

The Executive of North Ayrshire Council  
20 April 2010

**IRVINE, 20 April 2010** - At a Meeting of the Executive of North Ayrshire Council at 2.45 p.m.

**Present**

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

**In Attendance**

E. Murray, Chief Executive; B. Docherty, Corporate Director (Social Services and Health); C. Kirk, Corporate Director and J. Leckie, Head of Community/Culture (Education and Skills); A. Herbert, Corporate Director, C. Hatton, Head of Environment and T. Reaney, Procurement Manager (Finance and Infrastructure); J.M. Macfarlane, Head of Human Resources, J. Montgomery, General Manager and M. Anderson, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor O'Neill in the Chair.

**Apologies for Absence**

Peter McNamara.

**1. Declarations of Interest**

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

**2. Amendment to Retirement Policies: Local Government Pension Scheme and Scottish Teachers' Superannuation Scheme**

Submitted report by the Head of Human Resources on proposed amendments to the Council's Retirement Policies.

The Council requires to update and amend its Retirement Policy to reflect a number of recent changes to the Local Government Pension Scheme effective from April 2009. In addition, the Council's Retirement Policy for Teachers requires to be amended following statutory changes to the Scottish Teachers' Superannuation Scheme.

Appendix 1 to the report provided a summary of the changes to both Retirement Policies for the Local Government Pension Scheme and the Scottish Teachers' Superannuation Scheme. The revised Retirement Scheme applicable to Local Government Employees and the Retirement Policy for the Scottish Teachers' Superannuation Scheme were attached at Appendices 2 and 3 respectively.

Among the key changes to the Local Government Pension Scheme, are:-

- an amendment from 1/80th to 1/60th in the accrual rates;
- the introduction of tiered contributions depending on salary;
- a minimum retirement age of 55 for new members from 1 April 2009;
- an increase in death in service benefits; and
- the recognition of cohabiting partners.

Changes to the Scottish Teachers' Superannuation Scheme related to:-

- a change to the minimum retiral age for Premature Retirals from 50 to 55 years from 6 April 2010;
- discretionary powers to pay actuarial reduction in full or part; and
- discretion to make an election to augment a teacher's pension from a minimum of £100 to a maximum of £5,000.

The Executive agreed to approve the changes made to the Retirement Policies.

### **3. Domestic Abuse Policy and Management Guidance**

Submitted report by the Head of Human Resources on the proposed introduction of a Human Resource policy and procedure to support employees who may be experiencing domestic abuse.

The Council recognises that domestic abuse is a serious issue within society, affecting the lives of many adults and children. It already has in place a number of initiatives to support any resident of North Ayrshire who is experiencing domestic abuse. However, there are no formal Human Resource policies or procedures to support North Ayrshire Council employees.

Policy documents have now been produced to ensure that all managers have formal guidance available to assist them when dealing with employees who are experiencing domestic abuse, and also to ensure that employees are aware of the support available. The 'Domestic Abuse Policy - Support for Employees' and 'Domestic Abuse Policy - Management Guidance' were set out in Appendices 1 and 2, respectively.

The Executive endorsed the introduction of the 'Domestic Abuse Policy - Support for Employees' and the accompanying Management Guidance document.

### **4. Review of Leisure, Sport and Recreational Provision in North Ayrshire**

**NOTE: This item was subject to the call-in procedure per the Council's Scheme of Administration. Please refer to the Minutes of the Meeting of the Scrutiny Committee held on 14 May 2010.**

Submitted report by the Corporate Director (Education and Skills) on a summary of the initial outcomes of the review of leisure services and to seek agreement of the

next stages of investigation.

At its meeting on 8 September 2009, the Executive agreed to set up a review of leisure, sport and recreational provision across North Ayrshire. Grant Thornton were commissioned to carry out initial investigations of the options for the future delivery of these services. A report on their initial findings was made available at the start of 2010 and the report and a summary paper were discussed at Elected Member seminars on 24 February and 10 March 2010.

