



NORTH AYRSHIRE
COUNCIL

Cunninghame House,
Irvine.

29 November 2012

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 4 DECEMBER 2012** 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 Minutes of the previous meeting of the Cabinet held on 20 November 2012 will be signed in accordance with paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

GENERAL BUSINESS FOR DECISION

- 3. Council Plan, Performance Management Strategy and Single Outcome Agreement (SOA):Progress Update (Page 15)**
Submit report by the Chief Executive on progress in implementing the Council Plan Action Plan 2012/13, the Performance Management Strategy Action Plan 2012/13 and SOA Action Plan 2012/13 (copy enclosed).
- 4. Service Plan 2012/13 Progress Reports as at 30 September 2012 (Page 57)**
Submit report by the Chief Executive on the performance of all Council Services as at 30 September 2012 (copy enclosed).
- 5. 2011/12 Statutory Performance Indicators - Scottish Rankings (Page 95)**
Submit report by Chief Executive on the performance of the Council in comparison with other Councils (copy enclosed).
- 6. Arran Outdoor Education Centre and Outdoor Education Service (Page 105)**
Submit report by the Corporate Director (Education and Skills) on the proposed options appraisal to determine options for the future of Arran Outdoor Education Centre and Outdoor Education Service (copy enclosed).
- 7. Nurturing Excellence in Communities: Review of Current Grants Schemes (Page 109)**
Submit report by the Corporate Director (Education and Skills) on proposals to support community groups (copy enclosed).
- 8. Strategic Car Parking Policy for North Ayrshire (Page 117)**
Submit report by the Corporate Director (Development and Environment) on the development of a strategic car parking policy for North Ayrshire (copy enclosed).
- 9. Next Generation Broadband (NGB) (Page 123)**
Submit report by the Corporate Director (Development and Environment) on ongoing discussions with the Scottish Government regarding the provision of Next Generation Broadband in North Ayrshire (copy enclosed).
- 10. Update: Waste Management Strategy (Page 129)**
Submit report by the Corporate Director (Development and Environment) on the progress made with the implementation of the Council's Waste Management Strategy and the proposal to formally join the Clyde Valley waste partnership to secure a long-term solution for the treatment of residual waste. (copy enclosed).
- 11. Shaping Scotland's Court Services: A Consultation Response (Page 185)**
Submit report by Solicitor to the Council on a consultation paper on the future of Courts in Scotland and the proposed formal response on behalf of the Council (copy enclosed).

12. Revision to the Affordable Housing Supply Programme and Development of an Older People Resource Centre in Largs (Page 207)

Submit report by Corporate Director (Social Services and Health) on a revised Strategic Local Programme (SLP), the development of an older people resource centre at the Stevenson Institute site, Largs and the commencement of the tendering process for the Council House Building project at John Galt Primary School (copy enclosed).

GENERAL BUSINESS FOR INFORMATION

13. Treasury Management Mid-Year Report 2012/13 (Page 219)

Submit report by the Corporate Director (Finance and Corporate Support) on the Treasury Management update for the period 1 April to 31 October 2012 (copy enclosed).

CONTRACT APPROVAL

14. Procurement Exercise - Supply of uPVC Windows (Page 231)

Submit report by the Corporate Director (Development and Environment) seeking approval to award a contract for the supply of uPVC windows (copy enclosed).

15. Procurement Exercise - Provision of Organic Waste Treatment Services (Page 243)

Submit report by the Corporate Director (Development and Environment) seeking approval to award a contract for Organic Waste Treatment Services (copy enclosed).

MINUTES FOR INFORMATION

16. Community Empowerment Policy Board (Page 255)

Submit report by the Corporate Director (Education and Skills) on the minutes of the meeting of the Community Empowerment Policy Board held on 5 November 2012 (copy enclosed).

17. Urgent Items

Any other items which the Chair considers to be urgent.

Cabinet

Sederunt:

Elected Members

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

Chair:

Attending:

Apologies:

Meeting Ended:

Cabinet
20 November 2012

IRVINE, 20 November 2012 - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

Present

Willie Gibson, Anthea Dickson and Alex McLean.

In Attendance

E. Murray, Chief Executive; L. Friel, Corporate Director, G. Macgregor, Head of Human Resources and Organisational Development and D. Tate, Senior Manager (Housing Assets and Investment) (Finance and Corporate Support); I. Colvin, Corporate Director and O. Clayton, Head of Service (Community Care and Housing) (Social Services and Health); C. Hatton, Corporate Director (Development and Environment); I. Mackay, Solicitor to the Council (Corporate Services); J. Montgomery, General Manager (Policy and Service Reform); C. O'Kane, Change Programme Manager, D. Moroney, Communications Officer and M. Anderson, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Gibson in the Chair.

Apologies for Absence

Marie Burns, John Ferguson, Tony Gurney and Alan Hill.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 16 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minutes of the previous meeting of the Cabinet held on 6 November 2012, were signed in accordance with paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Social Services Change Programme

Submitted report by the Corporate Director (Social Services and Health) on progress made in developing the Social Services Change Programme and seeking approval for a new model of service for Community Care. The Cabinet also received a presentation by the Corporate Director (Social Services and Health) which provided further information on the rationale for, and detail of, the proposed changes to Community Care service delivery.

The report summarised the current service delivery model, as set out in Appendix 1. It proposed the new model set out in Appendix 2 to the report, which is designed to streamline the service user journey from initial referral through assessment and enablement to long term support. The aim of the model is, as far as possible, to enable people who are referred to Social Services and to maximise their independence so that only those with the highest needs have a long-term involvement with the Service.

Stage 1 (April - September 2013) of implementation of the new model will include training for staff in eligibility criteria, new forms and processes and outcome-focussed support planning, as well as a focus on the culture change required to make Self-Directed Support (SDS) successful. Stage 2 (September 2013 - March 2014) will see SDS implemented for new service users and Stage 3 (April 2014 - April 2015) will involve the implementation of SDS for all service users.

During the period from May to October 2013, a new model of service for children will be designed in partnership with Education and Health Services. This will be the subject of a future report to Cabinet.

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

- the extent to which reablement is affected by delayed hospital discharge; and
- anecdotal and national evidence suggesting an association between delayed discharge and increased frailty/loss of confidence among patients.

The Cabinet agreed to (a) note the progress made in developing the Social Services Change Programme; (b) approve the new model of service for Community Care; (c) redesign strategies for all care groups in Community Care; (d) further developments of the model to meet the needs of the Children and Families and Criminal Justice Service; and (e) receive a further progress report in March 2013.

4. Revenue Budget 2012/13: Budgetary Control Statement to 30 September 2012

Submitted report by the Corporate Director (Finance and Corporate Support) on the revenue budgetary control position for the Council at 30 September 2012.

The unaudited annual accounts for 2011/12 reflected a General Fund uncommitted balance of £5.442m at 31 March 2012, equivalent to 1.6% of the net revenue budget. This figure was revised in the final version of the accounts to show a revised uncommitted balance of £6.029m, details of which were set out at Section 2.2 of the report. Current financial projections indicate an anticipated net in-year surplus of £1.965m for the year to 31 March 2013.

Sections 2.5 - 2.19 summarised a number of significant over and underspends across Council Services. Further details were provided in Appendices 1 - 8 to the report. The table at Section 2.18 of the report summarised the General Services revenue projections based on variances at the end of September 2012.

The position on the Housing Revenue Account at the end of September 2012 was outlined in the table at Section 2.19 of the report, with further details provided at Appendix 9. A commentary of the projected underspend of £0.282m was provided.

The Cabinet agreed to (a) note the information and financial projections outlined in the report; and (b) approve the carry forward of £3.745m to 2013/14 in respect of Economic Development projects (£2.000m), Service Development Initiatives (£1.610m) and the funding of the Local Development Plan (£0.135m).

5. Capital Monitoring to 30 September 2012

Submitted report by the Corporate Director (Finance and Corporate Support) on progress in delivering the Capital Investment Programme as at 30 September 2012.

The report illustrated movements in the General Services Capital Programme since it was approved on 1 February 2012. Actual expenditure to 30 September 2012 amounted to £8.170m (or 24.5% of the revised annual budget for 2012/13 of £33.429m). Details of actual spend by project against the revised budget were set out in Appendix 1 to the report, alongside anticipated spend to 31 March 2013. The table at Section 2.3 of the report outlined the movements in the Flexibility Budget since the report to Cabinet on 18 September 2012.

The report summarised the position of the 2012/13 Housing Revenue Account (HRA) Capital Budget as at 30 September 2012. Actual expenditure amounted to £8.921m or 31.6% of the revised budget of £28.182m. Current projections suggest there will be a small underspend of £0.065m at 31 March 2013.

Members received clarification on measures to improve the profiling of capital expenditure.

The Cabinet agreed to (a) approve the revisions to budgets outlined at Section 2.1 of the report; and (b) note (i) the actual General Services and HRA expenditure to 30 September 2012 and (ii) the forecast of expenditure to 31 March 2013.

6. Property Management and Investment

Submitted report by the Corporate Director (Finance and Corporate Support) on the development of the Property Management and Investment teams.

Establishment of Property Management and Investment as the Council's "Corporate Landlord" will provide a single corporate approach to the management of property assets and deliver best value whilst ensuring the portfolio meets future Service demands. The non housing team, to be established from 1 December 2012, will be formed from the current non housing team within Infrastructure and Design Services and three staff who will transfer from Education and Skills (Logistics and Infrastructure). There are no proposed changes to the structure of the housing team at this time, but agreement has been reached with the service to establish two additional posts to respond to requirements in respect of asbestos and property factoring.

Currently the cost of the non housing team service is charged to other Council Services in a number of ways. There are no proposals to change the allocation bases, however a fundamental review of the fee levels charged to capital projects has been undertaken. A new fee matrix for professional fees was attached at Appendix 1 to the report. Based on the new fee matrix, and a review at individual project level of Council's General Fund Capital Programme to 2015/16, there is a requirement to vire resources within Infrastructure and Design Services, to ensure the design team resources align with fee income anticipated. Details were set out at Appendix 2. A summary of key information on each of the main services was provided at Appendix 3 to the report.

Members received clarification on the anticipated frequency of reviews of the proposed fee matrix.

The Cabinet agreed to (a) note the establishment of Property Management and Investment as the corporate landlord for the management of all property assets; (b) note the fees structure summarised at Appendix 1 to the report; (c) approve the virement detailed at Appendix 2; and (d) note the resources and funding bases of the Service as summarised at Appendix 3.

7. Pensions Reform - Implementation of Auto Enrolment

Submitted report by the Corporate Director (Finance and Corporate Support) on the Pensions Act 2011, the Council's staging date of 1 April 2013 and a recommended implementation date.

Changes to pension law, as a result of the Pensions Act 2011, will affect all employers with at least one worker in the UK. From October 2012, the new pension legislation introduces a number of new employer duties in relation to the automatic enrolment of eligible workers into a pension scheme at their allocated staging date, namely the date at which the new legislation comes into effect for a particular employer. The Council's staging date of 1 April 2013 cannot be changed. However, the guidance issued by the Pensions Regulator allows employers with a defined benefit or a hybrid pension scheme, and for certain employees only, to delay the implementation of Auto Enrolment. The Council has the option of implementation on 1 April 2013, deferral for up to 3 months until 1 July 2013, transitional arrangements until 30 September 2017 or transitional arrangements until 30 September 2017 followed by a postponement for 3 months until 1 January 2018. Section 2.6 of the report considered the options for implementation and recommended a date of 1 January 2018.

In order to implement automatic enrolment effectively and to achieve consistency in approach, South Lanarkshire Council is chairing a Scotland-wide sub-group on which North Ayrshire Council is represented. A key objective of the sub-group has been to develop a joint approach to communication and the main activities in this regard were contained within Appendix 1.

The Cabinet agreed to (a) note the content of this report; and (b) implement auto enrolment on 1 January 2018.

8. Irvine - Montgomerie Park Surface Water System Vesting

Submitted report by the Solicitor to the Council on progress in respect of negotiations with Scottish Water to vest the sewerage system at Montgomerie Park, Irvine and a proposal to tender and secure contracts to undertake essential improvement works to the Sustainable Urban Drainage Systems (SUDS) in order to secure the transfer of maintenance obligations to the Scottish Water.

The Montgomerie Park new development area has been masterplanned and promoted by North Ayrshire Council since initial approval of the proposals by the former Corporate Services Committee in January 2003. To date, infrastructure to open up the site for development has been installed by developers on behalf of the Council. From mid-2004 onwards, when the sewerage infrastructure design and installation commenced, a strategy for the treatment of surface water was developed in association with Scottish Water and SEPA.

Scottish Water are now working to the requirements of 'Sewers for Scotland 2' as the new standard for the Vesting of surface water drainage systems (including ponds). An inspection of the system at Montgomerie Park was undertaken by Scottish Water in association with a team from Abertay University. This resulted in the submission of a report to the Council in March 2012 outlining the repairs, upgrades and improvements required to bring the surface water system up to a standard deemed acceptable by Scottish Water for its transfer. The projected cost of undertaking the improvements identified in the Abertay report is £175,000, which can be met from the 2012/16 Capital Programme.

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

- whether the cost of the works in question was included in the current capital programme; and
- the timing of the required works.

The Cabinet agreed to (a) approve a budget of £175,000 to undertake essential repairs and improvements to the installed SUDS at Montgomerie Park; and (b) the completion of a procurement exercise for appropriate improvement works.

9. Write of Tenant Rent Arrears

Submitted report by the Corporate Director (Finance and Corporate Support) on tenant rent arrears and court costs and seeking approval to write off irrecoverable amounts.

In terms of the Council's Financial Regulations (Code of Financial Practice 3) relating to the control of income, individual arrears of under £1,000 can be written off with the approval of the Corporate Director (Finance and Corporate Support) after consultation with the Chief Executive. Arrears of £1,000 and over can only be written off following approval by Elected Members.

Rent arrears of £1,017,260 were outstanding as at 30 September 2012, with £119,726.33 now deemed to be irrecoverable. A further £27,079.16 of court costs were also deemed to be irrecoverable, making a total of £146,805.49. The proposed write-off represents 0.27% of the Council's budgeted rent income for 2012/13 and 43% of the budget available to meet the costs of write-offs in the year. In accordance with the Code of Practice, £102,192.73 has been written off under delegated authority. The remaining £44,612.76, relating to tenants with total balances owed of £1,000 or more, requires the approval of Cabinet for write off.

The Cabinet agreed to write off balances in excess of £1,000, per tenant, totalling £44,612.76.

10. Self-Assessment Strategy Update

Submitted report by the Chief Executive on progress in respect of the Council's self-assessment strategy and seeking support for the forthcoming Council-wide self-assessment exercise.

The Council's self-assessment activities were set out at Section 2 of the report and summarised diagrammatically at Appendix A to the report. The Council-wide PSIF self-assessment is the process for developing a shared understanding of strengths and areas for improvement faced by the strategic leadership and corporate management of the Council. This self-assessment is a key area of work, and forms part of the Council's preparations for the Recognised for Excellence submission.

The three-stage self-assessment process was outlined at Section 2.4.2 of the report and options for Elected Member involvement were highlighted at Section 2.4.4. Option A (Elected Members (Cabinet) are active members of each assessment team) was the approach recommended.

In terms of external recognition, Housing Services are preparing a detailed submission document in support of a Recognised for Excellence (R4E) submission. This will help inform the full Council R4E submission, which will commence in 2013 with the assessment in 2014. In addition, 22 EFQM Accredited Assessors are now embedded within Services. Assessors are available to facilitate internal self-assessments for their own Service and or for other Services and external assessments, as appropriate. In addition, Services have been encouraged to further develop assessors' competencies through involvement in EFQM Recognised for Excellence assessments, COSLA Excellence Award submissions and participation in COSLA Excellence Award long leeting.

Members received clarification on the spread of EFQM Accredited Assessors across the Services of the Council.

The Cabinet agreed to (a) note (i) the current position with regard to self-assessment in the Council; (ii) that the Council will undertake a Council-wide self-assessment during February-April 2013; and (iii) the progress being made with the Council's Recognised for Excellence journey; and (b) support the Council-wide self-assessment as described at Option A of Section 2.4.4 of the report.

11. Change Programme: Progress as at 31 October 2012

Submitted report by the Chief Executive on progress in relation to the Council's Change Programme.

Information on the following elements of the Council-wide transformational change programme was presented:-

- the Education and Skills work streams identified in its Business Case;
- continuing work on the project to make Bridgegate House the main public face of the Council;
- the early intervention and prevention programme;
- Altering Service Demand work to investigate environmental crime, more specifically fly tipping, dog fouling and littering;
- the Transport Business Case, which outlined the potential benefits of having a centralised transport hub;
- the Council's "corporate landlord" approach to asset management;
- evaluation of the delivery of "supporting services";
- Customer Services, including a review of Registration Services and a refresh of the Council's main customer-facing website; and
- a number other initiatives currently under review.

The Cabinet agreed to note (a) the continuing good progress of the Change Programme as at 31 October 2012; and (b) the need to refresh the pipeline of transformational activity, in line with the additional pressures faced by the Council.

12. Currie Court Complex, Ardrossan

Submitted report by the Corporate Director (Finance and Corporate Support) on the proposed award of a contract for the conversion of the Independent Living and Sheltered Housing Accommodation at Currie Course, Ardrossan.

Housing Services, Social Services and Infrastructure and Design Services have been working closely to develop the detailed specification for the Currie Court project and now have a design that fully meets the requirements of the client groups concerned. The tendering process is now complete, with the most competitive compliant tender being submitted by Frank Haslam Milan Limited for £2,298,031. A breakdown of the tender was provided at Section 2.3 of the report and the Tender Outcome Report at Appendix 1 gave a summary of the procurement process.

The lowest tender received exceeds the previously agreed budget for the Sheltered Housing Unit element of the project. The report proposed that the additional cost be funded via procurement savings achieved via other HRA capital works (£135,000) and HRA Business Plan - 2013/14 sheltered housing capital funds (£255,050).

The Cabinet agreed (a) that the project progress as per the current design specification, with the additional costs to be funded via procurement savings achieved through other HRA capital works (£135,000) and the HRA Business Plan - 2013/14 sheltered housing capital funds (£255,050); and (b) to approve the acceptance of the tender submitted by Frank Haslam Milan Limited, for the sum of £2,298,031, as detailed in the Tender Outcome Report at Appendix 1 to the report.

13. Environment and Infrastructure Policy Board

Submitted report by the Corporate Director (Development and Environment) on the Minutes of the Environment and Infrastructure Policy Board meeting held on 22 October 2012.

Noted.

14. Finance and Corporate Support Policy Board

Submitted report by the Corporate Director (Finance and Corporate Support) on the Minutes of the Finance and Corporate Support Policy Board meeting held on 29 October 2012.

Noted.

The meeting ended at 3.20 p.m.

NORTH AYRSHIRE COUNCIL

Agenda Item 3

4 December 2012

Cabinet

Subject: **Council Plan, Performance Management Strategy and Single Outcome Agreement (SOA):Progress Update**

Purpose: To advise on progress in implementing three Action Plans, namely (1) the Council Plan, (2) the Performance Management Strategy, and (3) the Single Outcome Agreement (SOA).

Recommendation: That the Cabinet agrees to (a) note that progress continues in implementing the three Action Plans for the Council Plan, Performance Management Strategy and SOA; and (b) refer the Report to the Scrutiny and Petitions Committee for its consideration.

1. Introduction

- 1.1 On 27 March 2012, the former Executive approved the Council Plan Action Plan 2012/13 and the Performance Management Strategy 2012/15 and Action Plan 2012/13.
- 1.2 The Executive agreed to receive six monthly progress reports on the Council Plan Action Plan and Performance Management Strategy Action Plan. This is the first progress report on the Council Plan Action Plan and Performance Management Strategy Action Plan.
- 1.3 On 15 March 2012, the Community Planning Partnership (CPP) Board approved the Interim SOA 2012/13 including the SOA Action Plan 2012/13. Work will continue throughout 2012 in developing the next phase of the SOA Action Plan which will run from 2013-2017.

2. Current Position

- 2.1 Updates have been produced on the Covalent system which allows services to provide information on progress by: -
 - Estimating the percentage of the action's planned activity for 2012/13 which is complete;

- Selecting one of three red, amber or green “expected outcomes” to indicate whether the action is on target, slightly adrift of target or significantly adrift of target;
 - Providing a short narrative on quarterly progress.
 - Inserting a quarterly value for indicators which have a quarterly collection setting.
- 2.2 A summary of the overall status of all actions and indicators is provided in the attached Appendices. A detailed update is provided for those indicators and actions which are adrift of target in Quarter 2. Progress against each action is shown as a percentage. After six months it would be anticipated this should show 50%, although some actions may not be due to start until later in the year. These actions may still, therefore, be assessed as being on target.

Council Plan Action Plan 2012/13

- 2.3 The expected outcomes shown for the 48 actions in the action plan listed in Appendix 1 indicate:-
- 46 (96%) are complete or on target (i.e. expected to be completed in line with the original plan)
 - 2 (4%) are slightly adrift of target
- 2.4 The actions which are slightly adrift of target are: -

SP1213CE_A09 - Lead on implementation of Maximising Attendance policy and support services to achieve their agreed 2012/13 attendance at work targets. (Head of Human Resources and Organisational Development)

2012/13 - Quarter Two Update As at the end of quarter two, the majority of services are adrift of target. HR are actively working on a programme of support to Service Managers to assist them with reducing absence levels for their respective services, including the provision of advice and guidance, case reviews with Occupational Health, attendance at Stage 3 meetings (where necessary) and identifying problem areas for focussed attention.

SP1213SS_A_B05 - Develop an inter-agency network of Family Support Workers in partnership with Health, Education Services and Housing Services to work directly with vulnerable families to improve early childhood experiences (Corporate Director, Social Services and Health)

2012/13 - Quarter Two Update Contract advertised on 29th August on Public Contract Scotland Portal and tenders to be submitted by 3rd October. Contract to be awarded on 14th November following Director, CEO and Cabinet approval.

2.5 Of the 9 quarterly indicators with targets :

- 8 (89%) are coded on target
- 1 (11%) is coded slightly adrift of target

2.6 The indicator which is slightly adrift of target is:-

SP1213CE_C01 Percentage of working age population in employment (Economic Development and Regeneration Project Director)

2012/13 - Quarter Two Update - The Q1 figure of 60.1% is to June 2012. The target of 62% is based on incremental improvement towards the Scottish average of 70.7% (April 2011 to March 2012). There is a time lag for this release. Quarter 2 data will be released on the 23rd of Jan 2013.

Percentage of working age population in employment in North Ayrshire has persistently been below the Scottish average. The current economic recession has made it difficult to create new jobs resulting in a downward trend. This is being addressed through the Economic Development and Regeneration Strategy and Action Plan.

Work on the 16 projects contained within the Economic Development and Regeneration Strategy Action Plan is progressing. In particular:

- New Youth Entrepreneurship contract tendered and won by The Princes Trust.
- New Business Gateway contract let
- Agreed to part fund business incubator project "The Hatchery"
- A re-focused social enterprise support programme launched
- Youth Employment Support (YES) Programme launched
- Development of a Hunterston Competitive Advantage Study
- Ayrshire & Arran Tourism Strategy agreed, Pan-Ayrshire Tourism Team set up
- Town Centre Framework continues to be implemented across Dalry, Beith, Kilbirnie and Largs

Performance Management Strategy Action Plan 2012/13

- 2.7 The Action Plan 2012/13 provides more detail of what we need to do under the following headings:
- Leadership and vision for North Ayrshire
 - Developing capacity for improvement
 - Embedding performance management / continuous improvement
 - Identifying, sharing and implementing best practice
 - Acknowledging and celebrating success
 - Developing performance management systems
 - Public Performance Reporting
 - Engaging staff
 - Engaging communities
- 2.8 The owners of the 29 actions under the above headings have provided updates on progress over the six-month period from April to September 2012.
- 2.9 Progress for each of the 29 actions is provided in a detailed report in Appendix 2.
- 2.10 The expected outcomes shown for the 29 actions in the action plan indicate: -
- 27 (93%) are complete or on target (i.e. expected to be completed in line with the original plan)
 - 2 (7%) are slightly adrift of target
- 2.11 The actions which are slightly adrift of target are: -

PM1213_2.3 Continue to implement High Impact Leadership programme for ECMT (Head of Human Resources and Organisational Development)

2012/13 - Quarter Two Update As at October 2012, three modules of High Impact Leadership have been delivered to the ECMT. This programme is still on hold until the recruitment of the new Chief Officers is complete. It is likely that this programme will be back on track by February 2013 with anticipated completion by Summer 2013.

PM1213_2.7- Implement Council wide mentoring programme (Head of Human Resources and Organisational Development).

2012/13 - 2012/13 - Quarter Two Update A corporate approach to mentoring was implemented in December 2011 with Manager Grades 14 and above being invited to be Mentors. Despite several attempts to attract Mentors, there has been very little up-take and therefore this project has not progressed. Feedback from Managers has suggested that this is due to the current flux within the Council and that the timing of this project is not appropriate. Consultation with other authorities has indicated the same issue and that they have currently put their formal mentoring programmes on hold. Other authorities have not attempted a mentoring programme due to the current reviews and challenges facing them, but have approached it via the skills and knowledge transfer route - similar to what we already have in place within this Council. The OD Team will continue to include the theory of mentoring throughout the delivery of leadership and management development programmes, and will revisit this project during 2013.

SOA Action Plan 2012/13

- 2.12 Progress on each of the 27 actions is detailed in Appendix 3 and details are included on the action being taken to address any delays.
- 2.13 The expected outcomes shown for the 27 actions in the action plan indicate: -
- 25 (93%) are complete or on target (i.e. expected to be completed in line with the original plan)
 - 2 (7%) are slightly adrift of target
 - 0 are significantly adrift of target
- 2.14 The actions which are slightly adrift of target are: -

A Working North Ayrshire

SP1213CE_C15 Implement North Ayrshire and pan Ayrshire Tourism Strategies (*Economic Development and Regeneration Project Director*)

2012/13 - Quarter Two Update The Ayrshire & Arran Action Plan is ongoing. The Pan-Ayrshire tourism Team is now in place and working with industry and the Tourism Leadership Group to drive tourism growth in Ayrshire & Arran. Priorities from the North Ayrshire local Tourism Action Plan are on target for 2012-13. Future priorities are in development. This action is slightly adrift overall as the pan-Ayrshire work is progressing slower than anticipated.

A Healthy and Active North Ayrshire

SP1213SS_A_E03 Undertake a review of Mental Health and Learning Disability Services and consult with key stakeholder groups (Corporate Director, Social Services and Health)

2012/13 - Quarter Two Update Mental Health: Use of the Scottish Recovery Indicator work is now underway. Consultation exercises have been held with staff, service users and carers. The partnership forum with NHS colleagues is being developed and will inform review processes.

Learning Disability: Consultation exercises are now complete in relation to the outcome of the 'Same as You' evaluation report. The findings from these consultations will be used to inform the review of learning disability services.

it is also anticipated that the review of both Mental Health and Learning Disability Service will be informed by further development of the Joint Action Plans being developed between NAC and NHS. It should be noted that while the consultations will provide important information, they are the first stage of the review process. As noted, the conclusions from the consultations plus further joint development work will be used to inform the overall review of the two services. This action is 30% complete and slightly adrift of target as while the consultations are now complete, work is ongoing on pulling together what the conclusions from those pieces of work are.

2.15 Of the 31 quarterly indicators :

- 19 (61%) have been coded on target
- 1 (3%) have been coded slightly adrift of target
- 1 (3%) have been coded significantly adrift of target
- 10 (32%) are data only and do not have quarterly targets set

- 2.16 The indicator which is significantly adrift of target is: -

SOA1112_06d_002a Number of patients waiting more than four weeks for appropriate discharge (*NHS Ayrshire and Arran*)

2012/13 - Quarter Two Update While 3 patients have waited over 4 weeks, no patients have waited over 6 weeks. North Ayrshire is one of only 16 Scottish local authorities who have maintained the standard in relation to 6 weeks over the past year. A range of services have been developed to provide additional support at home and to facilitate hospital discharge (such as Intermediate Care and Reablement Services, Telehealth care, Community Ward). Figures as per July 2012 census (most recently available).

