

Corporate Services Committee  
29 August 2006

**IRVINE, 29 August 2006** - At a Meeting of the Corporate Services Committee of North Ayrshire Council at 2.00 p.m.

**Present**

David Munn, Tom Barr, John Moffat, Jack Carson, Gordon Clarkson, Jane Gorman, Alan Hill, Elizabeth McLardy, Margaret McDougall, Elisabeth Marshall, David O'Neill, Donald Reid, John Reid and Ian Richardson.

**In Attendance**

I. Snodgrass, Chief Executive; B. MacDonald, Assistant Chief Executive (Development and Promotion); J.M. Macfarlane, Assistant Chief Executive (Personnel); J. Paul, Head of Technical Services (Property Services); A. Fraser, Manager Legal Services and C. Anderson, Trainee Solicitor (Legal and Protective); S. Humphries, Chief Revenues and Benefits Officer and C. McCourt, Finance Manager (Finance); G. Lawson, Head of Corporate and Democratic Support, A. Wattie, Communications Officer and M. Anderson, Corporate and Democratic Support Officer (Chief Executive's).

**Chair**

Councillor Munn in the Chair.

**Apologies for Absence**

Drew Duncan, Peter McNamara and Alan Munro.

**1. Minutes**

The Minutes of the Meeting of the Committee held on 13 June 2006, copies of which had previously been circulated, were confirmed.

**2. Declarations of Interest**

Councillors Hill and O'Neill declared an interest in items 7 and 13 respectively and took no part in the discussion thereon.

**3. Largs Railway Station**

Submitted report by the Assistant Chief Executive (Development and Promotion) and received a presentation by consultants Jacobs Babbie Ltd. on the Council's role in facilitating the future development of Largs Railway Station and surrounding area.

Jacobs Babbie Ltd. were appointed to prepare an assessment of options for the future development of Largs Railway Station and surrounding area and, in particular, to identify key issues inhibiting development and their possible resolution.

The availability of staff car parking has been identified as an essential requirement of Network Rail and the consultants have regarded the relocation of this facility as the key component in opening up the opportunity for future development of the site. The potential acquisition of land by the Council and the formation of alternative car parking would provide a possible way of creating momentum in the future development of the station and surrounding area.

The Committee agreed to remit to the Assistant Chief Executive (Development & Promotion) to investigate further the opportunity to create momentum identified by the consultants.

#### **4. Irvine: Kyle Road: Kyle Industrial Estate: Factory Unit 33**

Submitted report by the Assistant Chief Executive (Development and Promotion) on the proposed conversion and sub-division of Unit 33, Kyle Industrial Estate, Kyle Road, Irvine, to provide 3 units for letting.

The Council-owned industrial unit has been vacant for some time and, based on officers' experience of enquiries received, it is considered appropriate to sub-divide it to provide 3 smaller units of 178 square metres, 190 square metres and 468 square metres, respectively. The cost of conversion is estimated at £154,000.

The Committee agreed to the sub-division of Unit 33, Kyle industrial Estate, Kyle Road, Irvine, to provide 3 units for letting.

#### **5. Benefits Investigation Team Performance 2005/06 and Business Plan for 2006/07**

Submitted report by the Assistant Chief Executive (Finance) on the performance of the Benefits Investigation Team during 2005/06 and on the approval of the business plan for 2006/07.

In 2005/06, the Benefits Investigation Team took part in the National Fraud Initiative (NFI) run by Audit Scotland to identify potential fraud by individuals claiming housing benefit from more than one Council or by employees who have not declared an income when claiming benefit. The Team received 596 referrals in 2005/06 and this resulted in the discovery of fraudulent overpayments totalling £358,237.

Appendix 1 to the report showed the performance of the Benefits Investigation Team during 2005/06 for 20 key performance indicators, together with revised targets for 2006/07. Appendix 2 to the report set out the Benefits Investigation Team business plan for 2006/07 which will provide the Team with a strategic direction for 2006/07 and meet one of the Department for Work and Pensions' performance standards enablers.

