

The Executive of North Ayrshire Council  
13 March 2012

**IRVINE, 13 March 2012** - At a Meeting of the Executive of North Ayrshire Council at 10.00 a.m.

**Present**

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

**In Attendance**

E. Murray, Chief Executive and Chief Inspector R. Newbigging, Director of Community Safety; L. Friel, Corporate Director, A. Bodie, Head of Infrastructure and Design, C. Hatton, Head of Environment and Related Services and D. Lodge, Supervisory Engineer (Finance and Infrastructure); I. Colvin, Corporate Director and O. Clayton, Head of Community Care and Housing (Social Services and Health); A. Sutton, Head of Community and Culture (Education and Skills); J. M. Macfarlane, Head of Human Resources; and S. Bale, Policy and Performance Officer, K. Dyson and D. Moroney, Communications Officers and M. Anderson, Committee Services Officer (Chief Executive's Service).

**Also In Attendance**

C. Murie, Policy Officer, Transport Scotland.

**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 28 February 2012 were signed in accordance with paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973, subject to the following amendments, viz:- (a) Item 3 being amended to reflect estimated savings of £7,600, rather than £7,500, in respect of participation in the telecare contract equipment; and (b) Item 5 being amended to include an undertaking by the Corporate Director (Finance and Infrastructure) to provide Members with a copy of the asset values and to provide 6-monthly reports on progress on the Action Plans.

**3. Director of Community Safety**

Submitted report by the Chief Executive on progress in terms of the work of the Director of Community Safety.

In a previous report to the Executive in March 2011, Chief Inspector Newbigging indicated the immediate priorities set out at Section 2.1 of the report. Details of how these priorities have been met over the last six months were set out in the appendix to the report, together with the following identified priorities for the forthcoming year:-

- delivery of the Multi Agency Problem Solving Group (MAPSG);
- delivery of the Scottish Government "No Knives Better Lives" initiative;
- delivery of the Multi Agency Response to Domestic Violence Team;
- development of a Neighbourhood approach; and
- assisting North Ayrshire with the preparation for, and transition to, a Scottish Police Service.

The report noted that Elected Members have engaged productively in the work of the MAPSG through their involvement in Environmental Visual Audits of targeted areas referred to in Appendix 1.

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

- the background to the varying crime reduction statistics set out in the appendix to the report;
- the need to build community capacity to maintain the momentum of the improvements achieved in targeted areas;
- measures to ensure that the Multi Agency Problem Solving Group continues to operate effectively given the significant number of partners now participating;
- background information on the proposed Neighbourhood Approach;
- the likely implications of a Scottish Police Service on the operation of a localised approach;
- the outcome of the Council's expression of interest in being a Pathfinder authority on the Local Scrutiny and Engagement Implementation Network, in preparation for the new single Scottish Police and single Scottish Fire and Rescue Service;
- the need for a culture change within the Council, other partner agencies and the community itself, to ensure the benefits of the work currently being done continue to be delivered in the future; and
- the Council's Community Learning and Development section's role in supporting the process and building community capacity.

The Executive agreed (a) to note the progress outlined at Appendix 1 to the report; and (b) that a further progress report be submitted in six months' time.

#### **4. Revenue Budget 2011/12: Budgetary Control Statement to 31 January 2012**

Submitted report by the Corporate Director (Finance and Infrastructure) on the revenue budgetary control position for the Council as at 31 January 2012.

The Period 10 General Services projected outturn for 2011/12 reflected a saving of £5.374m. This has arisen from the early delivery of a number of efficiency initiatives. In addition, there is a £1.544m underspend (0.5% of the net budget) due to actual spend being less than that anticipated when the original budget was established.

As a result of the significant savings achieved by services within the current year, the report sought approval to meet the estimated in-year costs of the Change programme (£3.067m) from the 2011/12 budget provision, which would leave the Change Fund intact for use in future years. Approval was also sought to carry forward £3.394m into 2012/13 to fund various initiatives. These actions would result in a total net in-year underspend of £3.851m.

