

The Executive of North Ayrshire Council
17 November 2009

IRVINE, 17 November 2009 - At a Meeting of the Executive of North Ayrshire Council at 2.30 p.m.

Present

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

Also Present

Matthew Brown and Anthea Dickson.

In Attendance

E. Murray, Chief Executive; B. Docherty, Corporate Director and S. Gault, Head of Community Care (Social Services); C. Kirk, Corporate Director and M. Docherty, Head of Schools (Educational Services); T. Orr, Corporate Director (Property Services), O. Clayton, Head of Housing and Building Services, R. Small, Head of Infrastructure and Design Services, A. Kirk, Manager (Design and Maintenance) and R. Hopewell, Supervisory Engineer (Roads) (Property Services); A. Herbert, Assistant Chief Executive (Finance); and J. Montgomery, General Manager, A. Clarke, Team Leader - Communications, M. Adams, Policy Officer, C. Rowney, Communications Officer and M. Anderson, Committee Services Officer (Chief Executive's Service).

Chair

David O'Neill in the Chair.

Apologies for Absence

John Reid.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 16.

2. Revenue Budget 2009/10: Budgetary Control Statement

Submitted report by the Assistant Chief Executive (Finance) on the budgetary control position for the Council at the end of September 2009.

The General Services and Housing Revenue Account (HRA) Revenue Budgets for 2009/10 were approved at the special meeting of the Council on 12 February 2009. In terms of General Services, the Council budgeted for an end of year deficit of £0.225m and agreed to fund various one-off projects from balances.

Early projections based on expenditure levels indicate that the Council will have a net surplus of £2.949m at the year end. With a favourable balance of £9.474m at 31 March 2010, a cumulative surplus of £12.423m is projected at 31 March 2010. The accumulated surplus on the Housing Revenue Account is projected to be £2.1m.

The report and appendices provided details of major variances in the budget to the end of September 2009.

Members requested, and received, reassurance about ongoing measures to address the projected overspend in the Social Services budget, the implications of those measures for service users, and the capacity to respond to any emergency demand for services.

The Executive agreed to (a) approve the balances outlined in the report; and (b) remit the report to the Scrutiny Committee for information.

3. Capital Monitoring to 30 September 2009

Submitted report by the Assistant Chief Executive (Finance) in respect of capital expenditure at 30 September 2009 and on the revised programme for future years.

The capital budgets for the period 2009-2012 were approved at the special meeting of the Council held on 12 February 2009. Since the last report to the Executive on 18 August 2008, affordability levels have changed marginally (as set out in Appendix 1 to the report) following increases in grant funding and changes to anticipated capital receipts.

Appendix 2 to the report provided a summary of the various changes to the approved programmes since 18 August 2009. More details of these changes, on a project by project basis, were set out in Appendix 3.

Appendix 4 to the report gave details of the actual spend to 30 September 2009 on capital projects compared with the revised capital plan. This amounted to £11.779m or 41.6% of the project outturn for 2009/10 of £28.297m, which compared with an actual spend of 36.3% for the same period in 2008/09.

Appendix 5 summarised actual expenditure on the HRA capital programme to 30 September 2009, which amounted to £8.016m or 38.9% of the Projected Outturn of £20.612m. This compared with an actual spend of 33.1% for the same period in 2008/09. Income from the sale of Council houses in the first half-year amounted to £1.137m, 65% of the projected annual total of £1.75m. As a result of the above, net capital expenditure, or borrowing, is projected to increase by £0.95m.

Members expressed concern about the implications of slippage for the delivery of the Council's strategic objectives and received clarification on the ability to vire any slippage to bring forward other programmed capital projects. Reassurance was also sought, and provided, that Officers were seeking to determine and, where possible, address the causes of slippage.

The Executive agreed to (a) approve the budget movements set out in Appendices 2 and 3 of the report; (b) a review of the capital plan; and (c) remit the report to the Scrutiny Committee for information.

4. Equality Review

Submitted report by the Chief Executive on an internal review of the Council's arrangements for addressing equality and the recommendations arising from this review.

The Council has statutory duties to take action on race, disability and gender equality in policy making, the delivery of services and employment. Using guidance and advice produced by the Equality and Human Rights Commission and Audit Scotland, the Council has conducted a review to assess its performance in meeting these responsibilities.

