

The Executive of North Ayrshire Council  
30 September 2008

**IRVINE, 30 September 2008** - At a Meeting of the Executive of North Ayrshire Council at 2.30 p.m.

**Present**

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

**In Attendance**

I. Snodgrass, Chief Executive; T. Orr, Corporate Director, J. Currie, Head of Environment and Related Services and O. Clayton, Head of Housing and Building Services (Property Services); A. Herbert, Assistant Chief Executive (Finance); R. Forrest, Planning Services Manager (Legal and Protective); C. Hamilton, Principal Manager (Older People) (Social Services); J. Montgomery, General Manager, M. McKeown, Committee Services Officer and A. Wattie, Communications Officer (Chief Executive's).

**Chair**

Councillor O'Neill in the Chair.

**Apologies for Absence**

Margaret McDougall.

**1. Implementation of the Adult Support and Protection (Scotland) Act 2007**

Submitted report by the Corporate Director (Social Services) on the allocation of funding from the Scottish Government to implement the Adult Support and Protection (Scotland) Act 2007.

At its meeting on 29 July 2008, the Executive approved proposals to address the requirements of the Adult Support and Protection (Scotland) Act 2007. At that time it was reported that the Scottish Government had still to make an announcement regarding the allocation of funding to support the implementation of the Act.

The Scottish Government announced its funding arrangements in August 2008 and confirmed that North Ayrshire Council's allocation on a full year basis, would amount to £349,142, against estimated costs of £350,711. Funding will be used to establish an Adult Protection Committee and recruit an independent Chairperson, to set up an Adult Protection Unit, to provide additional front line Social work staff, and to address local training needs. The report set out how resources will be allocated in North Ayrshire.

The Act places a duty on the Council to make necessary enquiries to establish whether action is required to stop or prevent harm where it is known or believed that an adult is at risk, and establishes the role of "Council Officer" to carry out these enquiries and any other subsequent actions. The Act describes "Council Officers" as officers appointed by a Council under Section 64 of the Local Government (Scotland) Act 1973. For the purposes of the Act, "Council Officers" will be defined as social workers who are registered with the Scottish Social Services Council; who have had relevant training in adult protection; and who have had at least 12-months post qualification experience that includes assessment of vulnerable adults. Council Officer responsibilities under the Act will therefore be confined to experienced social workers currently carrying out assessment and care management functions within Adult or Older People's Services. Exceptionally, this responsibility will extend to occupational therapists registered with the Health Council or nurses registered with the Nursing and Midwifery Council who have relevant post qualification experience and are employed by North Ayrshire Council.

Many agencies in Ayrshire work across local authority boundaries e.g. NHS Ayrshire & Arran, Care Commission, Strathclyde Police, and Independent Service Providers. Social Services Chief Officers within Ayrshire have agreed that common procedures and training materials should be adopted and work has commenced with South Ayrshire, East Ayrshire and NHS Ayrshire and Arran to take this forward.

The Executive agreed to approve the allocation of funding to implement the proposals outlined in the report, in order to fulfil the requirements of the Adult Support and Protection (Scotland) Act 2007.

## **2. Inspection Report by the Scottish Housing Regulator**

Submitted report by the Corporate Director (Property Services) on the outcome of the inspection of Housing Services by the Scottish Housing Regulator.

All social housing landlords in Scotland are subject to scrutiny by the Scottish Housing Regulator under section 72 of the Housing (Scotland) Act 2001. The Regulator carries out inspections of the effectiveness of housing service delivery within a published framework of Performance Standards. The Council's Housing Service was subject to inspection between 21 April and 15 May 2008. The inspection was the first in which the Regulator tested a new approach to repairs and maintenance based on asset management principles.

When assessing performance the Regulator aims to establish how well the Council is delivering its service, and how effectively it is managed for improvement. For local authority inspections, the Regulator awards grades based on how well the Council is performing in the areas of Housing Management, Asset Management and Repairs Delivery, and Homelessness Services i.e. Grade A (Excellent), Grade B (Good), Grade C (Fair), or Grade D (Poor). Where a service is assessed as being either 'Grade C' or 'Grade D' there is a requirement to submit a Service Improvement Plan to the Regulator.