The initial options appraisal exercise conducted by Grant Thornton considered 6 approaches to the provision of sport, leisure and recreational services, as set out in section 2 of the report. Further actions now proposed as the next stage of the review were detailed in section 3 of the report and included exploring further the potential new approaches to the delivery of the services under review and seeking advice and guidance on financial and other issues relating to these potential approaches, including seeking the views of East and South Ayrshire on a joint approach to service delivery. It is proposed that Grant Thornton be retained to carry out these next steps and prepare a business case for future options and that a further report on the outcome of this exercise be submitted by November 2010.

Members discussed both the need to examine all the potential options and the likely timescales associated with the exercise, and considered how best to engage with and keep informed those affected by the review. The Chief Executive advised that she and the Corporate Director (Education and Skills) would meet with representatives of the North Ayrshire Federation of Community Associations (NAFCA) in early May 2010 to provide them with a copy of the Grant Thornton report and ensure they are fully informed as to the next steps in the review.

The Executive agreed to (a) progress the review of leisure, sport and recreational services as outlined in section 3 of the report; and (b) receive a further report on the outcome of this next stage of investigation by November 2010.

## **5. Priorities for Sportscotland Support**

Submitted report by the Corporate Director (Education and Skills) on a list of priorities to be put forward for Sportscotland funding support.

Sportscotland is seeking the views of local authorities on the sports projects likely to be seen as a priority by the Council within its local area. This does not imply that the Council will fund any of these projects but rather that support will be given to the needs and benefits of the proposals.

The Council's strategy for Physical Activity, Sport and Health is currently under review and will be completed by October 2010. In the meantime, the 6 projects detailed in Appendix 1 to the report have been identified as priorities for support, namely the Auchenhavie Ice Redevelopment project, the Magnum Leisure Centre Replacement, the Garnock Academy project (including secondary school, primary school, Garnock Pool replacement and pitch provision which would support the Garnock Rugby Club), Kilwinning Sports Club, Irvine Sports Club and any future developments at Inverclyde Sports Centre.

The Executive agreed that the list of projects attached to the report at Appendix 1, be submitted to SportsScotland as the priorities to be supported in North Ayrshire.

## **6. Kilwinning: Winton Avenue (Third Round Funding): Council House Building**

Submitted report by the Corporate Director (Social Services and Health) on the proposed transfer of land to the Housing Revenue Account, the submission of an application to the Scottish Government for £420,000 of funding to progress a third Council house building project and the proposed use of £650,000 of HRA balances to contribute towards the development should the bid to the Scottish Government be successful.

On 9 February 2010, the Scottish Government invited local authorities to bid for the third round of funding to allow the development of new Council housing. Housing Services has produced a bid on behalf of the Council, for £420,000. This amounts to £30,000 per unit, the maximum grant available from the Scottish Government. The overall project costs are anticipated as £1,825,600. The bid seeks to facilitate the development of a further 14 new houses on the Winton Avenue site in Kilwinning, adding to the existing new development of 26 units currently being progressed on the site as a result of a successful second round bid.

Section 3 of the report provided details of the housing unit types proposed, the timescales associated with the development, the intention to deliver the project with a Registered Social Landlord (Irvine Housing Association) and how the overall costs of the project could be met.

Members discussed the difficulties associated with identifying suitable, affordable land for development in the North Coast area, the current position with regard to the first stage of development at Winton Avenue in Kilwinning and opportunities for efficiencies arising from it, and the value of the land in question.

The Executive agreed to (a) the transfer of land at Winton Avenue, Kilwinning to the Housing Revenue Account, at a nil value; (b) endorse the submission of the document "Incentivising Council House Building; Application for Funding" to the Scottish Government on behalf of North Ayrshire Council and (c) approve the use of £650,000 of HRA balances to contribute towards the development, in the event that the bid to the Scottish Government is successful.

