

The Executive of North Ayrshire Council
16 February 2010

IRVINE, 16 February 2010 - At a Meeting of The Executive of North Ayrshire Council at 2.00 p.m.

Present

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

In Attendance

E. Murray, Chief Executive; B. Docherty, Corporate Director and S. Paterson, Head of Children, Families and Criminal Justice (Social Services); R. Small, Head of Infrastructure and Design Services and C. Hatton, Head of Environment and Related Services; D. Nibloe, Chief Accountant (Finance); J. Montgomery, General Manager, A. Osborne and M. Adams, Policy and Performance Officers, M. Gilmour, Acting Communications Manager and M. Anderson, Committee Services Officer (Chief Executive's Service).

Chair

Councillor O'Neill in the Chair.

Apologies for Absence

John Reid.

1. Declarations of Interest

Councillors McDougall and McNamara declared an interest, in relation to North Ayrshire Citizens Advice Service, in Agenda Item 3 (Corporate Grants Budget 2010-13) in terms of Standing Order 16.

2. Consultation on the Draft Single Outcome Agreement (SOA) Action Plan 2010/11

Submitted report by the Chief Executive on the Draft Single Outcome Agreement (SOA) Action Plan 2010/11.

The SOA Action Plan has been developed into a Consultation Draft through liaison with Community Planning Partnership (CPP) groups, other partnerships and individual partners. The CPP's Strategic Partnerships Chairs and Community Health Partnership Chair led the development of their sections of the Action Plan and the CPP Management Group carried out a thorough review of an earlier draft of the Action Plan before agreeing the current Consultation Draft for wider circulation.

The Consultation Draft was set out in Appendix 1 to the report. Following the consultation period, a revised Final Draft will be brought back to the Executive on 9 March 2010 for approval on behalf of the Council. The CPP Board will then be asked to approve the SOA Action Plan on behalf of the Partnership as a whole on 18 March 2010.

The General Manager (Chief Executive's Service) referred to useful feedback on the draft Action Plan received at a meeting of the Strategic Management Team earlier that day.

Members sought, and received, clarification that feedback arising from Elected Member workshops had still to be incorporated in the draft Action Plan and that further work required to be undertaken to ensure that actions included in the final Action Plan were of a strategic, rather than operational, nature. Members also received further information on the composition of the Strategic Management Team, which includes senior representatives of the NHS Ayrshire and Arran, Strathclyde Police and Irvine Bay Urban Regeneration Team.

The Executive agreed to (a) note the draft SOA Action Plan; and (b) receive the Final Draft for approval at its meeting on 9 March 2010.

3. Corporate Grants Budget 2010-13

Submitted report by the Chief Executive on the allocation, administration and monitoring of Corporate Grants for the three-year period 2010/13.

The proposed grant allocations for 2010/13 were set out in Appendices 1 and 2 to the report. It was recommended that the Community Development Grants budget be reduced by 3% in each of the 3 years, Grants to Elderly Groups be held at the same level as 2009/10 and the Voluntary Playscheme budget phased out. The report proposed a reduction in the allocations to the North Ayrshire Volunteer Centre and North Ayrshire Citizens Advice Service by 3% in each of the 3 years and that Town Twinning Associations be supported from the Provost's fund, rather than from a central fund. It was further recommended that funding for links between North Ayrshire and Malawi should, in future, be considered from the amount allocated for North Ayrshire-wide organisations, external bodies and affiliations, as would Dalgarnen Mill and Hi Arts. The Red Cross project, which receives core funding from Strathclyde Passenger Transport, would be subject to a phased reduction in support over the 3-year period. Finally, the report recommended that a sum of £5,000 be transferred into the Corporate Grants budget in 2010/11 to help fund the Rape Counselling service which was the subject of a separate report later on the Agenda.

Members requested, and received, clarification on the historical split of Elderly Grant funding between former burghs and wards, noting that various groups representing older people's interests in within current Area Committee boundaries should be encouraged to work together to ensure the interests of older people throughout the ward were served.

