

Cabinet
14 November 2017

IRVINE, 14 November 2017 - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

Present

Joe Cullinane, John Bell, Robert Foster, Alex Gallagher and Jim Montgomerie; Very Reverend Canon Matthew McManus and Ian Haining (Church Representatives) (Agenda Items 1-4); and Gordon Smith (Teaching Representative) (Agenda Items 1-4).

Also Present

Robert Barr, Joy Brahim, Shaun Macaulay, Jean McClung, Ronnie McNicol and Davina McTiernan

In Attendance

E. Murray, Chief Executive; L. Friel, Executive Director, M. Hogg, Head of Finance, D. Forbes, Senior Manager - Financial Management (Finance and Corporate Support); C. Hatton, Executive Director, Y. Baulk, Head of Service, R. McCutcheon, Head of Service (Commercial Services), C. Dempster, Team Manager (Network Management), A. Cowley, Team Manager (Structures, Flooding and Design) and T. Wilson, Tenant Participation Manager (Place); K. Yeomans, Executive Director and A. Laurenson, Senior Manager (Regeneration) (Economy and Communities); C. Amos, Head of Service (Inclusion) (Education and Youth Employment); D. MacRitchie, Chief Social Work Officer (North Ayrshire Health and Social Care Partnership); A. Fraser, Head of Democratic Services, M. Davison, Senior Manager (Democratic Services), A. Hale, Equality and Health Policy Officer, J. Hutcheson, Communications Officer and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

Also In Attendance

Mari Wallace, Ian Maclachlan and Graham Wallace (Petitioners).

Chair

Joe Cullinane in the Chair.

Apologies for Absence

Elizabeth Higton (Church Representative).

1. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillors Gallagher and Montgomerie, each the owner of a second property currently unaffected by the provisions referred to in the report, declared an interest in Agenda Item 12 (Council Tax (Variation for Unoccupied Dwellings) (Scotland) Regulations 2013). On the basis that the interest was remote or insignificant, neither Member withdrew for the item.

2. Minutes

The accuracy of the Minutes of the meeting of the Cabinet held on 26 September 2017 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973

3. Education Governance : Next Steps

Submitted report by the Chief Executive on the progress towards the implementation of a South West Regional Improvement Collaborative in line with the timescale set out by the Deputy First Minister. Appendix 1 to the report set out the role description for the Collaborative's Regional Improvement Lead, a role to which Douglas Hutchison, Director of Education from South Ayrshire Council, was appointed from 31 October 2017.

Members asked questions and were provided with further information on the anticipated arrangements for democratic input into the Collaborative and feedback from it.

The Cabinet agreed to (a) note the implementation steps taken to date, including the appointment of an Improvement Lead Officer; and (b) receive future reports which will identify a Regional Improvement Plan and associated resources for the South West Regional Improvement Collaborative.

4. Fair Funding Consultation

Submitted report by the Executive Director (Finance and Corporate Support) on the response to the Scottish Government consultation on "Fair Funding to Achieve Excellence and Equity in Education". The Council's consultation response, which had been submitted by the 13 October 2017 deadline, was set out at Appendix 1 to the report.

The Cabinet agreed to (a) note the key messages within the Council's response, which was set out at Appendix 1 to the report; and (b) homologate the submission to the Scottish Government.

5. Millport Flood Protection Scheme and Millport Harbour

5.1 Petition

Submitted report by the Chief Executive on a petition received in respect of the "Save Millport Pier" campaign with in excess of 9,000 signatures.

The Chief Executive summarised the terms of the petition and the procedure for considering it in the context of a separate report on development options for the pier.

The principal petitioner, Mari Wallace, set out the background to, and reasons for, the campaign and the importance of the pier in terms of the island's economy, community resilience and infrastructure.