## **7. Children's Outreach Services**

**NOTE: This item was subject to the call-in procedure per the Council's Scheme of Administration. Please refer to the Minutes of the Meeting of the Scrutiny Committee held on 14 May 2010.**

Submitted report by the Corporate Director (Education and Skills) on Out of School Care services and seeking agreement on the way forward for Children's Outreach Services within the efficiency targets set.

During the past 10 years, Children's Outreach Services has worked effectively with local communities to encourage the development of Out of School Care in their area. The services run by North Ayrshire Council itself are mainly in areas where it was not possible to establish a parents' group to manage the service but where the demand for childcare was very high. Appendix 1 to the report detailed current distribution of childminders by town across North Ayrshire.

Section 2 of the report provided details of the current breakdown of provision and the associated costs and charges. Section 3 of the report considered two approaches to funding the Out of School Care service to enable a level of service to be provided. The report considered that Option 1, namely the full recovery of costs associated with Council provision, would result in significant increases to charges which parents would not be willing to pay. Option 2 would involve increased charges and efficiency savings in 2010/2011. An efficiency saving of £300,000 for year 2010/11 could be achieved by increasing the cost of Out of School Care by 50% and accepting a savings package to cover the shortfall. Full details of the savings package were set out in Appendix 2 to the report. Appendix 3 detailed the financial assistance available to parents to help meet child care costs.

Members discussed the need to support parents and encourage the development of the voluntary sector to ensure adequate child care provision and reduce the requirement for Council services in this area. Members recognised that a further change to the pricing structure to full cost recover would be required in future years.

The Executive agreed to approve (a) the first phase of the new pricing structure for Out of School Care as set out in option 2 in section 3 of the report; (b) the additional savings package outlined in appendix 2 to the report; (c) the development of alternative delivery models through community enterprises or equivalent by the end of 2012; and (d) noted that a further change to the pricing structure to full cost recovery will be required in future years.

#### **8. North Ayrshire Community Health Partnership (CHP) Committee: Minutes of Meeting held on 4 February 2010**

Submitted report by the Chief Executive on the Minutes of the Meeting of North Ayrshire Community Health Partnership (CHP) Committee held on 4 February 2010.

Noted.

#### **9. North Ayrshire Community Planning Partnership (CPP) Board: Minutes of Meeting held on 18 March 2010**

Submitted report by the Chief Executive on the Minutes of the Meeting of North Ayrshire Community Planning Partnership (CPP) Board held on 18 March 2010.

Noted.

#### **10. Shewalton Landfill Site: Procurement of Works**

Submitted report by the Corporate Director (Finance & Infrastructure) on the proposed appointment of contractors to undertake works at the Shewalton Landfill Site to enable the continued disposal of waste collected by the Council and meet the operating conditions of the Pollution, Prevention and Control (PPC) permit.

The Shewalton Landfill site, used to dispose of waste collected by the Council, is subdivided into 5 areas or cells which are developed and subsequently capped and restored as they reach capacity. Cell 1 has been completed and restored, Cell 2 has reached capacity and now requires capping and restoring, and Cell 3 is currently accepting waste and will reach capacity later in the current year. Cells 4 and 5 are yet to be developed to receive waste.

It is necessary to appoint suitable contractors to undertake works to cap and restore Cell 2 and to construct Cell 4 to enable the disposal of waste in due course. Halcrow Group Limited, the Council's retained consultants for the development of the Shewalton Landfill Site, have undertaken a procurement exercise on behalf of the Council. Details of the exercise were set out in section 2 of the report.

Wills Bros Limited scored the highest for the works detailed in the tender documents and it is, therefore, proposed that the company be appointed to undertake the required works.

Members asked questions about the price/quality evaluation criteria and received reassurances that Wills Bros Limited had the necessary experience and references to demonstrate satisfactorily their ability to meet the requirements of the contract.

The Executive agreed to approve the award of contract for works to construct Cell 4, cap and restore Cell 2, and construct an access road to the new Cell within the Shewalton Landfill site, to Wills Bros Limited on the terms set out in the report.