The Executive agreed to approve the proposed arrangements for the allocation, administration and monitoring of Corporate Grants for the period 2010-13 as set out in the report and the appendices attached thereto.

4. Fostering Services

Submitted report by the Corporate Director (Social Services) on the pressures facing Fostering Services in terms of increasing demand and escalating costs in the independent sector.

There has been a significant increase in the number of children under 12 years old requiring to be accommodated in the last year. The number in foster placements rose from 83 in June 2008 to 108 in June 2009. Of these, 68 were placed with North Ayrshire Council foster carers and 40 with independent foster carers. 38 of the children are in permanent placements and a further 46 have permanency plans being progressed. The 38 in permanent placements account for £0.7 million of the current £1.8 million fostering budget.

Over the past year, 22 potential foster carers living in North Ayrshire have applied to foster with independent providers and 8 have applied to foster with other local authorities who pay fees to their carers and match the remuneration and support packages provided by the independent sector. As part of its 2006 strategic review of fostering care, the Council introduced the Fostering Xtra Scheme, which is fee-based and designed to recruit carers for 8-16-year-olds with complex needs. Given that the Scheme has recruited carers who provide 17 placements, including 5 carers who came from the independent sector, it is suggested that, by introducing a fee-based scheme, it would be possible to attract carers from the independent sector.

Appendix 1 to the report set out the statistics for North Ayrshire in a national context. Appendix 2 to the report set out the various options in relation to this issue, namely Option 1 (the status quo), Option 2 (outsourcing the Council's fostering services) and Option 3 (recruiting additional foster carers, with ordinary carers to be paid an allowance of £400 per child and Fostering Xtra carers paid £550 per child). A report by KPMG report supports Option 3 and makes a number of recommendations in relation to its implementation.

Members requested that feedback be provided on the impact of the measures proposed.

The Executive agreed to (a) note the pressures faced by Fostering Services due to increased demand and the escalating cost of independent sector provision; (b) approve Option 3 as set out in the report; and (c) that the Corporate Director (Social Services) submit a report to the Executive in February 2011 to assess the impact of the measures agreed.

5. Kinship Care and Residence Orders

Submitted report by the Corporate Director (Social Services) on a revised scheme for Kinship Care and Residence Orders.

At its meetings on 13 May 2008 and 28 October 2008, the Executive received reports on, respectively, the Government's proposals in relation to kinship care and on proposed interim arrangements for payments to kinship carers pending the issue of looked after children regulations.

By 31 March 2011, there will be a total financial envelope of £448,000 to spend on kinship care and residence orders. This comprises £87,000 current budget, £336,000 Concordat funding and £25,000 already budgeted for residence orders. The proposed for a finalised scheme is predicated on these available monies.

The report proposed that kinship carers be paid for each child, no matter the age, £55 per week, for looked after children who are placed with a carer on a Children's Hearing requirement with a condition of residence. Payments will be made under Section 22 of the Children (Scotland) Act 1995, including for those children who are placed outwith the Authority, rather than under Section 25 of the Children (Scotland) Act as at present. It was recommended that a revised assessment process for the carer and for the child be introduced, though these would be more limited than a full fostering assessment and approved by a specified manager within Children and Families Services. The social worker who holds the allocated case for the children would also be the link worker for the carer. There would be no mandatory training put in place for carers, nor special arrangements made for respite.

It was further proposed that, where appropriate, carers be encouraged to apply for a Residence Order which legally secures children within a family. The process already agreed for such orders would continue, but the report recommended that, where appropriate, reasonable legal costs would be paid and, as recommended for kinship carers, a flat rate of £55 per week would be paid for each child. These payments would, however, be made under Section 50 of the Children Act 1975.

In addition, the report recommended that all new applications be referred to the Money Matters team to allow an income maximisation exercise to be undertaken and that a policy document will be produced, with all carers to be sent a letter advising them that payments are being made to meet welfare needs, rather than accommodation and maintenance.

Members expressed concern that the implementation of the proposals would represent a significant drop in payments to some families and that consideration should be given to the financial support which could be provided on a discretionary basis to mitigate against this.

