



NORTH AYRSHIRE
COUNCIL

Cunninghame House,
Irvine.

3 October 2013

Cabinet

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **TUESDAY 8 OCTOBER 2013** at **2.30 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

1. Declarations of Interest

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

2. Minutes (Page 7)

The accuracy of the Minutes of the meeting of the Cabinet held on 25 September 2013 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3. Suspension of Standing Orders

Resolve, in terms of Standing Order 19, to suspend Standing Order 21, to allow consideration of the recommendation within Agenda Item 6 (Energy Company Obligation (ECO) – Appointment of ECO Partner).

GENERAL BUSINESS FOR DECISION

Reports by the Chief Executive

4. Council Governance - Policy Boards Review and Neighbourhood Planning Forums (Page 15)

Submit report by the Chief Executive on the review of Policy Boards and on progress in taking forward Neighbourhood Planning (copy enclosed).

Reports by the Corporate Director for Finance and Corporate Support

5. Sundry Debtors and Commercial Refuse Write Off (Page 61)

Submit report by the Corporate Director (Finance and Corporate Support) on proposed sundry debtor and commercial refuse write offs (copy enclosed).

6. Energy Company Obligation (ECO) – Appointment of ECO Partner (Page 67)

Submit report by the Corporate Director (Finance and Corporate Support) on the Council's intention to vary the appointment of its ECO partner from British Gas Plc to Scottish Power Energy Retail Ltd (copy enclosed).

GENERAL BUSINESS FOR INFORMATION

7. Property Factors (Scotland) Act 2011 (Page 73)

Submit report by the Corporate Director (Finance & Corporate Support) on the outcome of the public consultation exercise on the introduction of North Ayrshire Council's Property Factoring Service and to present the finalised Statement of Services (copy enclosed).

8. Community Empowerment and Community Associations in North Ayrshire (Page 93)

Submit report by the Corporate Director (Education and Skills) on the progress made within the short life working group on Community Centres to support community associations in developing progressive approaches to managing community centres in North Ayrshire (copy enclosed).

CONTRACT APPROVAL

9. Measured Term Contract (MTC): Annual Inspection and Reactive Maintenance of Domestic Gas Central Heating Installations and Ancillary Equipment (Page 103)

Submit report by the Corporate Director (Finance and Corporate Support) on the result of the tender exercise for the MTC for Annual Inspection and Reactive Maintenance of Domestic Gas Central Heating Installations and Ancillary Equipment and to present a recommendation for the award of the contract (copy enclosed).

10. Measured Term Contract 2013/16 - Heating, Mechanical and Ventilation Systems: Responsive Repairs and Maintenance (Page 113)

Submit report by the Corporate Director (Finance and Corporate Support) on the results of the tender exercise for Heating, Mechanical & Ventilation Systems: Responsive Repairs & Maintenance (copy enclosed).

MINUTES

11. Corporate Equality Group : Minutes of Meeting held on 2 September 2013 (Page 123)

Submit report by the Chief Executive on the minutes of the Corporate Equality Group held on 2 September 2013 (copy enclosed).

12. Urgent Items

Any other items which the Chair considers to be urgent.

Cabinet

Sederunt:

Elected Members

Willie Gibson (Chair)
Alan Hill (Vice-Chair)
John Bruce
Marie Burns
Anthea Dickson
Tony Gurney
Alex McLean

Chair:

Attending:

Apologies:

Meeting Ended:

Cabinet
25 September 2013

IRVINE, 25 September 2013 - At a meeting of the Cabinet of North Ayrshire Council at 9.30 a.m. in Cunninghame House, Irvine.

Present

Willie Gibson, Marie Burns, John Bruce, Anthea Dickson and Tony Gurney.

In Attendance

E. Murray, Chief Executive; L. Friel, Corporate Director and G. Macgregor, Head of HR and Organisational Development (Finance and Corporate Support); I. Colvin, Corporate Director, A. Adrain, Interim Head of Housing and J. McCaig, Interim Head of Community Care (Social Services and Health); A. Sutton, Head of Community and Culture (Education and Skills); K. Yeomans, Head of Development and Planning and R. McCutcheon, Head of Environment and Related Services (Development and Environment); A. Todd, Policy and Performance Officer, K. Dyson, Communications Officer and M. Anderson, Committee Services Officer (Democratic and Administration Services) (Chief Executive's Service).

Chair

Councillor Gibson in the Chair.

Apologies for Absence

Alan Hill and Alex McLean.

1. Declarations of Interest

In terms of Standing Order 16 and Section 5 of the Code of Conduct for Councillors, Councillor Dickson, having supported Garnock Valley Allotment Association in its application for funding, declared an indirect, non-pecuniary interest in Agenda Item 8 (Projects Funded from Landfill Communities Fund (LCF) 2013/14) and took no part in the determination of the application in question.

2. Minutes

The accuracy of the Minute of the Cabinet, held on 10 September 2013, was agreed and the Minutes signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Public Performance Reporting 2012/13

Submitted report by the Chief Executive which (a) provided information on the Council's performance against the four Council objectives; and (b) set out a draft Annual Council Performance Report 2012/13, incorporating the end of year Council Plan Action Plan 2012/13 progress report.

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

- the continuing reduction in the number of active volunteers who have participated in training delivered by Community and Culture;
- the frequency with which targets are set and the mechanism for changing targets;
- any areas of particular concern within the performance information reported;
- the target for the volume of respite care provided to older people;
- the decline in the percentage of invoices paid within 30 days and the Council's performance when compared with other Scottish local authorities; and
- any factors contributing to the significant decrease in the percentage of Council buildings which are accessible to disabled people.

The Cabinet agreed (a) to note the status of the Council's performance indicators at Appendices A and B; (b) to approve the draft Annual Performance Report 2012/13 set out at Appendix C; (c) that the Annual Performance Report 2012/13 will be published on North Ayrshire Performs on the 27 September 2013; and (d) that the report be referred to Scrutiny and Petitions for consideration.

4. Call In : Consultation on a Proposed Members' Bus Regulation (Scotland) Bill

Submitted report by the Chief Executive on the outcome of consideration of a Call In Request in relation to the consultation on a proposed Members' Bus Regulation (Scotland) Bill, which invited the Cabinet to consider a recommendation by the Scrutiny and Petitions Committee to amend the Council's response to the consultation.

Councillors Bruce and Burns joined the meeting at this point.

Members asked questions, and received clarification, on whether the recommendations of the Scrutiny and Petitions Committee had the effect of committing the Council to unbudgeted expenditure.

The Cabinet agreed to (a) reject the recommendation of the Scrutiny and Petitions Committee to amend the response to the consultation on a Proposed Members' Bus Regulation (Scotland) Bill in respect of Questions 1 and 8 as set out at Section 2.9 of the report; and (b) refer the matter to the next meeting of the full Council for determination.

5. Regional Aid and the Assisted Areas Map 2014-20

Submitted report by the Corporate Director (Development and Environment) which (a) outlined changes to Regional Aid Guidelines 2014-20; and (b) proposed a response to a UK Government consultation on the Assisted Area Map 2014-20.

Members asked questions, and received clarification, on the position in terms of the islands within North Ayrshire.

The Cabinet agreed to (a) note the changes to Regional Aid Guidelines 2014-20; and (b) approve a North Ayrshire Council response to the UK Government consultation on the 2014-20 Assisted Area map based on the map attached at Appendix to this report.

6. Hunterston Competitive Advantage Study (Action Plan)

Submitted report by the Corporate Director (Development and Environment) which advised on the preparation of an Action Programme associated with the production of the Hunterston Competitive Advantage Study, which was undertaken by URS Infrastructure and Environment UK Limited to establish the potential for employment opportunities being developed on the site.

The Cabinet agreed to approve the content of the Action Programme set out at Appendix 1 to the report and the associated actions for the Council and its partners.

7. Implementation of Waste Strategy 2012/16

Submitted report by the Corporate Director (Development and Environment) which (a) advised on the implementation of the Council's Waste Strategy; and (b) set out an updated waste collection policy at Appendix 1 to the report.

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

- the types of business likely to produce 50kg of food waste per week; and
- the current arrangements for dealing with food waste produced by school kitchens.

The Cabinet agreed to (a) note the proposal to introduce new commercial waste collection services for businesses, including a new food waste collection service; (b) approve the new food waste collection service charge for businesses and agree that the charge be reviewed annually in line with the Council's fees and charges policy; and (c) approve the revised waste collection policy set out at Appendix 1 to the report.

8. Projects from Landfill Communities Fund 2013/14

Submitted report by the Corporate Director (Development and Environment) on a proposed programme of projects to be funded through the Landfill Communities

Fund (LCF) 2013/14, a tax credit scheme which enables the Council as a Landfill Operator to contribute money to projects which meet environmental objectives contained in the Landfill Tax Regulations.

Members asked questions, and received clarification, on arrangements for the processing of applications in future years.

The Cabinet agreed to (a) approve the programme of projects set out in Appendix 2 of the report, to be funded from the Council's Landfill Communities Fund (LCF) in 2013/14; and (b) delegate authority to the Corporate Director (Development and Environment), in consultation with the Portfolio Holder for Economic Development and Regeneration, to award any excess LCF monies from the 2013/14 allocation to any eligible project(s).

9. Housing Development at Eglinton Country Park

Submitted report by the Corporate Director (Education and Skills) which (a) advised of recent developments in relation to the housing development located within Eglinton Country Park; (b) proposed a Minute of Agreement enabling relevant parts of the Country Park to be acquired by the Council; and (c) recommended that officers report further on reinstatement works required as a consequence of development work at the park.

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

- lessons to be learned for any future developments of this type; and
- how the application for planning permission had been determined in this case.

The Cabinet agreed to (a) note the proposals to be contained within the Minute of Agreement, which enables the relevant areas of the Country Park to be acquired by the Council; and (b) request that officers bring back future reports to Cabinet in relation to reinstatement works which are required as a consequence of the development work at the park.

10. Revenue Budget 2013/14 : Budgetary Control Statement to 31 July 2013

Submitted report by the Corporate Director (Finance and Corporate Support) which set out the Revenue budgetary control position for the Council at 31 July 2013 (Period 4).

Members asked questions, and received clarification, on the frequency and robustness of profiling work carried out by Services.

The Cabinet agreed to (a) note the information and financial projections outlined in the report; (b) note the action being taken by Social Services and Health to reduce the current projected overspend and (c) approve the virements detailed in Appendix 9 to the report.

11. Capital Monitoring to 31 July 2013

Submitted report by the Corporate Director (Finance and Corporate Support) of progress in delivering the Capital Investment Programme as at 31 July 2013.

Members asked questions, and received clarification, on the planning condition requirements surrounding off-site roadworks at Woodlands Primary School and measures to ensure that such requirements are taken into account in future budgeting.

The Cabinet agreed to (a) approve the revisions to budgets outlined at Sections 2.1 and 2.7 of the report; (b) approve the allocation of £0.473m from the Capital Fund as outlined in section 2.4; and (c) note (i) the actual General Services and HRA expenditure to 31 July 2013 and (ii) the forecast of expenditure to 31 March 201

12. Reform of Independent Living Fund

Submit report by the Corporate Director (Social Services and Health) which (a) provided information on the reform of the Independent Living Fund; (b) advised of the proposed consultation by the Scottish Government; and (c) considered the implications arising for the Council.

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

- the potential for a reduction in funding following the reform of the Independent Living Fund;
- the options being considered for the transfer of funds, as set out at Section 2.6 of the report; and
- the position of COSLA with respect to the consultation.

The Cabinet agreed (a) that the Council will maintain the current commitment to match funding of existing packages until the transfer of the funds has been determined by the Scottish Government; (b) to authorise participation in the Scottish Government consultation process; and (c) otherwise, to note the content of the report.

13. North Ayrshire Carers Strategy

Submitted report by the Corporate Director (Social Services and Health) which sought approval of the proposed Carers Strategy set out at Appendix 1 to the report.

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

- the likely timescale for the publication of the strategy document; and
- the background to a planned demonstration by members of the national organisation representing kinship carers.

The Cabinet agreed to (a) approve the North Ayrshire Carers Strategy 2013-18 set out at Appendix 1 to the report; and (b) authorise implementation of its recommendations.

14. Housing Support Contracts

Submitted report by the Corporate Director (Social Services and Health) which sought approval to negotiate a one year extension to the existing homeless support contracts, to allow time for a full and detailed assessment of the homelessness provision to be undertaken, informed by accurate financial information and clarification from the UK Government on the classification of Scottish local authority temporary accommodation.

The Interim Head of Housing provided a verbal update on the possible reduction to £45 of the management fee referred to in Section 2.16 of the report.

The Cabinet agreed to give approval to negotiate a one year extension to the existing homeless support contracts.

15. South West Hub Territory Partnership Board held on 6 June 2013

Submitted report by the Corporate Director (Finance and Corporate Support) on the Minutes of the Meeting of the South West Hub Territory Partnering Board held on 6 June 2013.

Noted.

16. Economy and Employment Policy Board: Minutes of the meeting held on 19 August 2013

Submitted report by the Corporate Director (Development and Environment) on the Minutes of the Economy and Employment Policy Board held on 19 August 2013.

Noted.

17. Ayrshire Economic Partnership: Minutes of the meeting held on 21 August 2013

Submitted report by the Corporate Director (Development and Environment) on the Minutes of the Ayrshire Economic Partnership held on 21 August 2013.

Noted.

18. Health and Social Care Policy Board : Minutes of Meeting held on 26 August 2013

Submitted report by the Corporate Director (Social Services and Health) on the Minutes of the Health and Social Care Policy Board meeting held on 26 August 2013.

Noted.

19. Environment and Infrastructure Policy Board: Minutes of meeting held on 2 September 2013

Submitted report by the Corporate Director (Development and Environment) on the Minutes of the Environment and Infrastructure Policy Board held on 2 September 2013.

Noted.

20. Brodick Pier Redevelopment Committee: Minutes of meeting held of 2 August 2013

Submitted report by the Corporate Director (Development and Environment) on the Minutes of the Brodick Pier Redevelopment Committee held on 2 August 2013.

Noted.

21. Urgent Item

The Chair agreed that the undernoted item of business be considered as a matter of urgency to allow a decision to be implemented on this matter without delay.

21.1 Local Government Pay Offer for 2013/14

Submitted report by the Corporate Director (Finance and Corporate Support) which sought approval to implement the pay offer for 2013/14.

The Cabinet agreed (a) to implement an increase in pay on all spinal points across all bargaining groups by 1% from 1 April 2013 in a one year settlement; (b) that all associated back-pay and increases are implemented as soon as operationally practicable from October 2013 pay cycles; and (c) that, following final confirmation, of the 2-year pay offer from COSLA, the Council also applies the terms of this revised agreement.

The meeting ended at 10.55 a.m.

NORTH AYRSHIRE COUNCIL

Agenda Item 4

8 October 2013

Cabinet

Subject: **Council Governance - Policy Boards Review and Neighbourhood Planning Forums**

Purpose: To report on the review of Policy Boards and on progress in taking forward Neighbourhood Planning.

Recommendation: That the Cabinet agrees (a) to note the outcome of the Policy Board's review; (b) to agree that the six Policy Boards be replaced by two Advisory Panels, being the Physical Environment Advisory Panel and the Communities and Lifelong Learning Advisory Panel; (c) to agree the creation of six Neighbourhood Planning Forums; and (d) that the Chief Executive carry out a review the new arrangements once they have been in operation for approximately a year.

1. Introduction

1.1 On 6 June 2012 Cabinet agreed to establish six cross-party Policy Boards reflecting the portfolios of Cabinet. It was agreed to review the operation of the Policy Boards between six to twelve months after their implementation. A review was undertaken during April/May 2013 involving a questionnaire issued to all Elected Members and was subsequently considered by Group Leaders at meetings in June and September 2013.

1.2 The six Policy Boards agreed by Cabinet on 6 June 2012 were as follows:-

- Education Attainment and Achievement Policy Board
- Economy and Employment Policy Board
- Health and Social Care Policy Board (including Health and Social Care Integration and Housing)
- Environment and Infrastructure Policy Board
- Finance and Corporate Support Policy Board
- Community Empowerment Policy Board

- 1.3 The Cabinet report anticipated that the Policy Boards would "assist in the preparation of policy proposals for consideration by Cabinet". It was envisaged the Policy Boards would have more time than Cabinet to fully consider and develop policies. In a Cabinet system Policy Boards also provided a means for Members outwith the Cabinet to influence major policies. It was the intention that the work of the Policy Board would help to build consensus.

2. Current Position

Policy Boards

- 2.1 The review of Policy Boards is attached as Appendix 1.
- 2.2 As outlined in paragraph 5.12 of Appendix 1 the Policy Boards have considered 23 major policies which were subsequently approved by Cabinet. In spite of this, the general feedback from Members, other than Cabinet Members, was less positive. Key issues were:-
- the extent to which Policy Boards have considered policies and the extent to which this has contributed to policies subsequently considered by Cabinet is not widely known;
 - some Members are unclear as to role of Policy Boards;
 - there is insufficient clarity as to how agenda items were chosen;
 - some Boards met infrequently and this affected their ability to influence policies in time for Cabinet;
 - membership and representation across Policy Boards is inconsistent and, in some cases, low. There was low representation from Independent Members.
- 2.3 On 12 June 2013 the Group Leaders Meeting considered a report on the Policy Boards Review. This covered 30 meetings of the Policy Boards which had taken place and reported to Cabinet to 30 April 2013. The Group Leaders asked that the report be circulated to all Members of Council asking them to respond to the questions contained in the summary and issues section. Meanwhile all Elected Members should be invited to attend and contribute to any of the Policy Boards. A number of further responses were received from Officers and Members as detailed in Appendix 1.

- 2.4 There were a number of areas of duplication between the work of Policy Boards and other bodies. Most of the economic development issues considered by the Economy and Employment Policy Board are also considered by the Economic Development and Regeneration Board. Most of the housing issues are also considered by the Housing Revenue Account Business Plan Implementation Group. The creation of the Transition Integration Board in October 2013, as agreed by Council in June 2013, will also result in a duplication of work between that Board and the Health and Social Care Policy Board.
- 2.5 The Group Leaders Meeting again considered this matter on 10 September 2013. The resulting recommendation was that the six Policy Boards be replaced with two Advisory Panels.
- 2.6 Appendix 2 is a chart which shows the Committees of the Council and how the proposed Advisory Panels would link to this. The opportunity has also been taken for completeness to set out the governance structures relating to the Community Planning Partnership (CPP).

Neighbourhood Planning

- 2.7 Strictly speaking the CPP is not a Committee of Council and has no powers delegated to it, other than the delegated powers of officers who attend it. This reflects its key role in co-ordinating policies and resources of a number of different Community Planning Partners. The priorities of the CPP and its partners are driven by the terms of the Single Outcome Agreement which is separately approved by Council and all other Community Planning Partners.
- 2.8 Cabinet previously agreed to set up six Neighbourhood Planning Areas. The concept behind Neighbourhood Planning is to map all of the data and indicators available to Community Planning Partners to provide a profile of each Neighbourhood area. The resources which each partner puts into these areas will also be mapped. In turn this neighbourhood profile allows Community Planning Partners to agree the priorities for each area and align their policies and spend accordingly.
- 2.9 The work of North Ayrshire CPP in developing neighbourhood planning was commended by Audit Scotland's 2013 report on Community Planning and is now recommended nationally as a key means of ensuring that agencies, voluntary bodies and communities work in partnership to target resources where most required. The first draft of neighbourhood profiles was provided to Community Planning Partners at a workshop held in the Barony, West Kilbride on 19 September 2013.