Sections 2.5-2.15 of the report, and Appendices 1-8, provided a commentary on significant variances in the General Services budget by Service, as well as other adjustments relating to major works, loan charges and Council Tax. The table at Section 2.16 of the report provided a summary of the year end General Services revenue projections, based on variances at the end of January 2012.

In terms of the Housing Revenue Account (HRA), projections at Period 10 indicate a reduced forecast underspend of £1.846m at 31 March 2012, as illustrated at Appendix 9 to the report. This movement is mainly due to the anticipated refund from Building Services reducing from £0.976m at Period 8 to a revised figure of £0.815m. The table at Section 2.18 of the report summarised the position on the Housing Revenue Account at the end of January 2012.

The net projection on the HRA for the year is a £0.350m overspend compared with a budgeted overspend of £2.196m, which was to be funded by the balance brought forward at 1 April 2011 of £7.811m. The resultant balance at 31 March 2012 is now projected to be £7.461m, of which £5.487m is already earmarked. As a result of the reduced surplus, the approval given on 31 January for the use of the uncommitted sums now requires to be revised. The report proposed that the uncommitted balance is now used to reduce Prudential Borrowing by £0.574m in the 2011-12 Capital Programme as opposed to the £0.616m highlighted in the previous report.

Members asked questions, and received clarification, on difficulties in sourcing labour to support the HRA Window Replacement Programme.

The Executive agreed to (a) note the financial position outlined in the report; (b) approve the revised proposal outlined in Section 2.18 of the report for the utilisation of the uncommitted HRA balance; (c) approve meeting the in-year costs of the Change Programme from the 2011/12 underspend; (d) approve the carry forward of £3.394m of earmarked funds into 2012/13; and (e) refer the report to the Scrutiny Committee for information.

## **5. Capital Monitoring to 31 January 2012**

Submitted report by the Corporate Director (Finance and Infrastructure) on the financial position of the Council's capital budgets as at 31 January 2012.

Actual expenditure to 31 January 2012 (Period 10) amounted to £11.746m or 53.6% of the revised annual budget for 2011/12 of £21.913m, compared with actual expenditure of 64.4% 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.

The total expenditure anticipated to be incurred at 31 March 2012 is now £19.508m, which represents further spend between 1 February and 31 March of £7.762m. The projection is a decrease of £2.411m from that reported for the period ended 30 November 2011, primarily due to further slippage being identified. Details were provided at Section 2.4 of the report.

Since the report to 30 November 2011, further underspends totalling £0.206m have been identified, the main component being in Private Sector Housing Grants where an underspend of £0.195m is projected. When added to the over-programming of £0.071m identified in the previous report to the Executive, there now remains total uncommitted funds of £0.135m. The Capital Programme and Assets Group's recommendations on the use of £0.069m in uncommitted funds were set out in the table at Section 2.6 of the report.

The projected underspend will result in a reduction of £4.955m in the anticipated amount of Prudential Borrowing undertaken in 2011/12 which will have a corresponding impact on the Revenue Budget for 2012-13. Capital receipts from sale of assets in 2011/12 are forecast to be £1.138m, which are credited direct to the Capital Fund for use in funding the capital programme in future years. Full details of capital receipts and all capital income were provided at Appendix 1 to the report.

In terms of the Housing Revenue Account Capital Budget, actual expenditure to 31 January 2012 (Period 10) amounted to £15.777m or 63.7% of the revised annual budget of £24.765m, compared with 61.6% for the same period in 2010/11. Details of actual expenditure by project against the revised budget for 2011/12 were contained in Appendix 2 to the report, alongside anticipated expenditure to 31 March 2012. It is currently anticipated that the HRA capital programme will be underspent by £0.559m at 31 March 2012. This underspend is due to project slippages, primarily in the Window Replacement Programme, and requires to be carried forward into 2012/13.