The Executive agreed that (a) kinship carers will be paid £55 per week, under Section 22 of the Children (Scotland) Act 1995, for each placement no matter the age of the child and such payment will be made only for children placed with their kinship carers on a children's hearing requirement with a condition of residence; (b) children placed with their carers on residence orders, formerly custody, will, under Section 50 of the Children Act 1975, attract an allowance of £55 per week and reasonable legal costs will be paid where appropriate for the court process; (c) the payments referred to under (a) and (b) above, will not be uprated in line with inflation; (d) a policy document will be produced with guidance which outlines the position; (e) the existing monies contributing to Kinship Care (£87,000) and Residence Orders (£25,000) will be consolidated and the £336,000 monies identified through the Concordat for kinship care will be made available to Social Services for that purpose on a phased basis, providing a total budget of £448,000 per year; (f) the numbers of children in the scheme will require to be managed at a maximum of 155; (g) the discussions between the Government and the Department of Work and Pensions will continue to be monitored and the Executive will be updated on any substantial changes which would impact on the scheme; and (h) the Corporate Director (Social Services) exercise discretionary power to offer such one-off payments as are deemed necessary to offer support to families with the cost of items, such as school uniforms, and arrange to phase in the change of payments for those carers who will experience a significant drop in payment.

6. Rape Counselling Services

Submitted report by the Chief Executive on proposals to commission jointly counselling services to support victims of rape and child sexual abuse in Ayrshire.

A Kilmarnock-based organisation, Break the Silence, was appointed to deliver a counselling service to victims of sexual abuse from August 2009 until March 2010 at a cost of £27,000. By November 2009, the service had received 43 referrals, 33 of them female and 10 male. Counselling sessions are being delivered mainly in Saltcoats and Irvine.

Discussions have taken place through the Strategic Alliance with NHS Ayrshire and Arran and the three Ayrshire local authorities regarding the commissioning of a specialist counselling services from the voluntary sector on an all Ayrshire basis. Training proposals have also been considered by the Alliance.

On 3 December 2009, the Strategic Alliance noted that there had been interest in the commissioning of an external provider to deliver the service based on a service specification developed by North Ayrshire. The Alliance agreed that all partners should state their agreement to this proposal, the funding available and their commitment to this funding for a 3-year period. The report, therefore, proposed that the Council confirms its agreement to the commissioning of an all-Ayrshire service and that funding of £35,000 per annum be available for the next 3 years to assist in meeting the cost of the service, subject to Ayrshire-wide agreement for the proposed service.

The Executive agreed (a) to approve a contribution of £35,000 per annum for the next three financial years towards the costs of an Ayrshire-wide specialist counselling service to support victims of rape and child sexual abuse; and (b) that the Chief Executive provide an update to Members on the position in respect of the other members of the Strategic Alliance.

7. Sorting and Recycling of Mixed Bulk Waste - Procurement Exercise

Submitted report by the Head of Environment & Related Services on tenders for the sorting and subsequent recycling of mixed bulk waste.

The sorting and processing of mixed bulk waste is currently provided by Lowmac Alloys Limited. During 2008/09, approximately 13,600 tonnes of mixed bulk waste was sorted, of which almost 60% was then recycled.

The processing costs for mixed bulk waste are generally higher than those for recyclable materials such as those collected by the 'blue bin' service. At current levels, there is little or no financial benefit to the Council in processing waste in this manner, rather than disposing to landfill. However, the extraction of materials for recycling contributes to the achievement of statutory landfill diversion targets and mitigates the impact of potential fines under the EU Landfill Directive.

There has been an increase in the number of potential service providers within the area since the current arrangements were agreed. At the same time, following the review of the Special Uplift service, it is anticipated that the amount of mixed bulk waste requiring to be treated will be reduced. The presence of a number of competitors in the marketplace, the capital investment required to establish such an operation, and the anticipated reducing quantities of mixed bulk waste to be processed, all indicate that the service should not be provided in house.