The Committee (a) noted the performance of the Benefits Investigation Team during 2005/06 as detailed Appendix 1 to the report; and (b) agreed to the business plan for 2006/07, as set out in Appendix 2.

## **6. Corporate Services Budget 2006/07: Budgetary Control**

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

The Committee (a) noted the year-end projected underspend based on current information; and (b) agreed that the Chief Executive and Assistant Chief Executives should take the necessary action to bring the budget back on target.

## **7. West Kilbride: Seamill Mill: Public Right of Way**

Submitted report by the Assistant Chief Executive (Legal and Protective) on an alleged obstruction to a public right of way on a short length of path adjacent to Seamill Mill, West Kilbride, leading from the A78 to the foreshore.

A number of complaints have been received regarding alleged obstruction of the path and road at this location. There is evidence that the path in question is a public right of way for pedestrian purposes. There is, however, no established right of way for vehicles over the adjacent road.

A compromise solution to the issue has been offered by the Council which would:-

- Address the issue of the reduced width of the path over time. A footpath should have a minimum width of 1.2 metres and, although much of the path gives such a width, the minimum width is currently 0.9 metre in places. The owner would attach new fence posts on the outside of the existing posts, which would increase the width of the path to 1.1 metres between the fence posts. When the posts needed to be replaced in due course, the owner would widen the path to 1.2 metres, provided that this did not interfere with the vehicle access required by Montgomerie Estates and Scottish Water.
- Remove the herras fencing along the path and the post obstructing the end of the path, provided that some means can be found to restrict access by quad bikes.

- Remove the kissing gate at the start of the path and have it replaced by another gate allowing pushchair and wheelchair access, provided that the new gate prevented quad bike and vehicle access.
- Provide for the installation by the Council's Cleansing Service of a dog waste bin at the foreshore end of the path to address the complaint of dog fouling, provided that vehicle access could be provided to empty this.

The Local Member expressed dissatisfaction with the compromise solution offered and requested further legal action to be taken. There are 2 possible grounds for legal action, namely under the Countryside (Scotland) Act, 1967 or in terms of the Land Reform (Scotland) Act, 2003 which provides power to the Council to take action where access has been stopped up other than for a legitimate land management reason.

During discussion, Members expressed the view that it seemed reasonable, in the interest of road safety, to restrict pedestrian access at the point at which there was a potential conflict between vehicle and pedestrian access to the area. However, as there is no legitimate land reason for narrowing the path beyond this point, the original width should be restored from where the path curves.

The Committee agreed (a) that the Manager Legal Services request the owner of the path and road to restore the original width of the path beyond the point at which there is a potential conflict between vehicle and pedestrian access, namely where the path curves; and (b) in the event of the owner failing to comply with the Council's request, that the Manager Legal Services take appropriate legal action in the matter.

## **8. Pay Awards**

Submitted report by the Assistant Chief Executive (Personnel) on the 3 pay awards agreed for Chief Officers, Local Government Employees and Teaching Staff.

Negotiations between management and Trades Unions have resulted in a 2-year settlement for Chief Officers and Local Government employees. The revised pay arrangements are for a salary increase of 2.5% from 1 April 2006 and 2.5% from 1 April 2007. The agreement for Teaching Staff reached in 2003 provided for an increase of 2% from 1 April 2006. The pay awards have already been implemented.

The Committee agreed to approve the actions taken by the Assistant Chief Executive (Finance) and the Assistant Chief Executive (Personnel) in implementing the pay awards.

## **9. Dispute Resolution Procedure**

Submitted report by the Assistant Chief Executive (Personnel) on an agreed procedure to resolve disputes between Council management and the Local Government and Craft Trade Unions.

Currently, there is no written process specifically covering dispute resolution. However, the 5 Local Government and Craft Trade Union officers have now agreed to a formal Dispute Resolution Procedure as set out in Appendix 1 to the report.

The Committee agreed to approve the procedure set out in Appendix 1 to the report.

## **10. Corporate Services (Recruitment) Sub Committee: Head of Building Services (Property Services)**

Submitted report by the Assistant Chief Executive (Personnel) on the establishment of the Recruitment Sub Committee in order to effect an appointment to the post of Head of Building Services.