The Regulator's Inspection report on North Ayrshire Council was published on 13 August 2008. The Council achieved Grade A for Housing Management, Grade C for Asset Management and Repairs, and Grade B for Homelessness Services. Since the inspections began five years ago, only one other local authority has achieved Grade A for Housing Management and, in terms of Homelessness Services, very few Councils have been rated higher than Grade C. Overall, the Council achieved the second best inspection grading of any local authority landlord in Scotland, and the Regulator's report confirms that Housing Services provides a high quality service to tenants and other service users.

The report summarised the work being undertaken to address areas where the Regulator has identified that the Council has more to do. In particular, with regard to Asset Management and Repairs, an Asset Management Improvement Plan, a copy of which was appended to the report, has been drawn up and will be submitted to the Regulator by 8 October 2008. The Improvement Plan includes key actions which will have significant resource implications for the future structure of the delivery of repairs, maintenance and improvement works to the Council housing stock. These include undertaking a stock condition survey, the development of a robust stock condition database, and the use of new procurement options to ensure Best Value in response repairs contracts and other building improvement works. Details of how these actions will be taken forward were set out in the report.

The Executive (a) noted the outcome of the inspection by the Scottish Housing Regulator; (b) agreed to approve the Improvement Plan set out in Appendix B of the report and requested that progress against the Plan be reported to future meetings; and (c) agreed that the Head of Housing and Building Services brief Members of the Council on the operation of the Common Allocation Policy.

### **3. Housing Service Standards**

Submitted report by the Corporate Director (Property Services) on the outcome of the review of Housing Service Standards.

One of the aims of the Housing Service Plan is to provide excellent customer services tailored to meet the needs of a diverse customer base. The current Housing Service Standards were approved by the former Property Services Committee in March 2004. Since then, a number of new service areas have been developed which require to be incorporated into the Standards i.e Anti-Social Behaviour, Community Wardens, Home Security and Tenant Participation. The Standards have therefore been reviewed and these areas incorporated. In addition, improvements and additions have been made to existing Standards. Proposed new Housing Service Standards were attached as appendix 1 to the report. In addition, following the restructuring of the Homelessness Service, new Service Standards have been developed to cover all aspects of that Service. These too were appended to the report.

A Performance Monitoring Framework is in place and each of the Standards will be monitored on a quarterly basis. Performance will be reported to the Scrutiny Committee on a six-monthly basis and will be reported back to customers via the Tenants newsletter, the Council's website and through area offices. Provision has been made in the Housing Revenue Account 2008/09 to cover the costs of producing and publishing new Standards booklets.

The Executive agreed to approve the revised Housing Service Standards and Homeless Service Standards set out in the appendices to the report.

#### **4. Sustainable Seas for All: A Consultation on Scotland's First Marine Bill**

Submitted report by the Assistant Chief Executive (Legal and Protective) on the Scottish Government's consultation on a proposed Marine Bill.

The Scottish Government has issued a consultation paper on proposals for the first Scottish Marine Bill by 2009, and is seeking comments for forthcoming legislation dedicated to the protection and sustainable management of the seas and coasts around Scotland. The consultation closes on 6 October 2008.

The Scottish Government has been discussing the possibility of a Scottish Marine Bill for some time in recognition of a growing consensus that change is needed to balance resource use and protection of the seas around Scotland. A series of reports in the last few years produced by Government Committees and Advisory Bodies has recommended the need for statutory marine spatial planning, a less complex single regulatory framework, and new approaches to nature conservation. In January, the Cabinet Secretary for Rural Affairs and Environment convened the Sustainable Seas Task Force (SSTF) to input into the Scottish Government's development of proposals for a Scottish Marine Bill. The current consultation and proposals for a draft Marine Bill have arisen out of this work.

The consultation document outlines a new more strategic approach to managing Scotland's seas through proposals for a new legislative and management framework for the delivery of sustainable economic growth in the marine environment. The proposed framework which will be translated into legislation this Parliamentary session, covers five key areas i.e. Marine Planning, Licensing and Enforcement, Securing the Future of Nature Conservation, Understanding Our Seas: Science and Data, and Managing Our Seas: Marine Scotland.

