

The Executive of North Ayrshire Council
31 January 2012

IRVINE, 31 January 2012 - At a Meeting of the Executive of North Ayrshire Council at 10.00 a.m.

Present

David O'Neill, John Reid, John Bell, Tom Barr, Alex Gallagher and Peter McNamara.

Also Present

Robert Barr, John Ferguson and Ronnie McNicol.

In Attendance

E. Murray, Chief Executive; I.T. Mackay, Solicitor to the Council; L. Friel, Corporate Director and A. Bodie, Head of Infrastructure and Design (Finance and Infrastructure); I. Colvin, Corporate Director and O. Clayton, Head of Community Care and Housing (Social Services and Health); M. Armstrong, Head of Logistics and Infrastructure (Education and Skills); J. Montgomery, General Manager (Policy and Service Reform), A. Wattie, Communications Officer and M. Anderson, Committee Services Officer (Chief Executive's Service).

Chair

Councillor O'Neill in the Chair.

1. Declarations of Interest

There were no declarations by Elected Members in terms of Standing Order 16.

2. Minutes

The Minutes of the previous meeting of the Executive held on 17 January 2012 were signed in accordance with paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Revenue Budget 2011/12: Budgetary Control Statement to 30 November 2011

Please note: This item was subject to call-in and submitted to the Scrutiny Committee for consideration in line with the Council's Scheme of Administration. Please refer to the Minutes of the Meeting of the Scrutiny Committee held on 13 February 2012.

Submitted report by the Corporate Director (Finance and Infrastructure) on the revenue budgetary control position for the Council as at 30 November 2011.

An in-year underspend of £7.221m is forecast in terms of the General Services Revenue Budget of £335.5m. Sections 2.3-2.11 of the report commented on significant General Services variances and Appendices 1-8 provided further detail. Other adjustments and savings were set out at Sections 2.12-2.16 of the report.

A number of requests for budget transfer, or virements, have been identified since the previous report to the Executive. These were set out in Appendix 10 to the report. A summary of the year-end General Services revenue projections, based on variances at the end of November 2011, was shown in the table at Section 2.16 to the report.

Details of a projected underspend of £1.888m at 31 March 2012 on the Housing Revenue Account were contained in Appendix 9 to the report. In addition to the anticipated underspend shown, a further £0.128m has been identified as being available from the balance brought forward at 1 April 2011. Proposals for the total uncommitted balance of £2.016m were set out at Section 2.17 of the report.

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

- the Zero Waste Fund monies which currently form part of the Finance and Infrastructure projected underspend, but which are expected to be utilised during the next financial year;
- the early realisation of savings arising from the operational review in Streetscene; and
- the level of projected underspend after efficiencies and committed expenditure, when expressed as a percentage of the overall budget.

The Executive agreed to (a) note the financial position outlined in the report; (b) approve the budget virements referred to in Section 2.15 of the report; (c) approve the plans to reinvest a further £0.086m of the projected saving within Education and Skills in order to build capacity to support the raising of attainment; (d) approve the plans to reinvest £0.870m of the projected savings within Education and Skills to support the capital programme; (e) note the proposals outlined in Section 2.18 for the utilisation of the HRA balance of £2.016m; and (f) refer the report to the Scrutiny Committee for information.

4. Capital Monitoring to 30 November 2011

Submitted report by the Corporate Director (Finance and Infrastructure) on the financial position of the Council's capital budgets as at 30 November 2011.

The table at Section 2.2 of the report summarised the movements in the General Services budget since the previous report to the Executive. Actual expenditure to 30 November 2011 (Period 8) amounted to £8.843m or 37.6% of the revised annual budget for 2011/12 of £25.543m, compared with 39.3% for the same period in 2010/11. Details of actual expenditure by project against the revised budget for 2011/12 alongside further anticipated expenditure to 31 March 2012 were set out at Appendix 1 to the report.

Section 2.5 of the report detailed a number of projects considered by the Capital Programme and Assets Group (CPAG) to be met from uncommitted funds totalling £0.252m at 30 November 2011. These related to the Kilmory Primary School toilet conversion, Pennyburn Primary School roof replacement, Montgomerie Park Multi-Use Games Area and the Transport Depot at Lamlash. The table at Section 2.7 of the report summarised the total adjustments of £0.323m recommended by the CPAG.