- 2.10 The next stage of the development of neighbourhood planning involves the creation of six Neighbourhood Planning Forums. These will provide an opportunity for Members to consider, provide input and agree the profiles of their areas.
- 2.11 The first meeting of most of the Neighbourhood Planning Forums will be held for each area between now and Christmas 2013, with the remainder taking place early in the new year. In the first instance they will consider the local profile and the priorities for the area.
- 2.12 As neighbourhood planning develops this will also provide Members with an opportunity to be involved in consideration of the priorities for each area and the role which each Community Planning Partner can take to meet these priorities in conjunction with local communities. This will be a very tangible first step towards community co-production.

3. Proposals

Advisory Panels

- 3.1 Group Leaders, while recognising the valuable role of Policy Boards, thought these could be reduced to two such Boards, renamed as Advisory Panels. These two Advisory Panels could be as follows:-
- the Physical Environment Advisory Panel would include the work of the present Environment and Infrastructure Policy Board as well as functions relating to the Council's role as Corporate Landlord and capital planning. This Panel will also function as the governance board for capital expenditure. Any residual matters stemming from the Finance and Corporate Support Policy Board would go to Cabinet. To avoid unnecessary duplication, economic development issues previously reported to the Economy and Employment Policy Board will continue to be considered by the Economic Development and Regeneration Board, and where appropriate, the Cabinet.
 - the Communities and Lifelong Learning Advisory Panel will consider matters relating to education attainment and achievement, lifelong learning and community empowerment. To avoid duplication this Advisory Panel will not consider matters relating to Social Work or Housing. Social Work issues will be considered by the Transition Integration Board and thereafter by the Shadow Integration Board. Housing issues will be considered by the HRA Business Plan Implementation Group.

- 3.2 Both Advisory Panels will consist of up to 15 Elected Members. It is recommended that the membership of the Advisory Panels should reflect the overall political balance of the Council and comprise up to six SNP nominees, up to five Labour nominees and up to four Independent/Conservative nominees.
- 3.3 The Cabinet Members for Environment and Infrastructure and Finance and Corporate Support will sit on the Physical Environment Advisory Panel. The Cabinet Members for Education Attainment and Achievement, and Community Empowerment will sit on the Communities and Lifelong Learning Advisory Panel. It is proposed that the Chair of each Advisory Panel will rotate across the portfolio holders, depending on the main subject matter being considered.
- 3.4 The Advisory Panels are not formal Committees of the Council. They have no formal delegated powers. It should also be borne in mind that the Scrutiny and Petitions and Audit Committees remain the primary formal means by which Members are able to scrutinise the work of the Council. The Advisory Panels can however make recommendations to Cabinet.
- 3.5 As regards the business to be considered by the Advisory Panels, they would continue to consider and develop major Council policies. This is a key role. As is normal, it will be a decision for Officers as to what reports they bring to Advisory Panels. It is however considered that, similar to Area Committees, there should be a standard item of business on Advisory Panel agendas which allow the Advisory Panel to ask for reports on particular issues. This would allow an Advisory Panel to ask for a briefing on a particular subject. It is also recommended unless there is a particularly good reason, reports presently reported to Cabinet for noting should instead go to the appropriate Advisory Panel. This should help reduce the workload of Cabinet.
- 3.6 Accordingly it is recommended that the remit of the Advisory Panels should be:-
- to consider Council policies, both proposed policies and existing ones;
 - to consider reports for noting which might otherwise have gone to Cabinet;
 - to consider Members' briefings;
 - to consider such other reports from Officers where it is felt that cross-party consultation is required in order to facilitate consensus or produce a solution which commands cross-party support;

- 3.7 This remit should allow the Advisory Panels to fulfil their potential, without duplicating the scrutiny role of the Scrutiny and Petitions and Audit Committees.
- 3.8 The Advisory Panels would meet once every six weeks cycle. The increased workload for each Advisory Panel should ensure that there will be sufficient business for an Advisory Panel to meet every six weeks.
- 3.9 It is further proposed that the administrative support, in terms of agenda production, etc should come from the Corporate Director whose portfolio holder chairs the Advisory Panel at that point. Agendas and associated reports should only be circulated electronically allowing Members to pilot the use of iPads for Committees in a forum which is less politicised, has no right of public or press to attend and does not have delegating powers.

Neighbourhood Planning Forums

- 3.10 In relation to Community Planning, Cabinet is asked to note the creation of Neighbourhood Planning Forums to help inform and develop the neighbourhood profiles of the six areas, the priorities for these areas and the resources which Community Planning and other partners are deploying.
- 3.11 The Neighbourhood Planning Forums do not have any delegated powers. They will report to the Community Planning Partnership Board. If a Council decision was required this would be the subject of a report to Cabinet.
- 3.12 As the work of these Neighbourhood Planning Forums develops it is possible there will be an overlap with the work of the five Area Committees. It is therefore recommended that the work of the six Neighbourhood Planning Forums should be allowed to develop and the Area Committees' present remits remain unaltered.
- 3.13 Once the role of the Neighbourhood Planning Forums has developed it will become more obvious whether there are overlaps between them and the Area Committees. At that stage a report can be brought back to Council for its consideration. Thus Cabinet are simply requested, at this stage, to note the creation of the six Neighbourhood Planning Forums.

- 3.14 In summary, the Cabinet is invited to agree (a) to note the outcome of the Policy Board's review; (b) to agree that the six Policy Boards be replaced by two Advisory Panels, being the Physical Environment Advisory Panel and the Communities and Lifelong Learning Advisory Panel; (c) to agree the creation of six Neighbourhood Planning Forums; and (d) that the Chief Executive carry out a review the new arrangements once they have been in operation for approximately a year.

4. Implications

Financial Implications

- 4.1 There no financial implications.

Human Resource Implications

- 4.2 There are no human resource implications.

Legal Implications

- 4.3 There are no legal implications.

Equality Implications

- 4.4 Neighbourhood Planning will be an important aspect of the Council's approach to setting local priorities and therefore seeking to address inequalities across North Ayrshire.

Environmental Implications

- 4.5 There are no environmental implications.

Implications for Key Priorities

- 4.6 The report helps to support Council Plan Objective 4 - Operating more efficiently and effectively.

Community Benefit Implications

- 4.7 The Community Benefits most likely to be achieved relate to improved community focus and engagement.

5. Consultations

- 5.1 The Group Leaders Meeting has considered this report.

6. Conclusion

- 6.1 It is recommended that the six Policy Boards are replaced by two Advisory Panels and the Cabinet notes the creation of six Neighbourhood Planning Forums to develop the Council's work on neighbourhood and community planning for the six areas.



ELMA MURRAY
Chief Executive

Reference : EM/AF/BT

For further information please contact Andrew Fraser, Head of Democratic and Administration Services on 01294 324125

Background Papers

None

A Review of the Operation and
Activities of the Council's Policy
Boards

Policy Boards Review (V2.0)

Committee & Members Services,
Cunninghame House, Irvine KA12 8EE

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1. Introduction

- 1.1 At its meeting held on 6 June 2012, the Cabinet agreed to establish six cross party Policy Boards reflecting the portfolios of Cabinet. It was agreed that the operation of the Policy Boards would be undertaken between 6-12 months after their implementation. This review was conducted during April/May 2013.
- 1.2 On 12 June 2013, the Group Leaders' Meeting considered a report prepared by the Committee Services Manager outlining the results of the review of the operation of the Policy Boards in the period since August 2012. The report, a copy of which is appended, was presented by the Head of Democratic and Administration Services and covered 30 meetings of Policy Boards that had taken place and been reported to the Cabinet until its meeting on 30 April 2013. Any meetings of Policy Boards reported to Cabinet after this date were not covered.
- 1.3 Section 6 of the Review Report highlighted some of the main issues arising to date in respect of the operation of Policy Boards. This included issues around the remits of the Policy Boards, their composition and matters discussed, attendance at meetings by Elected Members, etc. The review results indicated that there is uncertainty amongst some Members and officers as to the role and purpose of Policy Boards.
- 1.4 The Group Leaders discussed the issues arising from the report and considered ways in which Policy Boards could be developed.
- 1.5 The Leader of the Labour Group advised that he had considered an alternative model for the operation of the Policy Boards. Key features were as follows:-
 - i) Replace the Policy Boards with three cross-party Advisory Panels (or Committees) i.e. Environment & Infrastructure, Social Interaction, and Health and Lifelong Learning;
 - ii) Less frequent meetings but with much weightier agendas;
 - iii) allow those Elected Members who do not sit on the main decision making bodies such as Cabinet or the new Health and Social Care Partnership Board etc. to provide their views, opinions and experience in terms of developing policies and strategies thus allowing them to feel that they have had some influence in terms of key decisions; and
 - iv) it would still be the responsibility of the main decision making bodies (e.g. Cabinet) to make final decisions but a mechanism should be put in place to ensure that these bodies fully consider the views of the Advisory Panels and provide the Advisory Panels with feedback.
- 1.6 Following discussion, the Group Leaders agreed that:
 - the Head of Democratic and Administration Services should issue the report on the Review of Operations and Activities of the Council's Policy Boards to all Members of the Council asking them to respond to the questions contained within the Summary and Issues section (at paragraph 6.5 of the Report) and that a further report on responses should be presented to Group Leaders in due course;

- Group Leaders should forward any further suggestions on improving the Policy Boards to the Head of Democratic and Administration Services;
- Policy Boards should continue to meet in their current form until the review is complete;
- the Head of Democratic and Administration Services should advise all Elected Members that they can attend and contribute any of the Policy Boards while the review is on-going.

1.7 This report provides details on the second phase of review of the operation of Policy Boards.

M. McKeown
Committee Services Manager

2. Additional Feedback

- 2.1 A copy of the Review Report was issued to all Elected Members advising them of the outcome of the Group Leaders meeting, and inviting them to submit further feedback on the issues raised in the Report by the end of June. Lead officers were also provided with a copy of the report.
- 2.2 Additional feedback was received from 1 Elected Member (EM) and 1 Lead Officer (LO). Their comments are shown below.

How can Policy Boards be better used to inform policies before they go to Cabinet?

- “The wider circulation of the agendas and minutes will be beneficial in informing but minutes of the meetings need to go to Cabinet quicker or be circulated as per Council minutes within 5 days to ensure accuracy and that the matter does not reach Cabinet prior to the minute being circulated.” (EM)
- “This would be helped if there was greater clarity of propose with agenda items being ones which members can influence. I would plan to take a revised proposal to my next policy board meeting to try and bring greater clarity of purpose.” (LO)

How can Members bring forward items for consideration by a Policy Board and what is the criteria for this?

- “I see no difficulty in this based on the Health and Social Care Policy Board I attend as we always get the chance to put things forward and ask for updates at the meetings i.e. last meeting warden service changes otherwise the wider Councillors would never know of the change in provision.” (EMs)
- “This could be discussed at each meeting with the Policy Board agreeing future agenda items.” (LO)

Why it is difficult to identify agenda items for Policy Boards.

- “In my experience it is not difficult and indeed felt sometimes other policy boards where only 2 or 3 members were attending were perhaps not engaging” (EM)
- “Lack of clarity as noted above may be affecting this.” (LO)

Are Members concerned with building consensus on Policy issues.

- “No. Policy is what makes the council's direction and priority although Cabinet clearly can reject suggestions or delay things for long periods.” (EM)

Should the role of Policy Boards be to brief Members rather than policy development?

- “They should do both and allow the final direction to be decided by members.” (EM)
- “Not sure about this given the small number of members on each policy board. Often wider briefings are required on significant issues.” (LO)

Is there replication between the work of the Economy and Employment Policy Boards and the EDR Board?

- “Yes.” (LO)

23 policies have been considered by Policy Boards before submission to Cabinet. To what extent are Members aware of this?

- “Not aware as difficult issues seem to be lost, parking policy, traffic enforcement amongst others. And perhaps just because something is discussed might not make members aware. With all members not engaging in the policy boards and still then dictating policy ie council newspaper is not good governance.” (EM)
- “To what extent are Members aware of this?” (LO)

2.3 In addition, one further Elected Member submitted a general comment as follows:-

- “...My own experience of the policy board I attended was that it was of very limited value. We spent far too long over the nuances of the minutes and fine detail of the proposals brought forward. It was meant to be a policy board and not a micro-management forum. The idea that all members should be free to attend and contribute to all policy boards is not in my opinion very productive and will bog down an already turgid process.” (EM)

3. Conclusions and Recommendations

- 3.1 As summarised in 6.4 of the original report, a key purpose of the Policy Boards is to create capacity not otherwise available to Cabinet to consider major policies. Policy Boards have considered numerous major policies as detailed in 5.12. in the report.
- 3.2 Generally feedback from Cabinet Members (Policy Board Chairs) was positive. Feedback has been less positive from most other Members. Key issues are as follows:-
- The extent to which Policy Boards have considered policies and the extent to which this has contributed to the development of policies subsequently considered by Cabinet is not widely known.
 - Some Members are unclear as to the role of Policy Boards;
 - There is insufficient clarity as to how agenda items are chosen;
 - Some Boards meet infrequently and this effects their ability to influence policies in time for Cabinet;
 - Membership and representation across Policy Boards is inconsistent and in some cases low;
- 3.3 There is low representation from Independent Members. Labour Members were most critical of Policy Boards, none seeing them as a productive use of their time
- 3.4 Another role of Policy Boards was to help encourage consensus out with the formal political process. Based on the actual number of policies being considered prior to Cabinet submission, the Policy Boards have been relatively successful in this, although there was concern that more controversial items were not going to the Policy Boards.
- 3.5 The Leaders' Group is asked to:-
- (a) consider the further comments received in relation to the issues highlighted in Section 6 of the appended report;
 - (b) consider and give direction on the proposal from the Labour Group outlined in Paragraph 1.5;
 - (c) consider what, if any, role the main opposition party's shadow Portfolio holders might have in determining the business of Policy Boards;
 - (d) agree:-
 - (i) that the agendas for Policy Board meetings continue to be circulated to all Members for information and that all Members be afforded the right to attend meetings and contribute to discussions;

(ii) that Lead Officers be instructed to ensure that Policy Board minutes are circulated in draft to the Chair and Members of the Policy Board within 5 working days of the meeting for comment, prior to being formally submitted to Cabinet;

(iii) that Policy Boards take a wider role in providing briefings for Members;

(iv) that annually, Lead Officers be asked to prepare an annual work plan for their Policy Board(s) to be submitted to cabinet and thereafter, report on progress on a six monthly basis.

(e) consider how all Groups represented on Policy Boards might influence the work they each undertake and report back to the Leaders Group by 2 October 2013.

If Group Leaders do not wish to change the Policy Board arrangements at this stage this should be indicated.

A Review of the Operation and
Activities of the Council's Policy
Boards

Policy Boards Review

Committee & Members Services,
Cunninghame House, Irvine KA12 8EE

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1. Introduction

- 1.1 At its meeting held on 6 June 2012, the Cabinet agreed to establish six cross party Policy Boards reflecting the portfolios of Cabinet.
- 1.2 This paper presents some general feedback on the operation of the Policy Boards in the period since August 2012.
- 1.3 The report is based on the 30 meetings of Policy Boards that have taken place and been reported to the Cabinet up to its meeting on 30 April 2013. Any meetings of Policy Boards reported to Cabinet after this date are not covered.

M. McKeown
Committee and Members Services Manager
02 October 2013

2. Policy Boards: Purpose and Remits

- 2.1 The six Policy Boards agreed by Cabinet on 6 June 2012 were as follows:-
- Education Attainment and Achievement Policy Board
 - Economy and Employment Policy Board
 - Health and Social Care Body Policy Board (including Integration and Housing)
 - Environment and Infrastructure Policy Board
 - Finance and Corporate Support Policy Board
 - Community Empowerment Policy Board
- 2.2 The Cabinet report anticipated that the Policy Boards would “**assist in the preparation of policy proposals for consideration by Cabinet**”.
- 2.3 The report set out outline remits for each of the Policy Boards. These remits are detailed at Appendix 1. The report proposed that detailed remits for each Policy Board would be developed and brought back to the next meeting of the Cabinet for consideration.
- 2.4 The Cabinet agreed to (a) the establishment of 6 cross-party Policy Boards to support its work [as set out in the report; and (b) request that the Chief Executive brings forward detailed remits for these Boards to the next meeting.
- 2.5 In respect of point (b), the Chief Executive issued an instruction that the Lead Officers appointed to each Policy Board should agree remits with their respective Chairs. The remits of each Policy Board were discussed at the first meetings of each Policy Board and reported to Cabinet through the minutes of the Policy Board.

3. Composition and Membership of Policy Boards

- 3.1 The report to Cabinet on 6 June 2012, proposed that each Policy Board would consist of up to ten Elected Members and be chaired by the relevant Portfolio holder.
- 3.2 On 11 June 2012, the Committee Services Manager wrote to all Group Leaders, copying in all other Elected Members, inviting them to nominate Members of their respective Groups to serve on the Policy Boards. The intention was to report on nominations to the Council meeting on 27 June 2012.
- 3.3 Reflecting the overall balance of the Council, and to ensure all groups were represented on the Policy Boards, it was suggested that each Policy Board should consist of the Portfolio holder, two additional SNP Members, three Labour Members, and four others drawn from among the Independent and Conservative Members.
- 3.4 At its meeting on 27 June 2012, the Council received an update on nominations to Policy Boards. At that time it was noted that only 7 nominations had been received, consisting of 4 Independents plus the Conservative Member. The Council noted the position and the Chief Executive asked Group Leaders and other Members to come forward with nominations to the Policy Boards by the end of the week.
- 3.5 Subsequently, more nominations to the Policy Boards were forthcoming. Figure 1 shows a breakdown of nominations to Policy Boards by Group.

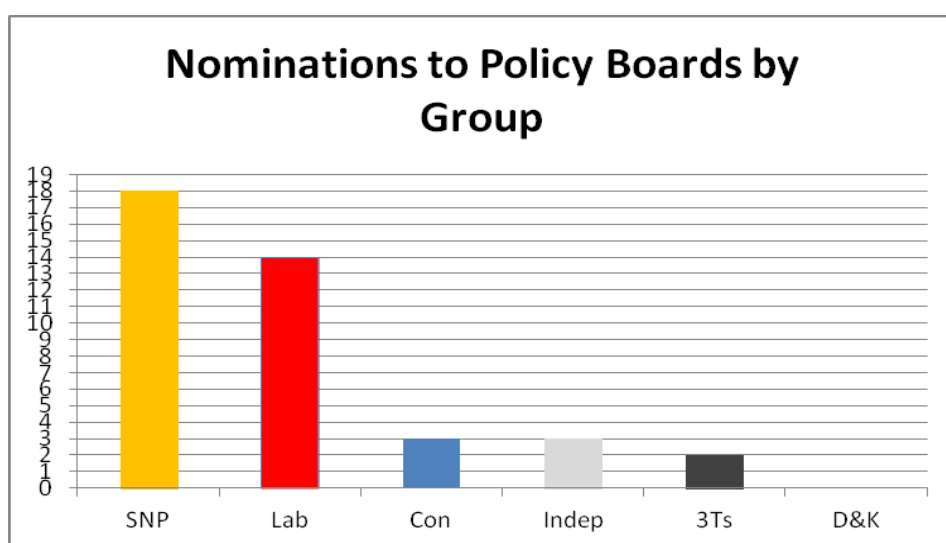


Figure 1: Nominations to Policy Boards by Group

- 3.6 The SNP Group made eighteen nominations to the Policy Boards – three Members to each Policy Board. Of the twelve SNP Group Members, ten serve on at least one Policy Board.
- 3.7 The Labour Group made a total of fourteen nominations to the Policy Boards. All eleven Labour Group Members serve on at least one Policy Board.