Arising from the review, it was proposed that an equality strategy and clear equality objectives be identified, to inform the action plan to be developed by each Service to allow a more outcome-focused approach to equality, in line with the Single Outcome Agreement. The following actions were also proposed to address the issues identified by the review:-

- The appointment of the portfolio-holder for Community Planning and a further Elected Member as chair and a member, respectively, of the Council's Equality Group;
- A review of the current membership of equality officer working groups;
- The establishment of a Property Services Sub Group;
- Six-monthly reports by equality sub groups to the Corporate Management Team, in addition to the submission of an Annual Equality Report to the Scrutiny Committee;
- The development of a programme of Equality Impact Assessments for each Service with the toolkit supporting this work to be the subject of revision;
- A revision of the process for assessing the impact of financial decisions for their impact on disadvantaged communities;
- A review of the reporting of equality issues in the revised Committee report format after six months.

The Executive agreed (a) to appoint the portfolio-holder for Community Planning as Chair the Council's Corporate Equality Group; (b) that it be remitted to the Chief Executive to seek nominations for the appointment of a further Elected Member to serve on the Corporate Equality Group; (c) that the membership of the officer working groups on equality be reviewed; (d) that outcome-focused equality objectives be developed, based on evidence and informed by the consultation; and (e) that a programme of Equality Impact Assessments be developed and closer links formed between equality action plans and the service planning process.

5. Demonstrating Continuous Improvement and Competitiveness

Submitted report by the Chief Executive on a proposed policy position on demonstrating continuous improvement and competitiveness and an associated methodology for implementing the policy.

At its meeting on 2 June 2009, the Executive approved a Council response to the Accounts Commission's consultation document on proposals for Best Value 2. The response broadly welcomed the consultation document, which confirmed 'efficiency' and 'competitiveness' as corporate characteristics of a Best Value Council. At its meeting on 23 June 2009, the Executive agreed to approve the creation of an Elected Member Change Sounding Board and a number of short-life Member/Officer Service Reform Working Groups to consider specific service reform proposals.

The Council now has a number of broad activities aimed at securing continuous improvement, efficiency, effectiveness and competitiveness. The Council's 'direction of travel' with regard to demonstrating continuous improvement and competitiveness is positive, but the pace of change now requires to increase. It was proposed that the Council consolidates its existing approach in a clear policy statement and associated guidance that will provide a reference point for future activity. It was further proposed that the Policy and Guidance be used to steer discussions/review activity by the Change Sounding Board and Member/Officer Service Reform Groups.

Appendix 1 to the report set out a proposed new Policy Statement, reflecting the Council's current thinking. Appendices 2 and 3 contained Options Appraisal Policy Guidance.

Members expressed the view that, in addition to its planned examination of the format and content of performance reports, the Scrutiny Committee be invited to consider the frequency of performance reporting.

The Executive agreed (a) to approve the Policy Statement of Demonstrating Continuous Improvement and Competitiveness set out in Appendix 1 to the report and the updated Options Appraisal Policy Guidance set out in Appendices 2 and 3; (b) that the Policy and Guidance be used to steer discussions/review activity by the Change Sounding Board and Member/Officer Service Reform Groups; and (c) that the Scrutiny Committee be invited to consider the frequency of performance reporting and advise the Executive of the outcome of its deliberations on this issue.

6. Affordable Housing Investment Programme

Submitted report by the Corporate Director (Property Services) on an update on the affordable housing investment within North Ayrshire during 2009/10, indicative changes to the Scottish Government budget allocations for 2010/11 and beyond, and the proposed submission to the Scottish Government of the Council's Strategic Housing Investment Plan (SHIP) 2010-2015.

The Council's SHIP was developed in partnership with local Registered Landlords. It is an annex to the North Ayrshire Local Housing Strategy (LHS) which sets out how investment in affordable housing will be directed over a 5-year period to achieve the outcomes in the LHS. The SHIP specifically identifies details of regeneration and new supply initiatives, where funding is required from the Scottish Government's Housing Investment Division. Future funding from the Government will be allocated to Local Authorities based on their SHIP submissions and an assessment of the regeneration and new supply initiatives detailed within them.

The report set out the background to the submission of the Council's SHIP 2009-2014 and gave details of investment in affordable housing in 2009/10. The SHIP 2010-2015 anticipates a reduction of approximately 60% in the Scottish Government's development budget, and has therefore been based on an annual budget of £4.6m. In addition, the income generated from the second homes council tax discount will also be allocated towards affordable housing delivery. This amounts to £1.127m carried forward from last year and £0.8m of anticipated income generated during 2010/11. A 'shadow programme' is also included in the SHIP, to provide a clear indication of which sites can be accelerated within the programme should additional funding become available.