Ian Maclachlan, a chartered civil engineer, also spoke on behalf of the campaign, outlining a strategy which could, through cost-effective, unconventional repair methods, return the existing pier to a serviceable condition pending construction of a replacement pier and integrated flood prevention measures. The petitioners considered that offshore breakwaters, with either the retention of the current pier or incorporating a new, modern pier facility, should be selected as the preferred flood protection option as promoted by the Millport Pier and Harbour Users' Group.

Members asked questions and were provided with further information in relation to:

- the nature of the 'unconventional' repair methods proposed and whether there were any technical reasons why they might not be suitable for use in this country;
- whether the approach proposed would meet the requirements of UK regulators and funders;
- any evidence supporting the assertions made by the petitioners about the impact, on the economy and shipping on the Clyde, of losing the pier;
- whether the campaign's priority was flood prevention rather than the local economy; and
- the method used by recent cruise ship passengers to disembark given that the existing timber section of the pier was not currently in service.

The Cabinet agreed to note the petition and take into account the petitioners' presentation when considering the report by the Executive Director (Place).

5.2 Report

Submitted report by the Executive Director (Place) seeking agreement to the proposed further development of options for the Millport Coastal Flood Protection Scheme and on the current condition and prohibited use of the existing timber section of Millport pier. Appendix 1 to the report provided a summary of the results of the community consultation questionnaire on the Millport Coastal Flood Protection Scheme.

Members asked questions and were provided with further information in relation to:-

- the indicative budget requirement of £12.1m referred to in the report to Cabinet on 8 December 2015;
- whether the presence of sediment would have a negative impact on the cost of the third potential flood protection design option; and
- whether the pier extension referred to in terms of option 3 would serve a flood prevention purpose.

The Cabinet agreed:-

- (a) to note the work carried out, which has to date developed two potential design options for the proposed Millport Coastal Flood Protection Scheme;
- (b) that officers will continue to engage with the local community to develop a third potential flood protection design option which involves the replacement of the timber pier structure with an appropriate steel and/or concrete pier structure, complemented by an appropriate offshore rock breakwater;
- (c) to note the potential budget implications and that further work is required to identify likely option costs to allow appropriate benefit/costs appraisal and affordability considerations which will be required prior to any proposed scheme being progressed;
- (d) that officers will arrange to carry out an economic benefits appraisal of the 3 options being explored to assist in the appraisal of potential designs;
- (e) to note the poor condition and current prohibited use of the existing timber section of Millport Pier;
- (f) to note the terms of the petition received entitled "Save Millport Pier"; and
- (g) to receive further progress updates when appropriate.

6. B714 Upgrade between A737 and A78

Submitted report by the Executive Director (Place) seeking approval of a wider strategic approach to upgrading the B714, pending the outcome of a Regional Transport Appraisal as part of the developing Ayrshire Growth Deal.

Members of the Cabinet and, with the permission of the Chair, a number of other Elected Members who were present, asked questions and were provided with further information in relation to:-

- expenditure to date on ground surveys and other works associated with the Scottish Transport Appraisal Guidance;
- the local importance of the B714 and its wider strategic role in terms of North Ayrshire as a whole;
- road safety concerns associated with the B714 and measures to address these; and
- the need for continued maintenance and inspection of the road pending further developments in terms of the Ayrshire Growth Deal.

The Executive Director (Place) undertook to provide Councillor McNicol with accident statistics relating to the B714.

The Cabinet agreed to pause local realigning of the B714 pending the development of a Regional Transport Appraisal as part of the developing Ayrshire Growth Deal.

Councillors Barr, Brahim, Macaulay, McClung, McNicol and McTiernan left the meeting at this point.

7. Local Government Benchmarking Framework (LGBF) 2015/16

Submitted report by the Chief Executive on the Directorates' priorities identified following the publication of the latest LGBF report. The North Ayrshire Council LGBF Indicators were set out at Appendix 1 to the report.

The Cabinet agreed to:-

(a) note (i) the LGBF priorities identified by Directorates and (ii) that the Framework is continuing to be developed by the Improvement Service; and (b) submit the report to the Audit and Scrutiny Committee.