- 3.8 Councillor Marshall put himself forward to serve on three Policy Boards, as did the Independents Group. The Three Towns Independents Group made two nominations - to two Policy Boards. The Dalry and Kilwinning Independents made no nominations are not represented on any Policy Board.
- 3.9 Of the thirty Elected Members, twenty six (86%) serve on at least one Policy Board. The current memberships of each Policy Board are shown at Appendix 2. Appendix 3 provides a breakdown of the membership of each Policy Board by Group.
- 3.10 Figure 2 shows the overall representation of Groups on the membership of Policy Boards.

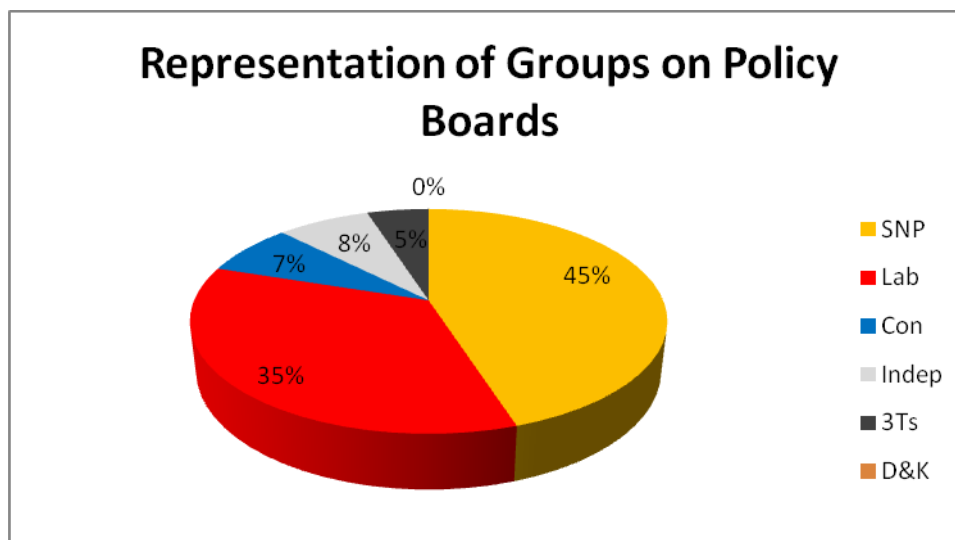


Figure 2: Percentage representation of Groups on Policy Boards

4. Elected Member Engagement with Policy Boards

- 4.1 30 meetings of Policy Boards have taken place in the period August 2012 to March 2013. The minutes of all 30 meetings have been reported to, and noted by, Cabinet.
- 4.2 Figure 3 shows the number of meetings of each Policy Board that have taken place and been reported to Cabinet in the period August 2012 to March 2013.

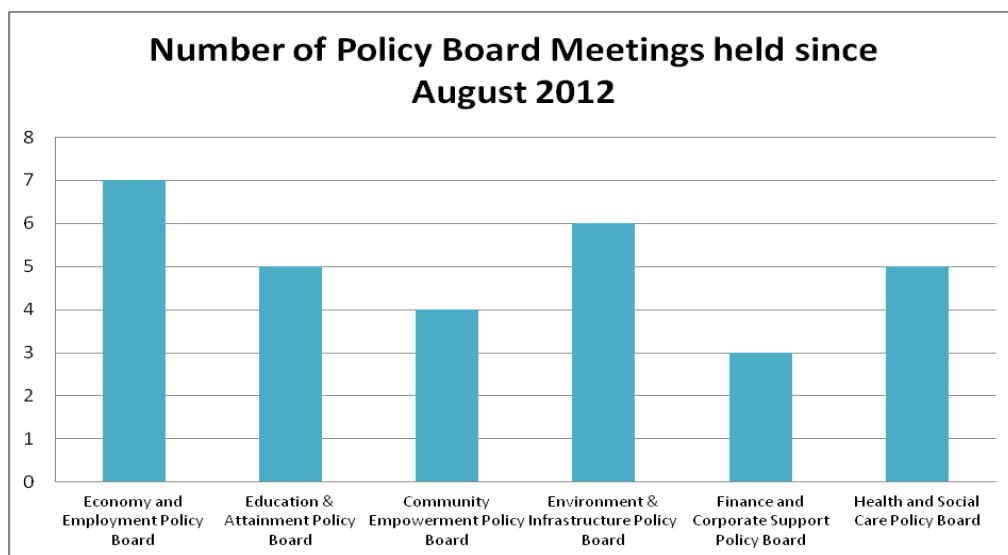


Figure 3: Policy Board meetings held and reported to Cabinet (Aug 2012 - Mar 2013).

- 4.3 An analysis of the minutes of the meetings that have taken place and been reported to Cabinet shows an overall attendance rate at Policy Board meetings of 65.84%. Figure 4 shows the attendance rates for each Policy Board.

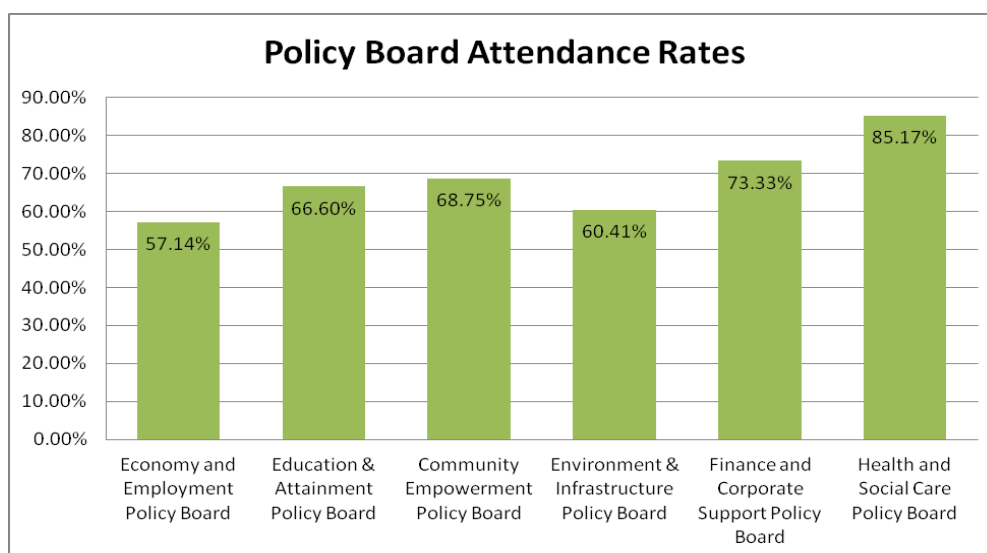


Figure 4: Policy Board attendance rates

4.4 Figure 5 shows the overall attendance rates for the Groups represented on Policy Boards.

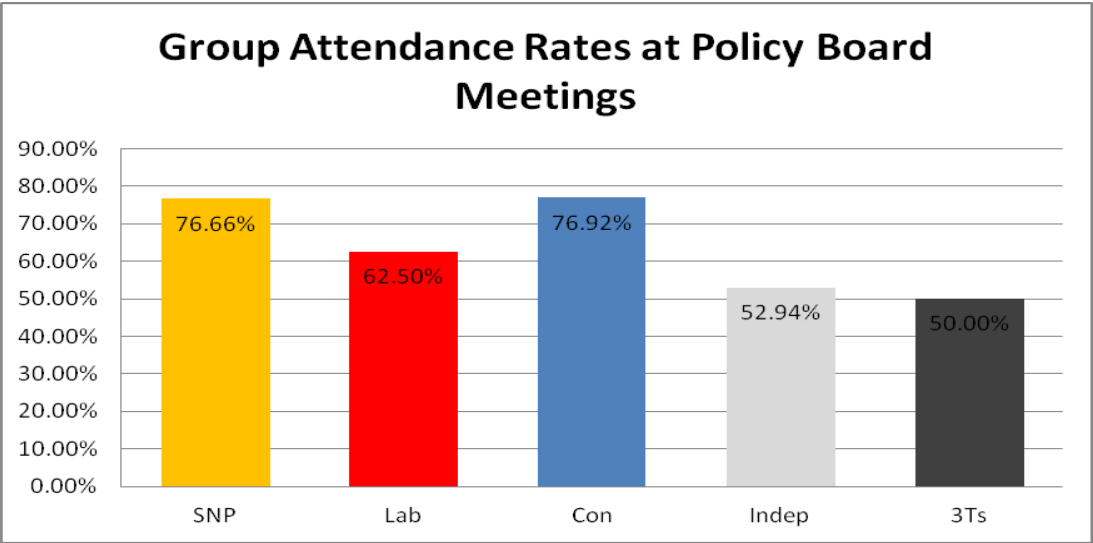


Figure 5: Policy Board attendance rates by group

4.6 Figure 6 shows the percentage of meetings at which Groups had 1 or more Members in attendance.

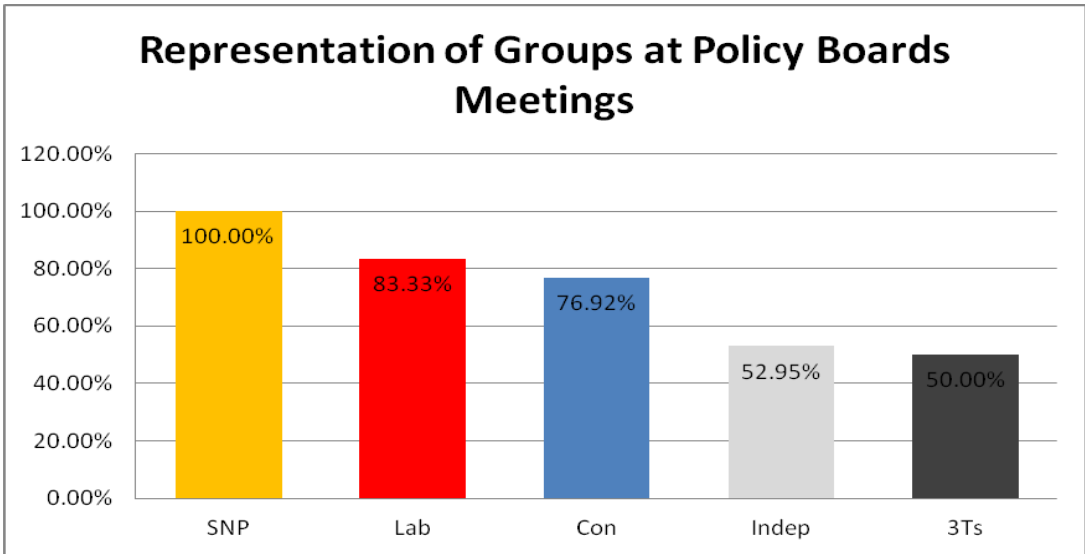


Figure 6: Group representation at Policy Board meetings

4.7 Appendix 4 provides a breakdown of attendance rates at Policy Boards meeting.

4.8 A questionnaire was issued to all twenty six members who serve on Policy Boards. The aim of the questionnaire was to gather feedback from Elected Members on the operation of Policy Boards to date. Of the twenty six Members, seventeen (65.38%) responded to the questionnaire.

4.9 The questionnaire asked Members to rate their level of agreement with eleven statements. The responses received are summarised below:-

(1) The purpose of Policy Boards in preparing policy proposals for consideration by Cabinet is clear.

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
SNP		2	1		2
LAB				8	
CON				1	
INDEP			1		
3Ts			1	1	
Totals	0	2	3	10	2

(2) Policy Boards have well defined remits and clear reporting lines.

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
SNP		1	1	1	2
LAB				5	3
CON			1		
INDEP				1	
3Ts				2	
Totals	0	1	2	9	5

(3) The frequency of Policy Board meetings is adequate.

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
SNP		1	2	1	1
LAB		1	3	4	
CON		1			
INDEP				1	
3Ts			2		
Totals	0	3	7	6	1

(4) Policy Board agendas are issued sufficiently far in advance of meetings to allow for adequate consideration.

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
SNP		1	1	2	1
LAB		4	1	1	2
CON		1			
INDEP		1			
3Ts			2		
Totals	0	7	4	3	3

(5) Officers provide sound advice and guidance to Policy Boards.

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
SNP	1	2	1		1
LAB		5	2		1
CON		1			
INDEP		1			
3Ts		1		1	
Totals	1	10	3	1	2

(6) The cross party nature of Policy Boards allows for a positive exchange of opinions.

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
SNP		4			1
LAB		1	2	5	
CON	1				
INDEP				1	
3Ts				1	1
Totals	1	5	2	7	2

(7) The cross party nature of Policy Boards will allow Members to reach a consensus on policy development.

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
SNP		3	1		1
LAB			3	4	1
CON		1			
INDEP				1	
3Ts					2
Totals	0	4	4	5	4

(8) Individual Policy Board members can influence the preparation of policy proposals for Cabinet.

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
SNP	2	1			2
LAB			4	4	
CON					1
INDEP			1		
3Ts					2
Totals	2	1	5	4	5

(9) Attending Policy Board meetings is a productive use of my time.

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
SNP		3	1		1
LAB			1	6	1
CON					1
INDEP				1	
3Ts					2
Totals	0	3	2	7	5

(10) The business of Policy Boards is led by Members rather than Officers.

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
SNP			4	1	
LAB			3	4	1
CON			1		
INDEP				1	
3Ts				1	1
Totals	0	0	8	7	2

(11) Policy Boards are an effective method of assisting in the preparation of policy proposals for Cabinet.

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
SNP		2	1	1	1
LAB				7	1
CON				1	
INDEP				1	
3Ts					2
Totals	0	2	1	10	4

4.10 Among the additional comments received were the following:-

"I see them as useful talking shops. Having attended a few Cabinet meetings (Last on 30 April) the minutes of the Policy Board are in the main only noted at the end of a 2/3 hour meeting.

I do not see any clear links between the agenda items of the Policy Boards and that of the Cabinet.

My view is that the cabinet is not a democratic method of decision making. 6/7 Members of one party, in the main nodding through a 400 page agenda, with some Members barely contributing.

Unless there is more devolved decision making to the Boards they will continue to be only discussion forums whose minutes are merely noted.

As a former CDC Member, committees had a lot going for them."

"I don't believe that any of the Boards have their full quota of Members and non attendance is high. These facts speak for themselves."

"I think Policy Boards are really important to bridge the democratic gap that exists where we have an Executive/Cabinet Structure but we are not consistently making best use of that opportunity at the moment.

I wonder if instead of being under the broad title of the Portfolio holder it might be more effective to work to specific objectives either agreed by the Boards or perhaps those in the Council Plan as we are all signed up for them. The process for working these might include gathering evidence from external sources and looking to our partner organisations for input."

"Policy Boards seem to have been useful rather than game changing. Performance has been variable in terms of the 'red meat' coming before each Board and partly in consequence in the impact of each.

There seems to me two routes for Boards – either as occasional, almost ad hoc bodies to deal with issues appearing on the horizon, or as ongoing regular standing topic or service committees.

I am not sure there was appropriate clarity, precision or detail in just what was expected of Boards and of individual Members in the initial stages."

"When you see a minute of a Policy Board and two people attended – not very representative.

When Policy Board minutes go to the Cabinet they don't ever refer to the minutes – just lump together and note.

Members seminars would deliver more than the Policy forums are currently.

While I attend every one, as I see the Policy Boards as information gathering exchanges, others clearly don't with poor take up and even poorer attendance.

Not representative of Council as some Independent Members who have three reserved places do not want to participate.

All Chairs deal with issues separately and not in a uniform way it appears. Lack of minutes till some weeks later and no agendas sent to all Members does not allow input from non members of Policy Board.

So one day seminars every 3 weeks covering all Policy Board issues and discussion which are led by Committee Services and attendance as other meeting recorded."

"I find they are a waste of time and are just talking shops".

"The Boards need to be more than a talking shop. Their deliberations need to be directed to Policy change and to have the presumption that they will be considered with a view to being adopted."

"Each Policy Board seems to run differently depending on how the Chair decides to do it. I feel the Chairs were not given enough guidance on how the Policy Boards should be run and what their remit should be. For example, my own started with a debate on whether it was a decision making body which no one could answer"

"My experience of the Policy Board I am on has been ok. But other Members have expressed deep concerns over lack of direction, responsibility and influence etc".

"The Policy Boards are a useful form for discussing relevant items that may become future policies, can inform preparation of strategy documents, and give time for general discussion on themes, backgrounds and suggestions of areas to look at in the future.

The 6 week cycle does not allow all areas of policy change to be discussed prior to presentation to Cabinet as some things are dictated elsewhere e.g. Welfare Reform.

Cabinet meetings fortnightly. The model currently set up suits a style of administration that held Cabinet or relevant committee meetings on a far less frequent basis.

As yet no suggestions have come forward for policy review or discussion apart from a request for an understanding on how care controls were monitored. No changes resulted from reviewing it.

There is a need for some forum to keep all Members informed and allow an informal forum for open discussion with officers."

"Some papers were only made available at the meeting.

Absence by Elected Members was/is a big negative.

Most papers/policies/agreements at Boards were only noted, not acted on."

5. Feedback from Lead Officers

- 5.1 Following their creation, each Policy Board was assigned a Lead Officer to coordinate the business of the Policy Board.
- 5.2 Lead Officers were asked to provide some general feedback on their experience of the operation of Policy Boards to date. Each was asked to consider a number of specific questions. The feedback received is summarised below:-

Role of Policy Boards

- 5.3 Lead Officers were asked if, in their view, Elected Members understood the role of the Policy Boards in respect of preparing policy proposals for consideration by Cabinet.
- 5.4 The responses to this question were mixed. Some Lead Officers felt that Elected Members did understand the role of their Policy Board, whilst others were less sure. Comments received were as follows:

“Not entirely sure. Keen to keep challenging issues to political group rather than Policy Board.”

“Not entirely. Major policy issues are obviously decided by Cabinet, and the most controversial not always discussed by the Policy Board, e.g., Bedroom Tax.”

“Good; helpful feedback and suggestions provided, both in advance of and at board meetings”

“Yes and the fact that they are cross party is helpful.”

“There is a particular challenge with the Finance and Corporate Support Policy Board given some of the services which sit within it – Finance, including Revenues and Benefits, HR, Internal Audit. In addition to FACS services Democratic and Administration Services would also report to this Board (I haven’t had any feedback on issues around these services).”

Frequency of Meetings

- 5.5 Lead Officers were asked for their views on the frequency of Policy Board meetings i.e. too frequent or not frequent enough.
- 5.6 Again the responses to this question were mixed. 3 Lead Officers felt the frequency of meetings was about right. One Lead Officer felt meetings should be quarterly, and one felt the frequency of meetings for [her Policy Board] should be reduced by one.” Comments received were as follows:-

“Probably about right.”

“Too many, should be quarterly.”

“Good”

“Too regular for policy development. They should be reduced by at least one.”