## **11. The Provision of an Emergency Call Out Service for Various Council Locations**

Submitted report by the Corporate Director (Finance and Infrastructure) on tenders for the provision of an emergency call out service for various Council locations.

The Council requires an Emergency Call Out Service to attend Council premises in the event of an alarm activation, break-in or vandalism. There is no existing Council contract or contract through Scotland Excel for emergency call outs for Council locations, each Service currently having their own arrangements in place.

A Corporate Working Group has been set up to work on a corporate contract for this service. It is proposed that the Council tenders for a 3-year contract commencing in September or October 2010 and with a further option of two 1-year extensions, depending on supplier performance. It is suggested that the contract is split into a maximum of three geographical lots and is issued under the European Union (EU) procurement process. The Restricted tendering process will be used due to security issues in relation to properties, with a Pre-qualification Questionnaire be issued to all suppliers which note an interest. A minimum of 5 suppliers would then be placed on the tender list.

Members discussed the security safeguards in place and the requirement for tenderers to be registered and approved with the Security Industry Authority (SIA) Approved Contractor Scheme.

The Executive agreed that the Corporate Director (Finance and Infrastructure) should seek tenders for the provision of an emergency call out service for various Council locations.

## **12. The All Ayrshire Approved List of Contractors**

Submitted report by the Corporate Director (Finance and Infrastructure) on the replacement of the All Ayrshire Approved List of Contractors with effect from 1 October 2010.

The All Ayrshire Approved List of Contractors has been in existence since 1996 and currently contains 600 contractors. New procurement legislation, in particular the Public Contract (Scotland) Regulations 2006, created issues with operating approved lists. It is, therefore, prudent to consider alternative methods of contractor vetting to transfer risk away from the Council and generate efficiencies in staff time.

It is proposed that the Council cease to use the Approved List with effect from 30 September 2010. Instead, all tender opportunities with an estimated value of over £30,000 will be advertised on [www.publiccontractsscotland.gov.uk](http://www.publiccontractsscotland.gov.uk), the Scottish Government's National Advertising Portal and that financial vetting be outsourced to Equifax, through the Office of Government Commence (OGC) Buying Solutions contract. Health and Safety vetting will be carried out through the Contractors Health and Safety Scheme (CHAS) and Safety Schemes in Procurement (SSIP). Technical references will still require to be carried out by Infrastructure and Design Services staff. It is proposed that a database be set up between the 3 Ayrshire Authorities to share references and reduce the need for multiple reference checks.

A transition period is proposed between now and 30 September 2010 to allow the Council to publicise details of the new process to potential contractors and to write to contractors currently on the Approved List.

Members discussed the measures in place to protect the Council from risk and at the same time to ensure smaller firms would not be discriminated against.

Noted.

## **13. Urgent Item**

The Chair agreed the undernoted item be considered as a matter of urgency to allow Members to be informed on the latest development in relation to the review of Building Services.

## **14. Building Services Consultancy**

Submitted report by the Corporate Director (Finance and Infrastructure) on the appointment of a Consultant to review Building Services.

At its meeting on 9 March 2010, the Executive approved the use of the Negotiated Procedure to appoint a Consultant to review Building Services. Two proposals were received, from Capita Symonds and Cap Gemini. The proposals were evaluated on price and quality by a panel comprising the Chief Executive, Corporate Director (Finance and Infrastructure), Head of Housing and Building Services and Head of Human Resources. The Corporate Procurement Manager facilitated the exercise and acted as a non-scoring member of the panel.

The proposal from Capita Symonds scored highest and were awarded the contract in accordance with the Standing Orders Relating to Contracts. The review exercise is expected to commence on 10 May 2010 and take approximately 13 weeks to complete.

Members discussed the need to communicate the new timescales with Building Services staff and to ensure that discussion takes place with Elected Members and Trades Unions.

The Executive noted the award of contact to Capita Symonds, in accordance with the Standing Orders relating to Contracts, to carry out a review of the Council's Building Services.

The meeting ended at 4.10 p.m.