- 2.17 The indicator which is slightly adrift is:-

SP1213CE_C01 Percentage of working age population in employment (Economic Development and Regeneration Project Director)

The Quarter 2 update is covered above in paragraph 2.6.

3. Proposals

- 3.1 The Cabinet is invited to note that progress continues in implementing three Action Plans for the Council Plan, Performance Management Strategy and SOA.

4. Implications

Financial Implications

- 4.1 There are no financial implications arising from this report.

Human Resource Implications

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

Legal Implications

- 4.3 There are no legal implications arising from this report.

Equality Implications

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

Environmental Implications

- 4.5 There are no environmental implications arising from this report.

Implications for Key Priorities

- 4.6 This report links to all of the SOA local outcomes and to all four of the Council's core objectives.

5. Consultations

- 5.1 The Extended Corporate Management Team have considered this report.

6. Conclusion

- 6.1 By 30 September 2012, 96% of the actions in the Council Plan Action Plan, 93% of actions in the Performance Management Strategy Action Plan and 93% of actions in the SOA Action Plan were on target.



ELMA MURRAY
Chief Executive

Reference :

For further information please contact Jim Montgomery, General Manager (Policy and Performance) on telephone number 01294 324125

Background Papers











None

Council Plan 2012/13 – Quarter 2 - Detailed Report

Council Plan 2012/13 - Quarter 2 - Section 1 - PI Summary







Objective 1 - Regenerating our communities and increasing employment

Traffic Light	
Red	2
Green	4

Code & Short Name		2011/12	Q2 2012/13
		Status	Status
SOA1112_01d_001	Number of new businesses per 10,000 working age population		 This is an annual PI
SOA1112_02a_004	Dependency ratio (number of dependents per 100 working age people)		 This is an annual PI
SP1213CE_C01	Percentage of working age population in employment		
SP1213CE_C12	Number of ED clients entering employment through ED sponsored initiatives		
SP1213ES_P_E01	Number of Active volunteers who have participated in training delivered by Community and Culture		
SPI 15_F_02	The percentage of the council's housing stock up to the SHQS - Total dwellings meeting SHQS		 This is an annual PI

Objective 2 - Protecting Vulnerable People

Traffic Light	
Green	3

Code & Short Name		2011/12	Q2 2012/13
		Status	Status
SOA1112_06d_001	Percentage of older people (aged 65+) receiving intensive home care (10+ hours)		
SOA1112_08a_001	Percentage of families placed on the Child Protection register who have previously been deregistered within 12 months		 This is an annual PI
SP1213HS_P_3.2	% reduction in homeless presentations		

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Objective 3 - Improving Educational Attainment





Traffic Light	
Red	1
Amber	1
Green	8
Data Only	2

Code & Short Name		2011/12	Q2 2012/13
		Status	Status
SP1112ES_P_B02 5 or more awards at SCQF Level 3 or better (by end of S4)			This is an annual PI
SP1112ES_P_B03 5 or more awards at SCQF Level 4 or better (by end of S4)			This is an annual PI
SP1112ES_P_B04 5 or more awards at SCQF Level 5 or better (by end of S4)			This is an annual PI
SP1112ES_P_B05 3 or more awards at SCQF Level 6 or better (by end of S5)			This is an annual PI
SP1213ES_P_A06 Average Tariff Score – S4			This is an annual PI
SP1213ES_P_A07 Looked After Children: Average Tariff Score – S4		2011/12 data not yet available	This is an annual PI
SP1213ES_P_A08 Percentage Attendance – Primary Schools			
SP1213ES_P_A09 Percentage Attendance – Secondary Schools			
SP1213ES_P_A10 Exclusion Incidents per 1000 pupils – Primary Schools			
SP1213ES_P_A11 Exclusion Incidents per 1000 pupils – Secondary Schools			
SP1213ES_P_A14 % school leavers into Employment, Education or Training		2011/12 data not yet available	This is an annual PI
SP1213ES_P_A15 % of young people choosing to stay onto S5 (Jan S5 roll), as % of S4 roll at September previous year			This is an annual PI

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Objective 4 - Operating More Efficiently and Effectively

Traffic Light	
Red	1
Amber	2
Green	8
Unknown	1

Code & Short Name	2011/12		Q2 2012/13
	Status		Status
CP1213_C04_01 Level of unearmarked reserves as a percentage of revenue budget	New Indicator		This is an annual PI
CP1213_C04_08a Capital Expenditure: General Services - Actual expenditure as a percentage of budgeted expenditure			This is an annual PI
CP1213_C04_08b Capital Expenditure: Housing Revenue Account - Actual expenditure as a percentage of budgeted expenditure			This is an annual PI
KPI_F&I_ID_001 Overall carbon emissions (tonnes)			This is an annual PI
SP1213FI_P_E03 Percentage of Council Tax collected in year			
SP1213FI_P_E11 To achieve improved performance through the Procurement Capability Assessment (%)			This is an annual PI
SP1213FI_P_E42 The proportion of operational accommodation that is suitable for current use			This is an annual PI
SP1213IT_PL_D1 Information Technology Services Customer Satisfaction (SOCITM)			This is an annual PI
SPI 01_A_03 The average number of days lost through sickness: teachers			This is an annual PI
SPI 01_B_03 The average number of days lost through sickness: all staff (excluding Teachers)			This is an annual PI
SPI 22_E Overall percentage of road network that should be considered for maintenance treatment			This is an annual PI
SPI 24_04 Percentage of household waste that was recycled and composted.			This is an annual PI

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Council Plan 2012/13 - Quarter 2 - Section 2 - PI Detailed Red and Amber

Percentage of working age population in employment		Short Term Trend Arrow												
<p>SP1213CE_C01 Percentage of working age population in employment</p>														
		Long Term Trend Arrow												
Gauge Format Type		Aim to Maximise												
		<table border="1"> <thead> <tr> <th colspan="3">2012/13 - Quarter 2</th></tr> <tr> <th></th><th>Value</th><th>Status</th></tr> </thead> <tbody> <tr> <td>Q1 2012/13</td><td>60.1%</td><td></td></tr> <tr> <td>Q2 2012/13</td><td></td><td></td></tr> </tbody> </table>	2012/13 - Quarter 2				Value	Status	Q1 2012/13	60.1%		Q2 2012/13		
2012/13 - Quarter 2														
	Value	Status												
Q1 2012/13	60.1%													
Q2 2012/13														
2012/13 - Quarter Two Update <p>The Q1 figure of 60.1% is to June 2012. The target of 62% is based on incremental improvement towards the Scottish average of 70.7% (April 2011 to March 2012). There is a time lag for this release. Quarter 2 data will be released on the 23rd of Jan 2013. Percentage of working age population in employment in North Ayrshire has persistently been below the Scottish average. The current economic recession has made it difficult to create new jobs resulting in a downward trend. This is being addressed through the Economic Development and Regeneration Strategy and Action Plan. Work on the 16 projects contained within the Economic Development and Regeneration Strategy 3 Action Plan is progressing. In particular:</p> <ul style="list-style-type: none"> - New Youth Entrepreneurship contract tendered and won by The Princes Trust. - New Business Gateway contract let - Agreed to part fund business incubator project "The Hatchery" - A re-focused social enterprise support programme launched - Youth Employment Support (YES) Programme launched - Development of a Hunterston Competitive Advantage Study - Ayrshire & Arran Tourism Strategy agreed, Pan-Ayrshire Tourism Team set up - Town Centre Framework continues to be implemented across Dalry, Beith, Kilbirnie and Largs 														
Managed By	Elma Murray	Assigned To												
		Karen Yeomans												

Council Plan 2012/13 – Quarter 2 - Detailed Report

Council Plan 2012/13 - Section 3 - Action Summary

Objective 1 - Regenerating our communities and increasing employment

Expected Outcome	
On Target / Complete	12

Code	Description	Progress	Expected Outcome
CP1213_1.02	Deliver North Ayrshire Employability Programmes	<div><div style="width: 50%;">50%</div></div>	●
CP1213_1.03	Support development of Enterprise Area in Irvine to create high quality jobs	<div><div style="width: 50%;">50%</div></div>	●
CP1213_1.04	Deliver the expanded Modern Apprenticeship programme	<div><div style="width: 50%;">50%</div></div>	●
CP1213_1.07	Implement the Local Housing Strategy and Action Plan 2011/16	<div><div style="width: 50%;">50%</div></div>	●
CP1213_1.11	Develop a 10 year Road Investment Strategy for the road network	<div><div style="width: 70%;">70%</div></div>	●
CP1213_1.12	Continue to implement the Local Transport Strategy to improve accessibility and connectivity	<div><div style="width: 50%;">50%</div></div>	●
SP1213CE_C01	Implement the Council's Economic & Regeneration Strategy	<div><div style="width: 50%;">50%</div></div>	●
SP1213CE_C16	Deliver a coordinated approach to develop and create distinctive and vibrant town centres	<div><div style="width: 60%;">60%</div></div>	●
SP1213ES_A_D03	Develop and deliver "softer" core skills programmes to enhance employability	<div><div style="width: 100%;">100%</div></div>	●
SP1213ES_E_E03	Encourage the adoption of an asset based community development approach	<div><div style="width: 75%;">75%</div></div>	●
SP1213ES_E_E04	Develop and enhance individual and community capacity	<div><div style="width: 100%;">100%</div></div>	●
SP1213HS_AC_1.2	Ensure the Council house building project at Redstone Avenue, Kilwinning & Copeland Crescent, Millport are completed on time and within budget	<div><div style="width: 50%;">50%</div></div>	●

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Objective 2 - Protecting Vulnerable People

Expected Outcome	
On Target / Complete	18
Slightly Adrift of Target	1

Code	Description	Progress	Expected Outcome
CP1213_2.02	Implement early years intervention and prevention programme	<div><div>50%</div></div>	●
CP1213_2.09	Implement Employee Health Improvement Programme	<div><div>70%</div></div>	●
CP1213_2.10	Implement the Anti-social Behaviour Strategy and Action Plan 2012-13	<div><div>40%</div></div>	●
CP1213_2.13	Develop the personalisation model across Mental Health, Learning Disability, Independent Living Services, and Children with a disability	<div><div>50%</div></div>	●
CP1213_2.17	Take action to prevent homelessness and reduce homeless presentations	<div><div>50%</div></div>	●
CP1213_2.18	Ensure all unintentionally homeless people have access to permanent housing	<div><div>100%</div></div>	●
SP1213CE_B03	Implement the Single Equality Action Plan 2012/13	<div><div>100%</div></div>	●
SP1213ES_A_B02	Carry out a review of Early Years provision	<div><div>100%</div></div>	●
SP1213ES_A_C01	Implement the national physical activity guidelines for early years and children and young people via the Play Strategy	<div><div>40%</div></div>	●
SP1213ES_A_C02	Deliver the North Ayrshire Fit for the Future 2010-15 Strategy outcomes	<div><div>100%</div></div>	●
SP1213FL_A_D01	Implement new Road Safety Plan 2011-2014 in line with Scotland's Road Safety Framework	<div><div>100%</div></div>	●
SP1213HS_AC_1.5	Launch and implement the new North Ayrshire Older Person Housing Strategy	<div><div>50%</div></div>	●
SP1213LP_A_C02	Implement an improvement scheme for the existing provision for outdoor access within Council ownership including path networks, parks and open space.	<div><div>75%</div></div>	●
SP1213SS_A_A07	Support more vulnerable people in their own homes by providing effective Telecare solutions which minimise risk and promote independence	<div><div>90%</div></div>	●

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SP1213SS_A_B01	Increase the availability of foster placements for children needing to be 'Looked After'	<div><div style="width: 80%;">80%</div></div>	●
SP1213SS_A_B05	Develop an inter-agency network of Family Support Workers in partnership with Health, Education Services and Housing Services to work directly with vulnerable families to improve early childhood experiences	<div><div style="width: 55%;">55%</div></div>	⚠
SP1213SS_A_B07	Establish a 'Mentoring Project' and provide a pro-social modelling approach to enhance vulnerable children's involvement in mainstream activities within their communities.	<div><div style="width: 100%;">100%</div></div>	●
SP1213SS_A_C03	Establish North Ayrshire multi-agency Domestic Violence Team (DVT) and monitor the impact of the new service arrangements.	<div><div style="width: 100%;">100%</div></div>	●
SP1213SS_A_D07	Implement a strategy for the delivery of financial related advice services throughout North Ayrshire	<div><div style="width: 90%;">90%</div></div>	●

Objective 3 - Improving Educational Attainment

Expected Outcome	
On Target / Complete	3

Code	Description	Progress	Expected Outcome
SP1213ES_A_A01	Continue to Implement Curriculum for Excellence	<div><div>100%</div></div>	<div><div></div></div>
SP1213ES_A_A03	Improve attainment of pupils across all age groups	<div><div>87%</div></div>	<div><div></div></div>
SP1213ES_A_A07	To further build on the capacity of schools to support leavers make effective transitions into positive, sustained post-school destinations	<div><div>25%</div></div>	<div><div></div></div>

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Objective 4 - Operating more efficiently and effectively

Expected Outcome	
On Target / Complete	13
Slightly Adrift of Target	1

Code	Description	Progress	Expected Outcome
CP1213_4.01	Develop new rent setting policy for Council Housing	<div><div>80%</div></div>	●
CP1213_4.02	Develop a Vision of a sustainable North Ayrshire and review Environmental Policy and monitoring framework to ensure sustainability	<div><div>82%</div></div>	●
CP1213_4.06	Implement the 're-vitalise and re-brand' improvement programme for Building Services	<div><div>25%</div></div>	●
SP1213CE_A04	Develop and implement a long term change programme to match with future funding gap, service demand projections and align with national public service reform agenda	<div><div>100%</div></div>	●
SP1213CE_A05	Drive implementation of the Performance Management Strategy 2012-14 and Action Plan	<div><div>45%</div></div>	●
SP1213CE_A07	Implement Communications Strategy	<div><div>97%</div></div>	●
SP1213CE_A09	Lead on implementation of Maximising Attendance policy and support services to achieve their agreed 2012/13 attendance at work targets.	<div><div>50%</div></div>	⚠
SP1213CE_B01	Progress the Organisational Development Strategy (ODS)	<div><div>75%</div></div>	●
SP1213CS_D1	-- Implement Customer Service Strategy	<div><div>90%</div></div>	●
SP1213FL_A_E03	Progress the Council's interim financial strategy	<div><div>10%</div></div>	●
SP1213FL_A_E06	The Welfare Reform Group to identify and assess the implications of each reform prior to implementation	<div><div>50%</div></div>	●
SP1213FL_A_E19	Implement 'transport hub' concept	<div><div>40%</div></div>	●
SP1213FL_A_F01	Implement actions arising from Waste Strategy	<div><div>87%</div></div>	●
SP1213IT_D01	Implement Information and Communication Technology Strategy and Action Plan	<div><div>100%</div></div>	●

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Council Plan 2012/13 - Section 4 - Action Detailed - Red and Amber

Expected Outcome	
Slightly Adrift of Target	2

Code	Description	Expected Outcome	Progress Bar	Note	Due Date	Managed By	Assigned To
SP1213CE_A09	Lead on implementation of Maximising Attendance policy and support services to achieve their agreed 2012/13 attendance at work targets.			2012/13 - Quarter Two Update As at the end of quarter two, the majority of services are adrift of target. HR are actively working on a programme of support to Service Managers to assist them with reducing absence levels for their respective services, including the provision of advice and guidance, case reviews with Occupational Health, attendance at Stage 3 meetings (where necessary) and identifying problem areas for focussed attention.	31-Mar-2013	Gavin MacGregor; Elma Murray	George Young
SP1213SS_A_B05	Develop an inter-agency network of Family Support Workers in partnership with Health, Education Services and Housing Services to work directly with vulnerable families to improve early childhood experiences			2012/13 - Quarter Two Update Contract advertised on 29th August on Public Contract Scotland Portal and tenders to be submitted by 3rd October. Contract to be awarded on 14th November following Director, CEO and Cabinet approval.	31-Mar-2013		David MacRitchie

Performance Management Strategy - Quarter 2 – 2012/13 – Detailed Report

Objective 1. Leadership and Vision for North Ayrshire








Expected Outcome	
On Target / Complete	4

Code	Description	Progress	Expected Outcome
PM1213_1.3	Develop and implement a new vision and Council Plan 12-17	<div><div>90%</div></div>	<div><div></div></div>
SP1213CE_A04	Develop and implement a long term change programme to match with future funding gap, service demand projections and align with national public service reform agenda	<div><div>100%</div></div>	<div><div></div></div>
SP1213CE_A06	Review the North Ayrshire Community Planning partnership to ensure it is at the centre of public service reform	<div><div>69%</div></div>	<div><div></div></div>
SP1213CE_A06b	Develop and implement the Single Outcome Agreement 2013/17 (SOA) with a stronger focus	<div><div>40%</div></div>	<div><div></div></div>

Performance Management Strategy - Quarter 2 – 2012/13 – Detailed Report

Objective 2. Developing capacity for improvement

Expected Outcome	
On Target / Complete	5
Slightly Adrift of Target	2

Code	Description	Progress	Expected Outcome
PM1213_2.3	Continue to implement High Impact Leadership programme for ECMT	<div><div></div></div> 30%	
PM1213_2.4	Continue to implement leadership / management development programmes for other staff	<div><div></div></div> 60%	
PM1213_2.5	Implement Performance and Personal Development (PPD) strategy	<div><div></div></div> 60%	
PM1213_2.6	Implement e-Learning strategy	<div><div></div></div> 60%	
PM1213_2.7	Implement Council wide mentoring programme	<div><div></div></div> 60%	
SP1213CE_A03	Develop and implement an Elected Member Induction and Development Programme	<div><div></div></div> 62%	
SP1213CE_A03a	Complete Elected Members Induction post 2012 election	<div><div></div></div> 100%	

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Objective 3. Embedding performance management and continuous improvement

Expected Outcome	
On Target / Complete	3

Code	Description	Progress	Expected Outcome
PM1213_3.1	Implement updated self assessment strategy	50%	●
PM1213_3.2	Seek "Committed to Excellence" award (Council-wide)	50%	●
PM1213_3.3	Seek "Recognised for Excellence" award (Housing Services)	60%	●

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Objective 4. Identifying and implementing best practice

Expected Outcome	
On Target / Complete	2

Code	Description	Progress	Expected Outcome
PM1213_4.1	Undertake SOLACE benchmarking exercises	50%	●
PM1213_4.2	Share good practice and learning across the Council	60%	●

Performance Management Strategy - Quarter 2 – 2012/13 – Detailed Report

Objective 5. Acknowledging and celebrating success

Expected Outcome	
On Target / Complete	3

Code	Description	Progress	Expected Outcome
PM1213_5.2	Promote and support CoSLA Excellence awards	50%	●
PM1213_5.3	Promote and support MJ Local Government Awards	50%	●
SP1213CE_B01b	Implement employee recognition scheme - North Ayrshire Achieves	80%	●

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Objective 6. Developing performance management systems

Expected Outcome	
On Target / Complete	3

Code	Description	Progress	Expected Outcome
PM1213_6.1	Support Services to implement their operational plans on Covalent	<div><div></div></div> 25%	●
PM1213_6.2	Drive the Covalent Development Group to meet demand from Services to use Covalent	<div><div></div></div> 25%	●
PM1213_6.3	Deliver Covalent training programme	<div><div></div></div> 25%	●

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Objective 7. Public performance reporting


Expected Outcome	
On Target / Complete	2

Code	Description	Progress	Expected Outcome
PM1213_7.1	Support Services to fulfil the Council's Public Performance Reporting obligations by providing a balanced picture of performance	<div><div>100%</div></div>	<div><div></div></div>
PM1213_7.2	Develop and implement Reducing Burdens Portal	<div><div>60%</div></div>	<div><div></div></div>

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Objective 8. Engaging staff


Expected Outcome	
On Target / Complete	1

Code	Description	Progress	Expected Outcome
SP1213CE_B01a	Complete first Council-wide employee engagement survey and develop action plan from findings by 31 October 2012	70%	

Performance Management Strategy - Quarter 2 – 2012/13 – Detailed Report

Objective 8. Engaging staff; 9. Engaging communities

Expected Outcome	
On Target / Complete	1

Code	Description	Progress	Expected Outcome
SP1213CE_A07	Implement Communications Strategy	97%	



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Objective 9. Engaging communities

Expected Outcome	
On Target / Complete	3

Code	Description	Progress	Expected Outcome
PM1213_9.2	Conduct People's Panel survey and develop action plan from findings	30%	●
PM1213_9.4	Implement and deliver the Community Engagement Strategy incorporating the straight talking vehicle	80%	●
SP1213CE_A07b	Household Survey completed to inform new Administration's first budget	95%	●

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Expected Outcome							
Slightly Adrift of Target	2						
Code	Description	Expected Outcome	Progress Bar	Note	Due Date	Managed By	Assigned To
PM1213_2.3	Continue to implement High Impact Leadership programme for ECMT		<div><div>30%</div></div>	2012/13 - Quarter Two Update As at October 2012, three modules of High Impact Leadership have been delivered to the ECMT. This programme is still on hold until the recruitment of the new Chief Officers is complete. It is likely that this programme will be back on track by February 2013 with anticipated completion by Summer 13.	31-Mar-2013	Gavin MacGregor; George Young	Lorraine Crum
PM1213_2.7	Implement Council wide mentoring programme		<div><div>60%</div></div>	2012/13 - Quarter Two Update A corporate approach to mentoring was implemented in December 2011 with Manager Grades 14 and above being invited to be Mentors. Despite several attempts to attract Mentors, there has been very little up-take and therefore this project has not progressed. Feedback from Managers has suggested that this is due to the current flux within the Council and that the timing of this project is not appropriate. Consultation with other authorities has indicated the same issue and that they have currently put their formal mentoring programmes on hold. Other authorities have not attempted a mentoring programme due to the current reviews and challenges facing them, but have approached it via the skills and knowledge transfer route - similar to what we already have in place within this Council. The OD Team will continue to include the theory of mentoring throughout the delivery of leadership and management development programmes, and will revisit this project during 2013.	31-Mar-2013	Gavin MacGregor	Lorraine Crum

SOA 2012/13 – Quarter 2 – Detailed Report























SOA 2012/13 – Quarter 2 - Section 1 - PI Summary

Code & Short Name		2011/12	Q2 2012/13
		Status	Status
SOA1112_01a_001	Percentage of people in households describing public transport in North Ayrshire very/fairly convenient		This is an annual PI
SOA1112_01b_001	Tourism visitor numbers		This is an annual PI
SOA1112_01b_002	Tourist visitor expenditure		This is an annual PI
SOA1112_01b_003	Numbers employed in tourism industry		This is an annual PI
SOA1112_01c_001	Number of new businesses per 10,000 working age population	2011/12 data not yet available	This is an annual PI
SOA1112_01c_002	Number of dead businesses per 10,000 working age population	2011/12 data not yet available	This is an annual PI
SOA1112_01c_003	Number of surviving businesses per 10,000 adult population	2011/12 data not yet available	This is an annual PI
SOA1112_02a_002	Percentage of working age population claiming key benefits		
SOA1112_02a_004	Dependency ratio (number of dependents per 100 working age people)		This is an annual PI
SOA1112_03a_004	% of people who have taken part in any training/learning experience in the last 2 years		This is an annual PI
SOA1112_03b_001	Number of young people progressing through National Training Programmes		This is an annual PI
SOA1112_03b_003	Percentage of Economic Development clients moving into work		
SOA1112_05a_001	Proportion of pre-school centres receiving positive inspection reports		This is an annual PI
SOA1112_06a_001	Percentage of children with dental cavities in Primary 1	2011/12 data not yet available	This is an annual PI
SOA1112_06a_004	Percentage of children exclusively breastfed at 6-8 weeks review	2011/12 data not yet available	This is an annual PI
SOA1112_06a_005	Percentage of children in Primary 1 receiving a review who are obese	2011/12 data not yet available	This is an annual PI
SOA1112_06a_006	Rate of suicide per 100,000 population	2011/12 data not yet available	This is an annual PI

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Code & Short Name	2011/12		Q2 2012/13	
	Status		Status	
SOA1112_06b_001 Estimated average male life expectancy at birth in years in North Ayrshire	2011/12 data not yet available		This is an annual PI	
SOA1112_06b_002 Estimated average female life expectancy at birth in years in North Ayrshire	2011/12 data not yet available		This is an annual PI	
SOA1112_06b_003 % of people rating their general health as very or fairly good (Regen Areas)			This is an annual PI	
SOA1112_06b_004 % of people rating their general health as very or fairly good (outwith Regen Areas)			This is an annual PI	
SOA1112_06b_005 Mental health and well-being scores on WEMHWBS in regeneration areas of North Ayrshire			This is an annual PI	
SOA1112_06b_006 Mental health and well-being scores on WEMHWBS outwith regeneration areas of North Ayrshire			This is an annual PI	
SOA1112_06b_007 Age standardised mortality rates (directly standardised) per 100, 000 population in under 75 age group from coronary heart disease in regeneration areas of North Ayrshire	2011/12 data not yet available		This is an annual PI	
SOA1112_06b_008 Age standardised mortality rates (directly standardised) per 100, 000 population in under 75 age group from coronary heart disease outwith regeneration areas of North Ayrshire	2011/12 data not yet available		This is an annual PI	
SOA1112_06b_009 Age standardised mortality rates under 75s for cancer in regeneration areas per 100, 000 population	2011/12 data not yet available		This is an annual PI	
SOA1112_06b_010 Age standardised mortality rates under 75s for cancer outwith regeneration areas per 100, 000 population	2011/12 data not yet available		This is an annual PI	
SOA1112_06b_011 Rate of pregnancies among under 16 year olds per 1,000 relevant population	2011/12 data not yet available		This is an annual PI	
SOA1112_06b_012 Smoking prevalence	2011/12 data not yet available		This is an annual PI	
SOA1112_06c_001 Number of people being assessed for alcohol and drugs misuse				
SOA1112_06c_002 Number of substance misusers accessing treatment and care service				
SOA1112_06c_003 Deaths per 100,000 population from alcohol related diseases.	2011/12 data not yet available		This is an annual PI	
SOA1112_06c_004 Number of alcohol related and attributable hospital patients	2011/12 data not yet available		This is an annual PI	
SOA1112_06c_005 Number of drug related and attributable hospital patients	2011/12 data not yet available		This is an annual PI	
SOA1112_06c_006 Percentage of people very and fairly concerned about people using or dealing drugs in their neighbourhood			This is an annual PI	
SOA1112_06d_001 Percentage of older people (aged 65+) receiving intensive home care (10+ hours)				
SOA1112_06d_002a Number of patients waiting more than four weeks for appropriate discharge	Revised indicator – annual figure not			







SOA 2012/13 – Quarter 2 – Detailed Report

Code & Short Name	2011/12		Q2 2012/13	
	Status		Status	
	available			
SOA1112_06d_003a Number of emergency admissions of over 75 years population per 1000	Revised indicator – annual figure not available			
SOA1112_06d_004a Length of stay for emergency admissions of over 75 years population per 1000	Revised indicator – annual figure not available			
SOA1112_07b_002 Proportion of children living in households dependent on out of work benefits or child tax credits	2011/12 data not yet available		This is an annual PI	
SOA1112_08a_001 Percentage of families placed on the Child Protection register who have previously been deregistered within 12 months			This is an annual PI	
SOA1112_08a_002 Staff trained in Solihull Approach				
SOA1112_09a_001 Percentage residents within North Ayrshire who feel unsafe walking in their neighbourhood after dark			This is an annual PI	
SOA1112_09b_001 Crimes of serious violence (per 10,000 population)				
SOA1112_09b_002 Common assault offences (per 10,000 population)				
SOA1112_09b_003 Detections for Drug Supply (per 10,000 population)				
SOA1112_09b_004 Detection rate for Domestic Abuse (per 10,000 population)				
SOA1112_09b_005 Street Drinking -Public reported incidences of street drinking per 10 000				
SOA1112_09b_009 Overall reconviction rates	Revised indicator – annual figure not available		This is an annual PI	
SOA1112_09c_004 Number of road accidents involving young drivers (<25years)				
SOA1112_09d_001 Number of fire related fatalities (domestic premises)				
SOA1112_09d_002 Number of fire related casualties				
SOA1112_09d_003 Number of dwelling fires				
SOA1112_09d_004 Number of deliberate property fires				
SOA1112_09d_005 Number of secondary fires				
SOA1112_11a_001 Percentage of respondents who volunteer or are involved in charities, clubs or organisations			This is an annual PI	