“The frequency of the meetings is fine. However, given the challenges in identifying issues for the Board to consider, there is some difficulty in identifying appropriate agenda items.”

Political Composition

5.7 Lead Officers were asked if they felt that the composition of the Policy Boards was working (politically and in terms of numbers). Specifically they were asked if, in their view, Members were able to reach consensus on policy proposals.

5.8 All Lead Officers were generally of the opinion that the composition of the Policy Boards was about right. Comments received were as follows:-

“Generally yes”.

“Composition is fine, most members very interested and knowledgeable.”

“Workable and mature relationships, with much consensus”

“Yes cross party is helpful. However we have pretty low attendance rates and generally only 2 or 3 members are present.”

“The members of the Policy Board have fully engaged in the development of policies and strategies.”

“The issues which have been considered by the Board are noted below;

- ICT strategy update
- Progress on supporting Services Review
- Economic Outlook
- Approach to Altering Service Demand
- ECO / HEEPS project submissions (which were being considered by Cabinet)
- Digital Strategy Update
- Update on Modern Apprentices.

None of the agenda items have been about developing policy they have been more about information sharing on current policies or updates on progress against major initiatives.”

Members Input

5.9 Lead Officers were asked if they felt that the Policy Boards were being led by Elected Members or by Officers. Responses were mixed.

“Officer nudging but some items have been raised by Members.”

"Mostly officers but Members do suggest issues they want to discuss. We have found presentations are a useful way of stimulating discussion."

"Member led with considerable officer support, but appropriate combination."

"The meeting is chaired by the portfolio holder. I prior agree the areas for consideration with the portfolio holder and the officers prepare appropriate papers."

Largely agenda items are suggested by officers. At the meeting on 1/5/2013 members requested further information at the next meeting on the Modern Apprentice programme."

Use of Officers' Time

- 5.10 Lead Officers were asked if, in their view, attending Policy Board meetings was an effective use of their time. Two Lead Officers felt that attending Policy Boards was an effective use of their time. Others raised reservations. Comments received were as follows:

"I could think of better."

"Yes, but as previously advised quarterly meetings would be preferable."

"Yes, helpful in developing ideas and consensus"

"Not really. Policy formation is happening elsewhere ie through the economic development board which has member representation (cllrs Gibson, Burns and McNamara). The policy board is more of a briefing opportunity."

"Often only a small number of members attend the FACS policy board. On this basis the effort in preparing for the Board is not commensurate with the information shared. All of the issues discussed at the FACS Board had been considered by Cabinet previously."

- 5.11 Lead Officers were asked if they felt that Policy Boards were an effective method of assisting in the preparation of policy proposals for Cabinet? Again the responses were mixed. Comments received were as follows:-

"They could be if used properly."

"They have the potential to be if cross-party working is developed further."

"Yes, very helpful"

"Not really. The work of the EDR board and its two key task groups are where the policy work is taking place. This is primarily due to the wide range of stakeholders that need to engage. However, policy boards are an opportunity to engage and brief members but the policy thinking primarily takes place elsewhere. "

“It is not evident at this stage how effective this will be for the FACS Board. All policies which have been developed since the Board was formed have not been considered by the FACS Board in advance of Cabinet consideration due to the nature of the policy e.g. financial strategy, welfare reform policies, where it would be difficult to develop this outwith Cabinet.”

- 5.12 Lead Officers were asked to cite examples of policy proposals discussed or developed through their Policy Board that have been subject to a report to Cabinet? The areas highlighted were as follows:-

Education and Attainment Policy Board

- Vision for Education;
- Senior Phase paper; Employability;
- Early Years Strategy;
- Development of Quality Improvement.

Health and Social Care Policy Board

- Kinship Care Policy;
- Carers Strategy;
- Joint Commissioning Strategy for Older People;
- Consultation on Redesign of Community Justice Authority;
- Hazeldene Horticultural Project

Community Empowerment Policy Board

- Asset transfer policy;
- Community and Empowerment Bill response;
- Community centres and associations policy;
- Community development grant/Nurturing Excellence in Communities fund Cabinet report;
- Community councils review;
- Ongoing sports and pitches and facilities review

Economy and Employment Policy Board

- Hunterston work;
- Employability.
- Youth Employment Strategy

Environment and Infrastructure Policy Board

- Water Safety Policy;
- Tree & Woodland Management Policy;
- Abandoned Shopping Trolley Policy.
- The Policy Board has also been used to monitor the implantation of the Council's Waste Strategy.
- The Policy Board is currently working with the Economy & Employment Policy Board to develop a parking strategy for subsequent consideration by Cabinet.

6. Summary and Issues

- 6.1 The Review indicates that there is uncertainty amongst some Members and officers as to the role and purpose of Policy Boards.
- 6.2 The rationale behind the creation of Policy Boards was to recognise that most of the Council's substantive business, including almost all policy work, was considered by Cabinet.
- 6.3 The Cabinet, after the full Council, is the main decision-making body of the Council. The volume of business going to the Cabinet could limit the extent to which the Cabinet is able to give extensive consideration to any particular policy.
- 6.4 Against this background the Policy Boards served two key purposes:-
- to create capacity to enable detailed development and consideration of major policies which could then be considered by Cabinet.
 - to allow Members not serving on the Cabinet, and particularly Opposition Members, an opportunity of being involved in the development and consideration of major policies.
- 6.5 Group Leaders may therefore wish to consider the following issues in respect of Policy Boards: -
- How can Policy Boards be better used to inform policies before they go to Cabinet?
 - How can Members bring forward items for consideration by a Policy Board and what is the criteria for this?
 - Why it is difficult to identify agenda items for Policy Boards?
 - Are Members concerned with building consensus on Policy issues?
 - Should the role of Policy Boards be to brief Members rather than policy development?
 - Is there replication between the work of the Economy and Employment Policy Boards and the EDR Board?
 - 23 policies have been considered by Policy Boards before submission to Cabinet. To what extent are Members aware of this?
- 6.6 Consideration of these issues may help to better define the role of Policy Boards.

Appendix 1

Outline Remits of Policy Boards as Presented to Cabinet in June 2012

Community Empowerment Policy Board

The Community Empowerment Policy Board will develop and oversee the work of the Council on:

- Potential Asset Transfer and Policy Development
- Responding to the Community Empowerment and Renewal Bill

Economy and Employment Policy Board

The Economy and Employment Policy Board will develop the Council's response to the challenges presented by the economy and high levels of unemployment.

This Board will oversee the work of the Council in support of the North Ayrshire Economic Development and Regeneration Board chaired by Professor Alan McGregor.

Education and Attainment Policy Board

The Education Attainment and Achievement Policy Board will develop council views around key aspects of policy which impact on educational outcomes:

- improving positive destinations of school leavers
- closing attainment gap between socially advantaged and disadvantaged groups to improve social mobility
- develop a culture of high aspirations and expectations
- increasing family and children's involvement and engagement in education from the earliest stages.

Environment and Infrastructure Policy Board

The Environment and Infrastructure Policy Board will oversee the work of the Council on:

- Developing Environmental Sustainability
- Developing the medium/long term Waste Strategy
- Developing environmental management in our communities
- Improving infrastructure investment planning through effective asset management
- Building Services Review.

Finance and Corporate Support Policy Board

The Finance and Corporate Support Policy Board will oversee the work of the Council on:

- Developing the Capital Investment Strategy
- Developing the medium and long term Revenue Strategy
- Leading the Council's response to Welfare Reform
- Leading the Council's Risk Management Strategy.

Health and Social Care Policy Board (inc. Integration & Housing)

The Health and Social Care Policy Board will develop Council views around key aspects of policy which impact on health outcomes. This will include issues relating to social care and housing services:

- Improving health outcomes for adults in North Ayrshire
- Developing joint services with the NHS and other key partners
- Improving outcomes for vulnerable children and their families in North Ayrshire
- Improving child, adult and public protection outcomes in North Ayrshire

Policy Board Memberships

Community Empowerment Policy Board

Councillor Hill (Chair)

Councillor John Bruce
Councillor Ian Clarkson
Councillor Highgate
Councillor Ruth Maguire
Councillor Ronnie McNicol
Councillor Jim Montgomerie
Councillor Peter McNamara

Economy and Employment Policy Board

Councillor Burns (Chair)

Councillor John Bell
Councillor Willie Gibson
Councillor Elizabeth McLardy
Councillor Alex McLean
Councillor David O'Neill

Education Attainment and Achievement Policy Board

Councillor Gurney (Chair)

Councillor John Bell
Councillor John Bruce
Councillor Tom Marshall
Councillor Catherine McMillan
Councillor Jim Montgomerie

Environment & Infrastructure Policy Board

Councillor Bruce (Chair)*

Councillor Ian Clarkson
Councillor Joe Cullinane
Councillor Anthea Dickson
Councillor John Easdale
Councillor John Ferguson
Councillor John Hunter
Councillor Elizabeth McLardy

Finance and Corporate Support Policy Board

Councillor McLean (Chair)

Councillor Marie Burns
Councillor Alex Gallagher
Councillor Tony Gurney
Councillor Tom Marshall

Health & Social Care Policy Board (inc Integration & Housing)

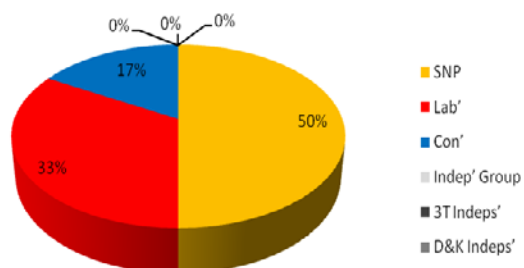
Councillor Dickson (Chair)

Councillor Ruth Maguire
Councillor Tom Marshall
Councillor Alan Munro
Councillor Catherine McMillan
Councillor Irene Oldfather
Councillor Donald Reid

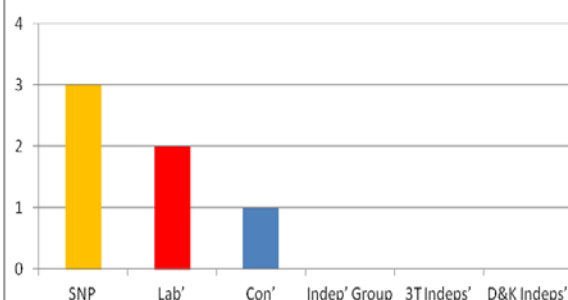
*Replaced Councillor
Ferguson May 2013

Group Representation on Policy Boards

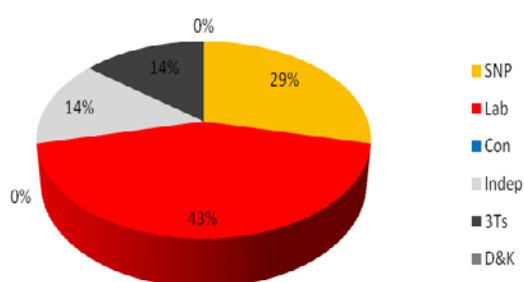
Composition of Economy and Employment Board



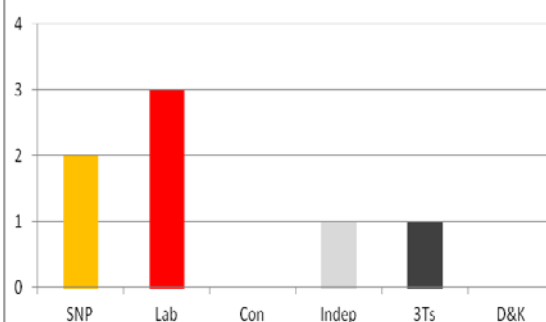
Composition of Economy and Employment Board



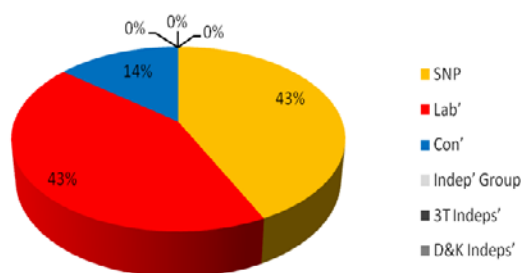
Composition of Environment and Infrastructure Policy Board



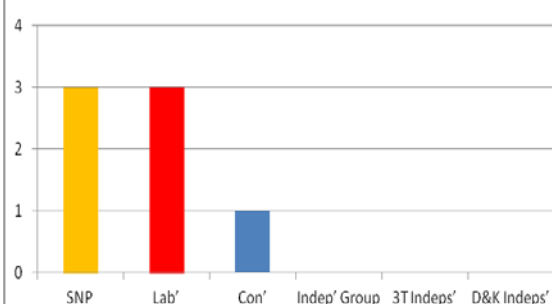
Composition of Environment and Infrastructure Policy Board



Composition of Health and Social Care Body Policy Board

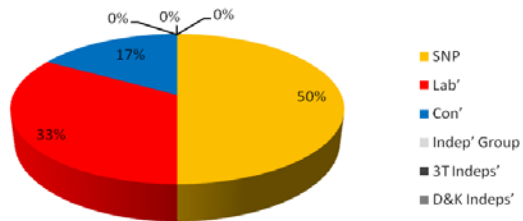


Composition of Health and Social Care Body Board

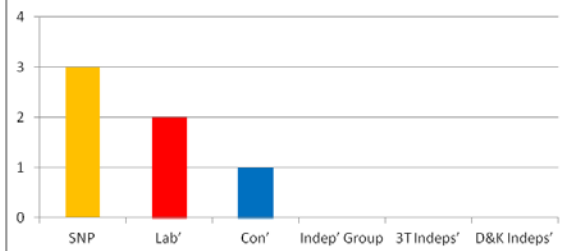


Group Representation on Policy Boards

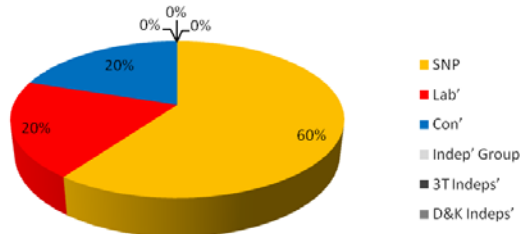
Composition of Education Attainment and Achievement Policy Board



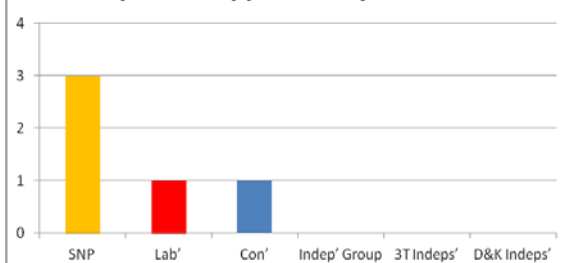
Composition of Education Attainment and Achievement Policy Board



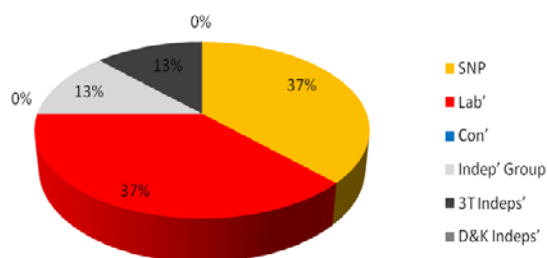
Composition of Finance and Corporate Support Policy Board



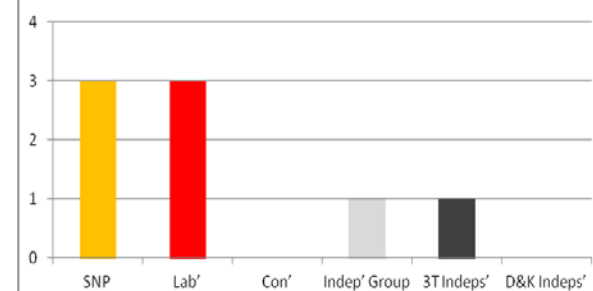
Composition of Finance and Corporate Support Policy Board



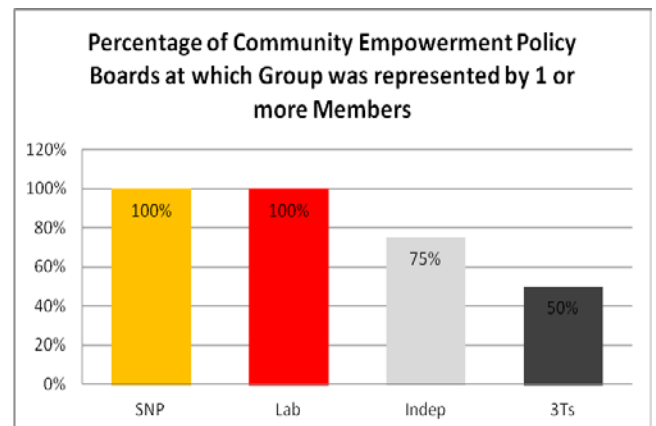
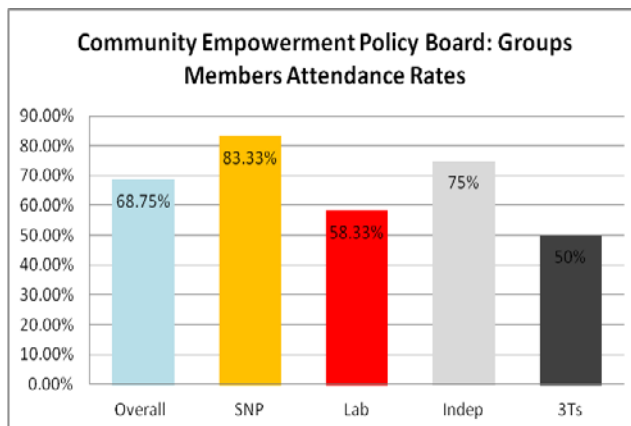
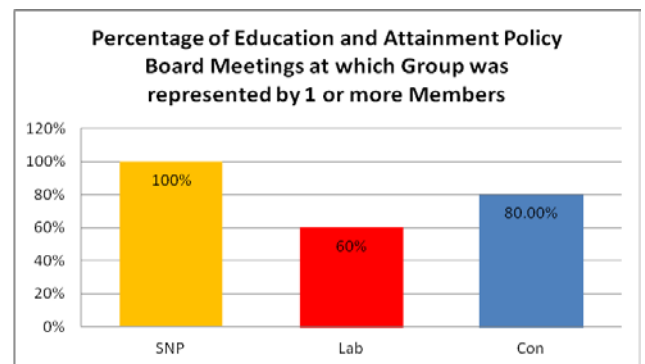
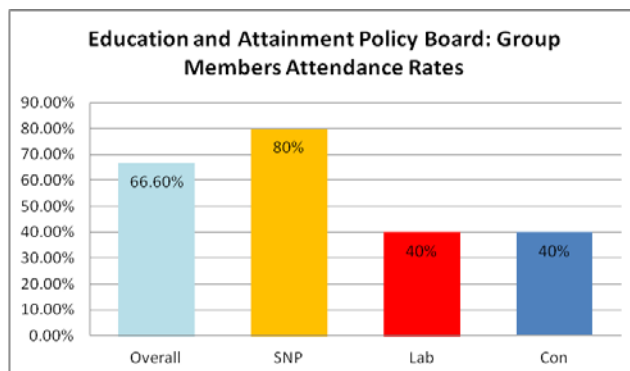
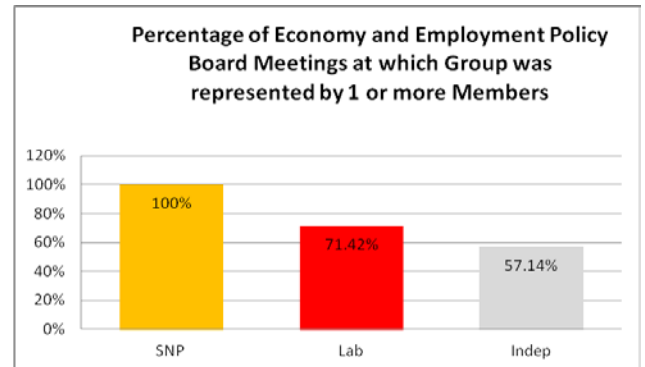
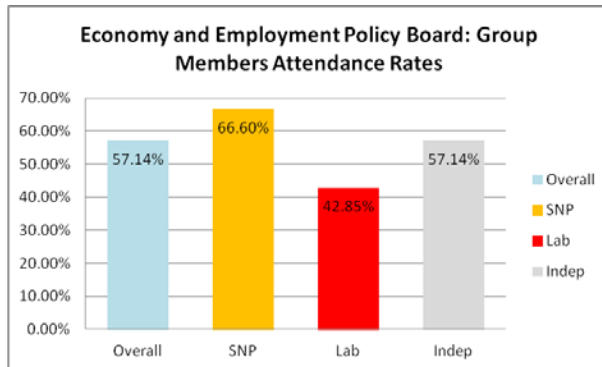
Composition Community Empowerment Policy Board