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

- the background to profiling issues surrounding the Dreghorn Primary School project and the likelihood of the overall project being delivered on time;
- the way in which profiling is carried out and reported in future;
- delays associated with the HRA Window Replacement Programme and any implications for procurement in future; and
- communication arrangements with tenants on the rescheduling of window replacement work.

The Executive agreed (a) to approve the further revisions to the General Services budget outlined in Sections 2.2 and 2.6 of the report; (b) to note the actual expenditure to 31 January 2012 and projected expenditure to 31 March 2012 for the General Services and Housing Revenue Account budgets, as detailed in Appendices 1 and 2, respectively; (c) to refer the report to the Scrutiny Committee for information; and (d) that the Head of Environment and Related Services provide Elected Members with information on a ward-by-ward basis on the number of tenants affected by delays in the Window Replacement Programme and confirming that communication has taken place with tenants on the delays and the revised arrangements.

## **6. Kilwinning Community Sports Club Legacy Project**

Submitted report by the Corporate Director (Education and Skills) on the work done since December 2011 on the Revised Business Plan of Kilwinning Community Sports Club in order to allow the Executive to consider releasing the funds set aside in the 2011/12 General Services Revenue Budget.

At its meeting of 2 February 2011, the Council agreed to set aside a budget of £0.642m in the current financial year as a contribution to Kilwinning Community Sports Club (the Club) for their Legacy Project. At that time, the value of the Legacy Project was around £3m.

At its meeting on 6 December 2011, the Executive was advised that the Club's original Business Plan contained insufficient detail on the underlying assumptions of financial forecasts to allow adequate analysis. The Club has now produced a revised Business Plan which addresses many of the Council's initial concerns. The Club's Statement of Financial Activities details projected income and expenditure in order to arrive at 'Net Incoming Resources' over the period 2011/12 to 2014/15. There are some items, however, which have either been omitted, or require to be adjusted for the purposes of assessing the Club's ongoing cashflow position. Details were provided at Appendix 1 to the report.

The report proposed that landlord consent be granted to allow the project to proceed on the land leased from the Council by the Club. In the light of the reduced cost of the project, a reduced award of £0.500m to the Club was proposed. The Council would undertake to provide support to the Club, as appropriate, for the duration of the Legacy Project. Governance arrangements, as agreed by the Council on 7 September 2011, should then be implemented, as detailed in Section 3.5 of the report.

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

- the viability of the project in the event of the contribution from Irvine Bay Regeneration Company being less than the £0.200m anticipated;
- further information on monitoring arrangements in respect of the project;
- arrangements for the future provision of general support to the Club, including capacity building;
- the role of sportscotland and the need to ensure adequate support is in place to assist the Club's volunteers; and
- any risk associated with uncertainty around income streams totalling £0.055k.

The Executive agreed to (a) approve landlord consent to allow the building project to progress on land leased by the Club; and (b) progress with a contribution to Kilwinning Community Sports Club of £0.500m in support of the Legacy Project, subject to the conditions referred to in Section 3 of the report being met.

## **7. Write off of Tenant Rent Arrears**

Submitted report by the Corporate Director (Finance and Infrastructure) on tenant rent arrears and court costs and seeking approval to write off irrecoverable amounts.

Rent arrears of £1,000,998.14 are outstanding at 31 January 2012, with £65,187.15 (6.51%) now deemed to be irrecoverable. A further £31,483.00 of court costs were also deemed to be irrecoverable, making a total of £96,670.15. The comparative figure for the same period for 2010/11 was £97,070.23, of which £20,059.20 was court costs.

In accordance with the Code of Practice, £69,618.26 has been written off with the approval of the Corporate Director (Finance and Infrastructure), after consultation with the Chief Executive. The remaining £27,051.89, relating to tenants with total balances owed of £1,000 or more, requires the approval of the Executive for write off.