During the Council recess, it was agreed that appropriate steps be taken to seek a new appointment to the post of Head of Building Services. Such appointments require to be undertaken by the Corporate Services (Recruitment) Sub Committee.

The Committee agreed that the Recruitment Sub Committee comprise the Chair of Corporate Services Committee, the Chair of Property Services Committee, the Chair of Corporate Policy Committee and 2 representatives of Property Services Committee, at least one of whom should be a member of the minority parties.

The Committee agreed to approve the establishment and composition of a Corporate Services (Recruitment) Sub Committee as set out in the report.

## **11. Perceton House: Office Accommodation**

Submitted report by the Corporate Director (Property Services) on proposed office accommodation changes at Perceton House.

A specialist report was commissioned to examine the issue of dampness in the basement area of the former Mansion House at Perceton and identify remedial measures. The report confirms that the basement is affected by serious penetrating and rising dampness and estimates a total cost of £189,000 to address the defects and restore the basement areas to a condition suitable for re-occupation.

Alternative accommodation will be required for the Development and Promotion staff currently located in the basement area to allow the remedial works to be carried out. The preferred solution is to create new meeting rooms within the existing foyer area of the main office block at Perceton and provide office accommodation for the relocated staff by conversion work to the existing meeting rooms and adjacent area of the Estates section of Development and Promotion. The estimated cost of this work is £100,000, excluding loose furniture and equipment.

The Committee agreed (a) to authorise the Head of Technical Services, in consultation with the Assistant Chief Executive (Development and Promotion) and the Head of Roads, to arrange for alterations to be carried out to the main office block at Perceton to provide additional accommodation for staff to be relocated from the basement area of the mansion house at Perceton and for all necessary dampness remedial works to be carried out to the basement area; and (b) that the appropriate Chief Officers, in consultation with the Chief Executive, give consideration to the potential future uses for the basement area following completion of the remedial works.

## **12. Perceton House: Security Arrangements**

Submitted report by the Corporate Director (Property Services) on the outcome of a review of security arrangements at Perceton House.

Following consultation with the Council's Risk Manager, Strathclyde Police were asked to carry out a survey of security at Perceton House. The report contains a range of recommendations, including installation of CCTV cameras and associated improved lighting. The estimated cost of these works is between £75,000 and £100,000.

The Committee agreed that CCTV cameras, improved lighting and associated security measures be carried out at Perceton.

## **13. Saltcoats: 43 Ardrossan Road: Lease of Office Premises**

Submitted report by the Assistant Chief Executive (Legal and Protective) on a proposed 5-year lease of the premises at 43 Ardrossan Road, Saltcoats.

Following the establishment of the Irvine Bay Regeneration Company, discussions have taken place regarding the potential use of the premises as a base for the Regeneration Company. The Principal Estates Officer has negotiated with representatives of the company and a rent of £15,000 per annum, exclusive of rates and other outgoings, has been provisionally agreed.

The Committee agreed to lease the premises at 43 Ardrossan Road, Saltcoats to Irvine Bay Regeneration Company Limited for a period of 5 years at a rental of £15,000 per annum and on other terms to be agreed.

#### **14. Corporate Health and Safety Group**

Submitted the annexed report (Appendix CS1), being the Minutes of the Meeting of the Corporate Health and Safety Group held on 18 August 2006.

Noted.

#### **15. 1st Tier Joint Consultative Committee (Local Government and Craft Operatives)**

Submitted the annexed report (Appendix CS2), being the Minutes of the Meeting of the 1st Tier Joint Consultative Committee (Local Government and Craft Operatives) held on 18 August 2006.

Noted.

The Meeting ended at 3.40 p.m.

**Corporate Services Committee**  
**29/08/2006**

Appendix No  
**CS1**

Corporate Health and Safety Group  
18 August 2006

**IRVINE, 18 August 2006** - At a Meeting of the Corporate Health and Safety Group of North Ayrshire Council at 2.00 p.m.