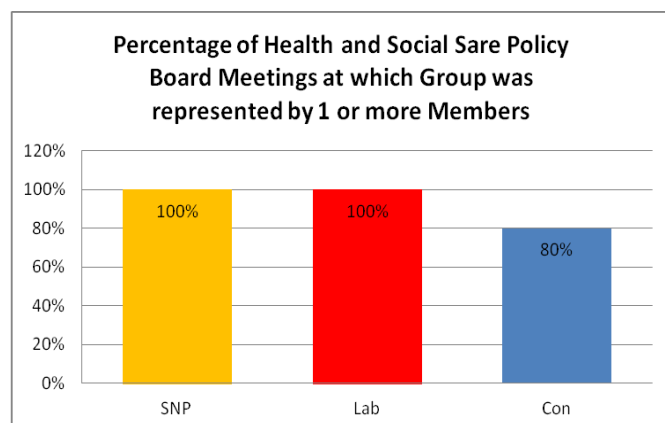
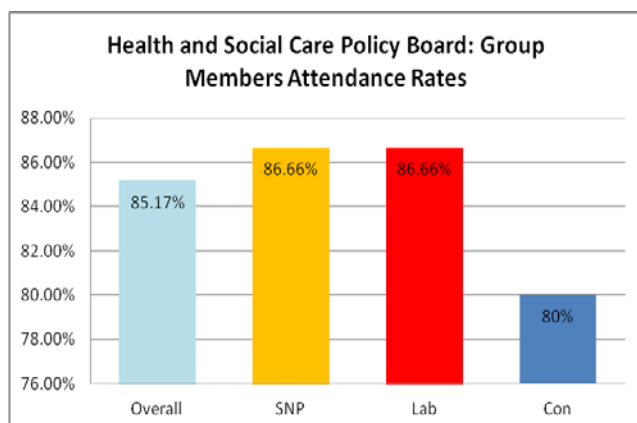
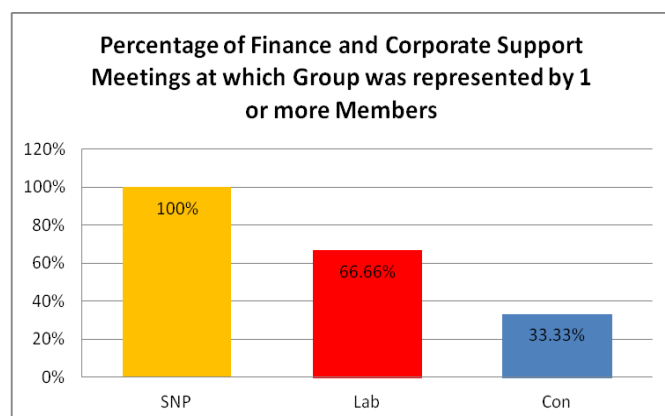
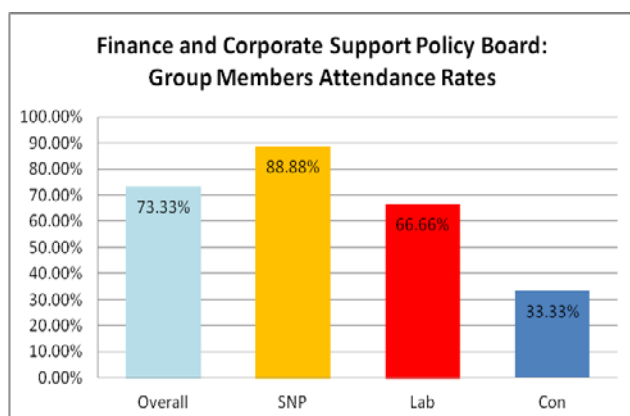
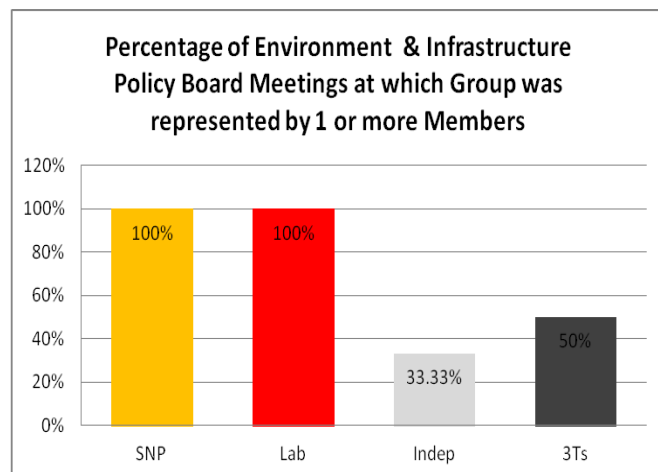
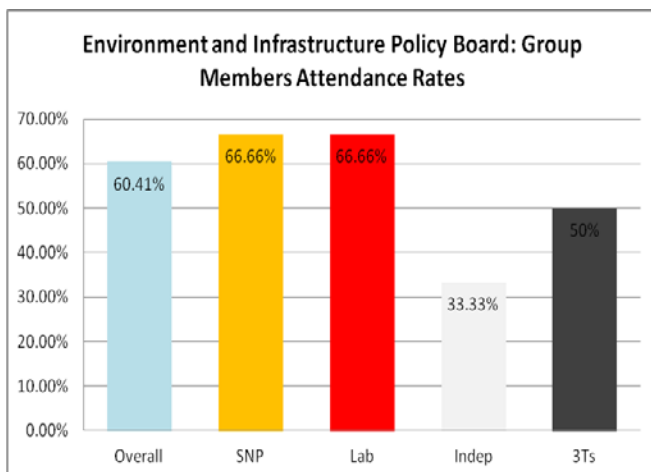


Composition of Community Empowerment Policy Board

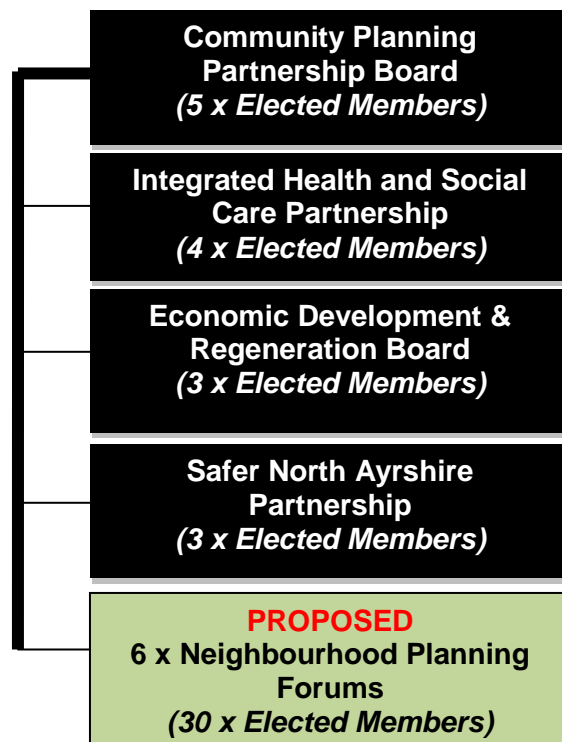


Policy Boards - Attendance Rates



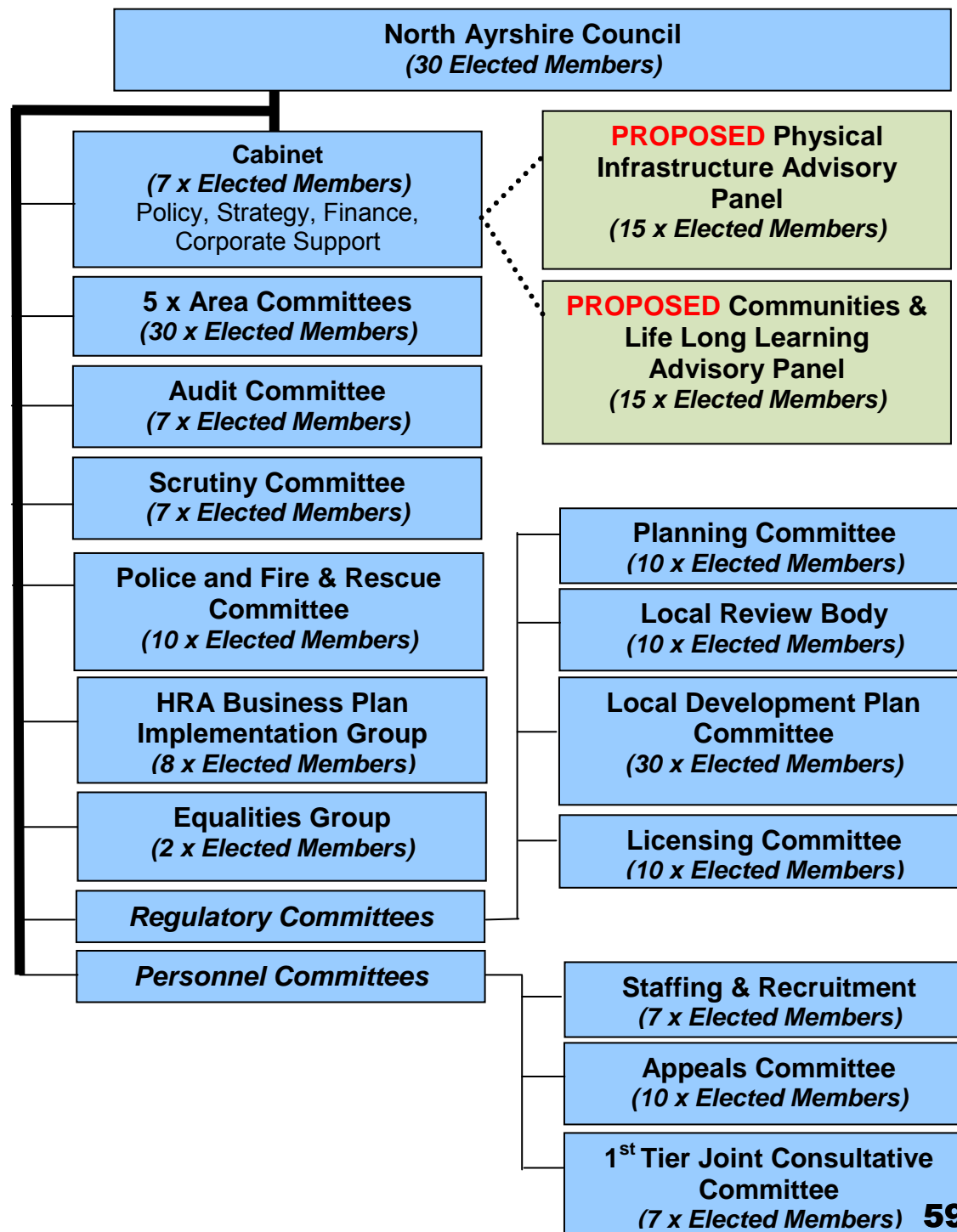


Community Planning



Council

Appendix 2



NORTH AYRSHIRE COUNCIL

Agenda Item 5

8 October 2013

Cabinet

Subject:	Sundry Debtor and Commercial Refuse Write off
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Purpose:	To advise the Cabinet of sundry debtor and commercial refuse write offs.
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Recommendation:	That the Cabinet (a) notes the sums written off under delegated powers; and (b) authorises the write off of balances over £1,000 as set out in Appendix 1.
------------------------	--

1. Introduction

- 1.1 Council Services raise invoices through the Council's debtors system for goods or services provided to the general public or to businesses. The Finance and Property Debt Recovery Team manages and recovers these debts. If a debt is unpaid then a reminder and a final reminder are issued before the debt is passed to Legal Services to recover the debt through legal processes.
- 1.2 During the recovery process cases are identified by Legal Services where it appears unlikely that there will be further recoveries of monies due, or where continued recovery action would be inappropriate. These cases are referred back to Services for their approval to write off the debts under delegated powers or, where appropriate, to seek Members' approval for the write-off.
- 1.3 The Financial Regulations provide that sums due to the Council may be written off when all avenues for recovery have been exhausted and where the sums are considered to be irrecoverable.
- 1.4 Write-off of overpayments below £1,000 is delegated to the Corporate Director of Finance & Corporate Support and/or the Chief Executive.

2. Current Position

2.1 All accounts recommended for write off have either been:

Invoiced and then actively pursued by the Finance and Property debt recovery team and by Legal Services then finally referred back to Services for their approval to put forward the account for write off;

Or

In the case of invoices for commercial refuse uplifts; customers are visited by a member of staff within the Service and will only recommend a write off where the debt cannot be recovered.

- 2.2 Appendix 1 shows that 1,927 accounts of less than £1,000 each with a total value of £252,355.84 have been written off under delegated powers over the period October 2004 to January 2013.
- 2.3 A further 331 accounts of more than £1,000 totalling £173,276.14 require Cabinet approval for write off. 243 of the sundry debt accounts relate to financial years 2010/11 and later, with the balance relating to earlier years. For the commercial waste write off 4 accounts relate to 3 businesses that were invoiced in 2007/08.
- 2.4 Of the 76 individual customers that make up the 327 accounts, the majority, 54, were the subject of court action by Legal Services that could not be enforced. The owners of the 3 businesses with a commercial waste debt are no longer trading.
- 2.5 The total amount of sundry income debt to be written off under delegated powers and by the Cabinet is £227,044.69 and £166,646.79 respectively, totalling £393,691.48. This represents 0.22% of the total amount of sundry income debt that has been invoiced as at 1 April 2013, compared to 4.78% written off last year, for debt invoiced during the period April 2003 to May 2012.
- 2.6 The total amount of commercial waste debt to be written off under delegated powers and by the Cabinet is £25,311.15 and £6,629.35 respectively, totalling £31,940.50 and this represents 1.56% of the debt invoiced from 1 April 2006 to 31 March 2008 compared to 0.2% that was written off in 2009 for debt invoiced during the period April 2002 to April 2009.

- 2.7 Although it is proposed that the accounts be written off as irrecoverable, further attempts will be made to recover the debts through Stirling Park sheriff officers, where possible.
- 2.8 Since April 2007 debt previously written off totalling £1,162,868 has been passed to Stirling Park for collection and to date they have collected £73,895 (6.35%).
- 2.9 Full lists detailing the accounts for write off are available in Finance & Property for inspection by Members.

3. Proposals

- 3.1 The proposal is for the Cabinet to (a) note the amount written off under delegated powers; and (b) approve the write off of the sundry debtors' accounts over £1,000 as set out in Appendix 1.

4. Implications

Financial Implications

- 4.1 The write off of sundry debtor accounts and commercial refuse accounts result in a financial loss to the Council. Adequate provision for bad debts has already been made in the Council's accounts.

Human Resource Implications

- 4.2 None

Legal Implications

- 4.3 None

Equality Implications

- 4.4 None

Environmental Implications

- 4.5 None

Implications for Key Priorities

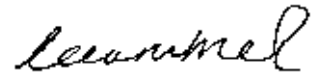
- 4.6 None

5. Consultations

- 5.1 Environment and Related Services, who invoice and collect their own debt, and all other services that raise invoices through the sundry debtors system were consulted on the proposal. Legal Services have also been closely involved in the recovery process.

6. Conclusion

- 6.1 Approval to write off the amounts in excess of £1,000 as set out in Appendix 1 will remove irrecoverable debt and allow the Finance Debt Recovery Team, Legal Services and Environment and Related Services to concentrate fully on collecting the sums due from the remaining recoverable debts.



LAURA FRIEL

Corporate Director (Finance and Corporate Support)

Reference : SH

For further information please contact Stephen Humphries Senior Manager
Revenues & Benefits on telephone number 01294 324527

Background Papers

Sundry Debtor write off list 2013

Commercial Refuse write off list 2006/07 and 2007/08

North Ayrshire Council - Debtors Control System - Write off summary

Value of invoices	General Fund		Commercial refuse		H.R.A.		Total	
	Number	Value	Number	Value	Number	Value	Number	Value
Less than £500	840	£88,640.15	116	£16,553.66	543	£53,715.92	1499	£158,909.73
£500 to £1,000	184	£34,587.56	12	£8,757.49	232	£50,101.06	428	£93,446.11
Delegated powers	1024	£123,227.71	128	£25,311.15	775	£103,816.98	1927	£252,355.84
Over £1,000	300	£51,634.94	4	£6,629.35	27	£115,011.85	331	£173,276.14
	1324	£174,862.65	132	£31,940.50	802	£218,828.83	2258	£425,631.98

General fund, commercial refuse & HRA	
Amount written off under delegated powers	£252,355.84
Amount written off by Members	£173,276.14
Total amount to be written off	£425,631.98

NORTH AYRSHIRE COUNCIL

Agenda Item 6

8 October 2013

Cabinet

Subject: **Energy Company Obligation (ECO) – Appointment of ECO Partner**

Purpose: To advise the Cabinet of the Council's intention to vary the appointment of our ECO partner from British Gas Plc to Scottish Power Energy Retail Ltd.

Recommendation: That the Cabinet (a) approves the replacement of British Gas as the preferred ECO partner for projects noted as 1, 2 & 3 within the Cabinet report dated 25 June 2013 (Appendix I attached); and (b) delegates authority to the Corporate Director (Finance & Corporate Support) to appoint the appropriate ECO providers for any further ECO projects identified throughout the remainder of the 2013/14 financial year.

1. Introduction

- 1.1 On 25 June 2013, a report was submitted to Cabinet seeking approval to appoint British Gas as the preferred ECO provider for 3 external wall insulation projects. The total indicative value of the ECO funding for these projects was £2,169,415.
- 1.2 At that time, draft heads of terms had been agreed with British Gas and a draft contract had been received for comment and amendment.

2. Current Position

- 2.1 The current position is that British Gas has submitted their draft contract to the Council, however their legal representatives are now insisting that a penalty clause is inserted into the contract.
- 2.2 This penalty clause is proposing to place a financial obligation upon the Council to reimburse British Gas should the Council fail to deliver the level of carbon tonnage that is anticipated to be generated by the 3 projects.