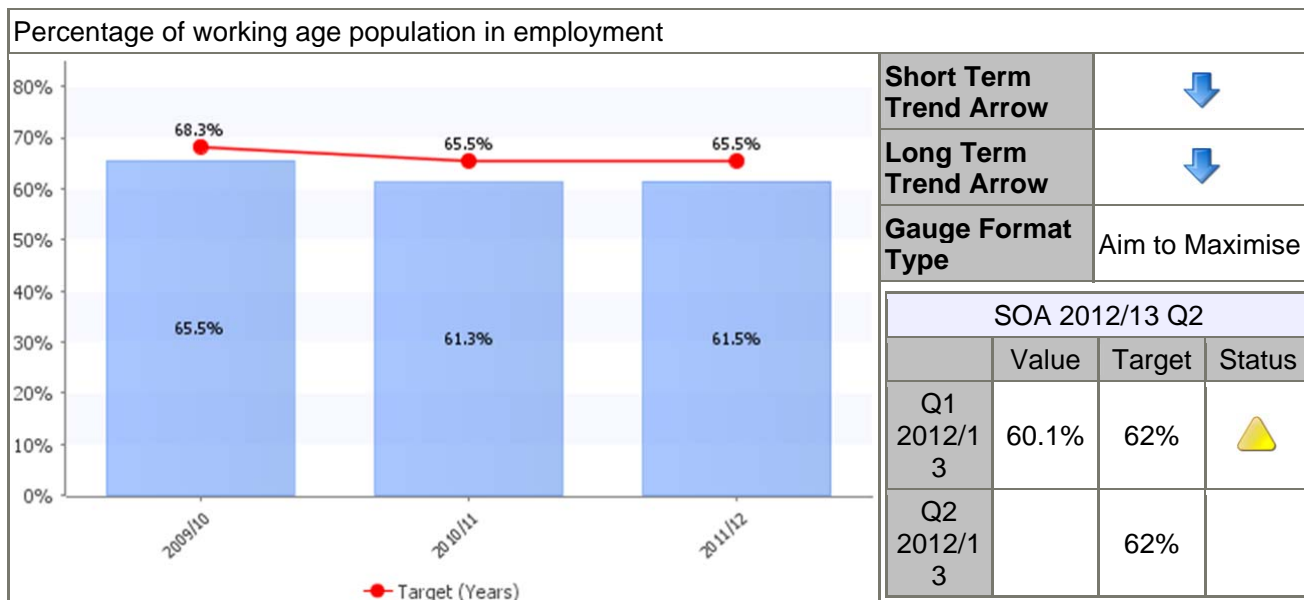
SOA 2012/13 – Quarter 2 – Detailed Report

Code & Short Name	2011/12		Q2 2012/13	
	Status		Status	
SOA1112_11a_002 Percentage of respondents who volunteer, organise or attend local community/ representative groups			This is an annual PI	
SOA1112_11a_003 Number of young people involved in youth forums and Youth Council			This is an annual PI	
SOA1112_06d_001 Percentage of older people aged 65+ with intensive care needs (plus 10 hours) receiving care at home as a percentage of older people receiving long-term care				
SOA1213_06e_001 Number of attendances to all local authority supported pools (per 1000)				
SOA1213_06e_002 Number of attendances per 1000 for other local authority indoor sports & leisure facilities				
SOA1213_09b_006 Number of public reported incidents for anti-social behaviour	Revised indicator – annual figure not available		This is an annual PI	
SOA1213_09b_008 Detection rate for crimes of serious violence	Revised indicator – annual figure not available		This is an annual PI	
SOA1213_09b_009 Reconviction frequency rate	2011/12 data not yet available		This is an annual PI	
SP1112ID_P_A01 Number of people killed or seriously injured in road accidents			This is an annual PI	
SP1112ID_P_A02 Number of children killed or seriously injured in road accidents			This is an annual PI	
SP1213CE_C01 Percentage of working age population in employment				
SP1213CE_C12 Number of ED clients entering employment through ED sponsored initiatives				
SP1213ES_P_A02 % of pupils gaining 5 or more awards at SCQF Level 3 or better (by end of S4)			This is an annual PI	
SP1213ES_P_A03 % of pupils gaining 5 or more awards at SCQF Level 4 or better (by end of S4)			This is an annual PI	
SP1213ES_P_A04 % of pupils gaining 5 or more awards at SCQF Level 5 or better (by end of S4)			This is an annual PI	
SP1213ES_P_A05 % of pupils gaining 3 or more awards at SCQF Level 6 or better (by end of S5)			This is an annual PI	
SP1213ES_P_A12 Number of participants accessing Community and Culture youth programmes -Work with children				
SP1213ES_P_A13 Number of participants accessing Community and Culture youth programmes - Youth work				
SP1213ES_P_A14 % school leavers into Employment, Education or Training	2011/12 data not yet available		This is an annual PI	
SP1213ES_P_D02 Number of adults accessing Community and Culture Adult Learning Opportunities				

SOA 2012/13 – Quarter 2 – Detailed Report

Code & Short Name	2011/12		Q2 2012/13	
	Status		Status	
SP1213ES_P_D03 Number of individual participants accessing Community and Culture Adult Literacy Programmes				
SP1213FI_P_D03 Number of people slightly injured in road accidents				
SP1213HS_P_2.2 Number of antisocial behaviour complaints (serious and persistent)				
SPI 10_A_03 Total population of North Ayrshire	2011/12 data not yet available		This is an annual PI	

SOA 2012/13 – Quarter 2 - Section 2 - PI Detailed – Red and Amber



2012/13 - Quarter Two Update The Q1 figure of 60.1% is to June 2012. The target of 62% is based on incremental improvement towards the Scottish average of 70.7% (April 2011 to March 2012). There is a time lag for this release. Quarter 2 data will be released on the 23rd of Jan 2013.

Percentage of working age population in employment in North Ayrshire has persistently been below the Scottish average. The current economic recession has made it difficult to create new jobs resulting in a downward trend. This is being addressed through the Economic Development and Regeneration Strategy and Action Plan.

Work on the 16 projects contained within the Economic Development and Regeneration Strategy 3 Action Plan is progressing. In particular:

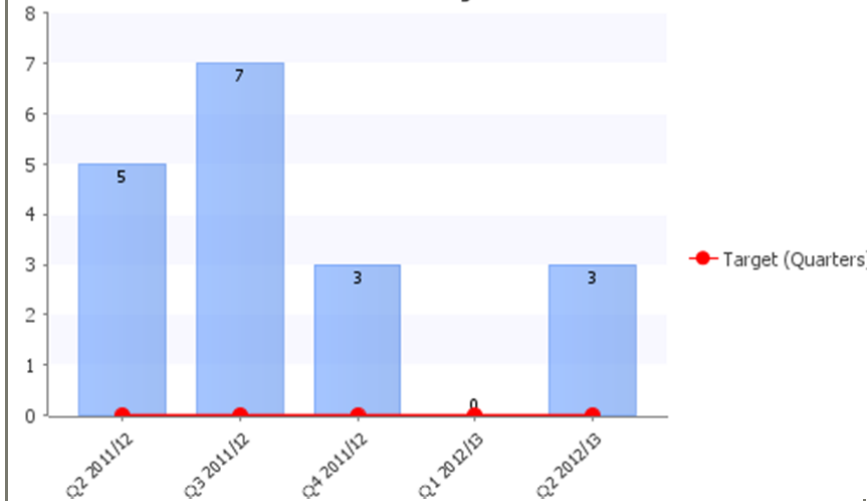
- New Youth Entrepreneurship contract tendered and won by The Princes Trust.
- New Business Gateway contract let
- Agreed to part fund business incubator project "The Hatchery"
- A re-focused social enterprise support programme launched
- Youth Employment Support (YES) Programme launched
- Development of a Hunterston Competitive Advantage Study
- Ayrshire & Arran Tourism Strategy agreed, Pan-Ayrshire Tourism Team set up
- Town Centre Framework continues to be implemented across Dalry, Beith, Kilbirnie and Largs

Managed By	Elma Murray	Assigned To	Karen Yeomans
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SOA 2012/13 – Quarter 2 – Detailed Report

Number of patients waiting four weeks or more for appropriate discharge

SOA1112_06d_002a Number of patients waiting more than four weeks for appropriate discharge



Short Term
Trend Arrow



Long Term
Trend Arrow



Gauge Format
Type

Aim to Minimise

SOA 2012/13 Q2			
	Value	Target	Status
Q1 2012/13	0	0	✓
Q2 2012/13	3	0	✗

2012/13 - Quarter Two Update While 3 patients have waited over 4 weeks, no patients have waited over 6 weeks. North Ayrshire is one of only 16 Scottish local authorities who have maintained the standard in relation to 6 weeks over the past year. A range of services have been developed to provide additional support at home and to facilitate hospital discharge (such as Intermediate Care and Reablement Services, Telehealth care, Community Ward). Figures as per July 2012 census (most recently available).

Managed By	NHS A&A	Assigned To	Christine Tod
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SOA 2012/13 – Quarter 2 - Section 3 – Action Summary

Expected Outcome	
On Target / Complete	25
Slightly Adrift of Target	2

Code	Description	Progress	Expected Outcome
CP1213_1.02	Deliver North Ayrshire Employability Programmes	<div><div>50%</div></div>	●
SOA1213_HA1	Implement the Integrated Children's Services Plan	<div><div>50%</div></div>	●
SOA1213_HA2	Implement the Early Intervention Action Plan	<div><div>50%</div></div>	●
SOA1213_HA3	Implement Year 2 of the Change Fund - Reshaping Care for Older People and the development of the Joint Commissioning Strategy	<div><div>60%</div></div>	●
SOA1213_HA4	Implement Year 2 of the Alcohol and Drug Partnership Strategy Plan	<div><div>50%</div></div>	●
SOA1213_SS1	Deliver an asset based approach within areas targets by the Multi Agency Problem Solving Team	<div><div>50%</div></div>	●
SOA1213_SS2	Deliver the Scottish Government No Knives Better Lives Campaign throughout North Ayrshire governed by a sub group of the Safer North Ayrshire Partnership	<div><div>50%</div></div>	●
SOA1213_SS3	Develop a proposal for common boundaries in preparation for a Neighbourhood approach throughout North Ayrshire	<div><div>50%</div></div>	●
SOA1213_SS5	Implement the Anti Social Behaviour Strategy and Action Plan 2012 - 2013	<div><div>40%</div></div>	●
SOA1213_SS7	Develop closer working protocols and agreements with partners to share information regarding those member of the community most at risk from fire	<div><div>50%</div></div>	●
SOA1213_SS8	Develop local risk profiles to allow resources to be allocated to meet the areas of greatest need and demand	<div><div>50%</div></div>	●
SOA1213_SS9	Develop proposals to expand Prevention Pilot in schools to change attitudes about violence against women	<div><div>50%</div></div>	●
SOA1213_SS10	Establish Children Experiencing Domestic Abuse Recovery (CEDAR) project and associated partnership agreements	<div><div>40%</div></div>	●
SOA1213_SS11	Commission a rape crisis and counselling service to support survivors of rape and child sexual abuse	<div><div>50%</div></div>	●




SOA 2012/13 – Quarter 2 – Detailed Report

Code	Description	Progress	Expected Outcome
SOA1213_W3	Continue to invest in a three year programme of regeneration projects and support Irvine Bay Regeneration Company in its activities.	<div><div>50%</div></div>	●
SP1213CE_C01	Implement the Council's Economic & Regeneration Strategy	<div><div>50%</div></div>	●
SP1213CE_C10	Provide an enhanced Support for Social Enterprises	<div><div>75%</div></div>	●
SP1213CE_C15	Implement North Ayrshire and pan-Ayrshire Tourism Strategies	<div><div>47%</div></div>	⚠
SP1213ES_A_A01	Continue to Implement Curriculum for Excellence	<div><div>100%</div></div>	●
SP1213ES_A_C02	Deliver the North Ayrshire Fit for the Future 2010-15 Strategy outcomes	<div><div>100%</div></div>	●
SP1213ES_A_D03	Develop and deliver "softer" core skills programmes to enhance employability	<div><div>100%</div></div>	●
SP1213FI_A_D01	Implement new Road Safety Plan 2011-2014 in line with Scotland's Road Safety Framework	<div><div>100%</div></div>	●
SP1213LP_A_C01	Continue to implement an improvements and signage scheme for the Core Paths Plan and wider path network.	<div><div>50%</div></div>	●
SP1213LP_A_C02	Implement an improvement scheme for the existing provision for outdoor access within Council ownership including path networks, parks and open space.	<div><div>75%</div></div>	●
SP1213SS_A_C03	Establish North Ayrshire multi-agency Domestic Violence Team (DVT) and monitor the impact of the new service arrangements.	<div><div>100%</div></div>	●
SP1213SS_A_D07	Implement a strategy for the delivery of financial related advice services throughout North Ayrshire	<div><div>90%</div></div>	●
SP1213SS_A_E03	Undertake a review of Mental Health and Learning Disability Services and consult with key stakeholder groups.-	<div><div>30%</div></div>	⚠


SOA 2012/13 – Quarter 2 – Detailed Report

SOA 2012/13 – Quarter 2 - Section 4 – Action Detailed – Red and Amber

Expected Outcome	
Slightly Adrift of Target	2

Parent Action						
Code	Description	Expected Outcome	% Progress	Latest Note	Due Date	Managed By
SP1213CE_C15	Implement North Ayrshire and pan-Ayrshire Tourism Strategies		<div><div>47%</div></div>	2012/13 - Quarter Two Update The Ayrshire & Arran Action Plan is ongoing. The Pan-Ayrshire tourism Team is now in place and working with industry and the Tourism Leadership Group to drive tourism growth in Ayrshire & Arran. Priorities from the North Ayrshire local Tourism Action Plan are on target for 2012-13. Future priorities are in development. This action is slightly adrift overall as the pan-Ayrshire work is progressing slower than we thought. <i>Update from Kathleen Don</i>	31-Mar-2013	Elma Murray; Karen Yeomans Colin Naismith
Sub Actions						
Code	Description	Expected Outcome	% Progress	Latest Note	Due Date	Managed By
SP1213CE_C15a	Pan-Ayrshire Tourism Group and Action Plan completed by August 2012		<div><div>45%</div></div>	2012/13 - Quarter Two Update The Ayrshire & Arran Action Plan is ongoing. The Pan-Ayrshire tourism Team is now in place and working with industry and the Tourism Leadership Group to drive tourism growth in Ayrshire & Arran. <i>Update from Kathleen Don</i>	31-Aug-2012	Elma Murray; Karen Yeomans Colin Naismith
SP1213CE_C15b	North Ayrshire Action Plan completed by 30 June 2012		<div><div>50%</div></div>	2012/13 - Quarter Two Update Priorities from the North Ayrshire local Tourism Action Plan are on target for 2012-13. Future priorities are in development. <i>Update from Kathleen Don</i>	30-Jun-2012	Elma Murray; Karen Yeomans Colin Naismith
Risks linked to these actions						
Code & Title		Managed By				

SOA 2012/13 – Quarter 2 – Detailed Report

Parent Action						
Code	Description	Expected Outcome	% Progress	Latest Note	Due Date	Managed By Assigned To
SP1213SS_A_E03	Undertake a review of Mental Health and Learning Disability Services and consult with key stakeholder groups.-		<div><div>30%</div></div>	2012/13 - Quarter Two Update Mental Health: Use of the Scottish Recovery Indicator work is now underway. Consultation exercises have been held with staff, service users and carers. The partnership forum with NHS colleagues is being developed and will inform review processes. Learning Disability: Consultation exercises are now complete in relation to the outcome of the 'Same as You' evaluation report. The findings from these consultations will be used to inform the review of learning disability services. It is also anticipated that the review of both Mental Health and Learning Disability Service will be informed by further development of the Joint Action Plans being developed between NAC and NHS. It should be noted that while the consultations will provide important information, they are the first stage of the review process. As noted, the conclusions from the consultations plus further joint development work will be used to inform the overall review of the two services.	31-Mar-2013	John McCaig
Sub Actions						
Code	Description	Expected Outcome	% Progress	Latest Note	Due Date	Managed By Assigned To
Risks linked to these actions						
Code & Title	Managed By					

NORTH AYRSHIRE COUNCIL

Agenda Item 4

4 December 2012

Cabinet

Subject: **Service Plan 2012/13 Progress Reports as at 30 September 2012**

Purpose: To provide Cabinet with an update on the performance of all Council Services as at 30 September 2012.

Recommendation: That the Cabinet agrees to (a) note the performance of all Services as at 30 September 2012 against the actions, key performance indicators and risks in the 2012/13 Service Plans; (b) the removal of Finance and Infrastructure Service indicators:

- SP1213FI_P_E34 - Total Finance cost per 1,000 employees (FTE) – Initially included as a proposed Solace Benchmarking indicator, however this indicator is still under development and will be used once finalised;
- SP1213FI_P_E38 - Gross property costs of the operational estate as a percentage of the gross revenue budget – as above;
- SP1213FI_P_E41 - Operational property as a percentage of total portfolio- as above – as above;
- SP1213FI_P_F02 - Percentage of municipal waste recycled and composted. This is due to Audit Scotland's amendment to SPI 24 which is Percentage of household waste recycled and composted - SP1213FI_P_F06; and,

c) refer the Service Plan 2012/13 Progress Reports for the consideration of the Scrutiny and Petitions Committee on 13 December 2012.

1. Introduction

- 1.1 Cabinet approved the 2012/13 suite of Service Plans at the meeting on 6 June 2012 and agreed to receive 6-monthly progress reports. This report provides an update on progress as at 30 September 2012 using the same layout used for reporting performance as at March 2012.

- 1.2 This has enabled a period of stability in the production and use of reports since the present layout was accepted by Elected Members in March 2011.

2. Current Position

- 2.1 Executive Summaries for each Service Performance Reports are set out in Appendices as follows:

Directorate	Appendix
Chief Executive's Service	Appendix 1
Corporate Services	Appendix 2
Education and Skills	Appendix 3
Finance and Infrastructure	Appendix 4
Social Services and Health	Appendix 5

- 2.2 In line with the principle that our performance management systems should be founded on robust and candid self-assessment, each Executive Summary provides the relevant CMT member's assessment of:

- overall performance of the Service
- its capacity for improvement

- 2.3 The Executive Summaries report financial performance, calculated on data as at 30 September 2012 (Period 6), reported to the Cabinet on the 20 November 2012, both from revenue and capital perspectives, thereby ensuring that non-financial performance is considered in overall context.

- 2.4 The Executive Summaries also provide a narrative on progress made in relation to the identified "Priorities" (defined in the Service Planning Guidance as the handful of matters that need focused management attention during the year, i.e. the "must do's").

- 2.5 Each Service has used Covalent to produce a detailed Service Progress Report against each action, indicator and risks in each Service Plan 2012/13.

- 2.6 The detailed Service Progress Reports are available to Elected Members on the 'Members Info' tab on Navigate under "*Service Performance Reports*". In addition, a hard copy is available in the Members' lounge.

3. Proposals

The Cabinet is invited to:-

- (a) note the performance of all Services as at 30 September 2012 against the actions, key performance indicators and risks in the 2012/13 Service Plans;
- (b) agree the removal of Finance and Infrastructure Service indicators:
 - SP1213FI_P_E34 - Total Finance cost per 1,000 employees (FTE) – Initially included as a proposed Solace Benchmarking indicator, however this indicator is still under development and will be included in the future once finalised;
 - SP1213FI_P_E38 - Gross property costs of the operational estate as a percentage of the gross revenue budget – as above;
 - SP1213FI_P_E41 - Operational property as a percentage of total portfolio - as above;
 - SP1213FI_P_F02 - Percentage of municipal waste recycled and composted. This is due to Audit Scotland's amendment to SPI 24 which is "Percentage of household waste recycled and composted" - SP1213FI_P_F06; and,
- (c) refer the Service Plan 2012/13 Progress Reports for the consideration of the Scrutiny and Petitions Committee.

4. Implications

Financial Implications

- 4.1 There are no financial implications arising from this report

Human Resource Implications

- 4.2 There are no human resources implications arising from this report

Legal Implications

- 4.3 There are no legal implications arising from this report

Equality Implications

- 4.4 There are no equality issues arising from this report. No Equality Impact Assessment is required, as the report does not represent any new or revised policy.

Environmental Implications

- 4.5 There are no environmental issues arising from this report. No Environmental Impact Assessment is required, as the report does not represent any new or revised policy.

Implications for Key Priorities

- 4.6 The purpose of this report is to enable scrutiny of performance, it directly supports Core Objective 4 Operating more Efficiently and Effectively contained in the Council Plan 2012/17.

5. Consultations

- 5.1 The Corporate Management Team (Directors and Heads of Service) have considered the Service Plan 2012/13 Progress Reports.
- 5.2 All detailed Service Plan 2012/13 Progress Reports will be published on the Council's public website, North Ayrshire Performs to encourage the sharing of good practice across and within Services.

6. Conclusion

- 6.1 The Service Plan 2012/13 Progress Reports provide a balance view of performance against the actions, key performance indicators and risks in the 2012/13 Service Plans.



ELMA MURRAY
Chief Executive

Reference :

For further information please contact Jim Montgomery, General Manager (Policy and Service Reform) on telephone number 01294 324125

Background Papers

None

Chief Executive's Service – Executive Summary

1. Chief Executive's Assessments

- 1.1 Overall performance is assessed as – *Good*
- 1.2 Capacity for improvement is assessed as – *Very Good*

Quality Descriptors	Description
Excellent	Outstanding, sector leading
Very good	Major strengths
Good	Important strengths with some areas for improvement
Satisfactory	Strengths just outweigh weaknesses
Weak	Important weaknesses
Unsatisfactory	Major weaknesses

2. Financial performance

- 2.1 The Service's revenue budget report as at 30 September 2012, (Period 6) reported to the Cabinet on the 20 November 2012 advised that the Chief Executive's Service is expected to be underspent by £3.113m at 31 March 2013. The main reasons for this projected underspend are:

Policy and Service Reform

An unbudgeted contribution of £0.104m relating to the May 2012 local government election was received from the Scottish Government towards the cost of the electronic count.

Economic Development

A review of the overall budget position for the Economic Development Service was undertaken as a result of the significant additional funding that the Service has received in the past. The review identified an anticipated underspend of £2.954m. Of this expected underspend, £2.202m will be carried forward to meet commitments to programmes that have already commenced and which will support the Economic and Development Regeneration Strategy.

Human Resources

Underspend of £0.045m arises largely from unfilled staff vacancies.

- 2.2 The Service's capital budget as at 30 September 2012 indicated a projected spend for the year of £0.598m against a revised budget of £0.605m. The anticipated underspend is due to slippage on the Tourism Infrastructure project of £0.054m, which will be carried forward into 2013/14. In addition there is an expected £0.046m overspend on works to Cunninghame House, however this will be funded from the Council's Change Fund.

3. Chief Executive's Service - Priorities¹ for 2011/12

This section provides a summary of progress against the Service's identified priorities for 2012/13.

Priority 1: Implement the Economic Development & Regeneration Strategy.

The Economic Development & Regeneration Board met in June and October 2012. Work on the 16 projects contained within the Economic Development and Regeneration Strategy Action Plan is progressing positively.

In particular:

- Three Task and Finish Groups led by private sector Board members commenced covering Business Start Ups, Inward Investment and Growing Existing Businesses
- On-going work to promote the Enterprise Areas (led by the URC)
- Development of a North Ayrshire Marketing Campaign
- Development of a Next Generation Broadband Strategy
- New Youth Entrepreneurship contract tendered and won by The Princes Trust.
- New Business Gateway contract let
- Agreed to part fund business incubator project "The Hatchery"
- A re-focused social enterprise support programme launched
- Youth Employment Support (YES) Programme launched
- Apprentice Employment Programme launched.
- Business Engagement Programme launched.
- Development of a Hunterston Competitive Advantage Study
- Ayrshire & Arran Tourism Strategy agreed and a Pan-Ayrshire Tourism Team set up
- Town Centre Framework continues to be implemented across Dalry, Beith, Kilbirnie and Largs

Priority 2: Review the North Ayrshire Community Planning (CPP) partnership to ensure it is at the centre of public service reform.

A series of CPP Board Development Days have been held on general Board development and governance, the Single Outcome Agreement priorities of Working, Healthy and Active and Safer, as well as the proposed neighbourhood planning approach. The issues arising from these will feed into the development of the next phase of the SOA and the neighbourhood planning approach.

Following extensive consultation, the establishment of six common areas: Arran/Irvine/Kilwinning/Three Towns/Garnock Valley/ North Coast & Cumbraes), as presenting the most efficient geography for implementing a

¹ A priority is the most important thing for the Service.

Neighbourhood Planning Approach across North Ayrshire was approved by the CPP Board and Cabinet on 13 September and 2 October respectively .

Detailed needs analysis of neighbourhoods and localities is to be conducted and a further report to be submitted to CPP Board in December 2012.

Audit Scotland has developed an approach to auditing CPP and North Ayrshire is one of three pilot audits. The audit commenced in August 2012 with various meetings held with a range of stakeholders. Currently further evidence is being collected on three case studies:

- Multi - Agency Problem Solving Group
- Youth employability programme
- Co-location of the combined NHS and Council's Youth Addiction Services

The results are scheduled to be reported back to the Accounts Commission by 31 December 2012.

Priority 3: Develop and implement a long term change programme to match with future funding gap, service demand projections and align with national public service reform agenda

Since 2009 the Council's Change Programme has delivered significant savings and secured further efficiencies to be delivered in coming years, commensurate with the challenges faced at that time. These savings have primarily come through increased operational efficiency and to a lesser extent by constraining services delivered. Over this time the capacity and capability of the Council to plan and deliver transformation has also increased significantly, improving the Council's ability to meet future challenges.

Additional pressures on Council resources over the next three years, arising from the challenging outlook for the local, national, and global economies, will be of the same scale as those faced at the outset of the programme. However the progress the Council has made, driving out inefficiency and excess supply, means that finding further savings will be even more difficult.

To tackle these pressures, the Council is focusing on value and outcomes when assessing opportunities, as opposed to more conventional approaches built around costs and Service budgets. This will help the Council to continue pursuing operational efficiencies and challenging service provision but also to work with communities and partners to better manage demand for services.

To support this, the Council continues to re-shape its Strategic Partnership, which is now primarily built around the provision of expertise, rather than resource, and more focused on realising specific opportunities than determining a direction of travel.

Priority 4: Drive implementation of the Performance Management Strategy

The Council was awarded “*Committed to Excellence*” status by Quality Scotland on 23 May 2012. Plans are also being put in place to undertake a Council wide self- assessment in 2013 which will provide the basis for the Council's Recognised for Excellence application in 2014.

A number of officers have now received training on the European Framework of Quality Management and this will boost the competency and capacity of Services to support and undertake the self-assessment.

Services have been supported by Policy and Service Reform to submit six applications for the COSLA Awards 2013.

The Council's Annual Performance Report 11/12 was published on North Ayrshire Performs on the Council's website on the 28 September 2012.

Priority 5: Progress the Organisational Development Strategy to ensure the Council has the right people with the right skills in the right place.

The Employee Engagement Survey was completed in March 2012. A cross service working was established to examine the results resulting in a Council wide Improvement Plan being developed and put into place. Work is now underway with Services to analyse results and create Service Improvement Plans. Employee participation in the survey, at 41%, was higher than the United Kingdom local authority average. The employee engagement outcome, at just under 55%, was higher than the European average of 50%.

North Ayrshire Achieves which was launched in December 2011 has resulted in a very positive response and nominations have been received across the five recognition categories. A cross-service judging panel has been established with the four finalists from each category being invited to a Ceremony in late November.

Priority 6: Implement an Elected Member Induction and Development Programme to support the new Members of the Council post May 2012

The Induction Programme for Elected Members was successfully completed and covered a range of topics .The sessions benefitted greatly from the attendance of senior returning Councillors who already had knowledge of the Council's services and strategic issues. This programme was underpinned by Improvement Service material which was published in the Members' Section of Navigate.

