

Cabinet
24 May 2016

Irvine, 24 May 2016 - At a Meeting of Cabinet of North Ayrshire Council at 2.30 p.m.

Present

Willie Gibson, John Bruce, Marie Burns, Anthea Dickson.

Also Present

Alex Gallagher (Item 4)

In Attendance

E. Murray, Chief Executive; L. Friel, Executive Director, A. Lyndon, Team Manager (Corporate Procurement) (Finance and Corporate Support); K. Yeomans, Executive Director, A. Sutton, Head of Service (Connected Communities), Jim McHarg, Senior Manager (Participation and Empowerment) and G. Robson, Senior Employability and Skills Manager (Economy and Communities); S. Brown, Head of Service (Children, Families and Criminal Justice Services) and D. Rowland, Head of Service (Health and Community Care) (North Ayrshire Health and Social Care Partnership); M. Sugden, Communications Officer (Media and Internal Communications) and A. Little, Committee Services Officer (Chief Executive's).

Chair

Councillor Gibson in the Chair.

Apologies for Absence

Alan Hill and Tony Gurney.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The accuracy of the Minutes of the Meeting held on 26 April 2016 and (ii) the special meeting of the Cabinet held on 10 May 2016 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Suspension of Standing Orders

The Cabinet was invited to consider resolving, in terms of Standing Order 21, to suspend Standing Order 23, to allow consideration of the recommendation within Agenda Item 4 (Gallowgate Square, Largs).

The Cabinet unanimously resolved, in terms of Standing Order 21, to suspend Standing Order 23, to allow consideration of the recommendation within Agenda Item 4.

This item was 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.

4. Gallowgate Square, Largs

Submitted report by the Chief Executive which set out (a) the background to a decision by Council to suspend the Gallowgate Square development pending the outcome of further consideration of the Masterplan priorities, as recommended by the North Coast Area Committee; and (b) a request from three Members of the disbanded North Coast Area Committee advising that they wished to proceed with the Gallowgate Square development and that a review of the Masterplan priorities was not required;

The Cabinet agreed that officers now proceed to take forward the Gallowgate Square developed in line with the decision of Cabinet on 15 September 2015.

5. Queen Elizabeth II Fields in Trust Challenge

Submitted report by the Executive Director (Economy and Communities) on (a) eight sites that had been nominated to the Queen Elizabeth II Fields in Trust in 2010; (b) ongoing discussions and correspondence between the Council and Fields in Trust that had taken place to conclude a satisfactory legal agreement; (c) a number of factors, including the enactment of the Community Empowerment Act Scotland, the development of the Council's draft pitches and facilities strategy and a proposed review of the Council's play areas, that have influenced the Council's position; and (d) the recommendation that the Council does not proceed to implement the Fields in Trust Challenge.

The Cabinet agreed to not proceed to implement the Fields in Trust Challenge.

6. North Ayrshire Landfill Advisory Fund Panel - Scottish Landfill Communities Fund

Submitted report by the Executive Director (Economy and Communities) which provided details of (a) the appointment of LandTrust in November 2015 to administer the Council's Scottish Landfill Communities Fund; (b) the establishment of the North Ayrshire Landfill Advisory Fund Panel, comprising Elected Members and Senior Officers, to act as a sounding board to inform the LandTrust's decision-making process; and (c) the Terms of Reference that have been developed in conjunction with LandTrust (Appendix 1).

The Cabinet agreed to approve the Terms of Reference for the North Ayrshire Landfill Advisory Fund Panel, as detailed in Appendix 1 to the report.

7. EU Funding & Poverty Social Inclusion

Submitted report by the Executive Director (Economy and Communities) on (a) recent approvals of EU funding; and (b) the intention to submit an application for funding to the Poverty and Social Inclusion ESF programme for a package of projects, as detailed in 2.10 of the report.

Members asked questions and were provided with further information in relation to match funding levels that are generally 60/40, with 60% required from the applicant and 40% provided from the funder.

The Cabinet agreed to (a) note the approvals of EU funding received to date; (b) approve the submission of a bid to the Poverty and Social Inclusion programme in line with the proposals and funding package; and (c) delegate authority to the Head of Economic Growth to negotiate the final package of proposals with Scottish Government Structural Funds Division.