The report summarised the proposals arising in each of these areas and set out the implications arising therefrom. Proposed responses to the 57 specific questions raised in the consultation paper were set out in the appendix to the report. Overall, the responses indicated the Council's qualified support for the proposals.

The Executive agreed to (a) endorse the report as the Council's response to the consultation paper; and (b) authorise the Assistant Chief Executive (Legal and Protective) to forward the report to both the Scottish Government and to COSLA.

## **5. Debt Management and Recovery Policy**

Submitted report by the Assistant Chief Executive (Finance) on the proposed introduction of a North Ayrshire Council Debt Management and Recovery Policy.

Financial Services is responsible for the billing, collection and recovery of taxes and/or charges in relation to Council Tax, Non Domestic Rates, Housing Benefit Overpayments, Residual Community Charge (Poll Tax), and Sundry Income for goods or services received from the Council. Each type of tax or charge raised has its own legislative or regulatory framework in terms of billing requirements, the period over which payment can be made, the recovery procedures for late payment and the enforcement powers available to the Council under summary warrant and decree to recover unpaid debts.

The proposed new Debt Management and Recovery Policy, a copy of which was appended to the report, consolidates and harmonises the Council's approach to debt management. The Policy aims to:-

- improve collection levels and reduce the level of bad debt and write off;
- put in place a structured approach for the recovery of corporate debt;
- provide support, guidance and advice to customers with financial difficulties and to take the most appropriate enforcement action against those who can pay but fail to engage with the Council;
- provide a consistent approach to debt management and recovery for debt recovery staff and the Council's appointed debt collection partners; and
- break the cycle of debt and promote early intervention to reduce the total level of indebtedness.

The Executive agreed to (a) approve the Debt Management and Recovery Policy set out in Appendix 1 to the report; (b) consider any future changes to the Policy whenever new legislation or regulations dictate; and (c) receive an annual report on the number and value of corporate debts and the number of sequestrations carried out.

## **6. Response to the Scottish Government Consultation Paper on Potential Legislative Measures to Implement Zero Waste**

Submitted report by the Corporate Director (Property Services) on a proposed Council response to the Scottish Government Consultation Paper on Potential Legislative Measures to Implement Zero Waste.

In January 2008, the Scottish Government announced increased recycling/composting targets with 40% recycling/composting by 2010, 50% by 2013, 60% by 2020 and 70% by 2025. The Cabinet Secretary also announced a key objective in relation to waste prevention, with the aim of stopping the growth in municipal waste by 2010. Reference was also made to a need for a greater emphasis on commercial and industrial waste with new targets to be developed for reducing the amount of commercial and industrial waste sent to landfill.

The current consultation seeks views on potential legislative measures to implement zero waste and a proposed Council response was appended to the report. The response notes that achieving the targets may require the passing of primary legislation supported by effective secondary legislation (i.e Regulations) and that there will be full consultation on such Regulations before they are enacted. It also sets out the Council's view that up until now, the focus of Government attention has been on municipal waste which only accounts for 3.5m tonnes of Scotland's waste. To achieve the desired environmental outcomes, the other 16.5m tonnes of waste coming from the commercial/industrial sectors of Scotland requires to be addressed. Whilst the proposals in the consultation paper are to be welcomed, there is a concern that over-regulation of business will result in associated on-costs.

The Executive agreed (a) to approve the proposed response to the Scottish Government consultation, as set out in Appendix 1 to the report; and (b) that a cover letter be issued with the response highlighting the importance of strengthening legislative controls to deal with reduced packaging of goods, and the need for advice to be provided to producers on the types of recyclable packaging that are acceptable.

## **7. Procurement Option for a Waste Management Facility/Energy Recovery Plant**

Submitted report by the Corporate Director (Property Services) on proposals for the provision of an Energy from Waste Facility.

In 2006, the three Ayrshire Councils commissioned Entec UK Ltd. to undertake a Strategic Outline Case (SOC) to determine a preferred option to manage future waste operations to meet their respective landfill diversion obligations. The SOC identified a preferred way forward which included provision for a joint material recycling facility for North and South Ayrshire, provision for In Vessel Composting facilities for each Council, and provision for an Energy Recovery Plant (combined with recycle recovery) to serve the needs of the three authorities.