Further training opportunities are being arranged to cover the Urban Regeneration Company, Health and Safety, Covalent Familiarisation, Community Planning, Equality Issues, Councillors' role on external organisations, Remuneration, Procurement and Customer Services Strategy. The programme will be added to on an ongoing basis

A review of Elected Members development needs is scheduled for the latter half of 2012 in preparation for Elected Members undergoing a more formal Personal Development Planning exercise in March/ April 2013.

Corporate Services – Executive Summary

1. Solicitor to the Council's Assessment

1.1 Overall performance is assessed as “Good”

1.2 Capacity for improvement is assessed as “Good”

Quality Descriptors	Description
Excellent	Outstanding, sector leading
Very good	Major strengths
Good	Important strengths with some areas for improvement
Satisfactory	Strengths just outweigh weaknesses
Weak	Important weaknesses
Unsatisfactory	Major weaknesses

2. Financial Performance

2.1 The Council's revenue budget variance report as at 30 September 2012 which will be reported to the Cabinet on 22 November 2012 (Period 6) indicates a projected underspend for Corporate Services of £372k against a budget of £4.481m. This is due mainly to:-

- A small number of vacant posts
- Underspends in Supplies and Services and payments to Other Bodies
- Underachievement in income for Planning and Building Standards
- Increase in income from Landlord Registration

3. Corporate Services Priorities for 2012/13

This section provides a summary of progress reports against the Service's identified priorities for 2012/13.

3.1 IT and Customer Services

- **Delivery of a One Stop Shop for Irvine**

The new Customer Service Centre is currently on track to open in March 2013 for Social Services and Housing . The recruitment of a Team Leader has assisted in process mapping customer enquiry types and developing required training material. The additional services will transfer in during 2013/14.

- **Implement Customer Services Strategy**
Corporate Complaints

The new two stage complaints procedure has been implemented as a pilot within EARS with the pilot to be reviewed at the end of October. A plan is in place to implement within all services by 1 April 2013.

- **Development & Delivery of a Channel Shift Strategy**
The channel shift strategy was incorporated into the wider Customer Service Strategy which was agreed by the CMT in March 2012. The major project which will impact on channel shift is the redevelopment of the Council's website. Consultants who assisted Liverpool City in redesigning their website have been engaged and have consulted with Elected Members, Senior Managers and customer groups. An initial draft of a digital strategy has been received and is currently being refined. A Web Analyst has been recruited and a temporary team of Web Authors will be due to begin work early December. A new website will be in place for 1 April 2013.
- **Implement ICT Strategy and Action Plan**
An ICT Strategy update report was produced and presented to the ICT Steering Group on 23 August and the Policy Board on 10 September. A subsequent report will be presented to the CMT and Cabinet shortly.

3.2 Legal, Planning and Protective Services

Protective Services:

In relation to shared services, the implementation and effective development of joint working in the Pan-Ayrshire Regulatory Service.

The Council decision in June 2012 not to proceed any further with a Pan-Ayrshire Services has redirected efforts to ensuring the best possible service for North Ayrshire. Restructuring of the Regulatory Services during 2011/12 and the first part of 2012/13 has resulted in savings on staff and a more effective service across these areas.

Work continues to complete the governance structure for shared services with the creation of Joint Committee, its term of reference to be agreed at an early meeting of the Council.

Planning Services

To complete new Local Development Plan having incorporated full Member and public engagement.

A revised timetable for LDP preparation was approved by Members in August 2011 and progress continues. Public consultation on the proposed Local Development Plan has been completed following a number of late adjustments and analysis of representations has commenced. Late amendments to the draft LDP have resulted in a delay in commencing the LDP Examination conducted by the independent Reporter appointed by Scottish Government and is anticipated to commence in early 2013.

Legal Services

Maintaining Service Delivery as a consequence of reduction in budgets

The new Management Structure for Legal Services is now in place and Legal Services is working to ensure delivery of a high quality legal service to the Council with fewer members of staff.

Methods of working are being looked at to ensure that the existing level of legal services is maintained in these circumstances.

Performance Management will form a large part of our service delivery and in addition to our involvement with the SOLAR Bench marking Group, Legal Services will contact other similar councils in an effort to create a bench marking “family” and agree performance indicators which we can use for bench marking. It is hoped that this bench marking will commence in 2013/14.

Education and Skills – Executive Summary

1. Education and Skills Assessments

- 1.1 Overall performance is assessed as “*Very Good*”
- 1.2 Capacity for improvement is assessed as “*Very Good*”

Quality Descriptors	Description
Excellent	Outstanding, sector leading
Very good	Major strengths
Good	Important strengths with some areas for improvement
Satisfactory	Strengths just outweigh weaknesses
Weak	Important weaknesses
Unsatisfactory	Major weaknesses

2. Financial Performance

2.1 Report for the six months ended 30th September 2012

Objective Summary	Annual Budget £000	Projected Year End Outturn £000	Projected Annual Variance Adverse or (Favourable) £000	Note No
Nursery Education	8,984	8,894	(90)	1
Primary Education	51,862	51,671	(191)	2
Secondary Education	60,551	60,543	(8)	3
Additional Support Needs	8,999	8,535	(464)	4
Education - Other	3,943	3,887	(56)	5
Cultural & Community	14,222	13,979	(243)	6
Leisure Trust	3,662	3,662	-	
Total	152,223	151,171	(1,052)	

Subjective Summary	Annual Budget	Projected Year End Outturn	Projected Annual Variance Adverse or (Favourable)
	£000	£000	£000
Employee Costs	88,528	87,805	(723)
Property Costs	12,970	12,985	15
Supplies and Services	15,493	15,646	153
Transport and Plant Costs	2,076	2,007	(69)
Administration Costs	7,433	7,437	4
Other Agencies & Bodies	22,992	22,592	(400)
Transfer Payments	851	851	-
Capital Financing	9,957	9,957	-
Gross Expenditure	160,299	159,279	(1,020)
Income	(8,076)	(8,108)	(32)
Net Expenditure	152,223	151,171	(1,052)

EXPLANATION OF MAJOR PROJECTED VARIANCES

1. NURSERY EDUCATION

Service Development Initiatives for parenting programmes is expected to underspend by £40k due to delays in recruitment of staff for the new project. There is currently an anticipated underspend of £43K in respect of Pupil Transport Private Contractors due to a decrease in the number of pupils requiring transport.

2. PRIMARY EDUCATION

The Teacher Refresh programme will deliver £56K in employee cost savings. Based on current trends the HQ teacher flexibility budget is expected to underspend by £150k. The monthly paid staff costs are expected to overspend by £70k due to the increased requirement for Additional Support Needs (ASN) classroom assistants in primary schools. There are additional PPP costs of £15K due to the contract indexation exceeding original estimates. There is currently an anticipated underspend of £56K in respect of Pupil Transport Private Contractors due to a decrease in the number of pupils requiring transport. Pupil Transport (SPT)- buses, is also showing an

anticipated underspend of £25k mainly due to a drop in the temporary contracts cost.

3. SECONDARY EDUCATION

The Teacher Refresh programme will deliver £98K in employee cost savings. There are additional PPP costs of £127K due to the contract indexation exceeding original estimates. There is currently an anticipated overspend of £43K in respect of Pupil Transport Private Contractors due to an increase in the number of contracts awarded. There is an anticipated underspend of £53K against Pupil Transport (SPT)- buses, as a result of the contacts now being placed with Private Contractors. There are estimated savings of £15k in respect of PPP Contract Deductions. Sales, Fees & Charges is expected to over-recover by £20k due to higher than anticipated income from the Music Instruction Scheme.

4. ADDITIONAL SUPPORT NEEDS (ASN)

There is currently an anticipated underspend of £23k in respect of Pupil Transport Private Contractors due to an decrease in the number of contracts awarded. Payments to Other Local Authorities is currently showing an anticipated underspend of £60k due to less North Ayrshire pupils being placed in other Local Authority schools than anticipated. The ASN Day Placement and residential placement fees are currently showing an anticipated underspend of £124k and £137k respectively. Income from other local authorities show an anticipated over recovery of £108k due to other local authorities placing more pupils in North Ayrshire schools than anticipated.

5. EDUCATION - OTHER

Employee cost savings will accrue in Education & Skills Resources of £80K due to service reviews and vacant posts. There are further employee cost savings in the Quality Improvement Service of £71K as a result of 2 vacant posts. These posts are being held pending discussions on future savings. This is offset by an under recovery of income in the Arran Outdoor Education Centre of £110K, due to a delay in the implementation of the adventure tourism element of the new business plan.

6. CULTURAL AND COMMUNITY

£263k of this projected underspend relates to savings in staffing costs across Cultural and Community. £181k of this underspend arises from over achieved savings as a result of amended work patterns and reduced overtime costs in Community Facilities.

Further savings are projected as follows:-

£16k in Community Development due to non-filling of vacancies, £19k in Arts Service due to a vacant post and the delay in completing a restructure of the service plus £4k in Libraries, £25k in Children's Services and £6k in Healthy Start Clubs all resulting from vacant posts. All vacant posts are being held pending future reviews.

3. Education and Skills - Priorities for 2012/13

This section provides a summary of progress against the Service's identified priorities for 2012/13.

Priority 1: Maintain and improve service quality across Education and Skills in current financial climate.

Evidence from school and service reviews, external evaluations, performance indicators and stakeholder consultations over this period indicate that the quality of the services has been maintained and improved over this period against a background of reducing resources. The findings from a recent VSE exercise indicated significant strengths within Education and Skills, including the provision of high quality services, strong effective leadership by senior officers and elected members, strong partnership working across agencies and the provision of excellent staff training and CPD opportunities which positively affects the impact of learning and teaching. It should be noted that retaining these areas of strength will present significant challenges given the demanding financial context expected to prevail over the 2013-2016 period. Also identified were a number of areas for improvement, including the need to further build capacity for parents and learners to participate in the development and delivery of services and to build on existing practice to improve consistency of approach to learning and teaching across the service.

Priority 2: Continue to develop Curriculum for Excellence in order to deliver improved attainment and achievement leading to more positive post school destinations.

The 2011-2012 Curriculum for Excellence progress report to the Scottish Government identified significant progress since the progress report of 2010-2011. This included better transition planning with joint cluster training to support progression, teachers displaying more confidence in delivery of Experiences and Outcomes and making better use of real life contexts for learning and also increased opportunities for pupil-led learning with learners displaying higher levels of independence.

All Early Years centres and classes continue to make good progress delivering the curriculum for excellence and children's progress is being tracked to ensure they are also maintaining progress. All primary seven pupils completed a pupil profile which was shared with parents and carers. In secondary schools the first cohort of pupils have now successfully completed S1 and S2 and have moved into the final year S3 of their broad general education. Senior pupils are benefitting from an increasing range of attainment and achievement opportunities and their progress in these has undoubtedly contributed to our most recent positive post school destination figure of 91%, which compares favourably with the Scottish average of 89%. Curricular frameworks for the senior phase have been developed by all secondary schools which meet their needs and contexts. Common timetabling arrangements have enabled college links with construction and early education and childcare for S5/6 pupils.

The Education Scotland deep status audit confirmed our preparedness to move forward with the qualifications in 2012/2013. Subject network leaders played a key leadership role in supporting colleagues as they prepared for the third year of the broad general education and the first year of the new qualifications.

A school/college engineering partnership has been set up with representatives from the Energy department at James Watt College and NAC teachers (STEM) subjects. Initial work includes the college staff gaining experience of CFE broad general education and school staff shadowing college staff as they undertake verification activities.

North Ayrshire was successful in having seven finalists at the Education Scotland Awards in June 2012.

Priority 3: Continue to develop Community Capacity in order to improve community involvement, economic activity culture, lifelong learning and physical activity.

Community and Culture has continued to successfully engage communities with increased participation across the sector. Library visits have exceeded a million for the first time; three schools of sport have been established, including a Scottish first for basketball; Nurturing Excellence funds have been established to support young people in arts, culture and sport; community capacity continues to increase, including further developments in community sports clubs; and new cultural and heritage activities, such as the development of a North Ayrshire book festival, are flourishing.

Community capacity building has resulted in increased access to external funding for a range of activities. Examples include Lottery awards of £100,000 respectively to the Eglinton Growers and the Saltcoats Youth Action Project and increased success in Lottery applications by Parent Councils. A range of organisations are engaged in discussions with the Council in relation to managing local halls and centres and local development trusts are extending the range of their activity in partnership with the Council.

Priority 4: Develop strategies and implementation models for devolved locality based planning, operational management and delivery of services.

Education and Skills in partnership with Education Scotland are piloting locality based planning through the Cluster Plus Project in the Ardrossan area. This is an integral part of the wider Neighbourhood Approach Project being developed by the Community Planning Partnership.

Four outline workstreams have been agreed with our stakeholders, these are:

- Ardrossan Castle / Heritage Project with Ardrossan Community Development Group

- Development of an integrated and co-ordinated Youth Plan for Ardrossan with all partners.
- Improving services to parents and families through the NHS, Asset Based Community Development Project
- An Enterprise project involving young people across all age groups within the area.

Key milestones for each of these workstreams have been set for April 2013. An integral part of taking this initiative forward is monitoring the effectiveness of partnership planning and joint working, building on key relationships developed during the process and identifying more effective ways to structure and deliver services. A further piece of work will be done in early 2013, bringing together managers to look at the potential to extend the concept of locality based planning and how this can improve the delivery and impact of services.

Priority 5: Progress the review and associated consolidation of the Education & Skills' Estate in line with the Corporate Asset Strategy and associated Corporate Asset Plans.

The Scottish Government approved an estimated £19m funding support for a replacement Garnock Academy. This has now resulted in an ambitious plan for a primary, nursery, secondary and leisure campus project with an overall committed investment of around £46m. Augmenting this investment a number of other opportunities have been identified for further consolidation and investment in the primary, secondary and special school estate focusing on a neighbourhood and multi-agency approach which has resulted in an investment plan of £10m for primary schools and an investment plan for our secondary and special school estate of around £42m with an estimated £22.5 support from the Scottish Government approved in September 2012. This will amount to a total investment of around £98m between 2013 and 2017.

This progress aligns with the Education Business Case (approved in Oct 2011) and with the broad Corporate Asset Strategy aim that all council assets will be managed in such a way that they are fit for purpose, meet the needs of service providers and users and support the overall aims of the council and its partners. To assist this corporate approach to asset management both property functions and associate resources will be transferred from Education and Skills to a new Property Management structure in December 2012.

Priority 6: Implement the Councils early intervention strategy in order to ensure equity and improve outcomes for children and young people.

Work has been undertaken to develop the 5 Early Years Centres as hubs to support extended work with families in the community.

Space has been created to enable health visitors to carry out drop in clinics in 2 of the Early Years Centres (Kilwinning and Dalry) and they continue to develop the opportunities available for families including healthy eating, baby massage and stay and play sessions. Families are consulted and the centres use the information to plan appropriately for their needs. Additionally, 21 nursery classes are being supported to enable staff to work with families and

7 primary schools are providing nurture support to pupils aged 5-8 and their families. A selection of appropriate training has also been arranged for staff to allow them to develop skills in the Nurture Group approach and working effectively with parents and an Early Years Development Officer has been seconded to support quality of provision and ensure consistency.

Priority 7: Further develop self-evaluation, performance management and continuous improvement including participation in a Validated Self Evaluation with Education Scotland.

In partnership with Education Scotland, Education and Skills undertook a successful Validated Self Evaluation (VSE) exercise during the week of September 10th-14th 2012, which involved three thematic groups examining and assessing the authority's performance in the thematic areas of Early Years Provision, Raising Attainment and Achievement and Meeting the needs of all Learners. Questions and activities were formulated using existing self-evaluation approaches and quality indicators. These were adapted, tailored and refined during the week based on emerging findings and engagement with Education Scotland.

As a result of this work, Education and Skills staff have benefited significantly from engaging in the VSE process and have further improved their own skills and knowledge of self-evaluation which will positively impact on their own establishments and services. VSE processes can now be integrated into the local authority's overall approach to self-evaluation.

In July and August 2012 six staff members underwent training in the EFQM Excellence Model and qualified as EFQM Assessors. Education and Skills plans to utilise this new knowledge and skills base within the service to undertake a number of internal self-evaluation exercises in 2013.

Through Covalent performance management system Education and Skills continue to enhance proactive performance management.

Priority 8: Carry out a review of Early Years provision.

The Early Years Review Group (EYRG) has been established and have met regularly to explore the recommendation in the Business Case and to review the current provision available for early years. A paper was presented to Cabinet on 18th of September 2012. With regards to the Business Case recommendations, recommendation 1 was to develop independent provision for early years, however consultation with this sector indicated there was limited capacity for growth. Recommendation 2 was to develop future delivery models and it was agreed to take this forward by;

- Organising a stakeholder event
- Review current staffing models
- Increase flexibility of provision
- Further improve partnership working

In addition, the commitment of the Scottish Government to increase early education and childcare from 475 hours to 600 hours for three and four year olds and looked-after 2-year olds by 2014 will require innovative and flexible arrangements to meet the needs of parents as well as new resources to fund implementation.

Finance & Infrastructure Service – Executive Summary

1. Finance & Infrastructure Assessments

1.1 Overall performance is assessed as “Good”

1.2 Capacity for improvement is assessed as “Very Good”

Quality Descriptors	Description
Excellent	Outstanding, sector leading
Very good	Major strengths
Good	Important strengths with some areas for improvement
Satisfactory	Strengths just outweigh weaknesses
Weak	Important weaknesses
Unsatisfactory	Major weaknesses

2. Financial performance

2.1 Within Finance and Infrastructure (Appendix 5) the projected underspend of £1.022m represents only a small increase of over the Period 4 projection of £0.930m. The vast majority of the underspend is still attributable to Environment & Related Services £0.944m. £0.384m and £0.166m of future years savings have been delivered in respect of facilities management and street scene together with an underspend of £0.236m in waste services. The increased underspend since period 4 relates to further savings in employee costs (£0.040m) within Recycling as a result of the delayed appointment of waste awareness officers. A minor underspend of £0.062m is projected within Financial Services mainly as a result of vacant posts.

2.2 The projected underspend for Building Services (Appendix 7) has increased by £0.381m to £1.156m. The variance within the service is mainly due to lower than budgeted payroll costs and increased income of £0.921m. The increased income is partially offset by higher than budgeted costs of materials and agency workers due to the increased workload.

2.3 Capital expenditure to 30 September 2012 for the Service is £3.073m against a profiled budget of £3.634m. The underspend of £0.562m can be mainly attributed to Bridgegate House refurbishment (£0.130m), SPT funded projects (£0.129m), Kilbirnie flood prevention scheme (£0.092m) and cemetery walls (£0.091m). The variation from the spend profile, however, is not anticipated to affect the planned outcomes or the targeted completion dates of any of the above projects. The total projected expenditure to 31 March 2013 is currently £13.877m, against the current budget of £14.164m. The anticipated underspend of £0.287m in relation to Irvine Town Centre Car Park requires to be carried forward to 2013/14.

3. Finance & Infrastructure Service - Priorities for 2012/13

This section provides a summary of progress against the Service's identified priorities for 2012/13.

3.1 Environment and Related Services

Environment and related services are making a significant contribution to the Council's transformation agenda.

Priority 1: The new operating models for Waste Services and the Facilities Management Service.

Waste Services

A number of options for the operation of the waste collection service are being modelled and assessed using new route optimisation software. Once complete, the preferred model will be consulted upon prior to implementation in the early part of 2013.

Facilities Management Service

A working group of Officers and Trade Union representatives was established in May 2012 to work together to provide information that will inform the operational aspects of this initiative. The group has assisted in the development and introduction of nine pilot models of 'Hub and Spokes'.

The operation of these pilot models will be evaluated in October/November 2012, with final assessments being completed in December 2012. The findings of the pilots will be reported to the Council's Cabinet meeting in the New Year.

Priority 2: The review of Transport including the new Transport Hub.

Vehicle trackers and route optimisation software have been procured and installation will commence in the 3rd quarter of the financial year. A procurement exercise for the provision of taxi services is underway and was approved by Cabinet in October 2012.

A draft operating model has been prepared for consultation with Services. It is anticipated that a final model will be presented to Cabinet in November 2012.

Priority 3: The Building Services transformation programme in preparation for the approved long-term sustainable business model for Building Services.

Good progress continues to be made including the following:

- identification of 15% efficiency gains ensuring the service is competitive with the private sector;
- mapping of key business processes, incorporating the use of technology where appropriate;
- development of a Service Level Agreement with Infrastructure and Design Services;
- commencing a review of internal charging mechanisms and the Schedule of Rates;
- creation of a Workflow Planning Unit that will support a 'right first time approach' through appropriate scoping of works and allocation of resources. This will improve forward planning to smooth workflows, optimise use of resources and reduce use of sub-contractors and overtime;
- extension of mobile technology to the Voids business area;
- analysis of market conditions has identified both internal and external business growth opportunities and potential 'win rate' for new work. A market approach of 'below average price above average quality' has been established;
- completion of pilot schemes for potential new work streams in conjunction with Infrastructure and Design.

Priority 4: Delivering the Waste Strategy which will ensure the Council achieves National and International Waste and Recycling Targets.

The Council's Waste Strategy was approved by the former Executive at its meeting of the 10 April 2012. The strategy contains a number of key actions which will deliver an increase in performance for waste prevention, re-use and recycling.

During the year a number of these actions have been implemented which has contributed to an improvement in performance. Household Waste arisings in Quarter One - 2012/13 have reduced by over 3,100 tonnes compared to Quarter One in 2011/12.

Recycling performance continues to be amongst the highest in Scotland.

Preparation for the implementation of a new organic waste collection service (garden and food waste) on the mainland is progressing well. Tenders for the provision of a service to process Organic Waste are currently being evaluated.

Grant funding has been secured from Zero Waste Scotland to assist in the implementation costs of the new organic waste service; once implemented

this will significantly improve recycling performance. The Scottish Environmental Protection Agency (SEPA) issued the 2011 Compliance Assessment Scheme results for Shewalton landfill site which demonstrated significant improvement by determining the site as “excellent” and “good” for the licensed and permitted areas of the site respectively.

Discussions are continuing with the Clyde Valley Waste Project to secure a partnership approach for the delivery of a long-term residual waste treatment solution for non-recyclable waste.

3.2 Financial Services

Developing the Council’s financial planning and management arrangements for revenue and capital resources via:

Priority 1: Delivery of the improvements contained in the Council’s interim financial management strategy that will support the Council’s medium to long-term financial decisions and help to achieve its priorities within the resources available.

Significant progress has been made in developing the Council’s financial management arrangements, including:

- delivery of extensive training to appropriate staff in all services on the Council’s key governance documents;
- development of the Council’s approach to benchmarking and unit costing, aligning to the work currently being undertaken by the Improvement Service for SOLACE; and
- development of alternative options for the Council’s medium term budget process, such as outcome-based/ priority-led approaches.

Priority 2: Development of a five-year financial planning model that recognises, and is sensitive to, key variables and delivers responsible and sustainable options.

Work has commenced on the development of a ten-year financial planning model. This will be presented to the Council in December 2012, alongside the updated financial management strategy.

Priority 3: Strengthening procurement arrangements in partnership with Services and development of a best practice approach to procurement.

The Corporate Procurement Team has been strengthened and has responsibility for all procurement activity over the value of £10k (excluding Social Care). Standard processes and documents have been developed to ensure consistency across the Council. The team has an improvement plan in place to increase the Council's score in the annual Procurement Capability Assessment.

Priority 4: Consolidation of the Financial Management function, strengthening financial management at a time of reducing resources.

The revised structure was put in place in June 2012 when members of staff who previously carried out finance roles within the services transferred into the corporate Financial Management team. It is envisaged that these changes will improve governance over the Council's financial controls, improve financial management reporting arrangements and remove duplication and overlap in working practices.

Priority 5: Leading the Welfare Reform Working Group enabling the Council to respond timeously to all changes.

The Council's Welfare Reform Working Group developed an action plan across the thirteen reforms with six overarching issues. The Working Group is on track to implement the changes that will come into effect on the 1 April 2013 including introduction of: the Benefits Cap, under-occupation in social housing and the Scottish Welfare Fund. An assessment has been made of the number of people likely to be affected and the financial impact of the changes to them together with the financial impact on the council. A provider has been identified to carry out a training programme for 206 staff with some involvement in welfare reform. The working group is also developing a communication strategy to establish the most effective arrangements for engaging with communities and staff. Regular progress reports are provided to the CMT and to the Cabinet and presentations have been provided to Members, the Community Planning Partnership Board and at external events.

3.3 Infrastructure & Design Services

Priority 1: Continuing to develop CPAG to progress the Council's Asset Management Plans, ensuring robust investment decisions and effective implementation of capital projects including development of a medium/long term investment strategy for maintaining the Council's road network.

CPAG is operating well, maximising delivery of the council's capital investment programme and assessing all investment business cases to ensure the most effective use of investment funds. Good progress is being made in developing the Council's long term investment plan which will be considered as part of the Council's annual budget setting process in early 2013. The long term investment plan will cover all asset classes.

Priority 2: Progressing the Action Plans from the five Finance and Infrastructure Asset Plans and continuing to lead the development of the corporate approach to asset management.

Good progress is being made in taking forward the Action Plans linked to each of the Council's asset management plans. Additional temporary resources have been provided to ensure delivery of the property asset management plan. The first update report was presented to the Cabinet at its meeting on 2 October 2012. Work is underway to develop the Capital Investment Strategy to which the long term investment plan will be aligned.

Priority 3: Continuing to implement the Flood Risk Management Scotland Act (2009), in particular within the Garnock Valley area.

The Council has the lead role for the Ayrshire Flood District, to develop the district flood plan by 2015 in conjunction with neighbouring Councils, Scottish Water and SEPA. Locally, improved watercourse inspection and clearance procedures are now in place. Good progress is being made with the detailed design of the Garnock flood scheme and a progress report will be made to Cabinet in December. Flood resilience measures have been introduced to Kilbirnie.

Priority 4: Continue to manage the Council's Housing Stock through delivery of the Housing Business Plan.

Excellent progress is being made in delivering the investment works outlined within the Housing Business Plan. The various programmes of works have been executed as planned, including installing new kitchens, bathrooms and windows, replacing central heating, electrical rewiring, re-roofing and re-rendering of Council owned properties. During the period the percentage of the Council's stock achieving the Scottish Housing Quality Standard improved and is now ahead of target. The target for overall SHQS compliance for 2012/13 is 85%. The current level of compliance is 86%.

Social Services & Health Executive Summary

1. Social Services Assessments

1.1 Social Services

- 1.1.1 Overall performance is assessed as good.
- 1.1.2 Capacity for improvement is assessed as very good

1.2 Housing Services

- 1.2.1 Overall performance is assessed as excellent.
- 1.2.2 Capacity for improvement is assessed as very good.

Quality Descriptors	Description
Excellent	Outstanding, sector leading
Very Good	Major strengths
Good	Important strengths with some areas for improvement
Satisfactory	Strengths just outweigh weaknesses
Weak	Important weaknesses
Unsatisfactory	Major weaknesses

2. Financial Performance

2.1 Social Services

The Service's revenue budget variance report at 30th September 2012, shows an expected overspend of £2.271m. This is a reduction of £0.506m from the figures reported at 30 July 2012.

The overspend relates mainly to the costs associated with the care of Older People both at home and in a residential setting, and the costs associated with the care of Adult service users.

There are currently 932 service users in a care home setting. 221 of those service users have been placed in a care home for more than four years, with 20 having been resident for more than 10 years.

Current projections indicate that demand for Care at Home services has increased by 20% this year in comparison with last years outturn. This increase in demand is impacting on the delivery of the 2012/13 savings of £0.400m. The zero waiting list for services is also impacting on the current overspend.

Overspends within services for Adults are concentrated around Residential Care and Community Package. Savings of £0.962m were offered and removed from these budgets in 12/13 and work is on-going around achieving these savings.

Work is currently underway to identify corrective measures which can be taken throughout the remainder of the financial year, over and above the on-going review of both residential and home care rates. Furthermore, it is recognised that financial projections could be improved through the development of financial modules around the CareFirst system. A review of timescales for achieving this will commence shortly

- 2.1.2 The Service's capital budget variance report as at the 30 September 2012 indicates capital programme expenditure of £0.397m against a phased budget of £0.457m for the same period. The annual capital programme budget is £3.670m and it is expected this will be fully utilised by 31 March 2013.