The Welfare Reform Working Group will track changes which may impact adversely on the level of rent arrears and subsequent write offs. This will be monitored to identify issues at the earliest opportunity, in order to minimise the impact on residents, the Council's rent collection levels and delivery of the Housing Business Plan.

The Executive agreed to write off balances in excess of £1,000, per tenant, totalling £27,051.89.

## **8. Scottish Ferry Services – Draft Plan for Consultation**

Submitted report by the Chief Executive on the Scottish Ferry Services Draft Plan for Consultation.

The aim of the Scottish Ferries Review, which was commissioned by the Scottish Government and began in 2008, is to improve ferry services so that they can continue to contribute to the economic development of island and remote communities. The draft Plan sets out the proposed way ahead and looks at how to improve connections, reliability and journey times. Proposals include more vessels and services across extended operating days, how best to fund services, and how to deliver them in a more environmentally friendly way.

An excerpt of the draft Plan and a proposed response prepared by the Head of Infrastructure and Design, were attached at Appendices A and B, respectively.

The proposals affecting North Ayrshire can be summarised as follows:-

- the Ardrossan to Brodick Service to be upgraded to a two vessel service operating a more frequent shuttle service through to the late evening (10 p.m. instead of the current 7.30 p.m.);
- services between Claonaig and Lochranza to be reviewed following changes to the Ardrossan to Brodick service; and
- for the Cumbrae service, the intention would be to include a later evening service for one or two evenings per week as part of the next tender for Clyde and Hebridean Ferry services in 2013.

The draft Plan also notes proposed upgrade of Brodick terminal between 2013 and 2015, as a result of future capacity constraints and recognising the forthcoming Road Equivalent Tariff (RET).

Cheryl Murie of Transport Scotland addressed the meeting on the background to the review and the consultation arrangements in place.

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

- the current status of the Road Equivalent Tariff (RET);
- issues surrounding the short contract period of 6 months for ferry operators;
- the possibility of more profitable routes being tendered separately from the main bundle of Clyde and Hebridean ferry services;
- the delayed report by Scottish Ministers;
- the need to strengthen the wording of the draft response in relation to the use of Ardrossan Harbour and later sailing, including on Saturdays, for Cumbrae;
- the importance of engaging with the Irvine Bay Regeneration Company in respect of the consultation response; and
- the likely timescale for the introduction of new vessels.

The Executive agreed (a) to note the content of the Scottish Ferry Services Draft Plan; and (b) approve the recommended response set out at Appendix B to the report, subject to (i) the Head of Infrastructure and Design strengthening the wording of the response in respect of proposals for Ardrossan Harbour and the desired later sailing (including on Saturdays) for Cumbrae; and (ii) the revised response being circulated to Elected Members for their feedback prior to its submission to the Scottish Government.

## **9. Reshaping Care for Older People - Change Fund**

Submitted report by the Corporate Director (Social Services and Health) on progress in the development of Year 2 Reshaping Care for Older People Change Fund and endorse the Change Fund Plan for 2012/13 which sets out for North Ayrshire CHP Committee and the Community Planning Partnership how this agenda will progress.

The Scottish Government has provided a template to show progress towards implementing the Reshaping Care for Older People agenda across the partnership in North Ayrshire. This was attached at Appendix 1 to the report.

Key areas of work which will have been taken forward as part of Reshaping Care for Older People were set out at Section 2.2 of the report and related to:-

- Supporting people with Dementia;
- Care homes;
- Anticipatory Care and End of Life Training;
- Care at Home, including out of hours;
- Intermediate Care and Enablement;
- The Community Ward model;
- Older People Review Team ;
- Local Operational Teams (LOTs); and
- The Older People's Housing Strategy.



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

- the background to, and operation of, the Community Ward model;
- in terms of the Older People's Housing Strategy, the implications of landlords not being registered;
- concerns regarding the template set out in the appendix to the report and the position with regard to parties signing up to the template;
- longer terms issues in respect of work with NHS Ayrshire and Arran on Reshaping Care for Older People; and
- arrangements for the provision of feedback to the Community Planning Partnership on the Council's position regarding the template.