- 2.3 Whilst the Council remains confident that the projects will deliver the anticipated carbon tonnage, it is deemed unacceptable to have a financial penalty attached to these projects, particularly as the Council has limited control over the participation of the private households participating in the works.
- 2.4 Having had further competitive dialogue with a number of the 'big six' energy providers, the Council has received an acceptable offer from Scottish Power for the 3 previously mentioned projects. The total value of the ECO funding package being offered is £2,665,558.
- 2.5 The funding offer received from Scottish Power is £496,143 greater than the funding package originally agreed with British Gas.
- 2.6 Each of the 'big six' energy providers have annual carbon reduction targets to achieve. Should they fail to achieve these reductions, it is at the discretion of the Office Of Gas And Electricity Markets (Ofgem) to impose severe financial penalties against the offending provider. The improved offer received from Scottish Power is reflective of their commitment to deliver the expected level of carbon reductions.
- 2.7 A draft contract has been passed to the Council for review and confirmation has been received from Scottish Power that there is no penalty should the Council fail to deliver the expected level of carbon tonnage.

3. Proposals

- 3.1 It is proposed that Scottish Power is appointed as the ECO provider for the projects noted above, with the Corporate Director (Finance & Corporate Support) being delegated authority to appoint or amend the appointment of ECO providers for any further projects identified throughout the current financial year.

4. Implications

Financial Implications

- 4.1 The additional funding will reduce the burden on the HRA (capital account) by approximately £500,000 in 2013/14.

Human Resource Implications

- 4.2 None

Legal Implications

- 4.3 None

Equality Implications

- 4.4 None

Environmental Implications

- 4.5 None

Implications for Key Priorities

- 4.6 This work will contribute towards the Councils commitment to the Single Outcome Agreement, under the following objectives:-

6d "More vulnerable people are supported within their own communities."

10a "The quality of social housing has improved."

12a "Our environment is protected and enhanced."

14b "The public sector's carbon footprint has reduced."

Community Benefit Implications

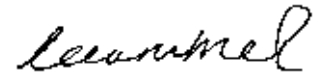
- 4.7 Three apprenticeships/trainee position will be created as part of this project.

5. Consultations

- 5.1 Consultation has taken place with the Corporate Procurement Unit (CPU) over the appointment of our ECO providers and Legal Services in relation to the drafting of contracts.

6. Conclusion

- 6.1 The Cabinet is asked to note the contents of this report and approve the recommendations contained therein.



LAURA FRIEL
Corporate Director (Finance and Corporate Support)

Reference :

For further information please contact David Tate, Senior Manager (Housing Assets & Investment on telephone number 01294 225051.

Background Papers

None

**Update On Energy Company Obligation (ECO)
Number of Houses Forming Projects 1, 2 and 3**

Project	Number of Private Houses	Number of Council Houses
Project 1 External wall insulation to 330 Weir Timber houses	152	178
Project 2 External wall insulation to 53 flats	14	39
Project 3 External wall insulation to 85 solid wall/hard to treat properties	41	44
TOTAL	207	261

NORTH AYRSHIRE COUNCIL

Agenda Item 7

8 October 2013

Cabinet

Subject: **Property Factors (Scotland) Act 2011**

Purpose: To advise the Cabinet of the outcome of the public consultation exercise on the introduction of North Ayrshire Council's Property Factoring Service and present the finalised Statement of Services.

Recommendation: The Cabinet is asked to note (i) the feedback received following the conclusion of the public consultation exercise; and (ii) the contents of the finalised Statement of Service that sets out how the Council intends to operate the Property Factoring service.

1. Introduction

- 1.1 Introduction of a Property Factoring service and the statutory obligations being placed upon the Council in relation to the management of the common parts of Council owned properties was outlined to the Cabinet on 18 September 2012. On 11 June 2013, the Cabinet was provided with an update in relation to the development of a Property Factoring service for private households within Council managed housing estates.
- 1.2 At that time, the Cabinet noted that the Council was intending to conduct a public consultation exercise and seek the views and opinions of those households affected by the Property Factoring service.

2. Current Position

- 2.1 In July 2013, the Council's Factoring Team wrote to the 2,032 households across North Ayrshire that are affected by the introduction of the Council's Property Factoring Service. The information issued at that time included a covering letter explaining why the service was being introduced, a draft 'Statement of Services,' a 'frequently asked questions,' information leaflet and a feedback form.

- 2.2 The covering letter also advised of various public drop-in information sessions that were taking place across North Ayrshire throughout late July and advised that the consultation exercise would conclude on 23 August.
- 2.3 All Elected Members of the Council were sent copies of the above information and were asked to submit any feedback that they had.
- 2.4 The consultation period has now concluded. Of the 2,032 private households contacted, responses were received from 461. This represents a 22.7% response rate. A summary of the feedback is noted as follows:

No Comments	378	82.00%
Agree/happy with the Service	31	6.72%
Further clarification on service requested	28	6.07%
Do not agree that repairs can be instructed without prior notice	18	3.90%
People should be able to pay by instalments	6	1.30%
Do not agree with the service at all	7	1.52%
Do not agree with the admin fee/fee is excessive	4	0.87%
The Council does not offer value for money/would like to appoint own contractor	6	1.30%

- 2.5 In terms of households requesting further clarification on the service, responses are being drafted to respond to the individual issues raised.

3. Proposals

- 3.1 Attached as Appendix 1 is the finalised 'Statement Of Services.' In order to ensure compliance with the Act, the finalised version of this document was issued to all affected households in advance of 1 October 2013.
- 3.2 Only one private owner made comment on the text within the draft 'Statement of Service,' with the finalised version being amended slightly to reflect the comment received.

- 3.3 The Cabinet is invited to note (i) the feedback received following the conclusion of the public consultation exercise;; and (ii) the contents of the finalised Statement of Service that sets out how the Council intends to operate the Property Factoring service; and is asked to acknowledge the feedback received following the public consultation exercise and note the contents of the finalised 'Statement of Services'.

4. Implications

Financial Implications

- 4.1 The costs associated with delivering the Property Factoring service will be funded via the Housing Revenue Account (HRA). Once established, a report outlining the income being derived from Property Factoring activities will be submitted to Cabinet.

Human Resource Implications

- 4.2 One full-time Factoring Officer has now been recruited by the Council.

Legal Implications

- 4.3 The Factoring Officer continues to liaise with Legal Services in relation to Property Title provisions and the exercising of these.

Equality Implications

- 4.4 None.

Environmental Implications

- 4.5 None.

Implications for Key Priorities

- 4.6 Introduction of a Property Factoring service contributes to the following key priorities:

"The quality of social housing has improved".

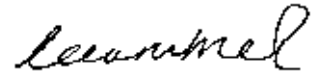
"Our environment is protected and enhanced".

5. Consultations

- 5.1 Internal Consultation has taken place with Housing Services, Finance & Property, Legal Services and Building Services.
- 5.2 External consultation has take place with the households affected by the introduction of this service.

6. Conclusion

- 6.1 The Cabinet is requested to consider and approve the recommendations set out in the report.



LAURA FRIEL
Corporate Director (Finance and Corporate Support)

Reference :

For further information please contact David Tate, Senior Manager (Housing Assets & Investment) on telephone number 01294 225051

Background Papers

None




North Ayrshire Property Factoring Service **Statement of Services**

On 1 October 2012, the Property Factors (Scotland) Act 2011 (“the Act”) was brought into force by the Scottish Government.

This new legislation is designed to regulate the property factoring industry and provide transparency to homeowners who share responsibility for communal repairs or services provided by a Property Factor.

**Our
registration
number is
PF000263**





As North Ayrshire Council (“the Council”) retain responsibility for managing the communal parts of your property, we require to comply with the terms of the Act and with the Code of Conduct for Property Factors, developed by the Scottish Government. In terms of the Act, the Council is deemed to be the Property Factor for the development which your property forms part of.

The Council are registered as a Property Factor with the Scottish Government and adhere with the Code of Conduct referred to above. Our registration number is PF000263. The following Statement of Services forms part of the Code of Conduct and sets out what the Council believe to be management activities in respect of the commonly owned parts within your property.

Section 1: Authority to Act

This section provides information on the legal right that the Council has to act as the Property Factor in respect of your property’s communal parts.

The Council is authorised to act as a property factor to your block as:

- Your Title Deeds allow the Council to do so while it continues to own at least one flat or property within your block.

When you purchased your property, you would have received a legal document, which is referred to in this Statement as your Title Deeds. The Title Deeds give you legal ownership of the property and set out your rights and obligations as an owner.

Section 2: Property Factoring Services

This section provides information on the general common repair provisions contained within your Title Deeds and identifies the typical repairs and common services that the Council may have a responsibility for maintaining.

Your Title Deeds set out what rights, obligations and responsibilities you have as a property owner. You might be fully familiar with the terms of your Title Deeds, however if you require advice or assistance you can contact the Council's Property Factoring Team (see Section 5) or review your Title Deeds independently.

Alternatively, you may wish to seek independent clarification on the terms of your Title Deeds from a Solicitor in private practice. Your Title Deeds will usually specify the share of the costs you are responsible for in respect of any common property you have an interest in.

The Council will ensure that the costs are divided appropriately between all properties.



Within your Title Deeds the common parts may typically include roofs, external walls, paths, fences, closes and communal entrance doors (if applicable).

As Property Factor, the Council will:

- Manage and deal with repair and maintenance issues relating to the common parts of your block.
- Where required inspect the property to determine what repairs, if any, are necessary and carry them out within specified timescales.
- Manage and deal with any service charges involving the common parts of your block. For example charges for close lighting, door entry systems or cleaning.
- Liaise as appropriate with tenants and private owners where repair works are deemed as necessary.
- Appoint contractors to carry out common repairs and maintenance works.
- Ensure that necessary works have been completed to an acceptable standard.
- Arrange payments to contractors on satisfactory completion of works.
- Ensure that the costs are divided appropriately between all properties.
- Issue owners with bills for their share of the costs.
- Engage with owners where necessary improvement works to the block are identified to obtain majority agreement.
- Liaise with legal professionals as required.


The above list is not intended to be exhaustive, but does provide a general overview of the common repair issues and services to be provided by the Council.

Section 3: Financial & Charging Arrangements

This section provides information on how the Council intend instructing and charging for communal repairs and services.

As a homeowner within a factored property, you are responsible for paying a share of the costs of any common repairs, maintenance and services that are required or provided as part of the Council's factoring service.

It is generally the case that each property is responsible for an equal share of the costs. For example, if the roof is the common property of four flats in a block of four each owner will be liable for a one-quarter share of the cost of roof repairs.



It is generally the case that each property is responsible for an equal share of the costs.

Where the Title Deeds do not set out all or some of the above they are regarded as silent on this matter and the requirements will be determined in accordance with the Tenement Management Scheme under the Tenements (Scotland) Act 2004. In most cases, the Act specifies that each owner will be responsible for an equal share of the repair costs.

Threshold Limit

Where a common repair is required at an estimated cost of £250 or less per owner, the Council will normally instruct these works without any consultation with you. This approach will ensure that the majority of common repairs are dealt with efficiently.

Where each owner's share of the proposed work is estimated to be more than £250, we will write to each owner, providing details of the costs. In this circumstance and prior to instructing the work, the Council will endeavour to obtain consent from the owners concerned.

Where repairs are necessary for the immediate protection of any person or property, the Council may instruct works above this £250 limit without prior consultation with owners.

In circumstances where individual owners or the Council have differing opinions on repair issues, the Title Deeds will always take precedence.

Charging Arrangements

On completion of a common repair affecting your property, the Council will issue you with an invoice for your share of the costs incurred. This will provide you with details relating to the work carried out and the amount that is due to the Council. It will also set out the various methods of payment.

Annual Maintenance Charge

For homeowners within Saltcoats High Flats (Lambie and O'Connor Courts) an annual account will be raised to cover the following costs:

- Lift Maintenance
- Water Pump Maintenance
- Heating and Lighting of communal areas
- Cleaning Costs for communal areas.

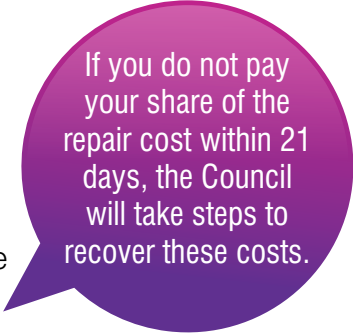
This account is in addition to any charges for work in relation to necessary repairs to the common parts of the building.

Management and Administrative Fee

The Council will apply an administration fee to the cost of any works carried out as part of the property factoring service. The fee applied will depend on the value of works undertaken. If the cost of your repair is £500 or less, the administration fee will be 10% of the value of the repair (for example if the repair cost £60, the fee would be £6, giving a total bill of £66). If the repair costs over £500, the administration fee will be capped at £50.

VAT

The Council must pay VAT for some repair and maintenance costs. When this is the case we will add VAT at the appropriate rate to your share of the costs. The invoice that we send you will fully detail any VAT payable.



If you do not pay your share of the repair cost within 21 days, the Council will take steps to recover these costs.

Debt Recovery Procedure

Following receipt of any invoice for common repairs or maintenance related charges, you will be requested to make settlement of the costs within 21 days. If you are unable to pay the balance in one instalment you should contact the Debt Recovery Team to discuss a suitable payment arrangement. The contact details for the Debt Recovery Team will be displayed on any invoices issued by the Council.

If you do not pay your share of the repair cost within 21 days, the Council will take steps to recover these costs. A final reminder will be issued allowing a further 14 days for payment. If payment is still not made, this will be followed by a Legal Proceedings letter advising that the balance should be paid within 14 days or the arrears will be referred for court action. Please note that if court action is required, the Council will ask the Court to require you to pay our legal costs in addition to the outstanding repair costs.

The full debt recovery procedure is available on request. This can also be accessed on the North Ayrshire Council website www.north-ayrshire.gov.uk on our property factoring pages.

If you are experiencing financial difficulties you should contact us immediately, as we are here to help and assist wherever possible.

Section 4: Reporting a Repair

This section provides information on how to report a repair to the Council. It also sets out the Council's intended response.

Repairs Reporting


If your property is factored by North Ayrshire Council and you wish to report a repair involving the common parts, you can report the repair by calling our 24-hour Freephone customer contact centre on 0800 0196 444. Information relating to your property will be taken and passed onto our factoring service who will contact you.

Emergency Repairs

All emergency repairs should also be reported to **0800 0196 444**.

General Enquiries

Should you have general enquiries relating to a factored property or have already reported a repair and require further information, you can contact the Property Factoring Team directly. The Property Factoring Team's contact details can be found in Section 5.



Types of Repair

Repairs fall into three main categories:

- **Emergency Repairs**

Where there is danger to life or the safety of individuals, loss of wind or water tightness or security.

- **Urgent Repairs**

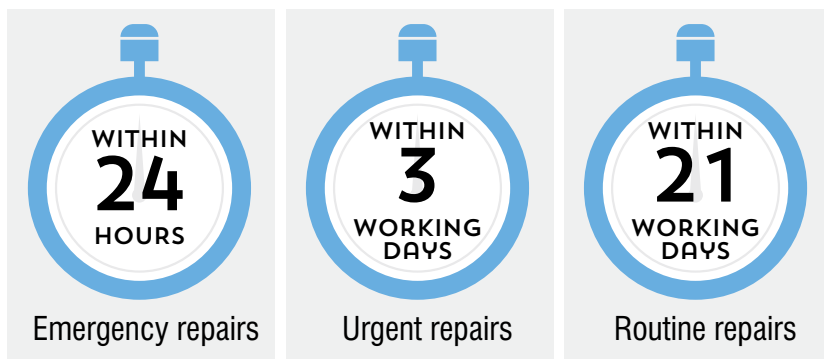
A necessary item which will cause considerable inconvenience or where there is a risk to health and safety, security of the property or there is the risk of damage to the property.

- **Routine Repairs**

Items which will not cause immediate inconvenience and where there is no damage to tenants or members of the public.

Timescales

Where repairs have been instructed, we aim to complete these within the following timescales:



There may be occasions when, due to the availability of goods, materials or specialist labour, it may be impracticable to achieve the above timescales. On these occasions, the Council will keep you informed of progress.

Section 5: Communication Arrangements

This section provides general information on communication with the Council, what to do when you are selling your home or if you are not satisfied with the level of service you receive from the Council's Property Factoring Team.

Your Title Deeds allow the Council to instruct repairs relating to most types of common repairs and maintenance to the common parts of your property without the approval of all owners within the block. However, as explained in section three, owners will be contacted by the Factoring Officer prior to any non-emergency repairs being carried out where your share of the estimated costs for the required works will be more than £250.

Property Factoring Team

The Council's Property Factoring Team is part of the Council's Finance & Property Service. For any Property Factoring enquiry, our team can be contacted at:

Telephone: (01294) 225060

E-mail: Factoring@north-ayrshire.gov.uk

Address: Property Factoring Team, Perceton House, Irvine, KA11 2AL

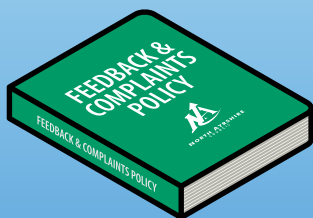
Information on Property Factoring can also be found on the Council's website www.north-ayrshire.gov.uk.

Complaints Procedure

If you are not satisfied with the Factoring Service provided by the Council you can raise your concerns with the Property Factoring Team.

We will always try to resolve your complaint quickly, within five working days if we can. If you are dissatisfied with our response, you can ask us to consider your complaint again.

Your second request will be acknowledged within three working days. A decision will be provided after no more than 20 working days unless there is a good reason for needing more time.



The Council's full complaints handling procedure is available on request and can also be accessed at www.north-ayrshire.gov.uk on our property factoring pages.

Homeowner Housing Panel

If you consider the Council has failed to carry out its duties as property factor or has failed to comply with the Code of Conduct, you are entitled to make an application to the Homeowner Housing Panel. In order to do this the following circumstances must apply:

- You must have notified the Council in writing of the reasons why you consider that the Council has failed to carry out its property factoring duties or failed to comply with the Code of Conduct.
- The Council's complaints process has been exhausted and you believe that the Council has refused to resolve your complaint or has unreasonably delayed attempting to resolve your complaint.

The Homeowner Housing Panel contact details are as follows:

Address: Homeowner Housing Panel, Europa Building,
450 Argyle Street, Glasgow, G2 8LH

Telephone: 0141 242 0175

E-mail: hohpadmin@scotland.gsi.gov.uk

Selling Your Home

If you sell your property, your solicitor should notify the Property Factoring Team of the change of ownership as soon as you know who the new owner will be. We will then calculate any outstanding charges and send you or your solicitor a final account.



If your home is not currently insured, it is strongly recommended that you insure its full value against damage by fire, flood and other accidents.

Section 6: Changing your Property Factor

This section provides information on how to change your Property Factor.

In some circumstances, a majority of the owners in your block may terminate the Council's property factoring arrangement. However, as your property is a former Council house, a change cannot generally be made within the period of 30 years from the sale of the first property in your block.

In certain circumstances it may also no longer be appropriate for the Council to act as Property Factor, for example if the Council no longer owns an individual property in a block of flats, they would no longer act as a Factor.