2.2 HRA Housing Services

- 2.2.1 The Service's revenue budget variance report as at 30 September 2012 (Period 6), reported to the Cabinet on the 20th November 2012, indicated a projected underspend for HRA of £0.282m against a gross budget of £48.492m and a net budget of £2.802m. This is due mainly to:

Savings and underspends

- A projected underspend in Central Support and Office Accommodation costs - £0.235m.
- Vacancy management savings within the Homelessness Team - £0.130m.
- A saving in charges from other Council departments - £0.098m.
- An underspend in utility costs - £0.088m.
- Performance on letting void properties, reducing estimated void rent loss - £0.065m
- Efficiencies identified through a review of budgets - £0.060m

Offsetting overspends

- A projected overspend in council house responsive repairs £0.369m
- A shortfall in house rental income, mainly due to closures in relation to Vineburgh regeneration area - £0.112m.

3. Priorities for 2012/2013

3.1 Social Services

This section provides a summary of progress against the Service's identified priorities for 2012/13

3.1.1 Protection of vulnerable adults and children and the public

The number of children on North Ayrshire's Child Protection Register has risen by 46% over the past two years. During the period from August 2011 to July 2012 there was an average of 68 children on the Register. This reflects increasing numbers of referrals and investigations and an improved approach to thresholds of risk.

Over the past year the Irvine teams, at the request of the Scottish Government, have successfully piloted a national risk assessment toolkit in child protection. We understand that it is the intention of the Scottish Government to roll this toolkit out across Scotland.

A new chair of the Adult Protection Committee has been appointed and he has refreshed and refocused the work of the Group by extending the membership and ensuring dissemination of local and national developments and information. Agreement has been reached across Ayrshire to rationalise the number of sub groups from the three Adult Protection Committees, ensuring no duplication of effort, under representation in the groups and a more consistent approach to development.

Criminal Justice Social Work Service is currently developing services in partnership to improve the protection of children, vulnerable adults and the general public. Many women offenders are vulnerable adults and their vulnerability is compounded by receiving a custodial sentence. Following the publication of the report of the Women Offenders Commission the Ayrshire Criminal Justice Social Work Partnership pooled resources to further develop a women offenders' team. The Caledonian System for working with perpetrators of domestic abuse commenced operationally in April 2012 and this service will be embedded during this year to improve protection for women victims of domestic abuse. The service has recently submitted its first annual Community Payback Order report to Scottish Government
Delivery of the Social Services Change Programme:

3.1.2 Shifting the balance of care for older people

Care at Home services are facing unprecedented levels of demand, which significantly outstrips the available budget. Ayrshire has the highest rate of unplanned hospital admissions in Scotland and discharges from hospital almost invariably involve a requirement for a care at home service. There are now approximately 140 more people in service at any one time. Reduction of the delayed discharge target from six to four weeks will place even greater demand on the service.

Despite the challenges of managing the high levels of demand the service has continued to progress the work of the change programme in partnership with the NHS and the third and independent sectors. The two key workstreams over the past year have been the redesign of Care at Home services and increased use of assistive technology through offering a reablement approach. Reablement is producing better outcomes for older people. Evidence would indicate that 56% of people who receive a reablement approach cease services and resume independent lives. Increased use of assistive technology (Telecare) is also supporting people to remain as independent as possible in their own home. We now have 370 people using enhanced telecare and 3,000 people using community alarms. People with more complex needs, including dementia, are able to access higher levels of Care at Home over evenings and weekends. We also now have a dementia

support service which offers specialist Care at Home and is helping to support people in their own homes.

3.1.3 Introducing a personalisation approach for North Ayrshire Service Users

The self-directed support (SDS) pathfinder came to a conclusion in August 2012. We are currently evaluating the learning from this exercise. The Pathfinder piloted an outcome focussed approach to working with service users.

An SDS toolkit is being finalised and will be taken to the Social Work Governance Board for approval in November. A report on the Social Services change programme, which will be presented to Cabinet in November, will include plans for the implementation of personalisation and SDS in North Ayrshire. We are currently working with our assessment teams and internal services to progress the adoption of personalisation for our services and this will link to the production of a learning and development programme.

3.1.4 Redesigning our arrangements for access to services, pathways between services and delivery of longer-term support

Using evidence from the SDS pathfinder and the work done on the implementation of the enablement approach work is being done to redesign the pathway from referral to Social Services through initial assessment, enablement to longer term services or reablement and diversion to community supports. Local Older People's Teams will be the basis for locality working and moving towards the proposed Council-wide neighbourhood approach. We are optimistic that these arrangements will be fit for the future integration of health and social care.

3.1.5 Establishing a family support service

A multi-agency steering group has overseen the design, specification and tender for this service. Subject to Cabinet approval a provider will be appointed in October. The multi-agency steering group will oversee the setting up of the service and it is anticipated that it will be fully operational by April 2013. The contract period is for two years with the option to extend for up to a further two years, with extensions being offered in periods of one year.

3.1.6 Establishing a joint domestic violence team

The joint domestic violence team, involving staff from Social Work, Housing and the Police has now been established, based in Kilmarnock. This team offers an early response to domestic violence through support and services for victims and their children as well as the prosecution of offenders.

3.1.7 Reviewing and strengthening permanency planning and enhancing adoption supports

The Permanency Planning Group has been developed and consolidated and involves representation from Legal Services as well as from the various Social Work teams. This group receives referrals on and makes recommendations regarding all looked after and accommodated children for whom permanence may be the eventual option.

The Family Placement Team are providing training session for all Children and Families staff on preparing children for permanence. The team has also developed training for adoptive carers to help them to deal with the particular difficulties they may face.

A draft Adoption Support Plan is currently the subject of consultation with staff and adopters.

3.1.8 Embed the new Ayrshire Out of Hours Service

The new Ayrshire Out of Hours Service has been operational since 31 March 2012. The service is based at Crosshouse Hospital and was established in order to provide a more localised response to social work crisis situations which occur outwith office hours. All of the Ayrshire councils had previously been part of the West of Scotland Social Work Standby Service operated by Glasgow City Council.

A Pan-Ayrshire working group consisting of senior social services officers from North, South and East Ayrshire Councils oversees the service. In general the service has operated well since its inception and teething problems have been addressed and resolved timeously. The main issue which was not anticipated when the service was planned is the large number of referrals. In planning the service, staffing ratio decisions were informed by the "Ayrshires'" use of the West of Scotland Social Work Standby Service. In practice the demand for the new service has far exceeded demand under the previous arrangements.

3.1.9 Develop a joint commissioning plan for adult services

Existing Social Care commissioning strategies are being reviewed in relation to their fitness for personalisation as well as reviewing the existing contractual arrangements and the capacity for change. Our evaluation of the personalisation pathfinder will enable us to determine the extent to which existing services fully meet people's needs and the range of services that will be required in the future to deliver better outcomes for service users. It is anticipated that the plan will encourage an enablement approach, greater use of assistive technology and to change the balance between existing, traditional services and use of community supports and facilities.

We have been developing a social enterprise approach using a third sector provider to create the information library that service users and carers need to be able to make choices from their personalised budgets. We have also been working with providers to establish their readiness for personalisation in relation to service delivery and their infrastructure for employing staff flexibly to suit service user needs, invoicing and billing, HR policies and procedures, all of which to support change. It is our intention to commission a community portal for all stakeholders to access a library of options for services or other community supports.

The Older People pan-Ayrshire Joint Commissioning Strategy is making steady progress and will be completed by March 2013. The strategy is expected to produce better outcomes for older people across Ayrshire through

a consistent approach to models of care and equity of access to services. This work paves the way towards the integration of Health and Social Care.

3.1.10 Develop a Joint Equipment Service and Joint Sensory Equipment Service

The pan-Ayrshire Joint Equipment Board have developed a business case and implementation plan which will be taken back to the partners' relevant board or cabinet for approval to progress.

The pan-Ayrshire Sensory Impairment Development Group is led by East Ayrshire Council and is currently scoping existing service provision in Ayrshire and Arran with the intention to develop a proposal for a pan-Ayrshire Service in 2013.

3.1.11 Support our workforce, service users, the Council and partners through the CHP Committee in responding to the Government's requirements around the integration of Health and Social Work

A substantial programme of communication and consultation around the Government's proposals was undertaken during the Summer. Meetings were held with staff, carers, providers and trades unions. The Corporate Director represented the Council on an Ayrshire wide group which considered the various options for integration in Ayrshire and this informed the Council's response to the Government's consultation, which was submitted in September. We are currently awaiting further guidance from Government and expect draft legislation to be published in the New Year.

3.2 Housing Services

This section provides a summary of progress against the Service's identified priorities for 2012/13

3.2.1 Launch and Implement the new North Ayrshire Older Person Housing Strategy 2012/15

The final draft of the Older Persons Housing Strategy is now subject to a final review by partner organisations and services before the launch planned for Autumn 2012. Additional resources have been identified within the HRA Budget to take forward the strategy outcomes.

3.2.2 Ensure the successful delivery of the new Council house building programme in Redstone Avenue, Kilwinning & Copeland Crescent, Millport.

- Redstone Avenue, Kilwinning
The design team are now in place. Grouting works are complete and the main contractor is due to be appointed Autumn/Winter 2012 with the anticipated on site start date of January 2013.
- Copeland Crescent, Millport
The design team are now in place. Cabinet approval to appoint main contractor has been awarded and the anticipated on site start date is November 2012.

3.2.3 Develop a new rent setting policy that ensure rent levels are consistent, easy to understand and reflect size and other features of the property

The new rent setting policy has been developed. The implementation date is to be determined pending a full evaluation of the welfare reform.

3.2.4 Develop and implement an improved approach to housing options advice with North Ayrshire Housing Register Partners

We are currently expanding the Abritas system that supports our Common Housing Register to develop and improve our approach to housing options. This will also host our homeless case management and on-line mutual exchange systems.

3.2.5 Improve Community involvement in addressing antisocial behaviour problems.

Participants at the CPP Board Development Day for the 'Safe and Secure' priority held on 20 September supported the need to develop an Antisocial Behaviour (ASB) communication strategy to promote the service partners provide, with the aim of increasing confidence within communities to report crime and ASB when it happens. This will be taken forward by a working group of the Safer North Ayrshire Partnership in consultation with Corporate Communications

NORTH AYRSHIRE COUNCIL

Agenda Item 5

4 December 2012

Cabinet

Subject: 2011/12 Statutory Performance Indicators - Scottish Rankings

Purpose: To advise Cabinet of the performance of the Council in comparison with other Councils.

Recommendation: The Cabinet is asked to (a) note the Council's position in relation to other Councils and (b) note progress being made in terms of the Council's overall performance; and (c) refer the report to the Scrutiny and Petitions Committee for its consideration.

1. Introduction

- 1.1 On the 18 September 2012, the Cabinet considered a report on public performance reporting and the content of the Annual Performance Report 11/12. The Annual Report includes 153 Performance Indicators (PIs) including the Statutory Performance Indicators (SPIs).
- 1.2 The PIs are presented to the public via the *North Ayrshire Performs* website pages and the Annual Performance Report. *North Ayrshire Performs* also provides benchmarking information for a number of indicators.

2. Current Position

- 2.1 Audit Scotland published the SPIs for all 32 Councils on their website on the 1 October 2012. The publication is the final stage of the SPI process for 2011/12.
- 2.2 The following table summarises the Council's position in relation to the other 31 Councils and the Council's performance for 2011/12 compared to the Scottish average. The Council's position in relation to other Councils for all SPIs is detailed in Appendix 1.

Statutory Performance Indicators (SPIs)- 58 (100%)			
Ranking	Upper quartile (1-8)	Inter quartile (9-23)	Lower quartile (24-32)
2009/10	36%	43%	21%
2010/11	40%	41%	19%
2011/12	47%	38%	15%
Performance above Scottish Average			67%
Performance below Scottish Average			33%

- 2.3 The Council has moved from a position in the upper quartile in 2010/11 to a position in the inter quartile in 2011/12 for the indicators *Days lost per employee for other Local Government employees* and *Days lost per employee for teachers* . Performance for the indicators is above the Scottish average.
- 2.4 The Council is the highest performing Council for the following indicators and has also maintained its position as highest performing for those marked * :-
- *Percentage of householder applications dealt within 2 months**
 - *Percentage of non-householder applications dealt with within 2 months**
 - *Percentage of all planning applications dealt with within 2 months**
 - *Percentage of rent due in the year that was lost due to voids**
 - *Average time to re-let low demand houses**
 - *Average number of weeks rent owed by tenants leaving in arrears*
 - *Percentage of business advice requests dealt with within 14 days of receipt*

2.5 The Council has moved out of the inter quartile into the upper quartile for the following indicators:-

- *Percentage of employees in the highest 2% of earners that are female*
- *Percentage of employees in the highest 5% of earners that are female*
- *Percentage of homecare clients receiving a service at weekends*
- *Percentage of council dwellings that have modern facilities and services*
- *Percentage of dwellings meeting SHQS*
- *Percentage of council dwellings that are energy efficient*
- *Percentage of household waste recycled*

2.6 The Council has moved out of the upper quartile into the inter quartile for the following indicators:-

- *Days lost per employee for other Local Government employees*
- *Days lost per employee for teacher*
- *The proportion of those provided with permanent accommodation in council stock who maintained their tenancy for at least 12 months*

2.7 The publication of SPIs for all 32 Councils on Audit Scotland's website will assist the Council in their relevant external benchmarking as highlighted in the Council's Performance Management Strategy 2012/15.

3. Proposals

3.1 The Cabinet is invited to note the Council's position in relation to other Councils and progress being made in terms of the Council's overall performance, and refer the report to the Scrutiny and Petitions Committee for its consideration.

4. Implications

Financial Implications

4.1 There are no Financial Implications arising from this report.

Human Resource Implications

4.2 There are no Human Resource Implications arising from this report.

Legal Implications

- 4.3 There are no Legal Implications arising from this report.

Equality Implications

- 4.4 There are no Equality Implications arising from this report.

Environmental Implications

- 4.5 There are no Environmental Implications arising from this report.

Implications for Key Priorities

- 4.6 This report helps to support Council Plan Objective 4 "Operating More Effectively and Efficiently".

5. Consultations

- 5.1 The Extended Corporate Management Team has considered the SPIs in detail. The Cabinet on 18 September 2012 agreed the content of the Annual Performance Report 2011/12, which included information on the SPIs. The Scrutiny and Petitions Committee on 10 October 2012 scrutinised a report on the PIs including the SPIs.

6. Conclusion

- 6.1 The publication of SPIs for all 32 Councils on Audit Scotland's website will assist the Council in planning appropriate improvement activity and support the analysis of the 10/11 and 11/12 SOLACE benchmarking information. The publication concludes the SPI process for 2011/12.



ELMA MURRAY
Chief Executive

Reference :

For further information please contact Jim Montgomery, General Manager (Policy and Performance) telephone number on 01294 324125

Background Papers

Annual Performance Report 11/12

	2008/2009	2009/2010	2010/2011	2011/12	Ranking increased / decreased compared to 2010/11	Better than Scottish Average Performance
SPI 1 - Days lost per employee for teachers						
Figure for North Ayrshire	9.1	9.5	5.5	5.9	↓	↑
North Ayrshire Ranking	29	31	7	11		
Scottish Average	7.4	7.6	6.6	6.2		

SPI 1 - Days lost per employee for other Local Government employees						
Figure for North Ayrshire	13.8	12.2	8	9.8	↓	↑
North Ayrshire Ranking	29	24	1	10		
Scottish Average	12.5	11.6	10.8	10.4		

SPI 2 - Percentage of employees in the highest 2% of earners that are female						
Figure for North Ayrshire	38.0	43.1	40.4	46.8	↑	↑
North Ayrshire Ranking	11	5	15	5		
Scottish Average	37.1	37.4	39.5	41.2		

SPI 2 - Percentage of employees in the highest 5% of earners that are female						
Figure for North Ayrshire	44.8	48.6	46.4	51.8	↑	↑
North Ayrshire Ranking	13	6	14	8		
Scottish Average	45.2	45.4	46.3	48.5		

SPI 3 - Percentage of public service buildings that are suitable and accessible to disabled people						
Figure for North Ayrshire	65.4	66.4	70.0	79.2	↑	↑
North Ayrshire Ranking	16	18	16	14		
Scottish Average	64.6	60.5	64.9	70.7		

SPI 4 - Gross administration cost per case						
Figure for North Ayrshire	N/A	£50.3	£41.3	£38.0	↑	↑
North Ayrshire Ranking	N/A	20	14	10		
Scottish Average	N/A	£45.0	£45.4	£42.8		

SPI 5 - Cost of collecting council tax per dwelling						
Figure for North Ayrshire	£14.65	£15.88	£12.17	£11.70	↓	↑
North Ayrshire Ranking	19	23	13	15		
Scottish Average	£13.76	£14.03	£13.81	£13.15		

SPI 6 - Percentage of income due from council tax for the year that was received by the end of the year						
Figure for North Ayrshire	93.6%	93.8%	93.6%	93.6%	↓	↓
North Ayrshire Ranking	25	26	27	30		
Scottish Average	94.3%	94.4%	94.7%	95.1%		

SPI 7 - Percentage of invoices sampled that were paid within 30 days						
Figure for North Ayrshire	88.1%	88.7%	88.1%	82.5%	↓	↓
North Ayrshire Ranking	10	15	21	29		
Scottish Average	86.4%	88.5%	89.5%	90.2%		

SPI 8 - Proportion of internal floor area of operational buildings in satisfactory condition						
Figure for North Ayrshire	77.0%	78.1%	82.0%	80.7%	↓	↓
North Ayrshire Ranking	17	22	17	20		
Scottish Average	76.9%	79.4%	81.0%	81.8%		

SPI 8 - Proportion of operational buildings that are suitable for their current use						
Figure for North Ayrshire	88.3%	89.2%	88.6%	91.9%	↑	↑
North Ayrshire Ranking	5	3	4	3		
Scottish Average	72.1%	73.6%	73.7%	74.8%		

SPI 9 - Total number of homecare hours as a rate per 1,000 population aged 65+						
Figure for North Ayrshire	477.1	402.0	413.2	482.0	↑	↓
North Ayrshire Ranking	16	22	23	18		
Scottish Average	497.5	491.2	490.1	482.3		

SPI 9 - Percentage of homecare clients receiving personal care						
Figure for North Ayrshire	94.8%	94.2%	98.4%	98.5%	↓	99 ↑
North Ayrshire Ranking	7	11	6	7		
Scottish Average	84.0%	86.9%	91.1%	92.4%		

All 25 SPIs

2008/2009	2009/2010	2010/2011	2011/12	Ranking increased / decreased compared to 2010/11	Better than Scottish Average Performance
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SPI 9 - Percentage of homecare clients receiving a service during evening/overnight						
Figure for North Ayrshire	36.3%	37.6%	39.4%	46.3%	↑	↑
North Ayrshire Ranking	11	14	21	12		
Scottish Average	35.4%	39.5%	41.6%	44.8%		

SPI 9 - Percentage of homecare clients receiving a service at weekends						
Figure for North Ayrshire	68.3%	77.1%	80.5%	84.5%	↑	↑
North Ayrshire Ranking	14	9	9	8		
Scottish Average	66.3%	70.7%	71.3%	77.1%		

SPI 10 - Number of attendances per 1,000 population for all pools						
Figure for North Ayrshire	2,782	2,592	2,748	2,706	—	↓
North Ayrshire Ranking	27	29	27	27		
Scottish Average	3,515	3,446	3,320	3,460		

SPI 10 - Number of attendances per 1,000 population for indoor sports and leisure facilities excluding pools in a combined complex						
Figure for North Ayrshire	4,631	4,704	5,046	5,765	↑	↑
North Ayrshire Ranking	16	20	21	17		
Scottish Average	4,761	4,890	5,431	5,655		

SPI 11 - Number of visits to/usages of council funded or part funded museums expressed per 1,000 population						
Figure for North Ayrshire	726	964	611	652	↓	↓
North Ayrshire Ranking	19	16	23	24		
Scottish Average	1,836	1,854	1,782	2,314		

SPI 11 - Number of visits that were in person expressed per 1,000 population						
Figure for North Ayrshire	613	738	509	588	—	↓
North Ayrshire Ranking	16	16	18	18		
Scottish Average	1,340	1,386	1,227	1,547		

SPI 12 - Number of visits to libraries expressed per 1,000 population						
Figure for North Ayrshire	6,367	6,546	6,721	7,929	↑	↑
North Ayrshire Ranking	11	12	15	10		
Scottish Average	5,819	5,983	6,114	6,127		

SPI 13 - Percentage of householder applications dealt with within 2 months						
Figure for North Ayrshire	90.0%	94.5%	96.9%	97.0%	—	↑
North Ayrshire Ranking	7	2	1	1		
Scottish Average	77.5%	79.9%	82.7%	84.1%		

SPI 13 - Percentage of non-householder applications dealt with within 2 months						
Figure for North Ayrshire	59.7%	71.8%	84.7%	83.8%	—	↑
North Ayrshire Ranking	6	3	1	1		
Scottish Average	46.4%	48.8%	54.5%	56.3%		

SPI 13 - Percentage of all planning applications dealt with within 2 months						
Figure for North Ayrshire	73.9%	82.1%	89.8%	88.9%	—	↑
North Ayrshire Ranking	4	3	1	1		
Scottish Average	60.1%	62.6%	66.4%	67.7%		

SPI 14 - Percentage of repairs completed within target times						
Figure for North Ayrshire	94.4%	98.4%	98.3%	97.7%	↓	↑
North Ayrshire Ranking	8	1	1	2		
Scottish Average	91.3%	93.1%	93.3%	93.6%		

SPI 15 - Percentage of council dwellings brought up to a tolerable standard						
Figure for North Ayrshire	N/A	93.6%	95.0%	97.4%	—	↓
North Ayrshire Ranking	N/A	26	26	26		
Scottish Average	N/A	99.5%	99.7%	99.9%		

All 25 SPIs

	2008/2009	2009/2010	2010/2011	2011/12	Ranking increased / decreased compared to 2010/11	Better than Scottish Average Performance
SPI 15 - Percentage of council dwellings free from serious disrepair						
Figure for North Ayrshire	N/A	93.0%	88.0%	92.5%	↓	↓
North Ayrshire Ranking	N/A	14	21	22		
Scottish Average	N/A	85.3%	91.8%	93.2%		
SPI 15 - Percentage of council dwellings that are energy efficient						
Figure for North Ayrshire	N/A	92.2%	86.0%	95.5%	↑	↑
North Ayrshire Ranking	N/A	4	10	6		
Scottish Average	N/A	67.2%	74.9%	81.2%		
SPI 15 - Percentage of council dwellings that have modern facilities and services						
Figure for North Ayrshire	N/A	64.9%	85.0%	95.7%	↑	↑
North Ayrshire Ranking	N/A	21	14	8		
Scottish Average	N/A	73.3%	82.1%	88.8%		
SPI 15 - Percentage of council dwellings that are healthy, safe and secure						
Figure for North Ayrshire	N/A	79.9%	93.0%	96.3%	↑	↑
North Ayrshire Ranking	N/A	14	15	10		
Scottish Average	N/A	75.4%	84.6%	90.5%		
SPI 15 - Percentage of dwellings meeting SHQS						
Figure for North Ayrshire	N/A	45.4%	60.0%	80.4%	↑	↑
North Ayrshire Ranking	N/A	15	11	6		
Scottish Average	N/A	42.4%	53.6%	66.1%		
SPI 16 - Percentage of rent due in the year that was lost due to voids						
Figure for North Ayrshire	0.3%	0.3%	0.3%	0.4%	—	↑
North Ayrshire Ranking	1	1	1	1		
Scottish Average	1.4%	1.4%	1.3%	1.3%		
SPI 17 - Average time to re-let not low demand houses						
Figure for North Ayrshire	10	12	12	14	↓	↑
North Ayrshire Ranking	2	2	1	2		
Scottish Average	41	43	36	33		
SPI 17 - Average time to re-let low demand houses						
Figure for North Ayrshire	12	15	13	18	—	↑
North Ayrshire Ranking	1	1	1	1		
Scottish Average	78	75	63	57		
SPI 17 - Average time that these houses remained un-let						
Figure for North Ayrshire	21	33	17	24	↑	↑
North Ayrshire Ranking	2	7	4	2		
Scottish Average	231	257	288	345		
SPI 18 - Current tenants' arrears as a percentage of net rent due						
Figure for North Ayrshire	4.5%	4.1%	4.0%	3.4%	↑	↑
North Ayrshire Ranking	10	9	8	3		
Scottish Average	6.1%	5.9%	5.9%	6.1%		
SPI 18 - Percentage of current tenants owing more than 13 weeks rent excluding those owing less than £250						
Figure for North Ayrshire	2.8%	2.4%	2.2%	2.1%	—	↑
North Ayrshire Ranking	4	6	4	4		
Scottish Average	4.4%	4.2%	4.1%	4.3%		
SPI 18 - Proportion of those tenants that were in rent arrears						
Figure for North Ayrshire	23.1%	27.5%	35.0%	39.7%	↓	↓
North Ayrshire Ranking	4	6	9	10		
Scottish Average	38.5%	38.9%	40.3%	39.2%		

All 25 SPIs

	2008/2009	2009/2010	2010/2011	2011/12	Ranking increased / decreased compared to 2010/11	Better than Scottish Average Performance
SPI 18 - Average number of weeks rent owed by tenants leaving in arrears						
Figure for North Ayrshire	8.9	6.8	5.7	4.8	↑	↑
North Ayrshire Ranking	9	5	3	1		
Scottish Average	10.2	9.2	8.7	9.2		

SPI 18 - Percentage of former tenant arrears written off or collected during the year						
Figure for North Ayrshire	53.6%	63.2%	53.8%	56.3%	↑	↑
North Ayrshire Ranking	2	3	7	4		
Scottish Average	35.7%	38.2%	40.8%	35.7%		

SPI 18 - Percentage of decision notifications issued within 28 days of date of initial presentation for permanent accomodation						
Figure for North Ayrshire	81.3%	97.9%	98.3%	99.4%	↓	↑
North Ayrshire Ranking	10	1	2	3		
Scottish Average	74.9%	83.0%	87.3%	89.1%		

SPI 19 - Percentage who are housed into permanent accomodation						
Figure for North Ayrshire	61.4%	68.7%	67.5%	69.2%	↓	↑
North Ayrshire Ranking	7	7	5	7		
Scottish Average	45.4%	48.6%	47.2%	49.2%		

SPI 19 - Percentage of permanent accomodation cases reassessed						
Figure for North Ayrshire	6.0%	8.1%	4.8%	5.7%	↓	↓
North Ayrshire Ranking	18	24	14	17		
Scottish Average	6.6%	6.1%	5.6%	5.4%		

SPI 19 - Percentage of decision notifications issued within 28 days of date of initial presentation for temporary accomodation						
Figure for North Ayrshire	79.5%	96.1%	99.3%	96.7%	↓	↑
North Ayrshire Ranking	12	3	2	4		
Scottish Average	74.0%	82.5%	85.2%	87.1%		

SPI 19 - Percentage of temporary accomodation cases reassessed						
Figure for North Ayrshire	0.5%	1.7%	1.9%	1.5%	↑	↑
North Ayrshire Ranking	1	4	7	5		
Scottish Average	5.5%	5.1%	4.8%	4.2%		

SPI 19 - The proportion of those provided with permanent accomodation in council stock who maintained their tenancy for at least 12 months						
Figure for North Ayrshire	80.0%	76.0%	90.2%	85.0%	↓	↓
North Ayrshire Ranking	18	23	8	17		
Scottish Average	85.9%	85.5%	85.3%	86.2%		

SPI 20 - Average time (hours) between time of complaint and attendance on site, for those requiring attendance on site						
Figure for North Ayrshire	0.8	1.0	0.9	0.8	↑	↑
North Ayrshire Ranking	5	8	8	6		
Scottish Average	47.9	47.2	46.2	30.5		

SPI 20 - Average time (hours) between time of complaint and attendance on site, for those dealt with under the ASB Act 2004						
Figure for North Ayrshire	1.0	0.8	0.9	1.0	↑	↓
North Ayrshire Ranking	20	20	19	18		
Scottish Average	1.6	1.5	0.6	0.6		

SPI 21 - Percentage of consumer complaints dealt with within 14 days of receipt						
Figure for North Ayrshire	77.6%	81.7%	84.2%	84.6%	↓	↑
North Ayrshire Ranking	14	10	11	15		
Scottish Average	74.2%	77.3%	77.7%	81.4%		

SPI 21 - Percentage of business advice requests dealt with within 14 days of receipt						
Figure for North Ayrshire	96.6%	97.4%	99.2%	100.0%	↑	↑
North Ayrshire Ranking	16	15	8	1		

All 25 SPIs

	2008/2009	2009/2010	2010/2011	2011/12	Ranking increased / decreased compared to 2010/11	Better than Scottish Average Performance
Scottish Average	96.5%	96.8%	96.6%	96.3%	■	■

All 25 SPIs

	2008/2009	2009/2010	2010/2011	2011/12	Ranking increased / decreased compared to 2010/11	Better than Scottish Average Performance
SPI 22 - Percentage of A class roads that should be considered for maintenance treatment						
Figure for North Ayrshire	37.6%	41.1%	46.7%	44.4%	↑	↓
North Ayrshire Ranking	29	30	31	30		
Scottish Average				30.5%		

SPI 22 - Percentage of B class roads that should be considered for maintenance treatment						
Figure for North Ayrshire	33.6%	34.6%	46.2%	42.8%	↑	↓
North Ayrshire Ranking	22	20	30	28		
Scottish Average				36.3%		

SPI 22 - Percentage of C class roads that should be considered for maintenance treatment						
Figure for North Ayrshire	50.0%	55.2%	58.6%	55.8%	↑	↓
North Ayrshire Ranking	31	31	31	30		
Scottish Average				36.0%		

SPI 22 - Percentage of D class roads that should be considered for maintenance treatment						
Figure for North Ayrshire	33.0%	35.2%	44.6%	39.6%	—	↓
North Ayrshire Ranking	11	12	19	19		
Scottish Average				38.3%		

SPI 22 - Overall percentage of road network that should be considered for maintenance treatment						
Figure for North Ayrshire	37.2%	40.0%	47.9%	43.8%	↑	↓
North Ayrshire Ranking	20	21	28	26		
Scottish Average	34.2%	36.1%	37.9%	36.4%		

SPI 23 - Net cost of refuse collection per premise						
Figure for North Ayrshire	£76.37	£73.13	£68.17	£60.98	↑	↑
North Ayrshire Ranking	26	23	18	12		
Scottish Average	£63.92	£66.22	£66.22	£66.15		

SPI 23 - Net cost of refuse disposal per premise						
Figure for North Ayrshire	£71.46	£74.85	£83.78	£87.52	↓	↑
North Ayrshire Ranking	9	9	14	15		
Scottish Average	£84.01	£89.78	£95.61	£98.11		

SPI 24 - Percentage of municipal waste recycled						
Figure for North Ayrshire	35.7%	40.8%	43.5%	52.5%	↑	
North Ayrshire Ranking	20	14	10	6		
Scottish Average	34.3%	36.7%	38.2%	no average		

SPI 25 - Overall cleanliness index						
Figure for North Ayrshire	75	73	73	74	↓	↓
North Ayrshire Ranking	6	17	16	17		
Scottish Average	73	74	74	75		

Icon Key

↑	Ranking increased	Above Scottish average
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↓	Ranking decreased	Below Scottish average
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—	No change
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NORTH AYRSHIRE COUNCIL

Agenda Item 6

4 December 2012

Cabinet

Subject: Arran Outdoor Education Centre and Outdoor Education Service

Purpose: To request permission to carry out an options appraisal to determine options for the future sustainability of Arran Outdoor Education Centre and Outdoor Education Service.

