

The Executive of North Ayrshire Council
9 September 2008

IRVINE, 9 September 2008 - At a Meeting of the Executive of North Ayrshire Council at 2.00 p.m.

Present

John Reid, Tom Barr, John Bell, Margaret McDougall and Peter McNamara.

In Attendance

I. Snodgrass (Chief Executive); B. Docherty, Corporate Director (Social Services); T. Orr, Corporate Director (Property Services); R. Forrest, Planning Services Manager (Legal and Protective); G. Lawson, Corporate Support Manager; M. Adams, Policy Officer; M. McKeown, Corporate Support Officer and A. Clarke, Communications Officer (Chief Executive's).

Chair

Councillor Reid in the Chair.

Apologies for Absence

David O'Neill.

1. Irvine: Low Green/West Road: Throughcare Facility

Submitted report by the Chief Executive on the outcome of the Scrutiny Committee's consideration of a matter called in, in terms of Standing Order 25 and the Council's Scheme of Administration in respect of the siting of a Throughcare Facility at Low Green Road/West Road, Irvine.

At its meeting on 30 April 2008, the Council considered a motion by Councillor Brown, seconded by Councillor McPhee, in the following terms "(i) that the former fire station building at Low Green Road/West Road, Irvine, shall not be used to accommodate a Throughcare facility; (ii) to direct its officers to formulate proposals for the use of the building appropriate to its character and location; and (iii) to direct its officers to identify alternative premises for the Throughcare facility." The Council agreed to remit the matter to the Executive. Subsequently, at its meeting held on 3 June 2008, the Executive considered and agreed to note a report on the Throughcare Service and the development of new premises at Low Green Road/West Road in Irvine.

In terms of Standing Order 25, Councillors Brown, McPhee and Hill requested that the Scrutiny Committee 'call in' the Executive's decision to note the report. This request was considered by the Scrutiny Committee on 16 June 2008.

After discussion, the Scrutiny Committee agreed (a) to conduct an investigation into the process which led to the decision to site the Throughcare facility at the Low Green in Irvine, including the planning history of the project and the exercising of delegated authority by officers; and (b) that the Chief Executive submit a report to the August meeting of the Committee on the concerns raised by Members of the Committee and in response to any written questions submitted by elected Members in the interim period.

On 18 August 2008, the Scrutiny Committee received a report by the Chief Executive on the concerns raised by Members of the Committee about the process which led to the decision to site the Throughcare Facility at the Low Green in Irvine. The report set out the Notice of Intention to Develop procedures which were properly followed in terms of the Town and Country Planning (Development by Planning Authorities) (Scotland) Regulations 1981, as amended by the Town and Country Planning (Development by Planning Authorities) (Scotland) Amendment Regulations 1984, including the issue of neighbour notification. The report commented that, although the Throughcare offices are wholly within the boundaries of the land held in the Social Services Account, the area being developed for the car park is held in the Irvine Common Good Account. It noted that, although it would have been better if the matter had been regularised through the former Corporate Services Committee, a view may be taken that the change was de minimis. The decision by the Corporate Director (Social Services) to proceed with the project was taken within the Scheme of Delegation in operation and a successful bid was made through the Capital Programme approved on 10 February 2005. The site at the former Fire Station on Low Green Road/West Road was the only site to meet all the Social Services criteria and both the Chair of Social Services and local Member were fully consulted in accordance with the practice at the time. No report was submitted to any Council Committee at the time of identifying the site and beginning the planning process as none was required. On 4 December 2007, the Corporate Director (Property Services) submitted a report to the Executive on the tendering process. Members noted that the facility's car park would be available for public use, but expressed concern about the appropriateness of the site for a Throughcare facility and the importance of wider consultation on sensitive matters even where the use of delegated powers was otherwise permitted. Following a roll call vote, the Scrutiny Committee agreed (a) not to endorse the decision of the Executive of North Ayrshire Council in terms of the Throughcare facility; (b) to remit the matter to the Executive; and (c) in accordance with the Council's 'call in' procedure, to submit the following statement to the Executive on its concerns, viz that "the site is not an appropriate location for a Throughcare service."

In terms of Standing Order 25, where the Scrutiny Committee decides to challenge the decision of the Executive the matter requires to be referred to the next following meeting of the Executive with a statement from the Scrutiny Committee on its concerns and with its recommendations. In the event that the Executive declines to accept the recommendation from the Scrutiny Committee the matter requires to be referred to the next meeting of the full Council for determination.

The Executive discussed the recommendation of the Scrutiny Committee and considered the terms of a letter dated 18 August 2008, from the Chief Executive to Councillor Hunter, which set out the Chief Executive's assessment of the risks the proposed facility posed to locals. The letter noted the view of the Corporate Director (Social Services) that the number of 'drop in' clients was low and that there would be no significant reduction in service if no 'drop in' facility was provided, with clients instead being brought in and taken from home. The letter concluded that the operating procedures proposed by the Corporate Director could go a considerable way to alleviating public concerns. The Executive indicated support for this position, and expressed the view that local residents should be given the opportunity to visit the premises.