Your Title Deeds may provide guidance on how to deal with these circumstances. However if they are silent, the Tenement Management Scheme under the Tenements (Scotland) Act 2004 may operate to allow a majority of owners in your block to dismiss or to appoint a new Property Factor.

Section 7: Information for Owners

This section provides useful information for home owners relating to common repairs and Property Factoring.

Property Factors (Scotland) Act 2011

Further information on the Property Factors (Scotland) Act 2011 is available on the Scottish Government's website www.scotland.gov.uk.

Any enquires relating to the registration of a Property Factor can be made by emailing the Property Factor Register directly PropertyFactorRegister@scotland.gsi.gov.uk.

Data Protection

Please note that we are required by law to publish the address of all homes which receive a factoring service from the Council on the Property Factor Register. The information that we hold regarding you and your property may be shared with other council departments or public service organisations to facilitate and improve the service that we provide to you in line with the Data Protection Act 1998.

Home Insurance

If your home is not currently insured, it is strongly recommended that you insure its full value against damage by fire, flood and other accidents. Your policy should cover the full cost of rebuilding your home (this could amount to more than you paid for it) and you should advise your insurer that your property forms part of a common block.



If you would like any more information, or have any comments about this leaflet, please contact:

**Property Factoring Service
North Ayrshire Council
Perceton House
Irvine
KA11 2AL**

Phone: 01294 225060 / Fax: 01294 225112

Email: Factoring@north-ayrshire.gov.uk

www.north-ayrshire.gov.uk

This document is available in other formats such as audio tape, CD, Braille and in large print. It can also be made available in other languages on request.

該文件還有其他形式，如語音磁帶、CD、盲文版本及大字體版本。如有需求，還提供其他語言版本。

یہ دستاویز دیگر شکلوں میں بھی دستیاب ہے، جیسے آڈیو ٹیپ، سی ڈی، بریل اور بڑے حروف کی چھپائی میں۔ درخواست کرنے پر یہ دستاویز دیگر زبانوں میں بھی مہیا کی جا سکتی ہے۔

ਇਹ ਦਸਤਾਵੇਜ਼ ਹੋਰ ਰੂਪਾਂ ਵਿਚ ਵੀ ਮਿਲ ਸਕਦਾ ਹੈ, ਜਿਵੇਂ ਸੁਣਨ ਵਾਲੀ ਟੇਪ 'ਤੇ, ਸੀ ਡੀ 'ਤੇ, ਬ੍ਰੇਲ ਅਤੇ ਵੱਡੇ ਅੱਖਰਾਂ ਵਿਚ। ਮੰਗ ਆਉਣ 'ਤੇ ਇਹ ਹੋਰ ਬੋਲੀਆਂ ਵਿਚ ਵੀ ਦਿੱਤਾ ਜਾ ਸਕਦਾ ਹੈ।

Ten dokument jest do uzyskania w różnych formatach: na taśmie dźwiękowej, płycie CD, brajlem i dużym drukiem. Na żądanie, można go także otrzymać w innych wersjach językowych.

NORTH AYRSHIRE COUNCIL

Agenda Item 8

8 October 2013

Cabinet

Subject: **Community Empowerment and Community Associations in North Ayrshire**

Purpose: To inform Cabinet of the progress made within the short life working group on Community Centres to support community associations in developing progressive approaches to managing community centres in North Ayrshire.

Recommendation: That the Cabinet notes the progress which has been made in developing community empowerment approaches to managing community assets in North Ayrshire.

1. Introduction

- 1.1 North Ayrshire Council has made a public commitment to community capacity building, through the Community Planning Partnership and through the Education and Skills vision and associated service plan.
- 1.2 Community capacity building assists in the following:
- Supports people to be confident, skilled and active members of the community;
 - Supports communities to be active and to have more influence;
 - Supports community organisations to get access to resources and deliver services effectively;
 - Helps community organisations plan, manage and assess their work effectively;
 - Supports productive networks and relationships; and
 - Supports communities to reduce isolation and exclusion.
- 1.3 This relates closely to the proposals contained within the Christie Commission which recommend:
- Maximising scarce resources by utilising all available resources from the public, private and third sectors, individuals, groups and communities;

- Working closely with individuals and communities to understand their needs, maximise talents and resources, support self-reliance, and build resilience; and
 - Driving continuing reform across all public services based on outcomes, improved performance and cost reduction.
- 1.4 The way in which we work with our communities needs to be reflected in how we make best use of the resources we have available to invest in them. Therefore we need to ensure that these resources provide sustainable developments in the organisations we support, by building capacity rather than creating dependency.

2. Current Position

- 2.1 In the Scottish Community Empowerment Action Plan (2009), the Scottish Government and COSLA emphasise that successful engagement must be supported through effective community empowerment which in this context they have defined as:

“A process where people work together to make change happen in their communities by having more power and influence over what matters to them.”

- 2.2 The Scottish Government is committed (as evidenced in the recent consultation on the draft Community Empowerment and Renewal Bill and proposed legislation in this year’s legislative programme) to communities being supported to do things for themselves - community empowerment - and to people having their voices heard in the planning and delivery of services - community engagement.
- 2.3 North Ayrshire Council is, therefore, currently adopting a proactive and supportive approach to communities and groups who wish to follow the community asset transfer route, as well as continuing to support and develop the range of community facilities in Council control in line with need, identified through community profiling and locality planning.
- 2.4 In relation to this, it is necessary to review the role of Community Associations and what they are responsible for. Much has changed since they were established and the relationships among associations, their communities and other agencies has also moved on. The short life working group (see Appendix 1 for details of membership) recently established by the Council focussed on developing an understanding of the purpose of modern community associations and centres.

- 2.5 The Scottish Government/ COSLA Community Empowerment Action Plan also recognises that the ownership of assets (land or buildings) can have a positive influence in the empowerment of communities. Across Scotland, local authority asset transfer policies aim to contribute to the empowerment of communities. North Ayrshire Council has already recognised the potential of this and has been involved in the transferring of assets to the local community over many years, ranging from the day to day management of community centres by community associations, service level agreements, long term leases and full ownership in some cases.
- 2.6 Community asset transfer policy aims to ease the transition from public sector ownership to community ownership. North Ayrshire Council recognises that the Third Sector, voluntary and community organisations form a key partnership in our mixed economy of local public services, alongside both public and private sectors.
- 2.7 As a result, the North Ayrshire Community Asset Transfer policy has been refined and the Community Asset Transfer Guidance and Toolkit has been developed to assist organisations to pursue greater control of the facilities in their communities.

3. Proposals

- 3.1 Important issues in developing the role of community centres and associations include the following:
- Service coordination and delivery mechanisms and how effective we can be;
 - Place making - looking at, listening to, and asking questions of the people who live, work and play in a particular community, to discover their needs and aspirations;
 - Community Building– how we develop the individual and organisational capacity of a community, to help it achieve its aspirations.
- 3.2 The working group has acknowledged the importance of the community centre as a community hub offering services to local communities and providing a place for social gathering and wellbeing. However, due to the general economic situation affecting all sections of society, it has been recognised that savings in running costs, or additional income, or a combination of both, have to be found. Appendix 2 provides information on the funding for community centres contained within the current budget.

3.3 As a result of reviewing the current position, and taking all of the above into account, the following options and actions have been agreed by the working group.

3.4 Agreed Options for Community Centre Operation in North Ayrshire:

Model	Description	Examples
Model 1	North Ayrshire Council direct management: North Ayrshire Council civic, centrally bookable accommodation	Ardrossan Civic Centre Irvine Volunteer Rooms
Model 2	Community association managed centres (Partnership within the framework of North Ayrshire Council Community Contracts)	Castlepark Whitlees
Model 3	Community management of property in partnership with North Ayrshire Council, via Service Level Agreement	Vineburgh Centre West Kilbride Village Hall
Model 4	Community ownership of property, which is managed by a voluntary group or trust. Leased by North Ayrshire Council who provide day to day management costs.	Fairlie Community Association

3.5 A case by case approach is preferred, derived from negotiation between the community associations and Community Development team, with the overall aim of increasing the capacity of community associations to assume a greater degree of responsibility and management of their centres.

3.6 Key officers will be assigned to associations to take forward discussions, to include:

- “Health checks” to establish the status of associations in respect of personal liability and the need for protection from legal action resulting from omissions or actions whilst serving as a volunteer; and
- Development of volunteering policies and support, with the Third Sector Interface, to build citizenship and local participation within community Associations.

3.7 Key officers will build relationships with community associations and develop appropriate models of operation with each, using locality planning information and relationships to inform the process.

3.8 The Cabinet is invited to note the progress which has been made in developing community empowerment approaches to managing community assets in North Ayrshire.

4. Implications

Financial Implications

4.1 It has been recognised by the short life working group that efficiencies have been found. The above approaches will allow progress to be made in reducing costs.

Human Resource Implications

4.2 There are no human resource implications arising directly from this report.

Legal Implications

4.3 There are no legal implications.

Equality Implications

4.4 There are no equality implications arising directly from this report.

Environmental Implications

4.5 There are no environmental implications.

Implications for Key Priorities

- 4.6 The proposals contained within the report will assist in achieving the following SOA outcomes:

3a "opportunities for lifelong learning have increased";
4a "levels of educational attainment and achievement have improved";
4b "more young people are leaving school for positive destinations";
5a "opportunities to support the positive development of young children have increased";
6b "health inequalities have reduced";
6e "people are more active more often";
11a "levels of voluntary actions and community involvement have increased"; and
11b "partnership working between the public, community and voluntary sector has improved.

5. Consultations

- 5.1 Discussions have taken place between Chief Executive's Department and Education and Skills, Elected Members, North Ayrshire Federation of Community Associations (NAFCA) representatives of community associations and the Community Empowerment Policy Board.

6. Conclusion

- 6.1 Despite the difficult economic situation, North Ayrshire Council wishes to continue to support communities and organisations to achieve their aspirations. A more supportive capacity building approach is recommended in order to ensure that a greater degree of sustainability is achieved through the investment which is made.



CAROL KIRK
Corporate Director (Education and Skills)

Reference : AS/JN

For further information please contact Audrey Sutton, Head of Community and Culture (Education and Skills) on telephone number 01294 324414

Background Papers

None

Appendix 1

Short Life Working Group Community Centres and Halls

Membership and representation:

Pam Crosthwaite, Community Capacity Building Officer, North Ayrshire Council
David Dickie, NAFCA
Marjorie Dickie, NAFCA
Councillor Alan Hill, North Ayrshire Council
David Hutchison, West Kilbride Community Association
Councillor Ruth McGuire, North Ayrshire Council
Jim McHarg, Community Engagement Manager, North Ayrshire Council
John McKnight, Senior Manager, Community Development, North Ayrshire Council
Councillor Peter McNamara, North Ayrshire Council
Councillor Ronnie McNicol, North Ayrshire Council
Donna Morrison, Community Facilities Officer, North Ayrshire Council
Gail Reid, Community Development Officer, North Ayrshire Council
Anne Robertson, NAFCA
Clive Shephard, NAFCA
Audrey Sutton, Head of Service, Community and Culture, North Ayrshire Council

ESTABLISHMENT	BUDGET 13/14
ANNICK CE CENTRE	£44,717
ARDEER CE CENTRE	£106,867
ARDROSSAN CIVIC CENTRE	£39,550
ARGYLL CE CENTRE	£99,754
ARRAN YOUTH CENTRE	£807
BEITH CE CENTRE	£115,111
BRIDGEND CE CENTRE	£44,126
BRISBANE CENTRE	£1,792
BRODICK HALL	£47,838
CASTLEPARK CE CENTRE	£59,410
CRANBERRY MOSS CE	£59,468
DALRY CE CENTRE	£66,130
DALRY PUBLIC HALL	£8,040
DUNLOP MEMORIAL HALL	-£3,763
FAIRLIE CE CENTRE	£23,074
GARRISON DA HALL	£58,159
HAYOCKS FAMILY CENTRE	£1,212
HAYOCKS HALL	£38,564
LANFINE CE CENTRE	£37,497
LITTLESTANE CE HALL	-£34
LONGBAR YOUTH CENTRE	£5,463
MILLPORT DA HALL	-£3,442
MILLPORT TOWN HALL	£345
NETHERMAINS CE CENTRE	£40,758
PARTERRE HALL	£152
REDBURN CE CENTRE	£629
REDBURN YOUTH PROJECT	£1,281
SALTCOATS TOWN HALL	£21,491
SKELMORLIE CE CENTRE	£56,135
SPRINGSIDE CE CENTRE	£30,921
TAIT HALL	-£206
TOWERLANDS CE CENTRE	£62,254
TOWNEND CE CENTRE	£39,955
VOLUNTEER ROOMS	£34,463
WALKER HALL	£51,453
WEST KILBRIDE CE	£78,909
WEST KILBRIDE VILLAGE HALL	£60,000
WHITEHIRST PARK CC	£28,359
WHITLEES CE CENTRE	£63,297
WM KNOX INSTITUTE	£11,293
WOODLANDS HALL	£30,713
WOODWYND HALL	£43,632
Grand Total	£1,506,174

PAYMENTS MADE TO THE 4 SLA IN 2013/14 AS FOLLOWS

REDBURN & VINEBURGH COMMUNITY ASSOC	£34,500
VINEBURGH MANAGEMENT COMMITTEE	£36,889
FULLARTON COMMUNITY ASSOCIATION	£30,000
WEST KILBRIDE VILLAGE HALL	£14,732
Grand Total	£116,121

NORTH AYRSHIRE COUNCIL

Agenda Item 9

8 October 2013

Cabinet

Subject: **Measured Term Contract (MTC): Annual Inspection and Reactive Maintenance of Domestic Gas Central Heating Installations and Ancillary Equipment**

Purpose: To advise the Cabinet of the result of the tender exercise for the MTC for Annual Inspection and Reactive Maintenance of Domestic Gas Central Heating Installations and Ancillary Equipment and present a recommendation for the award of the contract.

Recommendation: That the Cabinet agrees to approve the award of contract to Saltire Facilities Management Ltd.

1. Introduction

- 1.1 The Council requires to put in place a contract for the provision of Annual Inspection and Reactive Maintenance of Domestic Gas Central Heating Installations and Ancillary Equipment.
- 1.2 In order to comply with the Council's Standing Order Relating to Contracts a formal tender exercise was advertised under the Restricted procedure in the Official Journal of the European Union (OJEU) and the Public Contracts Scotland (PCS) portal as the estimated total value of the requirement is over the OJEU threshold for works.
- 1.3 The duration of the contract is for three years and four months to enable the contract to end 31 March 2017 with the option to extend for up to a further two years.

2. Current Position

- 2.1 The contract notice attracted eight Pre-Qualification Questionnaires (PQQs) which were evaluated against the published criteria. This resulted in five companies being short listed to be invited to tender.

2.2 The Invitation to Tender (ITT) was issued to the five companies and returns were evaluated against the published criteria of lowest compliant tender price.

2.3 A tender outcome report which provides details of the tender process and award recommendation is provided at the Appendix.

3. Proposals

3.1 It is proposed that the contract is awarded to Saltire Facilities Management Ltd.

3.2 The Cabinet is invited to approve the award as detailed in the tender outcome report provided at the Appendix.

4. Implications

Financial Implications

4.1 The estimated total value of the measured term contract is £7,115,849. The budget is provided for within the Housing Revenue Account and represents a saving of £266,571 per annum.

Human Resource Implications

4.2 None.

Legal Implications

4.3 The tender exercise was conducted in accordance with the Council's Standing Orders Relating to Contracts.

Equality Implications

4.4 None.

Environmental Implications

4.5 None.

Implications for Key Priorities

- 4.6 This contributes to the Council Plan Core Objective 4 "Operating more efficiently and effectively".

Community Benefit Implications

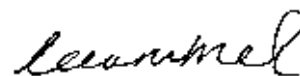
- 4.7 Targeted training and recruitment clauses were included in the tender and the contractor has confirmed that one apprentice heating engineer will be employed for this contract.

5. Consultations

- 5.1 Discussions have taken place between Finance and Property's Corporate Procurement Unit and Housing Assets and Investment teams.

6. Conclusion

- 6.1 It is recommended that the award of the contract is made to Saltire Facilities Management Ltd.



LAURA FRIEL

Corporate Director (Finance and Corporate Support)

Reference : TR/CG

For further information please contact Chris Garbutt, CPU, Category Manager (Construction & FM) on telephone number 01294 324541

Background Papers

Tender documentation



NORTH AYRSHIRE

COUNCIL

Tender Outcome Report
For Recommendations over £350K

Annual Inspection & Reactive Maintenance – Domestic
Gas Central Heating Installations and Ancillary
Equipment (MTC) (HO/145)

Ref No.NAC/2007

Contents

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5	Evaluation Process.....	4
6	Recommendation	5
7	Authority to Approve	5

For the procurement of

Annual Inspection & Reactive Maintenance – Domestic Gas Central Heating Installations and Ancillary Equipment (MTC) (HO/145)

1 Purpose

- 1.1 The purpose of this document is to summarise the invitation to tender process and present a recommendation for Annual Inspection & Reactive Maintenance – Domestic Gas Central Heating Installations and Ancillary Equipment (MTC) (HO/145) award. The recommendation is based on the results of the tender evaluation carried out on the responses to the Annual Inspection & Reactive Maintenance – Domestic Gas Central Heating Installations and Ancillary Equipment (MTC) (HO/145) Invitation to Tender. The report will provide assurance that the tender evaluation has been undertaken in accordance with EU Procurement Directives, Public Contracts (Scotland) Regulations 2012 (SSI 2012/88) (as amended) and the Councils Standing Orders Relating to Contracts and Contract Procedure Rules for North Ayrshire Council.

2 Introduction

- 2.1 This report has been compiled on behalf of the Tender Evaluation Team following the completion of the evaluation of responses to the Invitation To Tenders for the Annual Inspection & Reactive Maintenance – Domestic Gas Central Heating Installations and Ancillary Equipment (MTC) (HO/145).

3 Background

- 3.1 North Ayrshire Council requires to establish a Measured Term Contract (MTC) for Annual Inspection & Reactive Maintenance – Domestic Gas Central Heating Installations and Ancillary Equipment.
- 3.2 In order to comply with the Council's Standing Orders and Public Contracts (Scotland) Regulations 2012 (SSI 2012/88) (as amended) a formal tendering exercise was undertaken.
- 3.3 The contract term is for three years and four months, commencing on 11 November 2013 to 31 March 2017 plus an option to extend for a further one year. On completion of this additional year the council may again extend the contract for a further one year (5 years and four months in total).
- 3.4 The estimated total value of the overall contract (including any possible extensions - Five years and 4 months) is £8,542,011.00 with an estimated annual budgetary spend to North Ayrshire Council of £1,601,627.00.

4 Tender Notice, Interest and Returns

- 4.1 A formal contract notice was advertised under the Restricted procedure in the [Official Journal of the European Union and Public Contracts Scotland Procurement Portal – PQQ 08 May 2013 return date 07 June 2013 (12 noon) and ITT 24 July 2013 with a return date of 29 August 2013 (12 noon).
- 4.2 The contract notice attracted eighteen expressions of interest from a wide range of potential providers of which eight submitted PQQs.
- 4.3 Following evaluation of Expressions of Interest the following five potential providers were short-listed to receive Invitation To Tenders documents: Saltire FM Ltd, James Frew Ltd, British Gas T/A PH Jones, O’Neil Gas and City Technical Services.
- 4.4 The return date for completed Invitation to Tenders was 29 August 2013 (12 noon).