Members expressed concern about the impact of an anticipated reduction in available budget on the Council's significant waiting list for housing provision and were advised that the matter was being raised with local MSPs to allow them to make representations to the Scottish Government on the Council's behalf.

The Executive agreed to approve the SHIP 2010-2015 set out in Appendix 1 to the report, for submission to the Scottish Government in advance of the 30 November 2009 deadline.

7. Saltcoats: Remedial Works to Lambie Court and O'Connor Court

Submitted report by the Corporate Director (Property Services) on proposed remedial works to Lambie Court and O'Connor Court, Saltcoats.

Lambie and O'Connor Courts are blocks of multi-storey flats built with the Bison wall frame system of concrete panels. Both blocks have suffered from water ingress and poor thermal performance for a number of years. As a social landlord, the Council is obliged to have its housing stock comply with the Scottish Housing Quality Standards (SHQS) by 2015. Lambie and O'Connor Courts do not comply with 2 of the SHQS criteria.

The Council may carry out works which it deems necessary, either for the benefit of the buildings or to comply with its duties as landlord, and may seek to recover costs from any private owners. The private owners (approximately 35%) are, therefore, liable for a proportion of common repairs and remedial works.

The appendix to the report detailed several options considered for the necessary remedial works. Section 3 of the report outlined the preferred option over overcladding similar to Irvine High Flats. The proposed works would replace the roof covering, clad the existing parapet with an aluminium composite rainscreen system, replace windows and re-mastic all residents' windows. The existing concrete panels would be repaired and remedial ties installed, with an insulated render cladding system then applied to the whole building exterior. The cost, excluding VAT and including fees is £1.570m. The cost to private owners excluding VAT and including fees would be £16,700 each.

Members requested that an update be provided to the Executive on progress with exploring the financial options to take forward the works and expressed the view that enquiries should be made about the possibility of Scottish Government grant assistance for private householders.

The Executive agreed (a) to note the preferred option for the proposed remedial work; (b) that the Corporate Director (Property Services) (i) assess the financial options and implications, both for the Council and private householders, (ii) investigate the availability of any grant funding from the Scottish Government to assist private householders, and (iii) submit an update report to the Executive at an early date.

8. Introduction of National Eligibility Criteria and Waiting times for the Personal and Nursing Care of Older People

Submitted report by the Corporate Director (Social Services) on the requirement to implement the National Eligibility Criteria and the impact this will have on Social Services.

During 2007, the Scottish Ministers invited Lord Sutherland to undertake an independent funding review of the free personal and nursing care policy which was introduced in Scotland in 2002. The implementation of the policy was considered to have been very positive, although a number of concerns were also highlighted, including consistency of provision. The report set out a 12-point plan, comprising short term, short to medium term and longer term recommendations.

Since the publication of the Sutherland report, the Scottish Government and COSLA have been working jointly on ways to place the policy on a more secure footing. In September 2009, national guidance regarding National Eligibility Criteria for Adult Social Care and Waiting Times for Personal and Nursing Care was published. The national guidance seeks to deliver shared commitments agreed by Scottish Ministers and Local Authority Elected Members, including:-

- A common standard eligibility framework for older people;
- A common commitment to deliver personal and nursing care services to older people within a maximum period of 6 weeks following the identification of a critical need;
- The application of the Single Shared Assessment model and associated tools by local authorities and their partners; and
- Appropriate management and review arrangements for responding to the needs of individuals assessed as having less intensive care needs.

Chief Social Work Officers will be asked to confirm with the Scottish Government by 1 December 2009 that their local arrangements for access to social care services and timescales for access to personal and nursing care services are consistent with the finalised guidance.

The Executive agreed to approve the implementation of the National Eligibility framework within North Ayrshire.

9. Dementia Strategy Consultation Paper

Submitted report by the Corporate Director (Social Services) on the current consultation process on the Scottish Government's proposed National Dementia Strategy.

The Scottish Government has given a commitment to publish a dementia strategy for Scotland by April 2010. Towards this end, a Dementia Strategy Consultation paper has been issued. The consultation paper outlines the Scottish Government's approach to the consultation process. It has established, on a national level, a Dementia Forum and a Dementia Strategy Management Group, which is responsible for the development of the strategy. This work is ongoing and has been focused around 5 work streams, namely:-

- treatment and managing behaviour;
- assessment, diagnosis and patient pathways;
- improving the general service response to dementia;
- rights, dignity and personalisation; and
- health improvement, public attitudes and stigma.