Following the Waste Policy Statement issued by the Scottish Government on 24 January 2008 announcing the key objectives and proposed targets concerning waste, Entec UK Ltd. was invited to review the SOC to determine whether it was still fit for purpose. Entec UK Ltd., concluded that broadly speaking the current preferred option identified by the SOC process agreed with the principles of the new Scottish Government policies, in line with the principles of the waste hierarchy.

The Cabinet Secretary in his Waste Policy Statement stated that no more than 25% of municipal waste should be treated by Energy from Waste by 2025. Clarification has been received from the Scottish Government stating that it is their view that the 25% cap should be based on the expected waste arising in 2010 on the grounds that the clear aim is to stabilise waste growth after that date. This information allows the Council to proceed with the Procurement Strategy for the treatment of 25% of municipal solid waste tonnage based on the estimated 2010 figures, in accordance with the Energy from Waste preferred option identified in the Strategic Outline Case. Based on the projected tonnage of the three Ayrshire Councils, any Energy from Waste Facility provided will be required to make available a minimum capacity of 69,000 tonnes per annum. The current Scottish Government Waste Policy sets recycling targets of 40% for 2010, 50% for 2013, 60% for 2020 and 70% for 2025. There has also been a 5% allowance for waste to landfill in 2025. The mass balance for North Ayrshire will be 25% to energy from waste, 70% to recycling, and 5% to landfill in 2025.

The Ayrshire Councils are currently carrying out early market testing of potential residual treatment providers. This has been initiated by East Ayrshire Council's Procurement Section through a Prior Initiation Notice (PIN) to the Official Journal of the European Union (OJEU). The PIN provides advanced notice to the market of future requirements without the Councils' commitment to purchase or proceed with the project if circumstances change. Organisations expressing an interest in the PIN were sent a questionnaire, which when completed may assist in the preparation of the Procurement Strategy. The details of the PIN and completed questionnaires will be discussed further at the next Ayrshire Joint Strategy Waste Management Project Group Meeting scheduled for 23 October 2008.

At its meeting held on 28 August 2008, the Waste Management Project Group was advised of the outcome of a financial modelling exercise carried out by Entec UK Ltd. This highlighted the associated risks with procuring and building a waste management infrastructure and recommended that the three Councils decide whether it is more cost effective to procure and operate a proposed facility themselves, or instead procure private sector waste management services for waste processing and treatment. Each Council has been asked to report to the October meeting of the Group on their preferred procurement option. The report proposed that the Council should indicate to the Waste Management Project its preference for entering into negotiations with a private sector waste management provider.

The Executive agreed to (a) advise the Ayrshire Joint Strategy Waste Management Project Group that, in principle, the Council's preferred way forward was to enter into negotiations with a private sector provider for the provision of the Energy from Waste Facility identified in the Strategic Outline Case; and (b) receive a further report at a future meeting.

#### **8. Charges for Special Uplifts, Large, White Goods and Waste Electrical Electronic Equipment**

Submitted report by the Corporate Director (Property Services) on proposals for free uplifts and exemptions from charge for householders on benefits.

The Committee agreed to continue consideration of the matter to a future meeting.

#### **9. Development of an Allotment Policy**

Submitted report by the Corporate Director (Property Services) on the implications of developing an Allotment Policy for North Ayrshire.

On 22 April 2008, the Executive agreed that the Corporate Director (Property Services) investigate and report to a future meeting on the implications arising from the possible development of an Allotment Policy. The report provided a summary of the Council's statutory duties in terms of providing allotments, information on the outcome of site investigations so far undertaken, and details of the range of issues in respect of the administration and maintenance of allotments, that any proposed Policy will require to address. Details of possible financial implications arising from the development of an Allotment Policy were also set out in the report.

The Executive agreed to remit the matter to a Member/Officer Working Group for more detailed consideration.



## **10. North Ayrshire Children's Panel: Concurrent Membership Scheme with East Ayrshire Children's Panel**

Submitted report by the Chief Executive on a proposed Concurrent Membership Scheme between North Ayrshire and East Ayrshire Councils in respect of a North Ayrshire Children's Panel member.