Recommendation: That the Cabinet agrees to instruct officers to carry out an options appraisal and investigations to determine management and funding options for the future sustainability of Arran Outdoor Education Centre and Outdoor Education Service.

1. Introduction

- 1.1 The Arran Outdoor Education Centre (AOEC) is a well established provider of outdoor education for young people and adults. The Centre moved to a new, purpose built facility in 2008 and includes a mountain forest retreat, Cloud Base, which provides an overnight experience for centre visitors. The Centre caters mainly for primary school children, including children with a range of additional support needs, and also provides a venue for courses for secondary age young people.
- 1.2 The Centre achieves an income target each year based on a charging policy for school children and other groups who use the Centre. There is also a mainland based service which provides outdoor learning opportunities for schools.
- 1.3 The centre has recently moved to a more commercial model and is beginning to attract corporate interest in a range of team building and recreational activities. This market has been identified in a new business plan for the Centre there is scope to increase both the use of the Centre and the income generated through targeting adventure tourism. In addition there is scope to provide facilities to support activities such as art courses, photography courses and conferences of a specialist nature. Economic Development is supporting the business plan and the accompanying marketing programmes.

2. Current Position

- 2.1 Arran Outdoor Centre is supported by North Ayrshire Council. The budget for 2012-13 is £475,000.
- 2.2 Efficiencies require to be achieved within the Education and Skills budget over the next three years, and all areas of provision are being examined in this context.
- 2.3 Many other outdoor centres across the country operate within a range of different business models and sectors, including public, private, charitable and voluntary, and a mix of the above.
- 2.4 A review of the operating and business model of the Centre will allow Education and Skills to create opportunities for the Centre to continue to operate sustainably in future without Council subsidy.

3. Proposals

- 3.1 The Cabinet is invited to instruct officers to carry out an options appraisal and investigations to determine management and funding options for the future sustainability of Arran Outdoor Education Centre and Outdoor Education Service.

4. Implications

Financial Implications

- 4.1 There are no financial implications arising directly from the current report.

Human Resource Implications

- 4.2 There are no human resource implications arising directly from the current report.

Legal Implications

- 4.3 There are no legal implications arising directly from the current report.

Equality Implications

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

Environmental Implications

- 4.5 There are no environmental implications arising from this report.

Implications for Key Priorities

- 4.6 There are no implications for key priorities arising directly from the current report.

5. Consultations

- 5.1 Consultations have taken place at this stage with Education and Skills staff.

6. Conclusion

- 6.1 Alternative models for the provision of outdoor education and activities should be explored to identify the most appropriate future operating structure for the Centre.



CAROL KIRK
Corporate Director (Education and Skills)

Reference : AS/EMcK

For further information please contact Audrey Sutton, Head of Service (Community & Culture), on telephone number 01294 324414.

Background Papers

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NORTH AYRSHIRE COUNCIL

Agenda Item 7

4 December 2012

Cabinet

Subject: **Nurturing Excellence in Communities: review of current grants schemes**

Purpose: To seek approval from the Cabinet to implement the recommendations to support community groups contained within the report.

Recommendation: That the Cabinet agrees to implement the Nurturing Excellence in Communities programmes.

1. Introduction

- 1.1 North Ayrshire Council has as one of its priorities the development of, and support for, empowered communities which have the ability to determine their own local objectives. The ability of communities and organisations to do this varies and the Council is committed to providing the appropriate support according to local need. It is therefore important to direct available resources in such a way as to maximise the impact on our communities to achieve their potential in a challenging economic climate. This support includes financial support from the Council but also assistance to access the widest possible range of external assistance, including funding.
- 1.2 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.

Community capacity building:

- 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.

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.

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.

- 1.3 At its meeting on 16 February 2010, the Executive approved a reduction in the Corporate Grants Budget amounting to 14.9% over the 3-year period 2010-13 and on 12 October 2010, a revised report was submitted to the Executive, proposing a further reduction level of 20% over the 3-year period 2011-14, with 2010-11 acting as the new baseline.
- 1.4 At its meeting on 21 August 2012 the Cabinet agreed that (in the light of the extent to which the remaining Corporate Grants budget is oversubscribed) it be remitted to (i) the Chief Executive to write to applicants to offer them support to identify alternative sources of funding; and (ii) the Head of Service (Community and Culture) to prepare a report for the Cabinet in Autumn 2012 on Nurturing Communities proposals which will promote capacity building within communities and organisations.

2. Current Position

- 2.1 At present, budgets for Area Committee Community Grants and Grants to Elderly Groups are administered by the Chief Executive's department, and are assessed by Community and Culture.
- 2.2 The funding currently available for community development grants in North Ayrshire is oversubscribed. The pattern of requests for grants shows that many of the applications relate to running costs, recurring bills, equipment and events. Many of these applications are recurring applications, with little evidence of attempts by organisations to access other external funds or build sustainability. Many of the applications are also for relatively small sums of money.

- 2.3 Area Committees make decisions relating to the community development grants as outlined above. Community and Culture officers support the process, and Chief Executive's service administers it. Increasingly, the timetable for investigation and recommendation of applications is unsustainable as available officer time is reduced.
- 2.4 Some local authorities no longer provide community development grants; rather they provide information relating to a range of external funding opportunities; others either signpost applicants to other funders or provide only "seed corn" development funding for new groups.
- 2.5 However, North Ayrshire Community Planning Partnership's draft community engagement strategy recognises that our ambitions for North Ayrshire can only be achieved with the active involvement of residents, communities and voluntary groups.
- 2.6 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."
- 2.7 The Scottish Government is committed (as evidenced in the recent consultation on the draft Community Empowerment and Renewal Bill) 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.

3. Proposals

- 3.1 North Ayrshire Council has identified that the value of continuing to support the community and voluntary sector to develop capacity is central to the well being of the community and wishes to continue to fund activities which contribute to this.
- 3.2 In addition, the Council has also introduced new funding support for individuals and communities in relation to developing excellence in arts and culture and sports (the Nurturing Excellence programme).
- 3.3 With the above in mind it is proposed that the Council reviews and simplifies the way in which it awards community development grants and grants to the elderly to ensure that capacity building is a central feature of support to communities and voluntary organisations.

- 3.4 The new Nurturing Communities Fund will sit alongside and complement the Nurturing Excellence in Sport, Arts and Culture funds.
- 3.5 It will focus on the Christie Commission principles, and funds awarded from it will, among other things, provide seed corn funding and support for eligible groups to undertake the following activities:
- Community activity – which contributes to the development and sustainability of local community infrastructure, community anchor organisations and related processes of participation and social inclusion;
 - Research, consultation and community engagement activities, including developing local action plans – aimed at identifying local community needs and aspirations; and
 - Training and learning – which facilitates capacity building at local community level, and empowers participants to contribute effectively to the process of community development.
- 3.6 Relevant activities could include, but need not be limited to:
- Organising local community engagement events;
 - Accessing professional advisory services and technical expertise in the undertaking of feasibility studies, business plans and tenders as preparation for community led funding bids and asset transfers; and
 - Developing local action plans.
- 3.7 The awarding process in some other local authorities takes place through a funding appraisal reference group drawn from the Community Planning Partnership, with a dedicated Community participation budget allocated to Community Boards or Area Committees.
- 3.8 It is envisaged that the awarding process in North Ayrshire will continue to be carried out by elected members in Area Committees, but on a revised cycle to enable elected members and officers to encourage and support more strategic capacity building projects through the fund. This would involve quarterly submission dates for projects, with officer time being allocated to support organisations in building their capacity and developing external funding applications.
- 3.9 The successful projects will receive officer support and it is intended that by building sustainability in this way fewer recurring applications will be required. This model will provide more opportunities for elected members to be involved in the assessment and evaluation of funded projects.

- 3.10 Sharing of good practice in our communities, and in others, will be promoted within the Nurturing Communities process, and information will be shared online and by encouraging successful applicants to share their experiences with other similar organisations.
- 3.11 Allocations of funding for distribution by Area Committees will be made in line with updated demographic information and proposed revised criteria.
- 3.12 In addition to the above, it is proposed to allocate some funding to the awarding of small starter grants to local organisations, again to assist with capacity building in our communities.
- 3.13 In order to simplify some of the activity, it is proposed that a flat rate grant is awarded to eligible organisations who apply as follows:
1. New organisations: start up grants for basic administrative functions: up to £250;
 2. Gala Days: up to £500;
 3. Organisations wishing to formalise their governance arrangements and seeking to put together a package of funding from a variety of sources: maximum £1000.
- 3.14 Applications by Ayrshire-wide organisations (which are based in or provide opportunities in North Ayrshire) for sports and arts related activity will be referred to the Nurturing Excellence in Sports and Arts and Culture funds.
- 3.15 Youth group applications will be made to the Nurturing Communities (Youth Action) Fund.
- 3.16 It is envisaged that the Nurturing Communities Fund will be administered by the Community Development team.
- 3.17 In conclusion, North Ayrshire Council's funding programme for community and voluntary organisations would consist of:
- Nurturing Communities – capacity building and small grants fund (the current proposal);
 - Nurturing Excellence in Arts and Culture – support for individuals, organisations and programmes;
 - Nurturing Excellence in Sports - support for individuals, organisation and programmes;
 - Nurturing Communities (Youth Action) Fund.
- 3.18 Sources of complementary funding will be signposted to groups by officers of the Community Development team, who will offer guidance and support on the structure of applications.

- 3.19 Groups will also be supported to make funding bids to external bodies via Community and Cultural services, the Council's external funding officer and via the North Ayrshire 4 Funding website. Additional resources will be available through ongoing projects with Creative Scotland and sportscotland. Sharing of good practice will be promoted.
- 3.20 It is proposed that these changes be phased in over the forthcoming financial years (2013-15) to enable organisations to build capacity and to take advantage of Council, Third Sector Interface and external support to access funding streams appropriate to their area of activity.
- 3.21 The Cabinet is invited to agree to implement the Nurturing Excellence in Communities programmes described.

4. Implications

Financial Implications

- 4.1 The efficiency savings required from the grants budgets by 2015/6 will be delivered immediately. However, the effect of the reductions will be offset by linking the funds with Nurturing Excellence in Arts, Culture and Sport, thus enabling officers to make recommendations in relation to appropriate funding sources. North Ayrshire's profile in relation to accessing external funding, such as Big Lottery, is improving. Additional Community Development support to organisations through this new approach to bidding for external funding will result in increased capacity to access additional funding from a wider range of funding bodies.

Human Resource Implications

- 4.2 The administration of the funding allocated to Nurturing Communities will transfer to the Community Development section.

Legal Implications

- 4.3 There are no legal implications.

Equality Implications

- 4.4 The applications forms, guidance and assessment criteria will be revised to reflect the new approach and the process will be informed by equality principles.

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";
 - 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, 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/EMcK

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

Background Papers

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NORTH AYRSHIRE COUNCIL

Agenda Item 8

4 December 2012

Cabinet

Subject:	Strategic Car Parking Policy for North Ayrshire
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Purpose:	To seek agreement from Cabinet to develop a strategic car parking policy for North Ayrshire.
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Recommendation:	That the Cabinet agrees (a) to the development of a strategic car parking policy for consideration at a future meeting; and (b) that the Environment and Infrastructure Policy Board and the Economic Development Policy Board jointly oversee the development of the policy.
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1. Introduction

- 1.1 This report proposes a strategic approach to the management of car parking across North Ayrshire, recognising current and future challenges of car parking provision within our urban communities. A Strategic Car Parking Policy is required to set out the Council's long-term approach to the management and enforcement of both on-street and off-street parking areas.
- 1.2 A car parking policy will allow consistent decisions to be made across our communities and provide a framework for review of restrictions and controls where changes may be needed to meet local needs.
- 1.3 The policy will consider the following key factors:
 - To enhance and support local economies, particularly in all of our town centres, working in conjunction with town centre regeneration proposals;
 - To improve traffic flows and reduce congestion;
 - To provide the adequate quantity of parking spaces at the times it is needed and in the required locations;
 - To efficiently manage the car park stock, prioritising prime spaces;
 - To contribute towards reducing carbon emissions and improving air quality; and
 - In areas where alternatives are available, support initiatives to encourage travel mode change, such as bus/rail park and ride.

- 1.4 Parking provision to totally satisfy demand may not be achievable or be necessarily desirable, and preferential conditions may be offered to more sustainable forms of transport. The Council's Local Transport Strategy (LTS) aims to reduce car dependency, particularly in town centres and urban areas. This can be implemented through both planning and parking controls.
- 1.5 The commercial viability of town centres must be considered and short stay parking for shoppers and other town centre users must be carefully considered, at a level sufficient to encourage good turnover of space and maintain commercial activity in the town. Long-stay parking should generally be provided where possible for those workers and commuters who require all-day parking space.
- 1.6 On-street parking should generally be restricted only where necessary to :-
- significantly improve traffic flow
 - remove obstruction to visibility or turning movements
 - reduce accidents, for example through speed reduction
 - improve quality of life for residents, shoppers and other road users
- 1.7 It is important that parking restrictions are consistent within an area. Drivers and enforcement personnel alike must easily be able to interpret what restriction is in force. Out-of-date or unnecessary restrictions should be removed if public acceptance of restrictions is to be achieved.
- 1.8 The policy should recognise that footway parking occurs, particularly in areas of older housing, where there was no original provision for car parking and there is now little or no scope for residents to create their own off-street parking facilities. If waiting restrictions are enforced in such situations, the problem of illegally parked vehicles is likely to move to a neighbouring street. The most important factor in considering footway parking is the need to protect enough footway for pedestrians to avoid obstruction. This will typically require physical protection such as bollards, kerbing or other street furniture, but in some cases white lining may suffice. Where existing footway does not meet the minimum design standards, footway parking should be controlled.
- 1.9 The police may deal with parked vehicles which are causing an obstruction, regardless of whether there are parking restrictions in force.

- 1.10 A Strategic Car Parking Policy can provide the Council with a framework to manage, enforce and review parking related Traffic Regulation Orders. This will provide consistency and clarity across North Ayrshire. The policy should consider current challenges relating to car parking, the future needs of our communities and consider the most effective and appropriate enforcement and management model.
- 1.11 In relation to the potential transfer of enforcement powers from the police to the Council, the Scottish Government will consider applications from all local authorities to enforce on-street parking restrictions. These powers of enforcement are currently vested in the police, making parking offences criminal. Local authority enforcement would make parking offences civil, thereby 'decriminalising' them.

2. Current Position

- 2.1 In the past two years, considerable background data and information collection has been undertaken. All existing on-street lines and signs have been surveyed and are in the process of being checked against the published Traffic Regulation Orders, with a view to consolidate all of these into new single Orders for each main town, reflecting all of the existing restrictions in place.
- 2.2 Detailed surveys and reports on car parking across North Ayrshire were carried out in 2010 and 2012 and the findings will now be brought forward to inform the development of a parking policy.
- 2.3 Whilst data gathering for all main Council (adopted) off-street car parks has already been carried out, there are a number of key car parks owned by the Council in housing areas and relating to leisure activities (e.g. Irvine Beach Park) which have a number of public uses, in addition to just residential use, and will be included within this policy development. It is not appropriate to develop formal traffic orders for all car parks, but local controlling regulations could be considered to allow effective on-site management if necessary.
- 2.4 A business case has been developed, based on experience from across the UK, in relation to the Council making an application for DPE powers. This includes a financial model, indicating the expected cost implications of the Council taking on responsibility for parking enforcement.
- 2.5 In the past two years, significant rail Park and Ride facilities have been developed at Irvine, Kilwinning and Dalry stations, funded by Strathclyde Partnership for Transport. Further developments at Irvine (adjacent to northbound line), West Kilbride and Largs are being considered, subject to continuing SPT funding support.

- 2.6 Through the local Area Committees and local organisations and representatives, scoping work has been undertaken in Largs (in 2011) and more recently in West Kilbride, to determine opportunities for additional off-street parking areas recognising local pressures in these areas.

3. Proposals

- 3.1 That the Cabinet agrees to the development of a strategic car parking policy for North Ayrshire for consideration at a future meeting.
- 3.2 That the Environment and Infrastructure Policy Board and the Economic Development Policy Board jointly oversee the development of the policy.

4. Implications

Financial Implications

- 4.1 There are no direct financial implications at this time in relation to the development of the car parking policy. However, it is anticipated that there will be a number of implications arising from a completed strategy.

Human Resource Implications

- 4.2 There are no human resource implications.

Legal Implications

- 4.3 There are no legal implications at this stage, but considerable legal input may be expected in relation to future decisions to alter traffic orders, in the development of local controlling orders in relation to DPE.

Equality Implications

- 4.4 There are no equality implications in relation to this report.

Environmental Implications

- 4.5 There are no environmental implications in relation to this report.

Implications for Key Priorities

4.6 The proposals will contribute to the following Single Outcome Agreement outcomes

- North Ayrshire is a more attractive place to do business
- North Ayrshire is a more attractive tourist destination
- Transport Links and Services to and from North Ayrshire have improved
- Road safety has improved

5. Consultations

- 5.1 Extensive consultation will take place during the development of the car parking policy, across all of our communities and with relevant organisations.

6. Conclusion

- 6.1 There is a need to develop a holistic and strategic approach to car park management across North Ayrshire, focussed on the Council's key priorities - to assist with urban regeneration, to make urban communities safer and to provide a sustainable plan for the future.
- 6.2 Considerable background work has already been undertaken, and more is ongoing. A strategic car parking policy will build on this, to develop a strategic long term plan, whilst providing our communities with the opportunity to actively participate and contribute.



CRAIG HATTON
Corporate Director (Development and Environment)

Reference : AB/LL

For further information please contact Angus Bodie, Head of Infrastructure and Design on telephone number 01294 225211

Background Papers

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NORTH AYRSHIRE COUNCIL

Agenda Item 9

4 December 2012

Cabinet

Subject: **Next Generation Broadband (NGB)**

Purpose: To advise the Cabinet of ongoing discussions with the Scottish Government regarding the provision of Next Generation Broadband in North Ayrshire.

Recommendation: That the Cabinet agrees to (a) note the Scottish Government's plans; (b) support an increase in the extent of North Ayrshire covered by Next Generation Broadband to 85% and considers as part of the 2013/14 budget setting exercise the additional £1.1 million investment required; and (c) advise Scottish Government of its actions accordingly.

1. Introduction

- 1.1 Over the course of 2012 the Scottish Government and Local Authorities have been progressing proposals for the provision of Next Generation Broadband (NGB) services across Scotland. This report outlines progress to date and advises Members of future investment proposals.

2. Current Position

- 2.1 Access to fast Broadband is recognised as a key issue affecting both residents and business competitiveness. The provision of next generation broadband in North Ayrshire is considered to be a key infrastructure requirement in attracting new economic development and stimulating economic growth. It is a key factor in encouraging local companies to invest in an area as well allowing existing businesses to grow.
- 2.2 Internet access will become increasingly important in the future for everyday communication or financial transactions for all sections of the community. This will particularly affect those who currently have the lowest take up rates (e.g. the elderly, low income households) as the Welfare Reform agenda will in the future require the use of on-line services to access benefit payments and job search services.

- 2.3 NGB services are typically defined as those allowing access line speed of greater than 30Mbps.
- 2.4 The Scottish Government published an Infrastructure Action Plan in January 2012 which set out four critical programmes that aim to deliver world-class digital infrastructure for Scotland. These are:
- Programme 1: Achieving Step Change by 2015 – this will address the current digital divide and put in place infrastructure in those areas that the market will currently not go to;
 - Programme 2: Achieving world-class by 2020 – this will deliver a longer term plan to ensure that the right mechanisms, partnerships and commercial models are in place to deliver world-class infrastructure in a sustainable way and in partnership with industry;
 - Programme 3: Demonstrating and delivering innovative and local solutions – this will be targeted at promoting locally based projects and programmes and also trialling new technologies; and
 - Programme 4: Increasing take-up and stimulating demand – this will be targeted at raising digital participation rates (for businesses and individuals) and raising demand for services.
- 2.5 Broadband is currently provided to the market in North Ayrshire through two providers: British Telecom; and, Smallworld Cable. Virgin Media, the cable operator and the main competitor to British Telecom nationally, has no coverage in North Ayrshire.
- 2.6 Currently British Telecom has 22 digital exchanges within North Ayrshire serving a total of 62,818 residential lines and 2,564 business lines. A large number of lines are served from exchanges that can offer up to 24Mbps and have competitive suppliers in place that can offer alternative services to British Telecom.
- 2.7 British Telecom has recently announced the roll out of their NGB product to Irvine and Ardrossan, while North Ayrshire Council has also made investment in its local network (serving schools, council offices, etc.). In total this will lead to NGB coverage of 52%. 'Not spots', or areas not covered by NGB provision include the entirety of the North Coast and Garnock Valley, while the major Irvine Bay towns are covered in part depending largely on operators past assessment of market viability or projected take up.

- 2.8 The process for delivering the commitment to NGB throughout Scotland will be through a nationally procured framework rather than a series of independent local programmes. The national programme will comprise two projects: one for the Highlands and Islands (including Arran and Cumbrae) led by Highlands and Islands Enterprise; and, another for the rest of Scotland (including mainland North Ayrshire). To meet its coverage objectives, the Scottish Government plans to target the bulk of its public investment in areas where the market is inactive
- 2.9 The national project aims to provide 75% NGB coverage across Scotland. Premises not included in the national procurement exercise (i.e. those areas not included above the 75% threshold) may receive a basic broadband connection (2-24Mbps) with the aspiration being to provide an uplift on current speeds. However there is an opportunity for local authorities to increase this to 80% or 85% of their area should they commit sufficient financial resource. Indicative costs from the Scottish Government are £300,000 for 80% and £1.1 million for 85% coverage respectively. Investment above this would grow exponentially, and for 90% coverage a cost of £8.31 million is estimated. More accurate costing will be available upon completion of the national procurement exercise.
- 2.10 Scottish Government has requested a response upon the additional level, if any, of Council investment to increase coverage by mid-December.
- 2.11 In August the Council appointed contractors to assist in the development of a Local Broadband Strategy. The strategy, once completed, will assist the Council in identifying those areas which would most benefit by increasing the extent NGB coverage from 75% to 85%.

3. Proposals

- 3.1 That Cabinet notes the plans of Scottish Government to deliver Next Generation Broadband.
- 3.2 That Cabinet supports an increase in the extent of North Ayrshire covered by Next Generation Broadband to 85% and that the additional £1.1 million investment required be considered as part of the 2013/14 budget setting exercise.
- 3.3 That Scottish Government be notified of the Council's actions accordingly.

4. Implications

Financial Implications

- 4.1 In order to increase the extent of NGB coverage to 85% funding of approximately £1.1 million will be required. More accurate costs will not be available until the national procurement exercise has been completed. Scottish Government has indicated that the costs can be spread over up to three financial years. It will be necessary to consider the funding required as part of the 2013/14 budget setting exercise.

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 arising directly from this report

Equality Implications

- 4.4 The provision of Next Generation Broadband will improve access to electronic services.

Environmental Implications

- 4.5 The provision of Next Generation Broadband will contribute to a reduction in carbon emissions by encouraging greater use of electronic services.

Implications for Key Priorities

- 4.6 The provision of Next Generation Broadband will contribute positively to the Councils core objective to Regenerate our communities and increase employment.

5. Consultations

- 5.1 Information Technology, Development Plans and Regeneration, Education and Social Services have been consulted in the preparation of this report.

6. Conclusion

- 6.1 The Scottish Government's proposals will provide an opportunity to improve broadband coverage to at least 75% across North Ayrshire which will benefit both residents and businesses. The Council can increase this to 85% by committing £1.1 million to the programme.



CRAIG HATTON
Corporate Director (Development and Environment)

Reference : CH/KY/LB

For further information please contact Steve Morley, Team Leader -
Economic Development, on telephone number 01294 225173

Background Papers

nil

NORTH AYRSHIRE COUNCIL

Agenda Item 10

4 December 2012

Cabinet

Subject:	Update: Waste Management Strategy
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Purpose:	To advise the Cabinet of the progress made with the implementation of the Council's Waste Management Strategy and to seek the approval of Cabinet to formally join the Clyde Valley waste partnership to secure a long-term solution for the treatment of residual waste.
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Recommendation:	That the Cabinet agrees (a) to note the progress made with the implementation of the Council's Waste Management Strategy; (b) to the procurement of landfill engineering advisers, and contractors to cap and construct cells, until the closure of the landfill site; (c) to enter into an Inter Authority Agreement (as attached at Appendix 1) to procure a long term solution for the treatment of residual waste with the Clyde Valley partnership; (d) to the additional £125,000 required to support the procurement exercise being met from the projected underspend within the waste management budget for 2012/13 and held in reserve until required; and (e) that the Corporate Director (Development and Environment) be the Council's nominated representative on the Clyde Valley Waste Management Initiative Steering Group (Residual Waste) steering group and is authorised to take appropriate decisions as detailed in the Inter Authority Agreement.
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1. Introduction

- 1.1 At its meeting of 10 April 2012, the former Executive agreed a Waste Management Strategy for the period 2012 to 2016. The strategy contains a number of key actions for development of services to meet the targets and objectives of Scottish Government's national waste agenda.