The consultation paper requests feedback on the work streams and any areas relevant to a Dementia Strategy that may have been omitted. A response has been prepared and submitted to the Scottish Government by the deadline of 16 November 2009. It addressed a number of themes, including:-

- the omission from the consultation of adults under the age of 60 who are affected by early onset dementia;
- the lack of consideration of a formal training strategy for people working with those affected by dementia;
- the need to widen the understanding of non-specialist staff across all Council services and develop dementia awareness training;
- the need to develop corporate actions throughout Council services;
- the importance of psychological support; and
- the management of challenging behaviour and use of 'appropriate' medications.

Members sought, and received, reassurance that the Care Commission challenges care providers about their interface with GPs with regard to the prescribing of medication to dementia sufferers. Confirmation was also provided that the need for a training strategy on dementia had been raised as part of the consultation response.

The Executive agreed (a) to endorse the terms of the Council's response to the Scottish Government's consultation, as set out in paragraph 2.12 of the report; and (b) that the Corporate Director (Social Services) submit a further report to a future meeting of the Executive, identifying the implications for the Council following publication of the National Dementia Strategy in April 2010.

10. Youth Justice Programme Approach Team

Submitted report by the Corporate Director (Social Services) on the positive outcomes and efficiencies to the Council achieved by the Youth Justice Programme Approach Team.

In 2002, the then Scottish Executive produced a national framework for the delivery of youth justice services, including the publication of national standards for youth justice to reduce the number of young people flagged as 'persistent offenders'. A persistent offender is defined as someone who is involved in 5 episodes of offending in 6 months.

A Youth Justice Programme Approach Team (PAT) was established in North Ayrshire in 2006 to target those young people aged 12-17 years who have both persistent and/or 'problematic offending', i.e. matters dealt with by the Sheriff Court. The PAT operates within an evidence-based child-centred holistic approach, where the welfare needs of the young person are assessed within the context of their overall behaviour and risk of involvement in further offending. In 2006, North Ayrshire had 72 young people identified by the Scottish Children's Reporter Administration as being persistent offenders. At the end of the period 2008/09, this number had dropped to 47 young people, which represents a reduction of 34% from 2005/06.

From October 2006-March 2009, the PAT had 110 referrals, with an average of 50 young people receiving a service each year. In collaboration with partners across Children and Families Services, Criminal Justice and the Council's voluntary sector partner, Action for Children Project, a range of accredited programmes is delivered to those referred. The common primary aim is to offer young people lifestyle alternatives to offending and prevent their escalation from the Children's Hearing system to the Sheriff Court and criminal justice system. In addition, the PAT is a key stakeholder in promoting a pilot in respect of a Youth Structured Deferred Sentence option being offered as an additional disposal to Kilmarnock Sheriff Court in relation to 16/17-year-olds being dealt with on summary level matters.

Members welcomed the positive role being played by the PAT as part of the wider continuum of services for young people and expressed the view that the Council's partners should be made aware of the benefits of the approach being taken.

The Executive agreed (a) to note the findings of the report and their positive contribution to the delivery of efficiencies for the Council, integrated children's services, and successful outcomes for young people and communities; and (b) that the Corporate Director (Social Services) highlight to the Council's partners the benefits of the PAT approach.

11. Carbon Reduction Commitment Energy Efficiency Scheme

Submitted report by the Corporate Director (Property Services) on the implications of the Carbon Reduction Commitment (CRC) Energy Efficiency Scheme.

The CRC Energy Efficiency Scheme is a central Government scheme to encourage major users of energy to reduce their carbon dioxide emissions, by imposing financial penalties on those who do not meet their reduction targets. The scheme is a statutory obligation for energy users in both the public and private sectors who have an annual energy consumption of 6 gigawatts or more and is enforceable under the Climate Change Act 2008. Currently, emissions from waste and transport sources do not contribute towards the targets set under the scheme.

The CRC Energy Efficiency Scheme will be implemented on 1 April 2010, by which date all appropriate organisations, including the Council, must register and declare their emission levels and savings targets. On 1 April 2011, the Council will have to make its initial purchase of Carbon Credits.

Under the scheme, the Council will be compelled to purchase carbon allowances at an anticipated cost of £400,000. The sum payable is based on £12 per tonne of carbon dioxide and that rate is applicable in the first three years of the scheme. Organisations which emit more carbon dioxide than their targets had indicated will be penalised at a rate of £40 per tonne per day until additional credits are purchased. Conversely, should targets be exceeded, organisations may sell Allowances, at a rate dictated by the demands of the market.

The Council's current carbon dioxide emissions and emission targets are detailed in the Carbon Management Plan. The reduction in emissions will be achieved through projects detailed within the Plan. A progress report will be submitted to the Executive on 8 December 2009 and this will include information on any shortfalls or further potential savings identified by the Carbon Trust.