In November 2007, Mrs Marion Reid was appointed by North Ayrshire Children's Panel Advisory Committee (CPAC) as a prospective Panel Member subject to completion of her training. At the time of her appointment, it was anticipated that Mrs Reid would be retiring from her civilian post with Strathclyde Police. Mrs Reid has subsequently confirmed that this will not be the case and this has led to a potential conflict of interest between her job and her position on the North Ayrshire Children's Panel. To resolve the issue, it was proposed, in terms of the Concurrent Membership Scheme, that Mrs Reid should act as an East Ayrshire Panel Member until such time as she retires.

The Executive agreed that Mrs Reid serve as a member of East Ayrshire Children's Panel until such time as she retires, subject to the agreement of East Ayrshire CPAC and the Scottish Government.

## **11. EU Structural Funds: Liaisons Entre Actions de Developpement de L' Economie Rurale (LEADER) Programme**

Submitted report by the Chief Executive on the development of a LEADER programme for mainland Ayrshire.

LEADER is a European Union funding initiative which aims to promote rural development and increase the capacity of local rural communities and business networks. Rural communities are defined within the LEADER programme as settlements with a population of fewer than 10,000. The three Ayrshire Councils have agreed to work together through the Ayrshire LEADER Steering Group to develop a LEADER initiative covering mainland Ayrshire. Arran and Cumbrae form part of the Argyll and the Islands LEADER Programme. Following a detailed consultation process carried out throughout the three Council areas and involving a range of stakeholders, consultants appointed by the Steering Group produced a draft Strategy and Business Plan setting out how the proposed LEADER initiative can be taken forward.

At a meeting of the Steering Group held on 14 December 2007, it was agreed that a shadow Local Action Group (LAG) should be established to oversee the development of a final Strategy and Business Plan and to conclude the necessary agreements between partners to allow formal submission of a LEADER bid to the Scottish Government. The finalised Strategy identifies two themes for action aimed at increasing rural capacity and revitalising communities. The report provided details of potential projects to be taken forward under these themes.

The Strategy and Business Plan proposes a LEADER Programme for mainland Ayrshire to be taken forward over the 6 year period 2008-2013 and involving funding of £7.5 million, including £3.7M from LEADER. The initiative requires to be match funded and it is likely that the Ayrshire bid will draw on match funding from public, private and community resources. It is anticipated that the Council's contribution will be indicative match funding of approximately £50,000 per annum until 2013. This funding can be drawn from current and existing budgets including Community Development Grant Scheme, Community Benefit Funds, existing service budgets, North Ayrshire Fairer Scotland Fund, Common Good Funds and Landfill Tax.

The Ayrshire LEADER application was submitted to the Scottish Government in May 2008, and informal feedback indicates that the bid has been successful. Formal confirmation is expected at an early date from the Scottish Government, together with confirmation of the level of LEADER grant, later in September 2008. The Business Plan identifies the LAG as the parent body of the Ayrshire LEADER Programme, with a decision making body (a sub-group of the LAG) being responsible for the day-to-day delivery of the Programme. Membership of the decision making body includes officers from each of the three Ayrshire Councils. South Ayrshire Council has agreed to take lead responsibility for the administration and financial operation of the LAG and will also support the recruitment and employment of associated staff. Individual project applications will be sought from community groups to the Ayrshire LEADER Programme and these will be appraised and awarded through a process set out in the Business Plan. The decision making body will determine grant awards up to a threshold of £20,000 with the full LAG considering awards above this level.

Once the details of the Ayrshire LEADER bid have been confirmed, recruitment of a Programme Co-ordinator and a Programme Officer, will commence. These posts will be fully funded by the LEADER Programme. It is anticipated that the Programme will be formally launched in November 2008 with a series of public meetings (one to be held in each of the Council areas) to which rural community groups will be invited. Grant application forms and guidance notes are currently being prepared. It is proposed that the closing date for the first round of applications will be end January 2009.

The Executive agreed to (a) note the progress being made in establishing a Mainland Ayrshire LEADER Local Action Group; (b) endorse the draft strategy for Mainland Ayrshire; (c) note the proposals for match funding; (d) work with North Ayrshire Community Planning Partnership to realise potential projects, and (e) enter into a partnership agreement with the LEADER programme.

The meeting ended at 3.45 p.m.