The Executive agreed (a) to endorse the Change Fund Template attached at Appendix 1 of the report; and (b) that the General Manager (Policy and Service Reform) and Policy and Performance Officer provide feedback to the next meeting of the Community Planning Partnership Board on matters the Council would wish to see addressed in the second year of operation of the Reshaping Care for Older People agenda.

## **10. Ayrshire Shared Services - Governance Arrangements**

Submitted report by the Chief Executive on the proposed establishment of an Ayrshire wide Joint Committee that will oversee the operation of, and provide democratic accountability for, shared local authority services across Ayrshire.

At its meeting on 8 September 2010, the Council received a report seeking authorisation for the establishment of a Joint Committee leading to a Joint Board for Ayrshire Regulatory Services (Building Standards, Trading Standards and Environmental Health) in terms of Section 62A of the Local Government (Scotland) Act 1973. At that time, while a Lead Authority approach was originally agreed by the Ayrshire local authorities as the preferred way ahead. The Joint Board was considered the simplest way of employing staff from all three councils and for providing an effective model of governance for the shared services under consideration.

In the autumn of 2010, the management overview of the Shared Service joint working groups was re-shaped to include the establishment of the Shared Services Executive and a new project board to include the three Ayrshire councils and NHS Ayrshire and Arran. The Project Board undertook to review business plans and re-examine governance models. The review concluded that a joint board was not a viable option and that governance could instead be undertaken through a Joint Committee.

The report proposed that the Joint Committee should be the vehicle through which all local authority Shared Service Projects, as agreed by the partners, are managed. If the Executive agrees to the establishment of a Joint Committee, the relevant Minute of Agreement will be produced by the three Solicitors to the Council. Individual service specific 'Service Agreements' would be put in place for each shared service and submitted for approval by each Council. Section 3.2 of the report summarised the main provisions of a Minute of Agreement.

Members asked questions, and received clarification, on the frequency of meetings of the Joint Committee to be prescribed within the Minute of Agreement.

The Executive agreed to (a) approve the proposal to establish an Ayrshire Shared Services Joint Committee; and (b) request that the Solicitor to the Council brings back a detailed Minute of Agreement for the establishment of the Joint Committee to a future meeting of the Executive.

## **11. North Ayrshire Children's Panel Advisory Committee - Reappointment**

Submitted report by the Chief Executive on the proposed confirmation of a reappointment to the Children's Panel Advisory Committee.

The North Ayrshire Children's Panel Advisory Committee (CPAC) was established in 1996 and currently consists of five members, two nominated by the Council and three by the Scottish Ministers. Its function is to:-

- interview and recommend possible panel members to the Scottish Government;
- monitor the performance of panel members on Children's Panels; and
- advise on such matters relating to the general administration of panels as may be referred to them.

Under the Children's Hearing (Scotland ) Act 2011, the CPAC will be disbanded when a new system of Area Support Teams is introduced from late September 2012.

In December 2007, the Executive agreed to nominate Mrs Pamela Maxwell to the Advisory Committee. That term is now due for renewal. Mrs Maxwell is the Vice Chair of the CPAC and has confirmed her willingness to continue in her role.

The Executive agreed to extend the appointment of Mrs Pamela Maxwell as a member of the Children's Panel Advisory Committee until such time as the new system of Area Support Teams is introduced.

## **12. Financial Assistance to Outside Bodies**

Submitted report by the Chief Executive on an application for financial assistance.

In October 2010, the Executive agreed to set aside £10,000 to fund links between North Ayrshire and Malawi, North Ayrshire-wide organisations, external bodies and affiliations in financial year 2011/12.

Taking into account annual commitments and grants awarded during the year, a balance of £54.80 remained. Two part-refunds have been credited to the Corporate Grants budget and a balance of £399.23 is therefore available for disbursement in 2011/12.