**Present**

Councillors David Munn and Alan Munro; J. M. Macfarlane, Assistant Chief Executive, C. McBreen, Principal Health and Safety Adviser and T. Quigley, Safety Adviser (Personnel); J. Leckie, Head of Service (Educational Services); B. Burns, Manager (Resources)(Social Services) and J. Currie, Head of Cleansing, Grounds Maintenance and Transport (Property Services) (North Ayrshire Council); F. Minnery and P. Houston (GMB); E. Lamb (PAT); A. Cairns (T&GWU); I. Ross (EIS); B. Thomson and E. Duncan (SSTA); and S. Herd (UNISON).

**In Attendance**

M. McKeown, Corporate and Democratic Support Officer (Chief Executive's) (North Ayrshire Council).

**Chair**

Councillor Munn in the Chair.

**Apologies for Absence**

A. Smith (GMB) and T. Dalling and C. Turbett (UNISON).

**1. Minutes**

The Minutes of the Meeting of the Committee held on 12 May 2006 were confirmed.

**2. Affirmation of Office Bearers**

The following office bearer appointments were confirmed for a period of one year:-

Chair - David Munn

Vice Chair - Ian Ross

Joint Secretaries - J.M. Macfarlane and S.Herd.



### **3. Health and Safety Strategy and Policy: Progress Report**

Submitted report by the Assistant Chief Executive (Personnel) on the implementation of the Council's Health and Safety Strategy and Policy.

The Council's Health and Safety Strategy, which was approved by the Corporate Services Committee in March 2005, is now entering its second year. The revised Strategy reinforces the strengthened framework for the management of Health and Safety within the Council and sets out a framework of policy development, organisation of resources, hazard identification and risk assessment, planning, monitoring and audit.

A revised Council Health and Safety Action Plan for 2006/07 was agreed by the Corporate Management Team in June 2006. Appendix 1 to the report summarised the progress being made against the revised action plan. Progress on management of Stress is shown in the Council Health and Safety Action Plan shown at Appendix 2. The following areas were highlighted:-

- **Health and Safety Planning Groups**

All Groups are now well established within each Service and continue to meet on a quarterly basis although there is still scope for better representation from the employee side.

The Services representatives present provided an update on the work of their respective Groups.

- **Stress Management**

The programme of stress risk assessments is now complete. The Stress Working Group will now be recalled in August/September to consider the results and also consider a revision of the Stress Management Action Plan in order to take forward issues arising.

The Stress Management Handbook has been revised and will be made available on Navigate initially. Hard copies will be issued at a later date.

- **Health and Safety Master File**

All Files have now been issued to designated holders. Additional policies and guidance continue to be revised and introduced. A significant number of the documents have now been included in an electronic version of the File and placed on the Council's Intranet "Navigate". Hard copies will be issued at a later date.

- **Service Health and Safety Action Plans**

All Services have now been requested to update their 2006/07 Health and Safety Action Plans to conform to the revised Council Health and Safety Action Plan. Greater emphasis in these plans is given to ensuring that key issues are identified and programmed so that progress is able to be monitored. The Lead Safety Advisers will continue to work with the nominated Officers in each Service in order to develop the Plans and resolve issues arising from them.

The Corporate Management Team will ensure effective implementation of health and safety management throughout North Ayrshire Council, and in particular will:-

- agree developments of the health and safety management system;
- agree Health and Safety Strategy and Policy;
- establish strategies to implement policy and ensure these are integrated into the general activities of the Council;
- agree the Corporate Health and Safety Action Plans; and
- agree Service Health and Safety Plans and monitor progress.

Noted.

#### **4. Employee Accident Statistics: Monitoring Report**

Submitted report by the Assistant Chief Executive (Personnel) summarising employee accident statistics during the period 1 April to 30 June 2006.

During the period there was a total of 54 employee accidents of which 12 were required to be reported to the Health and Safety Executive. Details of these incidents were provided in the report.

In future regular monitoring reports will be submitted to each Service Health and Safety Planning Group. Services will continue to monitor reports on workplace accidents and incidents and ensure that appropriate action is taken to reduce risk and avoid recurrences.

Noted.