After discussion, the Executive agreed to (a) decline to accept the recommendation of the Scrutiny Committee that the site is not an appropriate location for a Throughcare service; and (b) remit the matter to the full Council for determination.

2. Projects Funded from Landfill Communities Fund 2008/09

Submitted report by the Assistant Chief Executive (Legal and Protective) on the proposed programme of projects to be funded through the Landfill Communities Fund in financial year 2008/09.

Under the Landfill Communities Fund rules, the Council, as a landfill operator, may distribute up to 6.0% of the landfill tax it collects to enrolled environmental bodies, to fund environmental projects. Enrolled bodies have to obtain approval for each project from Entrust, the regulator of the Fund, to ensure projects meet the declared objects of the scheme. In the current financial year it is anticipated that £160,000 will be available from North Ayrshire Council to fund new projects.

Following evaluation, a total of 9 projects have been recommended for funding in the current year, details of which were provided in appendix 1 to the report. Enquiries have also been received in respect of 3 other projects which are not sufficiently advanced to be considered for funding at this time, and initial discussions have taken place on a further 7 possible projects which may come forward for consideration in the next financial year.

The Executive agreed (a) to approve the programme of projects to be funded from the Landfill Communities Fund in 2008/09 as set out in appendix 1 of the report; and (b) that officers liaise with local members and identify and encourage groups within the Garnock Valley to put forward projects for funding in future years.

3. Single Equality Scheme

Submitted report by the Chief Executive on the development of the Council's Single Equality Scheme 2008/11.

On 5 November 2007, the Scrutiny Committee, when approving the Council's Annual Equality Report, agreed that a Single Equality Scheme should be developed bringing together the Council's Race, Disability, and Gender Equality Schemes. The Equality and Human Rights Commission has indicated that Single Equality Schemes should contain information and actions on the existing duties on race, disability and gender, and recommended that authorities 'level up' to the highest standard set by each duty. The Corporate Equality Officers Group has sought to do this in bringing together the Council's race, disability and gender schemes in to a Single Equality Scheme. A copy of the Single Equality Scheme was appended to the report. An executive summary of the full Scheme will also be made available.

The purpose of the Single Equality Scheme is to provide a coherent Council approach to tackling and addressing discrimination and disadvantage, bringing together the Council's commitments on race, disability and gender, providing a more coordinated approach and reducing reporting separately on three different action plans. It will be consistent with the generic Equality Impact Assessment process and should streamline equality work more effectively. The Scheme lists the key priorities for each of six equality strands i.e race, disability, gender, age, sexual orientation, and religion/belief.

The Action Plan linked to the Scheme provides greater detail on how the Council will address these priorities and fulfil its statutory duties to promote equality over the next three years. The Action Plan contains a corporate section with proposed activities across all Council services and separate race, disability and gender plans identifying clearly its proposals under each of the distinct duties. There is a separate duty on the Council as an education authority to publish Disability and Gender Equality Schemes, both of which have been incorporated into the Single Equality Scheme. Employment policies relating to equality have also been included together with the Council's equal pay policy statement.

Progress in implementing the action plan will be reported in an annual equality report which will be submitted to the Scrutiny Committee. The report for 2007/08 has been drafted and will be considered by the Scrutiny Committee in autumn 2008.

The Executive agreed to approve the Single Equality Scheme and Action Plan as detailed in the report.

4. Measured Term Contract NA/111: Boiler Plant and Mechanical Services: Servicing, Maintenance and Repairs

Submitted report by the Corporate Director (Property Services) on a proposal to extend and subsequently re-tender the above measured term contract.

The current contract for the servicing, maintenance and repair of boiler plant and mechanical services was awarded in 2005 for an initial 3 years. The contract was subsequently extended in 2008 by 1 year until January 2009, with a provision for a further one year extension if acceptable to both parties. The contract has performed consistently well for the Council and, due to various operational factors, it is considered beneficial to both parties, and Best Value to the Council, to further extend the contract.

The Executive agreed (a) to grant an additional and final 1 year extension to the contract from January 2009 until January 2010; and (b) that the Corporate Director (Property Services) begin a re-tendering exercise during 2009 and award a new contract in 2010.

5. Membership of the Improvement Service

Submitted report by the Chief Executive on a invitation to the Council to become a member of the Improvement Service, the body set up to support improvement in the efficiency, quality and accountability of public services in Scotland, through provision of advice and consultancy, project management and support for learning and sharing of knowledge.

At the COSLA convention in June 2008, and at the request of the Improvement Service Board, it was agreed that all Councils in Scotland should be invited and encouraged to become members of Improvement Service. The aim is to make the Service more open and accountable to the Councils it serves. Membership will entitle the Council to approve the membership of the Improvement Service Board, to attend AGMs and call EGMs, and to input to the Service's Business Plan.

The Executive agreed to (a) accept the invitation to become a member of the Improvement Service; and (b) authorise the proper officer of the Council to sign the membership agreement.

The meeting ended at 2.30 p.m.