by the Civil Contingencies Manager. North Ayrshire Council's Emergency Planning Officer and Assistant Emergency Planning Officer will transfer to the new Team along with officers from East and South Ayrshire Councils. The Civil Contingencies Manager is responsible for the day to day administration and management of the Team, including personnel, performance management, property maintenance and information & communication technology support. Day to day financial administration and budgetary control will be dealt with by South Ayrshire Council, subject to the overall supervision by the Steering Group. The Steering Group has agreed a budget for the Team for the current financial year and will review and set future budgets on an annual basis. Each Council will initially retain responsibility for its own staff costs and will transfer its current budget for non-staff costs to fund the Team's operating costs. The costs for the first year, including refurbishment costs of £132k, are projected at £301k. The Scottish Government has provided a grant of £87,000 to help meet the initial refurbishment costs.

The conclusion of the Minute of Agreement and Lease signifies an important milestone in this project, which is expected to attract significant national attention, as an example of "shared services". This is the first such joint service in Scotland and the Scottish Government is maintaining a close liaison as a model for development across Scotland.

The Executive noted the progress made in establishing the new Ayrshire Civil Contingencies Team, and the implications arising therefrom, as set out in the report.

11. Consultation on Guidance on the Role of the Chief Social Work Officer (CSWO)

Submitted report by the Chief Executive on a response to a Scottish Government consultation on the role of the Chief Social Work Officer.

Changing Lives: Report of the 21st Century Social Work Review, which was published in February 2006 by the then Scottish Executive, set out a vision for the future for social work services in Scotland. A key recommendation of the report was the need for a new organisational approach to managing risk, which ensures the delivery of safe, effective and innovative practice in social work services. In particular, the report recommended a strengthening of the governance and leadership roles of the Chief Social Work Officer as contained within Section 3 of the Social Work (Scotland) Act 1968.

The Scottish Government is now consulting on draft guidance on the role of the Chief Social Work Officer prepared by the Changing Lives Practice Governance Group. The Scottish Government indicates that the guidance (a) will assist local authorities in the discharge of their social work responsibilities; (b) will help local authorities maximise the added value of the Chief Social Work Officer - both at a corporate and professional level; (c) acknowledges that local authorities operate with very different management and organisational structures; (d) provides advice on how best to locate the Chief Social Work Officer role within operational structures to maximise its effectiveness; and (e) is sufficiently generic to remain relevant in the event of future management or organisational structural change.

The deadline for responses is December 19, 2008. Following the end of the consultation period, and subject to the views of respondents to this consultation, the guidance will be finalised and distributed to key stakeholders. The report set out the terms of a proposed Council response to the consultation. It was noted that the Council was already meeting many of the guidance requirements.

The Executive agreed that the comments contained within the report be submitted to the Scottish Government by the 19 December 2008 deadline.

12. Council Housing Building

Submitted report by the Chief Executive on an announcement made by the Scottish Government on 25 November 2008 on the availability of £25 million to help kickstart a new generation of Council house building in Scotland. Councils have been invited to bid for a share of the funds.

The Executive agreed that the Council should bid for a share of the funding; and (b) that the Corporate Director (Property Services) prepare the bid and report to a future meeting.

The meeting ended at 3.30 p.m.