The report proposed that a contract for the sorting and subsequent recycling of mixed bulk waste be offered for a period of 3 years, with an option to extend for up to a further 2 years, utilising the EU Open Procedure.

Section 3.2 of the report set out the proposed procurement programme, with the contract due to commence on 1 October 2010. Tenders would be pre-qualified on the basis of technical ability, financial capacity, equalities, health and safety and environmental factors, with an individual assessment of tenders being made of a balance of price and quality.

Members requested, and received, confirmation that the appropriate procurement process had been put in place in relation to this matter.

The Executive agreed to approve the issue a formal tender for the sorting and subsequent recycling of mixed bulk waste as set out in the report.

8. Housing and Non-Housing Maintenance Programmes: Proposed Interim Arrangements

Submitted report by the Head of Infrastructure & Design Services on the interim arrangements which require to be implemented to deliver the existing housing and non-housing maintenance programmes during 2010/11.

Housing and Building Services (HBS) currently carry out maintenance to both domestic and non-domestic properties in line with two measured term contracts and a number of other arrangements. The initial contract periods have previously been extended, but consideration now requires to be given as to how the contracts should be taken forward in the longer term to ensure that best value continues to be delivered. At its meeting of 26 January 2010, the Executive agreed that a consultant be appointed to examine the various contractual and organisational options available to the Council for delivering the works covered by the existing arrangements

The report proposed that, in the interim, the following arrangements are implemented between 1 April 2010 and 31 March 2011:-

- the replacement of the Building Maintenance (Housing) Contract with a Service Level Agreement based on nationally recognised rates and specifications capable of being externally benchmarked;
- the continuation of works by HBS in relation to the installation of kitchens, bathrooms and windows to domestic properties, subject to relevant efficiency savings;
- the continuation of works carried out by HBS within the Maintenance and Minor Works (Non-Housing) Contract;
- Infrastructure and Design Services undertaking the client role for the above arrangements; and
- any necessary variations to the above arrangements in the pursuit of increased efficiencies and best value.

Appendix A to the report set out the Efficiency Plan proposed by HBS. Efficiency savings £680k are expected to be delivered in 2009/10 and a further £1.5m for 2010/11. Performance will be tracked in 2010/11 against the Plan and further savings identified for 2011/12 based on what has been achieved.

The Executive agreed to approve the implementation of the interim arrangements to deliver the existing housing and non-housing maintenance programmes during 2010/11, as set out in the report.

9. The North Ayrshire Council (Off Road Parking Places) (Controlling Regulations) Order 2010

Submitted report by the Head of Infrastructure & Design Services on the promotion of the North Ayrshire Council (Off Road Parking Places) (Controlling Regulations) Order 2010.

The report proposed that all controlling Regulations of the 1987 Strathclyde Regional Council Order and sections relating to the Ayr Division/Cunninghame District car parks be revoked and that a comprehensive new North Ayrshire Council Order should be promoted and implemented. In addition, it was proposed that a programme to erect new car park signage be undertaken to allow for more effective marketing and management of all Infrastructure and Design Services (Roads) car parks. Appendix 1 to the report set out the car parks covered by the Order.

The report recommended that vehicles which may use the car parks be limited to cars, small vans, motor cycles and disabled persons' vehicles, with the exception of the Union Street, Saltcoats, and Bowencraig (East), Largs, car parks, where buses would also be permitted access. The Council or its authorised representative has the power to remove or move a vehicle left in a car park where the vehicle is causing an obstruction or has been abandoned and also has the power to temporarily suspend the use of/restrict access to a parking place for a variety of reasons.

Members requested, and received, clarification that not all car parks in the Council's ownership had been transferred into the Infrastructure and Design (Roads) account and were not, therefore, included in the Order, but could be added to it in due course.

The Executive agreed to approve the promotion and implementation of the North Ayrshire Council (Off Road Parking Places) (Controlling Regulations) Order 2010.

10. NHS Ayrshire and Arran Primary Care Strategy

Submitted report by the Chief Executive on the development of the NHS Ayrshire and Arran Primary Care Strategy and highlighting potential areas where the Council has a role in its implementation.