8. Extending Smoke Free Grounds in North Ayrshire Council

Submitted report by the Chief Executive on progress with the implementation of Smoke-Free Grounds across Council premises

The Cabinet agreed to a phased approach to implementation of smoke free grounds, with schools and playparks to go smoke-free in January 2018, followed by Offices in March 2018, with further review and consideration of depots/care at home establishments at a later date.

9. Revenue Budget 2017/18 : Financial Performance to 30 September 2017

Submitted report by the Executive Director (Finance and Corporate Support) which (a) set out the revenue budgetary position for the Council at 30 September 2017; (b) provided a brief explanation of Services' major variances at Appendices 1-9; (c) detailed the proposed virement at Appendix 10; and (d) detailed the Housing Revenue account budgetary control position at 30 September 2017 at Appendix 11.

The Chair, on behalf of the Cabinet, extended his best wishes to Margaret Hogg, Head of Finance, who was leaving the Council to take up a post with another local authority. He also indicated his intention to seek Council approval to fund a separate post to cover the Social Care element of the Head of Finance position to the end of the current financial year and that the Chief Executive would write to the Chief Executive of NHS Ayrshire and Arran regarding potential joint funding of this post into the new financial year.

The Cabinet agreed to:-

- (a) note the information and financial projections outlined in the report;
- (b) approve the utilisation of the General Fund in-year underspend as part of the 2018/19 Budget strategy;
- (c) note the current financial projection for the Health and Social Care Partnership; and
- (d) approve the virements detailed in Appendix 10;
- (e) fund a post to cover the Social Care element of the Head of Finance position to the end of the current financial year at £35,000; and
- (f) instruct the Chief Executive to write to the Chief Executive of NHS Ayrshire and Arran regarding potential joint funding of this post into the new financial year.

10. Capital Programme Performance to 30 September 2017

Submitted report by the Executive Director (Finance and Corporate Support) on the progress in delivering the Capital Investment Programme as at 30 September 2017, on the progress of all projects and explanations for the carry forwards and further revisions to the budget. Appendices 1-10 provided information on the General Services financial position, by Service, the Period 6 Objective Summary, the Period 6 Subjective Summary, miscellaneous items and virement/budget requests. Appendix 11 gave the financial position for the Housing Revenue Account for the six months to 30 September 2017.

The Cabinet agreed to (a) approve the revisions to budgets outlined in the report and appendices; and (b) note (i) the General Services and HRA expenditure and revised budgets to 30 September 2017; and (ii) the forecast of expenditure to 31 March 2018.

11. Treasury Management Mid Year Report 2017/18

Submitted report by the Executive Director (Finance and Corporate Support) on the Treasury Management update for the period 1 April to 30 September 2017. The appendix to the report set out information on the progress of all projects and explanations for the carry forwards. The Mid-Year Treasury Management Report for 2017/18 was set out at Appendix 1 to the report.

The Cabinet agreed to:-

- (a) endorse the contents of the Mid-Year Treasury Management Report for 2017/18 as detailed at Appendix 1 to the report;
- (b) note the Prudential and Treasury Indicators contained therein;
- (c) approve the introduction of the methodology for repaying advances to mirror income streams for projects where this is appropriate; and
- (d) note the new methodology for allocating interest and expenses effective from 2017/18.

12. Council Tax (Variation for Unoccupied Dwellings) (Scotland) Regulations 2013

Submitted report by the Executive Director (Finance and Corporate Support) on a review of the Cabinet decision of 1 September 2015 to impose a council tax levy on unoccupied dwellings having regard to the Scottish Government's 2013 Guidance and 2015 Supplementary Guidance. A report to the Cabinet of 1 September 2015, giving further information on the change, was set out at Appendix 1 to the report. Appendices 2 and 3 contained the 2013 Guidance and the 2015 Supplementary Guidance, respectively.