Appendix 1 to the report summarised an application for financial assistance of £500 from North Ayrshire Access Panel. An officer assessment was provided at Appendix 2. The report proposed that the Executive award the remaining balance to the applicant organisation.

The Executive agreed to award the remaining balance of £399.23 to North Ayrshire Access Panel.

## **13. Update in Transfer of Southern Cross Care Homes**

Submitted report by the Corporate Director (Social Services and Health) on the recent transfer of Southern Cross Care Homes to new operators and issues arising from this.

Southern Cross Healthcare owned 4 homes across North Ayrshire - Warren Park Nursing Home, Largs (75 beds), Spiers Care Home, Beith (48 beds), Three Towns Care Home, Stevenston (60 beds) and Moorpark, Kilbirnie (44 beds). Not all placements within each establishment were funded by North Ayrshire Council. Southern Cross Health Care announced in July 2011 that they could no longer sustain operations and they would put plans in place to continue care arrangements and identify new operators.

Over September and October 2011, arrangements were put in place for new providers to take over Southern Cross's health care business. This work was concluded on 1 November 2011 and Southern Cross's four homes were transferred to new owners with effect from midnight on that date.

The table at Section 2.2 of the report provided information on the new landlords and incoming providers. Current Care Inspectorate Grades for the homes in question were provided at Section 2.4 of the report. The remainder of that section outlined current issues with the four homes.

Contract Monitoring Officers within Social Services will continue to work with the new providers and ensure the requirements of the national care home contract are fulfilled. Officers will also liaise with the Care Inspectorate and raise any concerns at an early stage, and the progress of the new providers will be discussed on a regular basis at the Care Inspectorate liaison meetings.

Members asked questions, and received clarification, on the future viability of Warren Park and any actions which the Council might require to take as a result.

Noted.

#### **14. Register of Roadworks Annual Performance Review**

Submitted report by the Corporate Director (Finance and Infrastructure) on the Council's duties in relation to managing activity on the local road network and to highlight the 3<sup>rd</sup> Annual Performance Review by the Scottish Road Works Commissioner

Under the Transport Scotland Act 2005, the Scottish Road Works Commissioner (SRWC) is required to keep a register known as the Scottish Road Works Register (SRWR). The register is the central tool for roads authorities and utility companies, to assist in the planning, and more importantly the coordination, of all activities on the public road network.

Each Roads Authority in Scotland is required to provide the necessary input into the Register for their local area. The SRWC then monitors and reports on performance. The Commissioner has powers to act against anyone failing to notify the local authority of any impending road works, and against the local authority itself for inadequate management of the Register.

The Commissioner has completed a review of North Ayrshire Council's performance for the period October 2010 to September 2011 and reports performance against four specific areas:-

- Noticing Activity and Fixed Penalty Notices;
- Management & Timing of Works;
- Gazetteer Submissions: Valid gazetteers submitted; and
- Attendance at the South West RAUC(S) (Roads Authorities and Utilities Committee [Scotland]) Meetings: 100% attendance.

The results of the review show that the Council is pro-actively responding to the Commissioner's requirements and are showing signs of continuous improvement. This is highlighted in the comparison of results chart at Appendix A to the report, which shows the Council's compliance against both the South West RAUC and the Scottish average.

An increase in the use of early starts has been reported. However, noticing is still at an acceptable level compared against the guidance issued by the Commissioner. Efforts are ongoing to increase the focus on forward planning that should assist in delivering improvements on the timing of works.

There have been 152 fines issued against utility companies for various offences during the review period generating £14,720 of income.

Noted.

**15. Corporate Health and Safety Group: Minutes of Meeting held on 23 February 2012**

Submitted report by the Chief Executive on the Minutes of the Meeting of the Corporate Health and Safety Group held on 23 February 2012.

Noted.

The meeting ended at 12.25 p.m.