Section 2.6 of the report set out projects which might be funded from an underspend of £0.870m in connection with revenue funding for the Teacher Induction Scheme. The projects in question related to Saltcoats Town Hall, Largs RNLI slipway and Irvine Leisure Centre.

Actual expenditure on the HRA capital budget to 30 November 2011 (Period 8) amounted to £12.232m or 48.2% of the revised budget of £25.366m. This compares with an actual spend of 46.3% for the same period in 2010/11. Details of actual expenditure by project against the revised budget for 2011/12 were set out at Appendix 2 to the report, together with projected expenditure to 31 March 2012.

It is anticipated that the HRA capital programme will be underspent by £1.261m at 31 March 2012. Section 2.14 summarised proposals for the use of the projected underspend.

Members asked questions, and received clarification, on the proposed over-programming referred to in Section 2.8 of the report.

The Executive agreed to (a) note the actual expenditure to 30 November 2011 and the forecast of expenditure to 31 March 2012; (b) approve the requested revisions to budgets and inclusion of the additional projects as outlined in the report for both General Services and HRA; and (c) refer the report to the Scrutiny Committee for information.

5. Police and Fire and Rescue Reform: Local Scrutiny and Engagement Implementation Network

Submitted report by the Chief Executive on the Scottish Government's intention to create a Local Scrutiny and Engagement Implementation Network in preparation of the new single Scottish Police and single Scottish Fire and Rescue Service.

On 8 September 2011, the Scottish Government announced its intention to bring forward legislation to create a single Scottish Police Service and a single Scottish Fire and Rescue Service. The resultant Police and Fire Reform (Scotland) Bill was formally introduced to the Scottish Parliament on 16 January 2012. A note summarising the key provisions in the related Bill was attached at Appendix 1 to the report.

The Bill includes a framework for the delivery of local policing and fire and rescue services that will protect and improve local services and strengthen the connection between services and communities. This is based on 3 key elements:

- the designation of a Local Commander (Police) and a Local Senior Officer (Fire and Rescue);
- the production of a Local Policing and a Local Fire and Rescue Plan; and
- the creation of a strong formal relationship between councils and the services.

The Scottish Government has indicated its intention to facilitate a Local Scrutiny and Engagement Implementation Network commencing in March 2012. The Network will provide an opportunity to plan, trial, evaluate, refine and share learning about the implementation of local arrangements before 'going live', which could be as early as April 2013. Expressions of interest are currently being sought from local authorities and the police and fire & rescue services to join the Network as Pathfinders or Networkers. Details of these roles were set out at Section 2.3 of the report.

The report proposed that, subject to agreement with Strathclyde Police and Strathclyde Fire and Rescue, the Council would express an interest to act as a Pathfinder on the Network, with a view to exploring a broader project with South Ayrshire Council in due course. A Note on the Council's current joint working arrangements with Strathclyde Police was attached at Appendix 2 to the report.

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

- whether expressions of interest are to be directed to civil servants or the relevant Minister;
- East and South Ayrshire Councils' positions in relation to the proposals;
- the benefits of participating as a Pathfinder authority; and
- Scottish Government resources to support the proposals.

The Executive agreed that, subject to agreement with Strathclyde Police and Strathclyde Fire and Rescue, the Council would express an interest to act as a Pathfinder on the Network, with a view to exploring a broader project with South Ayrshire Council in due course.

6. Charitable Trust Funds Administered by North Ayrshire Council

Submitted report by the Solicitor to the Council recommending funds for amalgamation into new town Trust Funds subject to the approval of the Office of the Scottish Charity Regulator (OSCR).

At its meeting on 6 December 2011, the Executive approved in principle the creation of town Trust Funds, but requested that those Funds with specific purposes other than for the relief of the poor, be excluded from the proposed amalgamation and also agreed that the Margaret Archibald Trust Fund in Dalry be kept separate. A copy of the paper considered at the December 2011 meeting of the Executive was attached at Appendix 1 to the report.