- 1.2 At that time, the Executive was informed that it was still necessary to finalise options for the treatment of residual waste to meet the requirements of Scotland's Zero Waste Plan and supporting Regulations, in particular the prohibition of landfill to deposit Biodegradable Waste from 31 December 2020.
- 1.3 At its meeting of 19 June 2012, the Cabinet agreed to enter into detailed negotiations with the Clyde Valley partnership and, subject to the satisfactory conclusion of the negotiations, enter into the Inter Authority Agreement to procure a long-term solution for the treatment of residual waste.

2. Current Position

- 2.1 The Waste Management Strategy and implementation plan detail key actions for the development of services to meet the targets and objectives of the Scottish Government's national waste agenda. An update of progress against the key actions is detailed below:

Increase the level of Education and Promotion

- 2.2 The demographic profile of the area indicates that high levels of education and promotion are required to support residents in changing waste management behaviours. The following actions have been progressed:-
- Development of the "Recycle for North Ayrshire" branding/strapline to support the delivery of the strategy. This will be included in all promotional material to provide a consistent approach with Zero Waste Scotland's national branding;
 - Recruitment of four additional Waste Awareness posts has commenced, this is expected to be complete by December 2012;
 - Improved signage has been installed at the Household Waste Recycling Centres through funding received from Zero Waste Scotland;
 - Continued development of the Zero Waste Volunteer programme, funded through Zero Waste Scotland, which has recruited 18 volunteers, who have committed 350 hours to the programme and interacted with over 2,100 residents of North Ayrshire; and
 - Subscription to the Zero Waste Scotland 'Construction Commitment: Halving Waste to Landfill'.

Provide new services to support re-use

2.3 The following actions have been progressed:-

- Procurement of four re-use containers for installation at all of the Council's Household Waste Recycling Centres; and
- A re-use options business case has been completed and discussions are underway with Zero Waste Scotland to support the procurement of a partnership with the 3rd Sector to develop re-use schemes, including the provision of facilities to repair goods and their subsequent distribution/sale.

Increase range of materials collected for recycling and composting

2.4 The following actions have been progressed:-

Kerbside Recyclable Collections (Blue Bin)

- 2.5 Glass and mixed plastics have been added to the co-mingled collection of recyclables (blue bin), thereby reducing the number of containers and the costs of collection. This has also enabled the introduction of a kerbside collection of glass, within the blue bin, for households and commercial businesses on Arran.
- 2.6 Opportunities to increase the range of recycling services offered to businesses and schools on the mainland and Cumbrae for the collection of other recyclables (plastics, metal cans and mixed plastics in addition to glass, paper and cardboard) will be developed during 2013/14.

Food Waste Collections

- 2.7 The provision of food waste collections to the mainland and Cumbrae (Phase 1 - Areas with Garden Waste service) is scheduled to commence in February 2013. The service will be provided through integration with the weekly garden waste collection service (brown bin) which will be extended to all year round.
- 2.8 A kitchen caddy (5 litre) will be provided to enable containment prior to transfer to a wheeled bin along with bio-degradable liners to maintain hygiene standards. Delivery of kitchen caddies and liners will commence in January 2013.
- 2.9 Communication literature has been developed through consultation with local focus groups and the North Ayrshire Tenants and Residents Association, and a video explaining how the service will operate is currently being developed. A seminar will be organised for all Elected Members prior to the introduction of the new service to assist them in answering queries arising from residents.

- 2.10 Properties without gardens will be considered as part of Phase 2 (Tenements with Communal Facilities), after consultation is carried out with existing tenant and residents groups to evaluate the most practicable storage method and collection frequency from communal waste storage areas. This is scheduled for implementation during 2013/14.
- 2.11 Phase 3 will include the expansion of the food waste collection service to commercial businesses and this will be implemented during 2013/14. A further grant funding bid will be submitted to Zero Waste Scotland to seek assistance with the implementation costs of Phase 2 and 3.
- 2.12 A formal procurement exercise to secure facilities for the treatment of organic waste (food and garden) collected has been undertaken. A separate report seeking approval from Cabinet to award the contract is included as a separate item on the agenda.
- 2.13 In those areas where it is not considered by Government feasible to introduce food waste collections, initial discussions have commenced with Zero Waste Scotland to seek support to evaluate the provision of community composting facilities and to support the implementation of any options arising.

Household Waste Recycling Centres (HWRC)

- 2.14 In June 2012 improvements to the Largs Household Waste Recycling Centre were completed and householders can now separate additional materials for re-use and recycling, including garden waste and cardboard.
- 2.15 Additional containers to separate other wastes for recycling have been installed at the other HWRCs, including water based paints and plasterboard at the Bartonholm HWRC.

Amenity Waste

- 2.16 Funding has been secured from Zero Waste Scotland to implement a “recycling on the go” pilot in main shopping centres and areas with high footfall such as leisure centre and transport hubs. The pilot will evaluate the use and recycling performance of two different types of recycling bins for litter placed at thirteen locations throughout North Ayrshire which are:
- Ardrossan Ferry Terminal;
 - Auchenharvie Leisure Centre, Stevenston;
 - Eglinton Country Park, Kilwinning;
 - Irvine Beach Park;

- Irvine High Street;
- James Watt College, Kilwinning;
- Kilbirnie Shopping Centre;
- Kilwinning Main Street;
- Magnum Leisure Centre, Irvine;
- Saltcoats Harbour;
- Saltcoats Main Street;
- Saltcoats Shopping Centre; and
- West Kilbride Train Station.

Reverse Vending Recycling Pilot within Schools

- 2.17 Funding has been secured from Zero Waste Scotland to implement and evaluate a pilot based on reverse vending machines for recyclables (plastic bottles and aluminium cans) being installed at three high schools within North Ayrshire (Garnock, Ardrossan and Largs Academy). The use of the reverse vending machines is incentivised by the contribution of £0.03 by Zero Waste Scotland for each recyclable item deposited, which can then be used to purchase equipment for the school, up to a maximum value of £2,000 per school.

Develop facilities and long-term options to dispose/treat residual waste

- 2.18 The continued development of Shewalton landfill site to dispose of North Ayrshire's residual waste is necessary for the remaining operational life of the site until closure. Based on recent projections this is estimated to be until 2017/18. In order to continue the development of the landfill site it will be necessary to procure landfill engineering advisers, and contractors to cap and construct cells during the remaining operational life of the site.
- 2.19 Following agreement by Cabinet at its meeting of 19 June 2012, to conduct formal negotiations with the Clyde Valley partnership to procure a long-term solution for the treatment of residual waste the following actions have been undertaken.
- 2.20 The Clyde Valley Waste partnership consisting of North Lanarkshire, East Renfrewshire, Renfrewshire and East Dunbartonshire Councils invited a number of additional Councils including South Ayrshire, East Ayrshire, West Dunbartonshire, Inverclyde and South Lanarkshire to consider joining the project. The partnership set a deadline of the end of August 2012 for potential partners to confirm participation in the project to ensure that there were no unnecessary delays to the procurement process. Only this Council confirmed its commitment to join the partnership within the timescale required.

- 2.21 The partnerships original reference case has been re-modelled to analyse the impact of adding North Ayrshire Council to the project. The outcomes from this exercise strengthened the business case for including North Ayrshire Council in the project.
- 2.22 The partnership has procured specialist advisors (technical, legal and financial) for the project. North Ayrshire Council's legal and procurement officers have agreed separate stand alone contracts using the same terms and conditions as the Clyde Valley contract with each of the advisers at nil additional cost. The Councils within the partnership have agreed to share the total costs of procurement, estimated at £2million, on a pro-rata basis based on the residual waste tonnages of each Council in the year 2010/11 (detailed in Table 1 below). This mechanism will also be utilised to apportion operational costs upon formal commencement of the contract including any waste transfer requirements required to transport waste to the commissioned facility, although the proportion will be re-set to reflect the actual tonnage from each partner treated at the facility.

Table 1

**Inter Authority Agreement Pro-rated Share
based on Residual Waste tonnage 2010/11**

Council	Existing IAA		Revised IAA	
	Tonnage	%	Tonnage	%
East Dunbartonshire	39,317	16.8%	39,317	13.9%
East Renfrewshire	25,085	10.7%	25,085	8.9%
North Ayrshire	n/a	n/a	47,715	16.9%
North Lanarkshire	117,377	50.1%	117,377	41.6%
Renfrewshire	52,502	22.4%	52,502	18.6%
Total	234,281	100.0%	281,996	100.0%

Source: SEPA WasteDataFlow.

- 2.23 In order to formally admit this Council to the partnership it is necessary for each of the individual partner Councils to approve a revised Inter Authority Agreement (IAA) (attached at Appendix 1).
- 2.24 The Inter Authority Agreement is a legally binding agreement and formally commits the participating Councils to the joint procurement, (by way of a competitive dialogue procedure), of long term residual waste treatment and disposal services. The Agreement covers how the costs of procurement will be apportioned and how project governance arrangements will operate, including mechanisms to deal with disagreement between Councils, and the processes to be followed and the financial consequences should a Council withdraw from the project during the course of the procurement.

2.25 A project group has been established with appropriately qualified representatives (technical, financial, legal and procurement backgrounds) from each of the partners to support the procurement process. The project group reports to the Clyde Valley Waste Management Initiative Steering Group (Residual Waste) comprising representatives from the participating Councils, who make recommendations and approve certain stages in the procurement. There is a pre-agreed list of key decisions within the Inter Authority Agreement, including site selection and the award of the residual waste contract, which are reserved to each Council, and will be the subject of future reports as the procurement process is progressed.

Reduce the net cost of providing waste management services

2.26 The waste strategy seeks to reduce the cost of providing waste management services including reviewing current services, assessing future service needs and securing funding to support delivery of services. The following actions have been progressed:-

- Procurement of an Integrated Waste Management ICT system has been completed and the software has been installed to allow a logistics review of the existing waste collection routes and working patterns to be undertaken. Revised operational models are currently being developed for evaluation;
- A framework contract to secure lower prices and/or income for the disposal of a range of special waste streams (including tyres and asbestos) and separate recyclable streams (wood and cardboard) has been tendered and completed.
- As detailed earlier in the report, partnership opportunities for residual waste management have been explored with the Clyde Valley Waste partnership; and
- The service has secured external funding of £1,041,068, as set out in the table below, from Zero Waste Scotland (ZWS) to support the development of new and proposed initiatives to assist in the achievement of national waste targets.

Table 2

ZWS Grant Funding and Support	2012/13	2013/14	2014/15	Total
ZWS Volunteer Coordinator	£29,949			£29,949
Food Waste Implementation	£215,750	£323,340	£323,340	£862,430
Reverse Vending Pilot in Schools	£63,000	£6,270		£69,270
Recycling On The Go Pilot	£35,840			£35,840
Food Waste Business Case Support	£34,484			£34,484
Organic Waste Treatment Contract Support	£9,095			£9,095
Total	£388,118	£329,610	£323,340	£1,041,068

3. Proposals

- 3.1 That progress against the waste management strategy be noted
- 3.2 That procurement exercises be undertaken to appoint contractors for landfill engineering and design services, and to undertake works at appropriate stages to cap and construct cells, until the closure of the landfill site.
- 3.3 That the Council enter into the Inter Authority Agreement (as attached at Appendix 1) to procure a long term solution for the treatment of residual waste with the Clyde Valley partnership.
- 3.4 That the additional £125,000 required to support the procurement exercise be met from the projected underspend within the waste management budget for 2012/13 and held in reserve until required.
- 3.5 That the Corporate Director (Development and Environment) be the Council's nominated representative on the Clyde Valley Waste Management Initiative Steering Group (Residual Waste) steering group and is authorised to take appropriate decisions as detailed in the Inter Authority Agreement.

4. Implications

Financial Implications

- 4.1 Budgetary provision has been made to introduce food waste collections and meet increases in landfill tax over the next two years. A contribution to the implementation and operational costs of introducing food waste collections has been awarded to the Council by Zero Waste Scotland for the years 2012/13, 2013/14 and 2014/15.
- 4.2 The Council's capital plan includes provision for the costs for the provision of landfill engineering advisers and contractors to undertake works at the landfill site including the capping of existing and construct of new cells.
- 4.3 Procurement costs of £2 million for the Clyde Valley Waste partnership are estimated over a two to three year period. Based on the apportionment methodology outlined in the Inter Authority Agreement the Council will be required to contribute an estimated £340,000. The Council currently has a remaining budget of approximately £215,000 for the development of a long term residual waste treatment solution. The additional £125,000 can be met from within the projected underspend of £236,000 within Waste Management for 2012/13.
- 4.4 The procurement of a residual waste treatment facility will require a long-term funding solution. It is anticipated that participation within a large partnership will realise economies of scale in the securing of a facility. Furthermore the costs will be significantly offset by increases to the current level of landfill tax.

Human Resource Implications

- 4.5 The temporary posts appointed by the Ayrshire Councils to support the development of an Outline Business Case have been vacated.

Legal Implications

- 4.6 Implementation of the Waste Strategy will assist in the achievement of statutory targets in respect of recycling and landfill diversion.
- 4.7 It will be necessary for the Council to enter into an Inter Authority Agreement (Appendix 1) to join the Clyde Valley partnership.

Equality Implications

- 4.8 An equality impact assessment has been completed for the approved waste management strategy.

Environmental Implications

- 4.9 The implementation of the Waste Management Strategy will have a positive impact upon the environment in three ways -
- Reduction in the amount of waste disposed of at landfill;
 - Increase in recycling of materials reducing the need to access virgin materials; and
 - Increase in the re-use of materials reducing the impact of re-processing and the use of virgin materials.

Implications for Key Priorities

- 4.10 The implementation of the Waste Management Strategy will contribute towards the achievement of the following SOA objectives:-
- 12a: Our environment is protected and enhanced;
 - 14a: Recycling of waste has increased and the amount of waste going to landfill has decreased;
 - 14b: The Public sector's carbon footprint has reduced;
 - 15a: Public perceptions of public services have improved;
 - 15b: Public services are more efficient and effective; and
 - 15c: Partnership Working has improved.

5. Consultations

- 5.1 The Council's procurement and legal services were consulted in negotiations with the Clyde Valley Waste partnership's specialist advisers.
- 5.2 The Council's legal service has considered the Inter Authority Agreement and are content that it is appropriate for the purpose intended.

6. Conclusion

- 6.1 Continued implementation of the strategy will enable the Council to meet the requirements of the national waste agenda for the period 2012 to 2016.

- 6.2 Agreement has now been reached with the Clyde Valley Waste partnership, subject to the approval of the revised IAA and the amended financial contribution arrangements by all partner Councils, the Council will formally become a partner to procure a long-term solution for the treatment of residual waste.



CRAIG HATTON
Corporate Director (Development and Environment)

Reference : CH/DM/LB

For further information please contact David Mackay, Acting Head of Environment & Related Services on telephone number 01294 541525

Background Papers

Scotland's Zero Waste Plan

Clyde Valley Waste Project

Inter Authority Agreement

Draft 2: 13 November 2012

EAST DUNBARTONSHIRE COUNCIL

EAST RENFREWSHIRE COUNCIL

The NORTH AYRSHIRE COUNCIL

NORTH LANARKSHIRE COUNCIL

RENFREWSHIRE COUNCIL

INTER AUTHORITY AGREEMENT

relating to the joint procurement of long term

Residual Waste Treatment and Disposal Services

AGREEMENT

Among

- (1) **EAST DUNBARTONSHIRE COUNCIL** established by the Local Government etc (Scotland) Act 1994, Tom Johnston House, Civic Way, Kirkintilloch, East Dunbartonshire, Glasgow, G66 4TJ;
- (2) **EAST RENFREWSHIRE COUNCIL** established by the Local Government etc (Scotland) Act 1994, Council Headquarters, Eastwood Park, Rouken Glen Road, Giffnock, G46 6UG;
- (3) **THE NORTH AYRSHIRE COUNCIL** established by the Local Government etc (Scotland) Act 1994, Cunninghame House, Irvine, Scotland, KA12 8EE;
- (4) **NORTH LANARKSHIRE COUNCIL** established by the Local Government etc (Scotland) Act 1994 of the Civic Centre, Windmillhill Street, Motherwell ML1 1AB ;

and

- (5) **RENFREWSHIRE COUNCIL** established by the Local Government etc (Scotland) Act 1994, Renfrewshire House, Cotton Street, Paisley, PA1 1TT;

together the **“Authorities”**

RECITALS

- (A) The Authorities have agreed to jointly procure the award of a contract for long term residual waste treatment and disposal services (the **“Residual Waste Project”**).
- (B) The Authorities have agreed to work together in the joint procurement of the Residual Waste Project and this Agreement sets out the terms of the joint working arrangements for the Residual Waste Project and the appointment of North Lanarkshire Council as Lead Authority in carrying out the Procurement Milestones.
- (C) The Authorities wish to enter into this Agreement and implement the Residual Waste Project pursuant to the powers conferred on them by section 56 (5) of the Local Government (Scotland) Act 1973.
- (D) The Authorities have agreed that, in conjunction with the successful award of the Project Agreement, they will enter into an agreement which will set out the respective rights and obligations of each of them in respect of long term residual waste treatment and disposal services. Such agreement (**“the Post Contract Authority Agreement”**) is intended to reflect the terms of the Project Agreement and as such cannot be completed until the terms of the Project Agreement have been substantially agreed.
- (E) The Authorities have agreed the Heads of Terms, the principles and/or terms of which will be included in the Post Contract Authority Agreement.
- (F) The Authorities have delegated sufficient authority to the Residual Waste Project Group and the CVWMISG (Residual) to enable them to fulfil their roles and undertake required functions in relation to this Agreement.

IT IS AGREED as follows:

1 DEFINITIONS AND INTERPRETATION

1.1 Definitions

In this Agreement and the Recitals, unless the context otherwise requires, the following terms shall have the meanings given to them below:

Advisers	means the external financial, technical and legal advisers procured by the Authorities (excluding NAC) and the NAC Advisers and the insurance advisers procured by the Authorities in respect of the Residual Waste Project;
Agreement	means this agreement, including the Schedule in 9 Parts;
Approvals Process	means the agreed process for decision making in respect of the Project detailed in Schedule Part 1;
Approved Budget	means the budget agreed by the CVWMISG (Residual) on behalf of the Authorities in respect of the Residual Waste Project;
Authority	means East Dunbartonshire, East Renfrewshire, the North Ayrshire, North Lanarkshire and Renfrewshire Councils, and “ Authorities ” and “ Participating Authorities ” shall mean all or any of them as the context so permits;
Bidder	means any person who responds to the OJEU Notice relating to the Residual Waste Project;
Budget Holder	means North Lanarkshire Council, or other such Authority as the Authorities may from time to time agree for the purpose of administering and directing costs associated with and arising from this Agreement;
Business Day	means any day other than a Saturday or Sunday or a public or bank holiday in Scotland;
Chairperson	means the Chair of the CVWMISG(Residual) as detailed in Schedule Part 2;
Clyde Valley Community Planning Partnership	means the policy implementation partnership comprising lead politicians and officials from each of the Clyde Valley local authorities (namely North Lanarkshire Council, Renfrewshire Council, East Renfrewshire Council, Inverclyde Council, East Dunbartonshire Council, Glasgow City Council, South Lanarkshire Council and West Dunbartonshire Council) and the

	strategic public sector partners: National Health Service; Scottish Enterprise; Strathclyde Police; Strathclyde Fire and Rescue; and Strathclyde Partnership for Transport;
Clyde Valley CPP (Residual)	means those members of the Clyde Valley Community Planning Partnership who represent the participating Authorities (excluding NAC) and a nominee representing NAC as may be notified in writing by NAC;
Clyde Valley Waste Management Initiative Steering Group	means the group of senior waste management representatives from partner authorities engaged in the development and implementation of the Clyde Valley Waste Management Initiative together with relevant policy advisors from the Scottish Government (SG), Scottish Futures Trust (SFT), Zero Waste Scotland (ZWS) and Scottish Environment Protection Agency (SEPA);
Commencement Date	means the last date of execution of this Agreement;
Confidential Information	means all know-how and other information whether commercial, financial, technical or otherwise relating to the business, affairs or methods of the Authorities, which is contained in or discernible in any form whatsoever (including without limitation software, data, drawings, films, documents and computer-readable media) whether or not marked or designated as confidential or proprietary or which is disclosed orally or by demonstration and which is described at the time of disclosure as confidential or is clearly so from its content or the context of disclosure;
CVWMISG (Residual)	means for the purposes of the Residual Waste Project and this Agreement, the persons named in Schedule Part 2, who represent the participating Authorities and the Chief Executive of the Lead Authority who shall be the Chairperson or such delegates or replacements as may be notified to the other Authorities in writing;
CVWMISG (Residual) Matters	means those actions, matters and functions identified as such in the third column of the table set out in the Approvals Process;
Defaulting Authority	has the meaning given in Clause 15.1;
DPA	means the Data Protection Act 1998;
EIR's	means the Environmental Information (Scotland) Regulations 2004 together with the Code of Practice issued by the Scottish Ministers pursuant to Regulation 18(1) of the EIRs as amended/ reissued from time to time;

EU Procurement Regime	means the Public Contracts (Scotland) Regulations 2012 and related case law;
FOBC(Technical)	means the final outline business case (technical) in relation to the Residual Waste Project as signed off by the CVWMISG(Residual);
FOISA	means the Freedom of Information (Scotland) Act 2002 and any subordinate legislation (as defined in section 73 of that Act) made under that Act from time to time together with any guidance and/or codes of practice issued by the Scottish Information Commissioner or relevant Government Department in relation to such Act;
Heads of Terms	means the heads of terms relating to the Post Contract Authority Agreement set out in Schedule Part 5;
Intellectual Property	means any and all patents, trademarks, trade names, copyright, moral rights, rights in design, rights in databases, know-how and all or other intellectual property rights whether or not registered or capable of registration and whether subsisting in the United Kingdom or any other part of the world together with all or any goodwill relating to them and the right to apply for registration of them;
Joint Leaders Meeting (Residual)	means meetings comprising of the representatives of the Clyde Valley CPP (Residual) which provide a mechanism to achieve political consensus at a high level prior to the submission of any high level recommendations to the respective Authorities;
Key Procurement Functions	means those actions identified as Key Procurement Functions in the first column of the table set out in Schedule Part 1;
Lead Authority	means for the purposes of the Residual Waste Project and this Agreement, North Lanarkshire Council;
Loss	means the reasonable and properly incurred abortive costs incurred by the Authorities (including but not limited to the costs relating to Advisers and other contracts (relating to the Project) and the members of the RWPG included in the Approved Budget as agreed by the CVWMISG (Residual) and any costs, claims and damages incurred and/or payable by an Authority or Authorities arising from claims from Bidders or other third parties);
Material	means all data, text, graphics, images and other materials or documents created, used or supplied by an Authority in connection with this Agreement (unless before such creation, first use or supply, that Authority notifies the others that such data, text, graphics, images and other materials or documents

supplied by it is not to be covered by this definition);

Matter Reserved to Authorities	means those actions, matters and/or functions identified as such in the fourth column in the table set out in the Approvals Process;
NAC	means the North Ayrshire Council;
NAC Advisers	means the financial, legal and technical advisers procured and appointed by NAC in relation to the Residual Waste Project, being those advisers specified in Schedule Part 3;
New Facility Site	means such suitable location(s) for siting a new facility as the CVWMISG(Residual) may identify prior to the date of the OJEU Notice;
OJEU (Advisers) Notice	means the notice (ref 216487) advertising the procurement of Advisers (excluding the NAC Advisers and insurance advisers) placed in the Official Journal of the European Union on 19 December 2011 in respect of the Residual Waste Project;
OJEU Notice	means the notice advertising the Residual Waste Project placed in the Official Journal of the European Union;
Post Contract Authority Agreement	has the meaning given in recital (D);
Procurement Milestones	means the procurement stages set out in Schedule Part 1 to be carried out in order to procure the Residual Waste Project and as may be amended from time to time by the Authorities in accordance with the terms of this Agreement;
Project	means the carrying out of the procurement process set out in the Procurement Milestones to be carried out by or on behalf of the Authorities with the intention of appointing Advisers and a preferred bidder for the Residual Waste Project including agreeing and concluding with such preferred bidder the contract documentation necessary to secure the delivery by the Provider of the Residual Waste Project;
Project Agreement	means the Project Agreement to be entered into between one of the Authorities and the Provider relating to the Residual Waste Project;
Project Director	means the person identified as such in Schedule Part 3 or any replacement and whose functions and duties are described in Schedule Part 6 (Part 3);
Project Insurance Policy	means a joint insurance policy to cover the potential legal liabilities of the Authorities under this Agreement;

Project Leader	means the person identified as such in Schedule Part 3 or any replacement and whose functions and duties are described in Schedule Part 6 (Part 4);
Project Office	means the address of the offices of the Project Leader and the RWPG;
Project Owner	means the person identified in Schedule Part 2 to carry out the functions and duties of Project Owner detailed in Schedule Part 6 (Part 1);
Project Sponsor	means the persons identified in Schedule Part 2 to carry out the functions and duties of Project Sponsors detailed in Schedule Part 6 (Part 2);
Pro-Rated Share	means the agreed percentages detailed in Schedule Part 9, which the Authorities agree to contribute to and apply all costs and liabilities in relation to this Agreement;
Provider	means the private sector partner to be party to the Project Agreement;
Residual Waste Project	has the meaning given in recital (A);
RWPG	means, the members of the Residual Waste Project Group who represent the Participating Authorities, formed pursuant to the provisions of Clause 9, being the persons listed in Schedule Part 3 or their replacements and any additional member appointed in accordance with clause 9.3, for the purpose of assisting to deliver the Project;
Transfer Site	means such sites as identified by the CVWMISG(Residual) prior to the date of the OJEU Notice as being suitable for the transfer of waste; and
Unitary Charge	means the payment due to the Provider under the Project Agreement.

1.2 Interpretation

In this Agreement, except where the context otherwise requires:

- 1.2.1 each gender includes all genders;
- 1.2.2 the singular includes the plural and vice versa;
- 1.2.3 a reference to any Clause, sub-Clause, paragraph, Schedule Part, recital or annex is, except where expressly stated to the contrary, a reference to such Clause, sub-Clause, paragraph, Schedule Part, recital or annex of or to this Agreement;
- 1.2.4 any reference to this Agreement or to any other document shall include any permitted variation, amendment or supplement to such document;

- 1.2.5 any reference to legislation (including subordinate legislation), determinations, directions and statutory guidance shall be construed as a reference to any such legislation, determinations, directions and statutory guidance as amended, replaced, consolidated or re-enacted from time to time;
 - 1.2.6 a reference to a public organisation (other than an Authority) shall be deemed to include a reference to any successor to such public organisation or any organisation or entity which has taken over either or both the functions and responsibilities of such public organisation;
 - 1.2.7 a reference to a person includes firms, partnerships and corporations and their successors and permitted assignees or transferees;
 - 1.2.8 any reference to a requirement for “consent” or “approval” shall be taken to be the prior written consent or approval of the relevant body or person;
 - 1.2.9 the Schedule Part, Clauses, sub-Clauses and (where provided) paragraph headings and captions in the body of this Agreement do not form part of this Agreement and shall not be taken into account in its construction or interpretation;
 - 1.2.10 the Schedule in nine Parts forms part of this Agreement and shall have the same force and effect as if its terms were expressly set out in the body of this Agreement; and
 - 1.2.11 words preceding “include”, “includes”, “including” and “included” shall be construed without limitation by the words which follow those words.
- 1.3 The principles set out in Clause 1.2 above shall be borne in mind and applied so far as appropriate in the interpretation of this Agreement and in the resolution of any dispute under this Agreement.

2 TERM

This Agreement shall come into effect on the Commencement Date and shall continue in force until terminated in accordance with Clause 17.

3 PRINCIPLES AND KEY OBJECTIVES

- 3.1 The Authorities intend this Agreement to be legally binding and mutual commitments between them created by the Agreement shall be construed accordingly.
- 3.2 The Authorities agree to work together to carry out the Project in accordance with the terms of this Agreement.
- 3.3 The Authorities acknowledge and agree that the Heads of Terms are not intended to be exhaustive but to contain the major principles which the Authorities have identified at this stage as being pertinent to the Post Contract Authority Agreement and which will be expanded and incorporated in the Post Contract Authority Agreement as the terms of the Project Agreement are being developed and agreed.
- 3.4 Each of the Authorities hereby represents to the others that it has obtained all necessary consents sufficient to ensure the delegation of functions provided for by this Agreement for the Project.