5 Evaluation Process

- 5.1 The evaluation of tenders was single stage – lowest price.
- 5.2 The assessment of the tenders was undertaken by Finance and Property Housing Assets and Investment technical staff.
- 5.3 The tender takes the form of a Pre-Priced Schedule of Rates which is the industry standard for evaluation of this type of contract. The schedule of rates provides a ‘guide price’ and Tenderers had the opportunity to adjust these rates up or down. Tenderers were required to provide percentage adjustments against three sections (A, B and C).

Company	Section A	Section B	Section C
Saltire FM Ltd	-17.50%	Material – +12.50% Plant – +9.00% Sub-Cttrs – + 9.00%	+9.00%
James Frew Ltd	-8.78%	Material – 0.00% Plant – 0.00% Sub-Cttrs – 0.00%	0.00%
British Gas T/A PH Jones	-3.15%	Material – +12.0% Plant – +8.00% Sub-Cttrs – +8.00%	+3.00%
O’Neil Gas	-1.50%	Material – +10.00% Plant – +5.00% Sub-Cttrs – +10.00%	+10.00%
City Technical Services	Did not Tender	n/a	n/a

The percentage adjustments were applied to a notional annual contract budget of £1,601,627.00 split as follows:

Section A 97%;

Section B Materials 1.75%; Plant 0.50%; Sub-Contractors 0.25%

Section C 0.50%

Results are shown in the table below.

Company	Price Tendered	Ranking	Score as % of overall marks
Saltire FM Ltd	£1,335,056.21	1 st	100
James Frew Ltd	£1,465,222.83	2 nd	91
British Gas T/A PH Jones	£1,557,253.92	3 rd	85
O'Neil Gas	£1,582,727.80	4 th	84
City Technical Services	Did not tender	n/a	n/a

6 Recommendation

- 6.1 The recommendation of the Tender Evaluation Panel is that a Measured Term Contract be awarded to: Saltire FM Ltd (incumbent), subject to any challenges during the Standstill Period.
- 6.2 Subject to approval, Letters of Intent will be issued to all successful and unsuccessful Tenderers acknowledging the Standstill Rules.
- 6.3 Both successful and unsuccessful Tenderers will be provided with the opportunity to receive a full debrief in accordance with EU Legislation, the Public Contracts (Scotland) Regulations and Scottish Procurement Directorate guidance.
- 6.4 Upon the conclusion of the Standstill Period, where no formal Legal challenge has been raised, a letter confirming the award will be issued to the successful tenderer.

7 Authority to Approve

- 7.1 In line with Standing Orders Relating to Contracts and Contract Procedure Rules for North Ayrshire Council, the Tender Evaluation Panel seeks to obtain authority from the Cabinet to accept the tender and award a contract to the tenderer identified in section 6.1.

C D Garbutt
Category Manager (Construction & FM)
Corporate Procurement Unit
03 September 2013

NORTH AYRSHIRE COUNCIL

Agenda Item 10

8 October 2013

Cabinet

Subject: **Measured Term Contract 2013/16 - Heating, Mechanical and Ventilation Systems: Responsive Repairs and Maintenance**

Purpose: To advise Cabinet of the results of the tender exercise for Heating, Mechanical & Ventilation Systems: Responsive Repairs & Maintenance.

Recommendation: That the Cabinet agrees to approves the award of a contract to Arthur McKay & Co Ltd.

1. Introduction

- 1.1 The Council requires a contract to provide planned maintenance and responsive repairs to heating, mechanical and ventilation in the Council's non-domestic properties. This is a statutory requirement for all of the Council's operational properties.
- 1.2 There is an existing one year contract in place which is due to expire on 1 December 2013 and there is no option to extend. Consequently, a tendering exercise was undertaken by issue of an open tender. A formal contract notice was placed on the Public Contracts Scotland Procurement Advertising Portal on 20 May 2013.
- 1.3 The duration of the proposed contract is three years with the option to extend for a further two years, commencing 1 December 2013.

2. Current Position

- 2.1 Twenty eight companies expressed an interest and five submitted a tender.
- 2.2 The criteria for award was the most economically advantageous tender based on quality and price.
- 2.3 A tender outcome report and award recommendation is provided at Appendix 1.

3. Proposals

- 3.1 It is proposed to award the contract to Arthur McKay & Co Ltd as they submitted the lowest cost compliant tender.

4. Implications

Financial Implications

- 4.1 The contract anticipates a spend of approximately £150,000 per annum, however as this is a responsive maintenance contract, it is subject to variance. Funding is provided for within the General Services Property Maintenance budget.

Human Resource Implications

- 4.2 None

Legal Implications

- 4.3 The contract has been tendered in accordance with the Public Contracts (Scotland) Regulations 2012.

Equality Implications

- 4.4 None

Environmental Implications

- 4.5 Regular maintenance will ensure plant operates at efficient levels, thereby ensuring fuel efficiency.

Implications for Key Priorities

- 4.6 This contributes to the Council Plan Core Objective 4 'Operating more efficiently and effectively'.

Community Benefit Implications

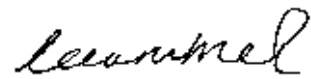
- 4.7 Due to the nature and value of this contract, it is not suitable for community benefit clauses.

5. Consultations

- 5.1 Consultation has taken place between Property Management & Investment and the Corporate Procurement Unit.

6. Conclusion

- 6.1 The Award of the contract will enable the Council to meet its statutory obligations and ensure that Council property is maintained and repaired in a efficient manner.



LAURA FRIEL
Corporate Director (Finance and Corporate Support)

Reference :

For further information please contact Thomas Reaney, Procurement Manager on telephone number 01294 324097

Background Papers

Tender documentation



NORTH AYRSHIRE

COUNCIL

Tender Outcome Report For Recommendations over £350K

NA 183

Measured Term Contract 2013/16 - Heating, Mechanical and Ventilation Systems: Responsive Repairs and Maintenance

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NA183

For the procurement of

Measured Term Contract 2013/16 - Heating, Mechanical and Ventilation Systems: Responsive Repairs and Maintenance

1 Purpose

- 1.1 The purpose of this document is to summarise the invitation to tender process and present a recommendation for Contract award. The recommendation is based on the results of the tender evaluation carried out on the responses to the NA 183 Heating, Mechanical and Ventilation Systems: Responsive Repairs and Maintenance Invitation to Tender. The report will provide assurance that the tender evaluation has been undertaken in accordance with EU Procurement Directives, Public Contracts (Scotland) Regulations 2012 (SSI 2012/88) (as amended) and the Council's Standing Orders Relating to Contracts and Contract Procedure Rules for North Ayrshire Council.

2 Introduction

- 2.1 This report has been compiled on behalf of the Tender Evaluation Team following the completion of the evaluation of responses to the Invitation to Tenders for the NA 183 Heating, Mechanical and Ventilation Systems: Responsive Repairs and Maintenance.

3 Background

- 3.1 The existing Contract for the Heating, Mechanical and Ventilation Systems: Responsive Repairs and Maintenance for North Ayrshire Council is due to expire on 1 December 2013.
- 3.2 In order to comply with the Council's Standing Orders and Public Contracts (Scotland) Regulations 2012 (SSI 2012/88) (as amended) a formal tendering exercise was undertaken.
- 3.3 The contract term is for 3 years plus the option to extend for 1+1 years.
- 3.4 The estimated total value of the overall Contract (including any possible extensions) is £750,000; with an estimated annual budgetary spend to North Ayrshire Council of £150,000.

4 Tender Notice, Interest and Returns

- 4.1 A formal contract notice was advertised under the Open process in the Official Journal of the European Union and Public Contracts Scotland Procurement Portal 20 May 2013 with a return date of 25 July 2013 at 12 noon.
- 4.2 The contract notice attracted 28 expressions of interest from a wide range of potential providers of which 5 submitted offers.

5 Evaluation Process

- 5.1 The evaluation of such Tenders was in two stages. Stage one assessed the responses to the Minimum Criteria. If, during stage one, it was apparent that a Tenderer has submitted a fundamentally non-compliant Tender in respect of any of the Invitation To Tenders requirements, then the Council could choose to reject that Tender. Clarification could be sought from Tenderers at this stage, in order to determine whether their Tender is complete and compliant.
- 5.2 Following completion of stage one, Tenderers meeting the minimum criteria progressed to stage two of the evaluation. Stage two of the evaluation was carried out by a Tender Evaluation Panel consisting of appropriately experienced Council Officers and each Tenderers response was assessed against the following published criteria:

Price 60%

Quality 40%

Quality was evaluated using the following sub-criteria/sub-weightings:

QUALITY MANAGEMENT

Quality Management Standards	(Max 5)
Measurement of Customer Satisfaction	(Max 5)

TECHNICAL ABILITY

Relevant qualifications of operatives, supervisors etc.	(Max 5)
Office and depot premises to be used to implement the contract.	(Max 5)
Stock control and materials supplies - chain	(Max 5)
Communications and IT Systems	(Max 5)
Sub-Contracting	(Max 5)
The clerical, technical and supervisory personnel	(Max 5)
Procedures and Communications Systems to be used for Out-of-Hours and Emergency Work	(Max 5)
The arrangements for ensuring the necessary materials and plant are available for emergencies.	(Max 5)

- 5.3 The assessment of the tenders was undertaken by technical officers from Property Management and Investment.

6 Evaluation Results

6.1 Price 60%

Contractors were asked to submit prices for the whole requirement which gave the following results and scores:

Company	Price Tendered	Ranking
Arthur McKay & Co Ltd	£142,000.00	1
ECG Facilities Services	£210,000.00	3
FES FM Ltd	Price not evaluated	n/a
MITIE	£154,000.00	2
Skanska Facilities Services	£224,000.00	4

6.2 Quality 40%

The Evaluation of the Technical Aspects of the tender responses was carried out by the Tender Evaluation Panel. The summary of the quality element is shown in the table below:

Company	Technical Score	Ranking
Arthur McKay & Co Ltd	40.0	1
MITIE	40.0	2
ECG Facilities Services	38.2	3
Skanska Facilities Services	32.9	4
FES FM Ltd	Failed to meet minimum score ¹	n/a

7 Overall Score

7.1 Following agreement of an overall score for each Tenderer and taking into consideration all qualitative and commercial elements of the responses, a high level summary sheet was completed as shown below:

¹ The Tenderer's Quality submission was evaluated and received a score less than the minimum threshold stated in the Invitation to Tender. The Tender was dismissed at this point and price wasn't evaluated.

Company	Actual Price	Pricing Score	Quality Score	Total Score	Total Ranking
Arthur McKay & Co Ltd	£142,000.00	60.0	40.0	100.0	1
ECG Facilities Services	£210,000.00	40.6	38.2	78.8	3
FES FM Ltd	£180,000.00	-	-	-	n/a
MITIE	£154,000.00	55.3	40.0	95.3	2
Skanska Facilities Services	£224,000.00	38.0	32.9	70.9	4

8 Recommendation

- 8.1 The recommendation of the Tender Evaluation Panel is that a Contract be awarded to: Arthur Mackay Ltd subject to any challenges during the Standstill Period.
- 8.2 Subject to approval, Letters of Intent will be issued to all successful and unsuccessful Tenderers acknowledging the Standstill Rules.
- 8.3 Both successful and unsuccessful Tenderers will be provided with the opportunity to receive a full debrief in accordance with EU Legislation, the Public Contracts (Scotland) Regulations and Scottish Procurement Directorate guidance.
- 8.4 Upon the conclusion of the Standstill Period, where no formal Legal challenge has been raised, Letters of Acceptance will be issued to the successful companies.

9 Authority to Approve

- 9.1 In line with Standing Orders Relating to Contracts and Contract Procedure Rules for North Ayrshire Council, the Tender Evaluation Panel seeks to obtain authority from the Cabinet to accept the Tender(s) and award a Contract to the Tenderer(s) identified in section 8.1.

C Templeton
Category Manager
Corporate Procurement Unit
12 September 2013

NORTH AYRSHIRE COUNCIL

Agenda Item 11

8 October 2013

Cabinet

Subject: Corporate Equality Group

Purpose: To advise on the Minutes of the Corporate Equality Group meeting on 2 September 2013.

Recommendation: That the Cabinet notes the Minutes attached at Appendix 1.

1. Introduction

- 1.1 The Minutes of the Corporate Equality Group are submitted to Cabinet for information.

2. Current Position

- 2.1 A meeting took place on 2 September 2013, the Minutes of which are attached at Appendix 1.

3. Proposals

- 3.1 The Cabinet is asked to note the Minutes.

4. Implications

Financial Implications

- 4.1 None

Human Resource Implications

- 4.2 None

Legal Implications

- 4.3 The Corporate Equality Group assists the Council to comply with the Public Sector Equality Duty.

Equality Implications

- 4.4 The Group continues to make progress in improving the Council's activities to promote equality.

Environmental Implications

- 4.5 None

Implications for Key Priorities

- 4.6 Supports the Council Plan's core value 'treating people respectfully, fairly and equally'.

5. Consultations

- 5.1 None.

6. Conclusion

- 6.1 The Cabinet is asked to note the Minutes of the Corporate Equality Group meeting on 2 September 2013.



ELMA MURRAY
Chief Executive

Reference : MR

For further information please contact Morna Rae on 01294 324177

Background Papers

None

IRVINE, 2 September 2013 - At a Meeting of the Corporate Equality Group at 10.00 a.m.

Present

Councillor Ruth Maguire; P. Moore, Senior Educational Psychologist (Education and Skills); A. Young, HR Operations Manager (Finance and Corporate Support); S. Bryan, Performance Officer (Planning and Performance) (Social Services and Health); M. Rae, Acting Policy and Performance Officer; and C. Graham, Committee Services Support Officer (Chief Executive's Service).

Apologies for Absence

Councillor Marie Burns; P. Crosthwaite, Capacity Building Officer (Education and Skills); and N. Bell, Manager (Planning and Performance) (Social Services and Health).

Chair

Councillor Maguire in the Chair.

1. Minutes

The Minutes of the Meeting of the Corporate Equality Group held on 3 June 2013 were approved, subject to the undernoted amendment:

Agenda Item 4 – Equality and Diversity E-Learning Course

Paragraph 4 to read

“P Moore advised that schools are encouraged to incorporate equalities training into the In-service day held at the start of each academic year and to be aware of the availability of the Council's equalities e-learning course.”

2. Equality Action Plan 2013-14

Submitted Quarter 1 progress report published on Covalent, on the actions contained in the Equality Action Plan 2013-14.

There has been a number of staffing changes within Council Services / membership of the Corporate Equality Group in recent months and this has had an effect on progress in relation to some of the Outcomes at this time.

Officers provided updates in respect of the following:

Page 1 – EAP1314-9.2 Finance and Corporate Support: Managed by Gavin Macgregor (0%)

Implementation of the employee kiosk arrangements to enable on-going collation of accurate equalities data.

Having previously been reported on by L. Morrison, A. Young undertook to make enquiries and provide an update for the Quarter 2 progress report to the next meeting.

Page 4 – EAP1314-8.1 Finance and Corporate Support: Managed by Gavin Macgregor

Review the Flexible Working Hours Policy.

This matter had also been previously reported by L. Morrison. A. Young advised that a review of the Flexible Working Policy would be a major project and unlikely to be completed by the current deadline of 31 March 2014. A further update will be provided through the Quarter 2 progress report to the next meeting.

Page 7 – EAP1314-7.3 Education and Skills: Managed by Peter Moore (20%)

Systematic recording of bullying behaviour.

Following issue of the progress report, P. Moore confirmed that schools have been contacted and reminded of the procedures in place and the format to be followed in the recording of incidences of bullying.

Page 8 – EAP1314-4.2 Social Services and Health: Managed by Marlene Harkis (0%)

Design and implement a care at home reablement service.

S. Bryan confirmed that following issue of the progress report, the reablement service has been rolled out across all Social Work Area Teams and progress is now gauged at approximately 85%.

Page 13 – SPSS-A-B10 Social Services and Health: Managed by Sheena Gault (20%)

Provide integrated Social Work, Early Years and Money Advice support within Early Years Centres.

This item is slightly adrift of target solely due to recruitment issues relating to a number of posts included in the Scheme of Delegation but not yet fully advertised.

3. Equality Impact Assessments

Services are required to carry out 5 EIAs each year on existing policies / procedures and M. Rae reminded the Group of the need to also carry out Equality Impact Assessments on all new policies and procedures. These are reported to the Corporate Equality Group and are published on the Council's website.

Social Services and Health will consider new policies to be assessed and provide an update at the next meeting. Discussions are currently ongoing within Education and Skills in relation to policies to be assessed. Updates on EIA rolling programmes require to be advised to M. Rae as soon as possible.

A. Young advised that the Special Leave Scheme is currently undergoing a review, however, it is not available for assessment in terms of equalities at this time. An update will be provided in due course on the policies to be assessed within Finance and Corporate Support. M. Rae will meet with A. Young to provide an overview on

the EIA programme and reporting mechanisms as they relate to the Finance and Corporate Support Directorate and to the Corporate Equality Group.

M. Rae offered meet with the Group representatives on a one to one basis, if required, to assist in the progressing of the programme of EIAs relative to their respective services.

In order to assist with the process to be followed, the current EIA toolkit will be updated and M. Rae undertook to circulate a draft to the Group for comment in due course.

The Chair asked questions in relation to the potential for Elected Members to raise matters of Equality Impact Assessments against policies that may form part of their Committee or Portofolio remits. M. Rae undertook to investigate this further and provide an update.

Noted.

4. Equality Training

M. Rae has continued to have discussions with F. Walker, Team Manager, Human Resources with a view to developing the most effective format for equalities training for the Elected Members.

Council funding has been secured for procurement of this training and arrangements can now be put in place to allow for an external company, specialising in Employment Law, to provide a half-day session. The training will include a focus on the legal obligation of Elected Members as individuals as well as the Council as a whole. Further details on progress will be provided in due course.

The Council's own Equality and Diversity e-course is available through the Council's e-learning portal, can be accessed via Navigate, and will be 'advertised' in the new 'Staff Talk' magazine. A 'mail drop' has been arranged for those employees who are outwith the computer based work environment, e.g. manual workers and care staff.

Information has been requested, via the Ayrshire Equalities Partnership member organisations, as to their practices in ensuring all members of staff are able to participate in equalities training. The matter will be discussed at the next AEP meeting on 11 September.

Noted.

5. Ayrshire Equality Partnership and MADIM

Submitted Minutes of the Meeting of the Ayrshire Equality Partnership held on 17 June 2013.

The Group felt that further information was required In respect of the local response teams referred to in agenda item 4 – Strategic Partnership Approach to Hate Crime in Ayrshire and M. Rae undertook to make further enquiries at the meeting on 11 September and report back.

Noted.

6. Equality Progress Reports

The representatives present provided the Group with an update of equalities work being progressed within their respective services.

The Chair asked for clarification on the new model of care for Social Services (to be introduced from November of this year), particularly in relation to accessibility for clients. S. Bryan undertook to provide a response.

Noted.

7. Date of Next Meeting

The next meeting of the Group will be held on Monday 2 December 2013 at 10.00 a.m. in Committee Room 3, Cunninghame House, Irvine.

Agenda items for the next meeting should be submitted to M. Rae, no later than 20th November.

The meeting ended at 10.45 a.m.