#### **5. Violence and Aggression Incidents: Monitoring Report**

Submitted report by the Assistant Chief Executive (Personnel) summarising incidents involving violence and aggression towards employees during the period 1 April to 30 June 2006.

During the period there were 96 incidents involving violence or aggression towards staff. A breakdown of incidents by Service was provided in the report. The majority of incidents did not involve physical injury and none were required to be reported to the Health and Safety Executive.

Reporting of incidents across all Services has been improved. The Council's Policy and Guidance on Aggression and Violence is now in place and all employees with responsibilities or duties under the Policy will be required to monitor incidents and follow up on incidents. Monitoring reports will continue to be submitted to each Service Health and Safety Planning Group. A "Violent Warning Markers database" is also being compiled to identify and share information about persons who may present a risk to Council employees.

Noted.

#### **6. Date of Next Meeting**

The next meeting of the Corporate Health and Safety Group will be held on Friday 17 November 2006 at 1.00 p.m. in Cunninghame House, Irvine.

The Meeting ended at 1.50 p.m.

**Corporate Services Committee  
29/08/2006**

Appendix No  
**CS2**

1st Tier Joint Consultative Committee  
Local Government Employees and Craft Operatives)  
18 August 2006

**IRVINE, 18 August 2006** - At a Meeting of the 1st Tier Joint Consultative Committee (Local Government Employees and Craft Operatives) of North Ayrshire Council at 2.00 p.m.

**Present**

Councillors David Munn and David O'Neill (North Ayrshire Council); S. Herd (UNISON); A. Cairns, S. Tremble and S. O'Reilly (T&GWU); A. Smith, P. Houston and F. Minnery (GMB).

**In Attendance**

J.M. Macfarlane, Assistant Chief Executive and W. Turpie, Senior Personnel Adviser (Personnel); and M. Anderson, Corporate and Democratic Support Officer (Chief Executive's).

**Chair**

Councillor Munn in the Chair.

**Apologies for Absence**

Peter McNamara and Alan Munro (North Ayrshire Council); and C. Turbett and T. Dalling (UNISON).

**1. Chair's Remarks**

The Chair intimated that the quorum requirement for 3 representatives of each side to be in attendance had not been achieved and sought the views of the meeting as to whether or not to proceed on an informal basis.

It was unanimously agreed that the lack of a quorum for the meeting notwithstanding, those present would proceed to consider the business of the meeting.

**2. Minutes**

The Minutes of the meeting of the Committee held on 12 May 2006 were confirmed.

### **3. Local Government Pension Scheme: Consultation on Scheme Changes**

Submitted report by the Assistant Chief Executive (Personnel) on consultation being undertaken in respect of changes to the Local Government Pension Scheme and providing an update from the Actuarial Evaluation completed for the Strathclyde Pension Fund.

The Strathclyde Pension Fund (SPF) Actuarial Review was published in March 2006 and advised that, as at 31 March 2005, the SPF was 97% funded, equating to a £230m shortfall. In order to close the deficit over a period of 10.6 years, employers' funding costs, currently 14.3%, or 245% of employee contributions, will increase to £15.9%, or 275% of employee contributions.

In terms of proposed changes to the Local Government Pension Scheme (LGPS), the LGPS (Scotland) Amendment Regulations, which come into force in October 2006, introduce proposals to change the Scheme to comply with the Employee Equality (Age) Regulations 2006 and with changes arising from the new tax regime introduced by the Finance Act 2004.

The main changes arising from the Age Discrimination legislation are that the Normal Retirement Date will be regularised to 65 years of age and the "Rule of 85" removed. Transitional arrangements for current members mean that all members who elect to retire before the age of 65 and who would satisfy the "Rule of 85" will not have their benefits accrued up to 31 March 2008 reduced, and members who reach the age of 60 before 1 April 2020 and who satisfy the "Rule of 85" will be able to retire before the age of 65 without any reduction to their pension on benefits accrued to 31 March 2020.