8. Community Empowerment Act (2015): North Ayrshire Council consultation responses

Submitted report by the Executive Director (Economy and Communities) on (a) a range of consultations on proposals for statutory guidance and regulations as part of the Community Empowerment Act (Scotland) 2015; and (b) the proposed responses to the consultations, as detailed in Appendices 1 - 4 to the report.

Members asked questions and were provided with further information in relation to:-

- the Council's existing Community Asset transfer and Guidance that includes information on the length of time it takes to process a community asset transfer request; and
- the complexities around the community right to buy abandoned, neglected or detrimental land.

The Cabinet agreed to approve the submission of the consultations responses to the Scottish Government in terms of (a) Community Planning: Consultation on draft guidance and regulation; (b) Participation Requests: Consultation on draft regulations; (c) Asset transfer: Consultation on draft regulations; and (d) Consultation on secondary legislation proposals relating to Part 3A of the Land Reform (Scotland) Act 2003 – the community right to buy abandoned, neglected or detrimental land as introduced by the Community Empowerment (Scotland) Act 2015.

9. Community Asset Transfer Applications

Submitted report by the Executive Director (Economy and Communities) on community asset transfer applications received in respect of a number of properties and associated grounds, as detailed in Appendix 1 to the report.

Members asked questions and were provided with further information in relation to:-

- the approximate 3 months timescale to progress from Stage 4 to final transfer; and
- the development of a pilot partnership programme with ANCHO to assess the added value in terms of social, educational and health and well being of the neighbourhood.

The Cabinet agreed to (a) approve the transfer, subject to the satisfactory conclusion of negotiations by Officers at Stage 4 of the North Ayrshire Council Community Asset Transfer process (to agree the terms and conditions of lease, purchase or transfer of ownership of the properties and associated grounds) in respect of (i) Coastwatch Scotland; (ii) North Ayrshire Staff Association; (iii) Irvine Judo Club; (iv) Ayrshire Communities Education and Sport; and (b) a pilot a partnership arrangement with ANCHO at Redburn Community Centre.

10. Procurement Reform Scotland Act 2014 & Public Procurement (Scotland) Regulations 2015

Submitted report by the Executive Director (Finance and Corporate Support) on a number of actions required to comply with changes to the Public Procurement rules as result of the Procurement Reform Scotland Act 2014 and Public Procurement (Scotland) Regulations 2015, which came into effect on 18 April 2016, as detailed at Appendix 1 to the report.

Members asked questions and were provided with further information in relation to training and support that will be provided to businesses in respect of changes that will be made to contract award criteria.

The Cabinet agreed to endorse the key actions, outlined in section 3.1 and 3.2 of the reports, which require to be implemented to comply with the Procurement Reform Scotland Act 2014 and Public Procurement (Scotland) Regulations 2015.

11. North Ayrshire HSCP 2015/16 Final Position

Submitted report by the Executive Director (Finance and Corporate Support) which set out (a) the final outturn for the North Ayrshire Health and Social Care Partnership; (b) a range of factors contributing to an increased overspend and proposed actions by the NAHSCP to ensure there is no recurrence of an overspend in 2016/17; and (c) options available to meet the increased deficit.

Members asked questions and were provided with further information in relation to a report to Cabinet on the corrective action that has been implemented and that the Partnership will deliver services in 2016/17 within available resources

The Cabinet agreed to (a) provide additional funding of £0.854m, in addition to the £1.255m agreed on 29 March 2016, on a non-recurring basis to the Integrated Joint Board; and (b) request the North Ayrshire HSCP bring forward a report early in 2016/17 providing further assurance that the Partnership will deliver services in 2016/17 within available resources.

12. Authority to invite tenders for the Framework for Construction Design and Management (CDM) Services

Submitted report by the Executive Director (Finance and Corporate Support) on the requirement to procure a new Framework for Construction Design and Management (CDM) Services.

The Cabinet agreed to invite tenders for the Framework for Construction Design and Management (CDM) Services.

13.1 Social Work Complaint Review Committee: Social Work Complaints Review Committee: Complaint by Mrs R and Mrs B

Submitted report by the Chief Executive on the findings and recommendations arising from the Social Work Complaints Review Committee meeting held on 4 May 2016

The Cabinet agreed to accept the Committee's recommendation to (a) partially uphold area 2 of the complaint; (b) not to uphold any other areas of the complaint; and (c) that in terms of good practice, future reports by the service to the Social Work Complaints Review Committee be based on a template to be provided to the service.

The meeting ended at 3.30 p.m.