The Cabinet agreed, having regard to the Scottish Government's 2013 Guidance and 2015 Supplementary Guidance, to make no change to the modification to Regulation 3 of the Council Tax (Variation for Unoccupied Dwellings) (Scotland) Regulations 2013 agreed on 1 September 2015.

Councillor Montgomerie left the meeting at this point.

13. Chief Social Work Officer Annual Report

Submitted annual report by the Chief Social Work Officer (CWSO) on all statutory, governance and leadership functions of the CWSO as required by the Scottish Government's Guidance. The annual report was set out at Appendix 1 to the report.

The Cabinet agreed to endorse the report as detailed at Appendix 1.

14. Housing Revenue Account Rent Structure Review

Submitted report by the Executive Director (Place) on the implementation of a revised Housing Revenue Account rent structure. Tenant consultation documents for each phase were set out in the detailed in Appendix 1 to the report.

The Cabinet agreed to (a) note the outcome of the tenant consultation; and (b) approve the implementation of a new rent structure from April 2018.

15. Customer Connections: Housing Services' Tenant Participation Strategy 2017-22

Submitted report by the Executive Director (Place) on the draft Tenant Participation Strategy 2017/22, which sets out the strategic priorities for Housing Services over the next five years. The draft Strategy was set out at Appendix 1 to the report.

The Cabinet agreed to approve the content of the draft Tenant Participation Strategy 2017-22, as detailed at Appendix 1 to the report.

16. Roads Winter Service and Weather Emergencies Plan 2017/18

Submitted report by the Executive Director (Place) on the Roads Winter Service and Weather Emergencies Plan 2017/18, in support of the Council's statutory duties under the Roads (Scotland) Act 1984. The 2017/18 Winter Preparation Action Plan was set out at Appendix 1 to the report. Appendix 2 contained the Roads Winter Service and Winter Emergencies Plan 2017/18.

Members sought and received reassurance that:-

- the same amount of the road network would be covered in terms of the Priority 1 routes identified, notwithstanding changes to the routes; and
- IT work was being undertaken to restore the cameras which were not currently operational

The Cabinet agreed to (a) approve the Roads Winter Service and Weather Emergencies Plan 2017/18 set out at Appendix 2 to the report; and (b) note the preparations and developments contained in the Winter Action Preparation Plan at Appendix 1.

17. Interim Ayrshire Development Board - Membership and Remit

Submitted report by the Executive Director (Economy and Communities) on the membership and terms of reference of the Interim Ayrshire Development Board to be established to support the work of the Regional Partnership for Economic Development Services.

The Cabinet agreed to (a) appoint the three Senior Elected Members who are appointed to the North Ayrshire Economic Development and Regeneration Board (namely, the Leader of the Council, the Economic Portfolio holder and the Leader of the Opposition) to serve on the Interim Ayrshire Development Board; and (b) allow the Board to develop its own remit in relation to the development and governance of the Ayrshire Growth Deal, the Regional Pathfinder, the Regional Partnership for Economic Development Services and the Ayrshire Economic Strategy/Inclusive Growth Diagnostic.

18. Tax Incremental Finance Update

Submitted report by the Executive Director (Economy and Communities) on the submission of a Business Case to the Scottish Government for investment in the Irvine Enterprise Area through the Tax Incremental Finance mechanism. A summary of the draft Business Case was detailed at Appendix 1 to the report.

Members asked questions and were provided with further information in relation to:-

- whether the land in question was associated with the Ayrshire Growth Deal innovation centre;
- the timescale associated with the manufacturing innovation centre bid; and
- the use which income from i3 would otherwise have been put.

The Cabinet agreed (a) to approve an application for investment through a Tax Incremental Finance business case for submission to the Scottish Government as outlined in Appendix 1 to the report; and (b) that authority is delegated to the Chief Executive to conclude negotiations and a legal agreement on the Tax Incremental Finance investment.

The Meeting ended at 4.50 p.m.