Following the decision of the Executive in December 2011, the list of public Trust Funds has been re-examined. A small number of those previously listed Funds have Trust purposes which are specific and do not relate to the relief of poverty. It was, therefore, recommended that the following Funds be excluded from the amalgamation scheme:-

- McGavin Park, Kilwinning;
- Anderson Park, Largs;
- Largs War Memorial Fund;
- Douglas Sellars Trust, Irvine; and
- Margaret Archibald Trust, Dalry.

The report recommended that an amalgamation scheme be submitted to OSCR. If approved, this would allow the sums in the various Funds to be pooled and available for disbursement having regard to the new Trust purposes, as set out in the previous report to the Executive. It was further suggested that Purpose 4 (the advancement of the arts, heritage, culture or science) be deleted from the purposes listed for the North Ayrshire Council (Largs) Charitable Trust as this purpose referred to the Largs War Memorial Fund, which is no longer included in the new town Fund.

The Executive agreed to (a) approve the list of public Trust Funds to be proposed for amalgamation and to retain as individual funds those referred to in Section 2.2 of the report; and (b) submit the proposed scheme for amalgamation to the Office of the Scottish Charity Regulator for approval.

7. Tender for Provision of a Community Mediation Service

Submitted report by the Corporate Director (Social Services and Health) on the tender exercise for the provision of a community mediation service in North Ayrshire.

At its meeting on 11 October 2011, the Executive agreed to a tender exercise for the provision of a community mediation service in North Ayrshire. A formal tender for a contract period of two years from 1 April 2012 to 31 March 2014, with the option to extend by one additional year, was advertised in line with European Union procurement regulations on 21 October 2011.

2 tender submissions were received and assessed initially for their capability and capacity to provide the service against a number of criteria set out in Section 2.1 of the report.

Both submissions met the criteria for capability and were then evaluated by a panel consisting of Officers from Community Safety Services and a North Ayrshire Council tenant representative. The panel assessed the submissions for their proposed approach and value for money. The weighting of 30% cost/70% quality was chosen to reflect the importance of achieving a high level of service and customer engagement. The cost/quality weightings, the evaluation criteria and the completed evaluation matrix were detailed in Appendix 1 to the report.

West of Scotland Mediation Limited scored highest against the evaluation criteria. The cost of the service is £138,000 for the financial year 2012/13, and £140,000 for 2013/14. There is recurring budget provision to fund the new contract for these two years.

The Executive agreed to award the contract for the provision of a community mediation service in North Ayrshire to West of Scotland Mediation Limited.

8. Exclusion of the Public and Press

The Executive 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 involves the likely disclosure of exempt information as defined in Paragraph 8 of Part 1 of Schedule 7A of the Act.

9. Irvine - Montgomerie Park: Proposed Sale of Site 2

Submitted report by the Solicitor to the Council on progress following the marketing of Site 2, Montgomerie Park, Irvine and seeking authority to conclude missives subject to securing satisfactory terms of sale.

On 28 January 2003, the Corporate Services Committee of North Ayrshire Council agreed the marketing strategy to develop Montgomerie Park. Sites have been brought to the market individually to achieve best value to the Council from land sales. Advice on timing of the marketing and acceptability of offers has been provided by an external property consultant appointed in accordance with the decision of the Corporate Policy Committee of 5 February 2002.

Site 2 was originally marketed in the autumn of 2006 and an offer to purchase was progressed to missives in the spring of 2007. Housing market conditions deteriorated over the course of the same year and the developer resiled from the missives in May 2008.

Site 2 was re-marketed in the spring of 2011. Although a number of developers expressed interest in competing for the site, only one offer was submitted on the closing date in May 2011. The Council's Property Advisor recommended against acceptance of the submitted offer. However, the Developer has now submitted an improved offer to purchase the site, subject to conditions. The Council's Property Advisor has confirmed that the offer represents "full price in the current market". Details were set out in Section 3 of the report.

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

- the infrastructure required to secure future development;
- the Council's role in encouraging house-building and investment in the local area; and
- the likely community benefit arising from the proposed development.

The Executive agreed to remit to the Solicitor to the Council to (a) progress to conclusion of missives for the sale of Site 2; and (b) investigate alternative arrangements to deliver infrastructure to open up further sites in the Montgomerie Park and report findings back to a future meeting of the Executive.

The Meeting ended at 10.50 a.m.