Changes to the Pension Scheme arising from the new tax regime include removing the existing scheme limits on benefits and contributions and increasing the maximum membership age to 75. The earnings cap will also be removed, as will employer discretion to waive contributions when 40 years' service has been achieved before the age of 60. Commutation of a pension lump sum will be available, up to 25% of capital value of benefits, at £12 for every £1 of pension and it will be possible for members to receive AVCs as a lump sum provided they are within the 25% limit. Flexible retirement will also be introduced from 1 October 2006, where hours and grade are reduced.

Noted.

### **4. Employment Equality (Age) Regulations**

Submitted report by the Assistant Chief Executive (Personnel) on the forthcoming Age Regulations and the implications for the Council.

The Employment Equality (Age) Regulations prohibit age discrimination in the workplace from 1 October 2006. The Regulations specifically outlaw direct and indirect discrimination, victimisation and harassment on the grounds of age and will apply to all employees, applicants for employment and ex employees. The Regulations set a default retirement age of 65 years and require that, between 6 months and 12 months of an employees' retirement date, the employer must notify the employee of their retirement date and ask if they wish to be considered for working beyond that date. The employee will have a statutory right to request a continuation of their employment and an employer will have a statutory obligation to consider seriously such requests and assess them on the grounds of the business case for accepting or rejecting the application.

Noted.

## **5. Shared Services**

The Assistant Chief Executive (Personnel) tabled, for information, a copy of the Council's response to the Scottish Executive regarding its consultation on a strategy for shared support services in the Scottish public sector.

Representatives of the Trades Unions were invited to write to the Assistant Chief Executive (Personnel) with any questions they may have on the content of the Council's consultation response.

The Committee agreed to receive further reports to future meetings on the issue of shared support services.

## **6. National Fraud Initiative 2006/07**

The Assistant Chief Executive (Personnel) tabled, for information, a report on Audit Scotland's plans for the National Fraud Initiative exercise for 2006/07 and its implications for the Council.

The National Fraud Initiative in Scotland is a data matching exercise conducted every 2 years by Audit Scotland. Its purpose is to help participating bodies to identify possible cases of fraud and correct any consequential under or over payments from the public purse. The 2006/07 exercise is targeted at reducing the level of housing benefit fraud, occupational pension fraud, payroll fraud and tenancy fraud.

Since the provision of data is a statutory requirement placed upon the Council, the consent of the employee is not required. However, steps will be taken to ensure that employee data is managed in compliance with the Data Protection Act 1998 and other relevant legislation and that all employees are properly informed about the exercise.

The Council intends to put a number of measures in place to inform its employees and the Trade Unions of the data matching exercise. A short message will be placed on all employee pay slips prior to the exercise commencing and a letter will also be attached providing details of the exercise. In addition, a notice will be posted on all North Ayrshire Council notice boards. At the same time, the Trades Unions will receive up-to-date information on the exercise, together with a copy of the letter being sent to employees.

Noted.

## **7. Audit of Best Value and Community Planning: Improvement Plan Progress Report as at 30 June 2006**

Submitted report by the Chief Executive on progress in implementing the Improvement Plan arising from the Audit of Best Value and Community Planning.

A progress report submitted to the Corporate Policy Standing Sub Committee on 7 June 2006 was attached as Appendix 1 to the report, for information.

Of the 50 actions in the Improvement Plan, 20 were rated as "A" (complete or otherwise on target) and 30 as "B" (had slipped to some extent in relation to the original timescale) as at 31 March 2006. The slippage for those actions with a "B" rating was considered to be within acceptable parameters and revised timescales have been set for their completion. The position as at 30 June 2006 has altered only marginally from that at 31 March 2006.

There was discussion arising from the Improvement Action Plan Progress Report as at 31 March 2006 about possible mechanisms for consulting with non-unionised sections of the workforce. Union representatives requested the Council's support in highlighting the issue of Union membership to new employees, including the possible participation of the Unions in the employee induction process and, subject to Data Protection considerations, accessing new employee contact details.

The Committee agreed (a) to note progress to date in implementing the Improvement Plan; and (b) that the Assistant Chief Executive (Personnel) liaise with Union representatives on possible mechanisms to raise employee awareness of Union membership.

The Meeting ended at 3.00 p.m.