On 27 October 2009, the Executive approved the Council's response to a consultation by NHS Ayrshire and Arran on its draft Primary Care Strategy. The response supported the overall vision and confirmed that the Council is keen to work in close partnership with NHS Ayrshire and Arran to explore the development of the strategy as it impacts on Council services. The Strategy was submitted to the NHS Board for endorsement in December 2009.

The Strategy recognises that healthcare delivery cannot be delivered only by the NHS and that developing relationships with Local Authorities should be a clear priority. Key actions within the Strategy include inviting the CHP facilitators onto the Primary Care Strategy Group. On an annual basis, CHPs will also review the recommendations of the Strategy to identify local priorities for action and ensure these are captured in the Single Outcome Agreement.

Section 3.2 of the report set out a number of actions within the Strategy which have direct relevance for the Council, including shifting the balance of care by working with Local Authorities to 'secure care at home as the norm', reviewing the needs of older people on Cumbrae (in relation to residential care) and the production of community development plans, highlighting the most deprived areas, with a view to improving lifestyle behaviour and life circumstances.

Section 3.3 of the report further highlighted recommendations of relevance for North Ayrshire, such as:-

- the potential development of GP practices at Beith, Kilwinning, Irvine 'Townhead and Frew Terrace';
- a range of programmes, including dental health needs of Cumbrae, dental health in the Early Years Framework, street nurse pilots in Dalry and the Three Towns, pilot and roll-out of a lifestyle intervention service and alcohol brief interviews training for frontline primary care professionals;
- a full Health Service Directory;
- development and maintenance of Health Libraries in community settings;
- a Primary Care Orthopaedics service pilot; and
- the potential for the development of urban community hospitals and potential models for Primary Care Walk-in Centres as part of any future town centre developments.

Noted.

11. North Ayrshire Community Planning Partnership (CPP) Board: 17 December 2009: Minutes

Submitted report on the Minutes of the Meeting of the North Ayrshire CPP Board held on 17 December 2009.

Noted.

12. North Ayrshire Community Health Partnership (CHP) Committee: 12 November 2009: Minutes

Submitted report, being the Minutes of a Meeting of the North Ayrshire CHP Committee held on 12 November 2009.

Noted.

13 Urgent Items

The Chair agreed that the undernoted items be considered as a matter of urgency.

13.1 Presentations by Irvine Bay Urban Regeneration Company (URC)

The Chair referred to the meeting of the Executive of North Ayrshire Council held on 26 January 2010, when, arising from consideration of a report on the proposed transfer of land to the URC, it was agreed that the Chief Executive of Irvine Bay Urban Regeneration Company be invited to give a presentation on the regeneration objectives associated with the transfer of land at Marine Drive, Irvine, to the URC and on future transfers of land provisionally identified as suitable for development by, or with the assistance of, the URC.

The Chair advised that the Chief Executive of the URC had suggested that he provide presentations to the next two meetings of the Executive on 9 March and 30 March 2010, the first providing information on the land transfer proposals and the regeneration potential they represent and the second to allow Members to participate in more detailed discussion and dialogue on the matter.

The Executive agreed that the Chief Executive of the URC be invited to attend meetings of the Executive on 9 March and 30 March 2010.

13.2 Next Meeting of the Executive: Venue

The Chair advised of the intention for the next meeting of the Executive and the Education Executive of North Ayrshire Council on 9 March 2010 to be held in Largs, in principle within Largs Academy, subject to availability.

Noted.

13.3 Visit to West Lothian Community Health Care Partnership

The Chief Executive advised that she had met with the Chief Executive of West Lothian Council and its CHP Director to discuss the operation of their model, whereby the Director is jointly employed by the Council and the NHS and there is a combined budget, dual accountability and co-location. The key benefits of the model appear to be the ability to manage jointly and integrate service delivery on a "whole person" basis.

Members asked questions about the operation of the West Lothian model, other similar models in place elsewhere, and the potential for North Ayrshire to adapt and build upon this approach.

Noted.

The meeting ended at 3.10 p.m.