Members recognised that the Council's anticipated carbon emissions were significantly lower than originally anticipated following work undertaken in conjunction with the Carbon Trust. Clarification was sought on the Council's position with regard to emissions generated by premises operated by North Ayrshire Leisure Limited. Members were advised that Officers would seek legal advice on the nature of the Council's relationship with the Trust as it relates to the issue of carbon emissions.

Noted.

12. Flood Risk Management (Scotland) Act 2009: Implementation

Submitted report by the Corporate Director (Property Services) on the new responsibilities placed on local authorities and other implications of the Flood Risk Management (Scotland) Act 2009.

The Flood Risk Management (Scotland) Act 2009 received royal assent on 16 June 2009. The Government is now in the process of setting in place a timetable for commencing different Parts and Sections of the Act.

Appendix 1 to the report contained a letter from the Scottish Government on the provisions of the new Act and its implications. The new Act enables provision to be made for implementing the European Parliament and Council Directive 2007/06/EC, the aim of which is to establish a framework for the assessment and sustainable management of flood risks. It seeks to reduce the adverse consequences of floods for human health, the environment, cultural heritage and economic activity.

Appendix 2 to the report outlined the anticipated additional costs for local authorities in Scotland in implementing the Act. These are expected to be £1.14m, for years 2010-2015, £240,000 per year post 2015 and £10,000 for new statutory processes.

Appendix 3 itemised the duties for both Local Authorities and SEPA under the Act.

Members expressed concern that clarification continued to be awaited on Scottish Government funding for capital projects of the scale of the Garnock Valley flood prevention scheme.

The Executive agreed (a) to cautiously welcome the Flood Risk Management (Scotland) Act 2009; (b) to note with concern the indicative costs and resource implications for the Council; (c) that a letter be submitted to the Scottish Government on behalf of the Leader of the Council requesting clarification on the funding position with regard to capital projects such as the Garnock Valley flood prevention scheme; and (d) that the Corporate Director (Property Services) submit further reports to future meetings of the Executive on the implementation of the various elements of the Flood Risk Management (Scotland) Act 2009.

13. Progress Report on Actions Relating to the HMIE Inspection of the Education Function of North Ayrshire Council

Submitted report by the Corporate Director (Educational Services) on progress made by Educational Services in taking forward the main points for action arising from the HMIE Inspection of the Education Function of North Ayrshire Council.

The educational functions of the Council were inspected by HMIE in October 2008 and the outcome reported to the Executive at its meeting on 21 April 2009. The report identified a number of strengths and features of good practice. The following four main points for action were also identified:-

- improve levels of pupils' attainment, particularly the performance of secondary pupils in SQA awards;
- improve the overall quality and consistency of learning and teaching in secondary schools;
- continue to work to further improve the proportion of school leavers proceeding to positive destinations; and
- further strengthen the joint working of schools and other authority staff in promoting the development of community capacity.

Appendix 1 to the report summarised the good progress made in taking forward the points for action, all of which are currently rated green or amber. It was proposed that a further progress report be submitted to the Executive in six months.

Members sought, and received, clarification on the role of the Quality Improvement Team and the balance between its work and the responsibilities of individual head teachers. Members also expressed the view that the work being done to improve service delivery should be properly evidenced.

The Executive agreed to (a) note the report; (b) approve the actions taken to address the main points for action; and (c) receive further broad progress updates on a six-monthly basis.

14. North Ayrshire Community Health Partnership (CHP) Committee: Minutes of Meeting held on 17 September 2009

Submitted report, being the Minutes of a Meeting of the North Ayrshire Community Health Partnership Committee held on 17 September 2009.

Noted.

15. Largs: St Mary's Primary School: Proposed Alterations and Extensions

Submitted report by the Corporate Director (Property Services) on tenders received for alterations to, and extension of, St. Mary's Primary School, Largs.

The General Services Capital Programme makes provision for the proposed works. Tenders have been obtained from a short-list selected from the Council's Approved List and in accordance with the relevant Code of Procedure. The tender documents incorporate quality standards to be met under the contract. The results of the checking and evaluation of tenders were set out in the appendix to the report.

Members requested that future reports on tenders should include information on the approved budget for the project in question to enable the identification of over or underspends.

The Executive agreed (a) to accept the lowest tender, of £448,000.76 submitted by David H. Allen, Glasgow for the works; and (b) that future reports should include information on the budget allocation for the project in question.

The Meeting ended at 4.05 p.m.