3.5 The Authorities shall use all reasonable endeavours to procure that their respective members and officers who are involved in the Project and/or the Residual Waste Project shall at all times act in the best interests of the Project and the Residual Waste Project.

3.6 The Authorities commit to share data and knowledge relevant to the Project and/or the Residual Waste Project where appropriate and in accordance with their duties under the DPA.

3.7 In working together, the Authorities agree that they will conduct the relationship between them in accordance with the following principles:

3.7.1 Openness and trust

(a) The Authorities undertake to act in accordance with a duty of good faith to each other, be open and trusting in their dealings with each other, make information, data, knowledge and analysis available to each other, use such information to support the Project and the Residual Waste Project, discuss and develop ideas openly and contribute fully to all aspects of the successful achievement of the Project and the Residual Waste Project.

(b) While respecting the mutual need for commercial confidentiality, the Authorities undertake to be transparent in their dealings with each other and, without prejudice to the foregoing, the Authorities undertake to respect matters of commercial confidentiality and potential sensitivity.

3.7.2 Commitment and drive

The Authorities undertake to be committed fully to the Project and the Residual Waste Project, will seek to motivate their respective employees, officers and members involved in or attached to the Project and undertake to address the challenges of the Project and the Residual Waste Project with drive, enthusiasm and a determination to succeed.

3.7.3 Skills and creativity

The Authorities acknowledge and agree that:

(a) each brings complementary skills and knowledge which they will apply creatively to achieving their respective objectives, resolution of difficulties and the development of the Project and the Residual Waste Project and the personnel working within it; and

(b) to achieve their respective objectives, will involve the appreciation and adoption of common values by each of them.

3.7.4 Effective relationships

The Authorities undertake to develop and maintain clear roles and responsibilities for each of them and to develop relationships at the appropriate levels within each organisation providing direct and easy access for the others' representatives.

3.7.5 Developing and adapting

The Authorities acknowledge and agree that they are engaged in a long-term relationship for their mutual benefit through the achievement of the Project and the Residual Waste Project which relationship needs to develop and adapt and each will use reasonable endeavours to develop and maintain an effective joint process to ensure that the Project and the Residual Waste Project develops appropriately and in line with the principles set out in this Agreement.

3.7.6 Reputation and standing

The Authorities agree that, in relation to this Agreement and the Project and the Residual Waste Project generally, they shall pay the utmost regard to the standing and reputation of one another and shall not do (by act or omission) anything which may bring the standing or reputation of any of the other Authorities into disrepute or attract adverse publicity to any of the other Authorities.

3.7.7 Reasonableness of Decision Making

The Authorities agree as between each other that all decisions made in relation to this Agreement and the Project and the Residual Waste Project generally shall be made by them acting reasonably.

4 APPOINTMENT OF NORTH LANARKSHIRE COUNCIL AS LEAD AUTHORITY

4.1 The Authorities (acting severally) appoint, with effect from the Commencement Date, North Lanarkshire Council to be the Lead Authority for the discharge of the Key Procurement Functions and North Lanarkshire Council agrees to act in that capacity subject to and in accordance with the terms and conditions of this Agreement.

4.2 The Authorities agree to indemnify the Lead Authority in event of any actions, claims, demands, costs, charges and expenses (including legal expenses on an indemnity basis) arising by virtue of carrying out the functions of the Lead Authority on behalf of the Authorities. Any liability shall be shared among all the Authorities on the basis of the Pro-Rated Share.

4.3 The Authorities agree the Lead Authority shall be able to instigate, continue, settle and defend legal proceedings relating to the Residual Waste Project for and on behalf of the Authorities and itself as appropriate and in accordance with the requirements of any insurer or underwriter providing insurance to the Project. The Lead Authority agrees to consult and agree with all other Authorities, through the CVWMISG (Residual) on the progress and conduct of any such proceedings.

4.4 The Authorities agree that the Lead Authority will discharge the Key Procurement Functions through the Residual Waste Project Group, the CVWMISG (Residual) and other employees of the Authorities in accordance with this Agreement. The Authorities agree that they will share any legal liability arising out of or in consequence of any negligence, error or omission which creates a legal liability to another third party by any members of these groups or such other employees of the Authorities acting in relation to the Project and on the basis of the Pro-Rated Share.

5 DUTIES OF THE AUTHORITIES

5.1 For the duration of this Agreement the Lead Authority shall act diligently and in good faith in all its dealings with the other Authorities and shall use reasonable endeavours to carry out the Key

Procurement Functions in accordance with the EU Procurement Regime and any other applicable legislation.

- 5.2 Subject to the Approvals Process, the Lead Authority shall be responsible for the procurement and appointment of the Advisers (with the exception of the NAC Advisers who will be procured by NAC). The Authorities agree that any work undertaken in advance of the Commencement Date in relation to the procurement of Advisers shall be covered by the terms and conditions of this Agreement. The Lead Authority shall lead on monitoring and managing the performance of the Advisers. The Lead Authority's Standing Orders and Financial Regulations shall be applicable (except in relation to the procurement of the NAC Advisers where NAC Standing Orders and Financial Regulations are applicable). The Authorities agree that they will be jointly liable for payment of the Advisers on the basis of the Pro-Rated Share. Payment of Advisers will be made by the Budget Holder (except NAC will be responsible for payment of the NAC Advisers).
- 5.3 Subject to this Agreement and the Approvals Process, the Lead Authority shall be responsible for the procurement of a Provider for the Residual Waste Project. The Lead Authority's standing orders and financial regulations shall be applicable. The Authorities agree to share the costs associated with the procurement of a Provider for the Residual Waste Project on the basis of the Pro-Rated Share. Costs will be paid by the Budget Holder.
- 5.4 The Authorities agree that the Budget Holder can direct and administer costs associated with and arising from this Agreement in accordance with this Agreement.
- 5.5 In the event that actual or forecast costs associated with the Project are likely to exceed any predicted costs included in the Approved Budget by a cumulative increase of between 5% and 10% of the total Approved Budget the Budget Holder will inform the CVWMISG (Residual) who will direct how this is to be resolved.
- 5.6 Subject to Clause 5.5, the Authorities agree that any increase in actual costs associated with the Project of between 5% and 10% will be shared on the basis of the Pro-Rated Share.
- 5.7 Should the forecast or actual costs increase by more than 10% of the total Approved Budget the CVRWMISG (Residual) shall inform the Authorities who will direct how this is to be resolved.
- 5.8 The Budget Holder will be responsible for administering the Approved Budget in accordance with their Financial Regulations. The other Authorities undertake to provide any reasonable information or assistance as may be requested by the Budget Holder to enable to Budget Holder to comply with such Financial Regulations.
- 5.9 The Lead Authority and the Budget Holder shall at the reasonable request of the other Authorities (or any of them) and at reasonable times during normal business hours permit the duly authorised representatives of such other Authority or Authorities (as the case may be) to examine any documents relating to the Project or the Residual Waste Project at the Project Office.
- 5.10 The Authorities shall, during the currency of this Agreement, act diligently and in good faith in all their dealings with the Lead Authority and the Budget Holder and shall use reasonable endeavours to assist the Lead Authority to discharge the Key Procurement Functions in accordance with the EU Procurement Regime and any other applicable legislation and shall respond to requests for information, and manage their decision making processes in accordance with required timescales.

- 5.11 The Authorities agree to ensure their respective payments are made to the Budget Holder in respect of the Approved Budget on or before any agreed dates or dates reasonably directed by the CVWMISG (Residual).

6 **DECISION MAKING**

- 6.1 The Authorities have identified the following three categories of decisions and other actions to be taken and carried out during the Procurement Milestones identified in Schedule Part 1 together with the means by which they will be taken:

- 6.1.1 a “**Residual Waste Project Group Matter**”; the Project Director and/or the Project Leader, has the authority to implement the functions of the RWPG on behalf of the Authorities;
- 6.1.2 a “**CVWMISG (Residual) Matter**”; any or all of the representatives of each of the Authorities appointed pursuant to Clauses 7.3 or 7.7 have sufficient delegated authority to make decisions and have the power to bind the Authority or Authorities (as the case may be) that they respectively represent in doing so; and
- 6.1.3 a “**Matter Reserved To Authorities**”; a matter which shall be reserved to each Authority for an executive decision and, for the avoidance of doubt, that matter requiring a decision shall not be dealt with by the representatives of the Authorities appointed pursuant to Clauses 7.3 or 7.7, the Project Director or the Project Leader (as the case may be) until the decision shall have been taken,

and in each case, such matters are identified in the Approvals Process.

7 **CVWMISG (Residual)**

- 7.1 The CVWMISG (Residual) has been formed for the purpose of overseeing and co-ordinating the Procurement Milestones and the Residual Waste Project and in respect of this Agreement, to carry out the functions and on the basis set out in Schedule Part 7.
- 7.2 The CVWMISG (Residual) shall not have power to approve any Matter Reserved to the Authorities however the CVWMISG (Residual) will be able to endorse decisions of the RWPG prior to seeking approval from the Authorities.
- 7.3 At the Commencement Date the members of the CVWMISG (Residual) are named in Schedule Part 2.
- 7.4 Each Authority shall be entitled from time to time to appoint a deputy for each of its representatives set out in Schedule Part 2, but such deputy (in each case) shall only be entitled to attend meetings of the CVWMISG (Residual) in the absence of his or her corresponding principal.
- 7.5 Each Authority shall be entitled to invite appropriate third parties to observe CVWMISG (Residual) meetings and such third parties may be entitled to attend such CVWMISG (Residual) meetings at the discretion of the chairperson of the CVWMISG (Residual).
- 7.6 The Authorities shall procure that:
- 7.6.1 the CVWMISG (Residual) appoints a person to represent the interests of all of the Authorities in respect of their requirements for the Project who shall be called the Project Director and who shall be a member of both the CVWMISG (Residual) and the RWPG and shall undertake the functions described in Schedule Part 6;

- 7.6.2 the first Project Director appointed in accordance with Clause 7.6.1 shall be the person nominated by the CVWMISG(Residual) to be the Project Director. When the identity of this person is known this will be added to Schedule Part 3.
- 7.6.3 the CVWMISG (Residual) will appoint a person to represent the interests of all the Authorities in respect of their operational requirements for the Project who shall be called the Project Leader and who shall be a member of the RWPG and shall perform such functions and duties as described in Schedule Part 6;
- 7.6.4 the first Project Leader appointed in accordance with Clause 7.6.3 shall be nominated by the CVWMISG(Residual) to be the Project Leader. When the identity of this person is known this will be added to Schedule Part 3;
- 7.6.5 the Project Director shall not be removed or replaced unless three (3) months' prior written notice (or any such shorter period as the CVWMISG (Residual) may agree) is given by the Authorities to the CVWMISG (Residual);
- 7.6.6 the Project Leader shall not be removed or replaced unless three (3) months' prior written notice (or any such shorter period as the CVWMISG (Residual) may agree) is given by the Authorities to the CVWMISG (Residual);
- 7.6.7 The CVWMISG(Residual) shall keep informed those members of the Clyde Valley CPP (Residual) of the progress of the Project;
- 7.6.8 The CVWMISG (Residual) shall keep informed their respective relevant policy boards and/or committees of the progress of the Project.
- 7.7 Each Authority may, at its discretion, replace its representative (and their respective deputy) appointed to the CVWMISG (Residual), provided that:
 - 7.7.1 at all times, it has a representative appointed to the CVWMISG (Residual) who shall have sufficient delegated authority to make any decision on any matter which the CVWMISG(Residual) is required to make in terms of this Agreement ;
 - 7.7.2 any replacement of an Authority's representative or deputy shall be deemed to have sufficient delegated authority to make any decision on any matter which the CVWMISG(Residual) is required to make in terms of this Agreement;
 - 7.7.3 a representative (or their deputy) will attend each meeting of the CVWMISG(Residual).
- 7.8 The CVWMISG (Residual) shall meet as and when required in accordance with the timetable for the Project and, in any event, at appropriate times and on reasonable notice (to be issued through the Chairperson) to carry out the CVWMISG (Residual) Matters referred to in the Approvals Process.
- 7.9 The details of the ways of working, clerking and other operational matters of the CVWMISG (Residual) are set out in Schedule Part 7.
- 7.10 Each Authority shall provide all information reasonably required upon request by the CVWMISG (Residual) and comply with unanimous decisions of the CVWMISG (Residual) to request such information.

- 7.11 Each Authority shall consult with the other Authorities as required to ensure the diligent progress of the day to day matters relating to the Project and this Agreement.

8 EVALUATION

- 8.1 Each Authority may suggest suitably experienced personnel to join the Advisers evaluation team who will be responsible, under the direction of the RWPG, for evaluating the tender submissions in relation to Advisers subject to the Approvals Process. The identity of the respective evaluation teams will be agreed with the CVWMISG (Residual).
- 8.2 The evaluation team for the Residual Waste Project to facilitate the agreement of the Authorities on the selection of the Provider and the terms of the Project Agreement will be appointed from a pool of members of the RWPG and other appropriately qualified staff identified by the Authorities (the “**Project Evaluation Team**”). The Project Director and Project Leader shall bring proposals for members of the Project Evaluation Team, which will include Advisers (who will be required to advise and assist the Project Evaluation Teams in accordance with the terms of their appointments), for the CVWMISG(Residual) to consider and approve.
- 8.3 The Project Evaluation Team will be responsible, under the direction of the RWPG, for facilitating and evaluating tender responses to select the Provider subject to the Approvals Process.

9 RESIDUAL WASTE PROJECT GROUP (RWPG)

- 9.1 The Authorities have formed the RWPG working under the direction of the Project Director and the Project Leader for the purposes of managing the Procurement Milestones and delivering the Project.
- 9.2 The RWPG, the Project Leader or the Project Director shall not have power to approve a CVWMISG (Residual) Matter or a Matter Reserved to Authorities.
- 9.3 The Authorities have appointed those representatives specified in Schedule Part 3 to the RWPG with sufficient delegated authority to perform the duties and functions of the RWPG on their behalf as set out in this Agreement together with any other representative as may be appointed and agreed by the CVWMISG (Residual) from time to time.
- 9.4 The Authorities may, at their discretion, replace their representatives appointed to the RWPG, provided that such replacement shall be on the same basis as the original appointee as set out in Clause 9.3 and provided further that no member of the RWPG shall be removed or replaced by any Authority without that Authority giving at least three (3) months’ (or such shorter period as may be agreed with the Project Director, acting reasonably) prior written notice of its intention to remove or replace that member of the RWPG.
- 9.5 If an Authority does not appoint a representative to the RWPG then such Authority agrees to delegate the decisions and duties of the RWPG in terms of this Agreement to those members of the RWPG detailed in this Agreement.
- 9.6 Unless otherwise agreed by the Authorities, the Authorities appoint the Project Leader to lead all dialogue with Bidders in connection with the Project together with the RWPG Project evaluation team and the Advisers.

- 9.7 The RWPG shall meet as and when required in accordance with the timetable for the Project and in any event, at appropriate times and on reasonable notice (to be issued by the Project Director) to meet the Procurement Milestones of the RWPG detailed in Schedule Part 1.
- 9.8 Each Authority shall be entitled to invite appropriate third parties to observe RWPG meetings and such third parties may attend such RWPG meetings at the discretion of the Project Director, acting reasonably.
- 9.9 Each Authority shall be entitled (subject to informing the Project Director or Project Leader at least 2 days in advance) to send an appropriate alternative to RWPG meetings should their representative be unable to attend.
- 9.10 Each Authority agrees that if they do not send an appropriate representative or alternative to RWPG meetings in accordance with clause 9.9 then they agree to delegate any functions carried out or decisions made to the members of the RWPG attending the relevant meeting.
- 10 COMMITMENT OF THE AUTHORITIES AND CONTRIBUTIONS**
- 10.1 Subject to Clause 10.2, the Authorities agree and undertake to commit to the Project in accordance with the terms of this Agreement and not to commission and/or undertake any procurement and/or project that seeks or would procure the delivery of all or any part of the Residual Waste Project outside the terms of this Agreement unless and until it shall have withdrawn from the Project in accordance with Clause 14.
- 10.2 The Authorities agree they can undertake or commission any procurement or project in relation to residual waste to cover the period prior to the New Project Facility becoming operational.
- 10.3 Each Authority shall be required to prepare accounts including details of any expenditure incurred at the direction of the Budget Holder.
- 10.4 The Budget Holder agrees to supply at the request of any other Authority, accounts showing full details of the Approved Budget and all expenditure.
- 10.5 The Authorities hereby agree that if one of the Authorities believes it is likely to incur disproportionate internal resource costs in connection with the Project and/or the Residual Waste Project, that matter shall be referred to the CVWMISG (Residual) for a decision as to whether such costs will be disproportionate and whether any Pro-Rated Share contributions should be made by the other Authorities.
- 11 SITES**
- 11.1 The Authorities agree to provide Transfer Sites and/or New Facility Sites for the Residual Waste Project or such substitute Transfer Sites and/or New Facility Sites as may be approved by the CVWMISG (Residual).
- 12 INTELLECTUAL PROPERTY**
- 12.1 Each Authority will retain all Intellectual Property in its Material.
- 12.2 Insofar as they have the power to do so, each Authority will grant to all of the other Authorities an irrevocable, non-exclusive, perpetual, non-transferable and royalty-free licence to use, modify, amend and develop its Material for the Project and the Residual Waste Project and any other

purpose resulting from the Project and the Residual Waste Project whether or not the Authority granting the licence remains a party to this Agreement or the Project or the Residual Waste Project.

12.3 Without prejudice to Clause 12.1, if more than one Authority owns or has a legal or beneficial right or interest in any aspect of the Material for any reason (including that no one Authority can demonstrate that it independently supplied or created the relevant Material without the help of one or more of the other Authorities), each of the Authorities who contributed to the relevant Material, insofar as they have power to do so, will grant to all other Authorities an irrevocable, non-exclusive, perpetual, non-transferable and royalty-free licence to use and exploit such Material as if all the other Authorities were the sole owner under the Copyright Design and Patents Act 1988 or any other relevant statute or rule of law.

12.4 Each Authority warrants, to the best of its knowledge and belief, that it has or will have the necessary rights to grant the licences set out in Clauses 12.2 and 12.3 in respect of the Material to be licensed.

12.5 Each Authority shall indemnify the other Authorities against any loss arising out of any dispute or proceedings brought by a third party alleging infringement of its intellectual property rights by use of that Authority's intellectual property for the purpose of the Project or the Residual Waste Project.

13 **CONCLUSION OF THE POST CONTRACT AUTHORITY AGREEMENT**

13.1 The Authorities will enter into the Post Contract Authority Agreement on or before the last day of signing the Project Agreement.

13.2 The Authorities agree that entry into the Post Contract Authority Agreement will be a condition precedent to award of the Project Agreement.

13.3 Should the Project Agreement not be entered into due to the unanimous agreement of the Authorities not to proceed to enter into the Post Contract Authority Agreement, this Agreement and the Project will terminate and any costs arising as a result will be shared on the basis of the Pro-Rated Share.

13.4 Should one Authority fail to enter into the Post Contract Authority Agreement this Authority shall be deemed to be a Defaulting Authority and the provisions of Clauses 14 and 15 shall apply.

13.5 The Post Contract Authority Agreement shall include:

13.5.1 full drafting based on and worked up from the Heads of Terms; and

13.5.2 such other provisions as the Authorities agree (or as may be determined by the dispute resolution procedure in Clause 16) as a consequence of the terms of the Project Agreement.

13.6 The Authorities shall individually and jointly use all reasonable endeavours to negotiate and agree the Post Contract Authority Agreement in conjunction with the negotiation and agreement of the Project Agreement.

13.7 The reference to "all reasonable endeavours" in Clause 13.6 shall include a requirement on all Authorities to:

13.7.1 without prejudice to Clause 3 at all times act in good faith;

- 13.7.2 acknowledge that the Authorities have agreed that the Heads of Terms will be expanded to become the Post Contract Authority Agreement and, accordingly, no Authority shall attempt to move significantly away from their intention or purpose;
- 13.7.3 Ensure that sufficient time is set aside to conduct the negotiations on the terms of the Post Contract Authority Agreement either through correspondence or by holding meetings or a combination of both to ensure that the terms of the Post Contract Authority Agreement are agreed in accordance with the timetable envisaged in Clause 13.1;
- 13.8 If a dispute or difference arises between the Authorities in relation to the negotiation of the Post Contract Authority Agreement and such dispute or difference cannot be settled by the Authorities within ten (10) Business Days of it first arising, any Authority may refer such dispute or difference for determination in accordance with Clause 16 and the Authorities agree to be bound by such determination.
- 14 **WITHDRAWAL FROM THE PROJECT**
 - 14.1 Each Authority acknowledges that, withdrawal from the Project and/or the Residual Waste Project or failing to enter into the Post Contract Authority Agreement will cause additional cost to the other Authorities, including, but not limited to, costs associated with reduced economies of scale, the cost of an abortive procurement (acknowledging that withdrawal by one Authority may require any then current procurement to be abandoned and re-commenced by the remaining Authorities), the cost of undertaking a separate procurement and the costs associated with the delayed availability of the services and / or facilities which would enable the remaining Authorities to secure the effective treatment and disposal of waste, thereby reducing their liability for Landfill Tax and other statutory obligations.
 - 14.2 Each Authority agrees that should it decide to withdraw from the Project and/or the Residual Waste Project (the **"Withdrawing Authority"**) it will give written notice to the other Authorities (the **"Withdrawal Notice"**).
 - 14.3 From the date of any Withdrawal Notice;
 - 14.3.1 subject to the remainder of this Clause 14.3 the obligations of the Withdrawing Authority in respect of the furtherance of the Project and/or the Residual Waste Project shall cease but the provisions of this Agreement shall remain in full force and effect until, in terms of Clause 14.4, some or all of the other relevant Authorities either elect to proceed with the Project or the Authorities elect to terminate this Agreement;
 - 14.3.2 the Withdrawing Authority shall not be entitled to the return of any monies paid by it into the Approved Budget unless (and only to the extent that) such monies exceed the Loss for which that Authority is responsible under Clauses 14.6 or 14.7 (as appropriate) and if at the date of the Withdrawal Notice monies are accrued and/or due to be paid under this Agreement by the Withdrawing Authority then such monies shall be paid by the Withdrawing Authority within 7 days of the date of the Withdrawal Notice;
 - 14.3.3 this Agreement shall remain in force in respect of any liability of the Withdrawing Authority under this Agreement and all provisions of this Agreement shall continue to apply to the remaining Authorities and the definition of "Authorities" shall be deemed to exclude the Withdrawing Authority;

- 14.3.4 Clauses 15 and 16 of this Agreement shall continue to apply in respect of any dispute or default arising under or in connection with this Agreement prior to the date of the Withdrawal Notice.
- 14.4 The other Authorities shall have 28 days from the date of any Withdrawal Notice to discuss the consequences for the Project and the Residual Waste Project and if;
- 14.4.1 the other Authorities consider that the Project and the Residual Waste Project are not materially affected by the withdrawal of the Withdrawing Authority then the other Authorities can choose to proceed with the Project;
- 14.4.2 one or more of the remaining Authorities provides such reasonable information to the Authorities, in good faith, which objectively shows that the Project and/or the Residual Waste Project is materially affected by the withdrawal of the Withdrawing Authority then provided such Authority or Authorities confirm in writing to the other Authorities (including the Withdrawing Authority) within the 28 day period such Authority or Authorities can opt to withdraw from the Project and/or the Residual Waste Project as a consequence of the withdrawal of the Withdrawing Authority without liability for Loss; or
- 14.4.3 the other Authorities consider the Project and/or the Residual Waste Project is materially affected by the withdrawal of the Withdrawing Authority then the other Authorities can choose to terminate this Agreement by notifying the Withdrawing Authority in writing.
- 14.5 In the event that one or more Authorities subsequently withdraw pursuant to Clause 14.4.2, the provisions of Clause 14.4 will be repeated in respect of each subsequent withdrawing Authority until any remaining Authorities agree to proceed in accordance with Clause 14.4.1 or all the Authorities have withdrawn. Any Authority withdrawing as a consequence of Clause 14.4.2 shall not be liable, under this Agreement for any other Loss or compensation as a consequence of such withdrawal.
- 14.6 In the event that the Project proceeds in accordance with Clause 14.4.1, the Withdrawing Authority shall be liable for Loss up to and including the date of the Withdrawal Notice but shall not be liable for any Loss incurred after the date of the Withdrawal Notice onsofar as this arises as a consequence of the Project and/or the Residual Waste Project proceeding.
- 14.7 The Authorities agree that in the event that all the Authorities withdraw from the Project as a consequence of Clause 14.4.2 or only one Authority remains such that the Project does not proceed, or the Agreement is terminated in accordance with clause 14.4.3, then the Withdrawing Authority shall be liable to the other Authorities for all Loss but shall not be liable for any other loss or compensation as a result of such withdrawal from the Project.
- 15 **AUTHORITY BREACH**
- 15.1 Where an Authority (the “**Defaulting Authority**”) fails to comply with its obligations under this Agreement (or in relation to the Residual Waste Project such that this Agreement or the Project is materially affected then the remaining Authorities (acting unanimously) can instruct the CVWMISG (Residual) to serve a default notice (the “**Default Notice**”) on the Defaulting Authority detailing the relevant circumstances. The Default Notice must set out the remedial action that the CVWMISG (Residual) require the Defaulting Authority to carry out.
- 15.2 The Defaulting Authority shall have 14 days within which to remedy the breach or such other period as set out in the Default Notice having regard to the nature of the actions required.

- 15.3 Where any matter referred to in a Default Notice is disputed by the Defaulting Authority and/or not remedied in accordance with Clause 15.2, it shall be determined by the dispute resolution procedure set out in Clause 16.
- 15.4 In the event that after final determination in accordance with Clause 16, the Defaulting Authority remains liable to remedy the breach, then this shall be completed within 14 days of the date of such determination or such other period as is reasonable having regard to the nature of the actions required.
- 15.5 Where the Defaulting Authority fails to remedy the breach within the 14 days referred to in clauses 15.2 or 15.4, the other Authorities are entitled to instigate the provisions of clause 14 with the Defaulting Authority being deemed to be a Withdrawing Authority. In this event the other Authorities may serve a Withdrawal Notice on the Defaulting Authority.
- 15.6 Without prejudice to any other rights or remedies of the Authorities and subject to this Clause 15 in relation to any breach that is capable of remedy, this Agreement may be terminated in relation to a Defaulting Authority upon receipt of written notice from the other Authorities (acting unanimously) where the Defaulting Authority materially or persistently breaches any of the provisions of this Agreement to the detriment of the Project and/or the Residual Waste Project.
- 15.7 The Defaulting Authority will be deemed to be a Withdrawing Authority and the provisions of clause 14 will apply with the notice referred to in clause 15.6 being deemed to be a Withdrawal Notice.
- 16 DISPUTE RESOLUTION**
- 16.1 The Authorities agree that any disputes and/or disagreements arising under or in connection with this Agreement or the Project shall be resolved in accordance with this Clause.
- 16.2 If a dispute and/or disagreement arises in relation to any aspect of this Agreement or the Project, then, save in relation to disputes or disagreements relating to a Matter Reserved to Authorities, the CVWMISG (Residual) shall meet within ten (10) Business Days of notification of the occurrence of such dispute and attempt to resolve the disputed matter in good faith.
- 16.3 In relation to a dispute or disagreement relating to a Matter Reserved to Authorities, or if the CVWMISG (Residual) fails to resolve a dispute or disagreement within five (5) Business Days of the above meeting, or fails to meet in accordance with the timescales set out in Clause 15.2, then the CVWMISG (Residual) or any Authority as appropriate may refer the matter for resolution to a Joint Leaders Meeting (Residual);
- 16.4 Any dispute and/or disagreement to be determined by a Joint Leaders Meeting (Residual) shall be promptly referred for determination by the RWPG or the CVWMISG (Residual).
- 16.5 Any dispute and/or disagreement which remain unresolved after the Joint Leaders Meeting (Residual) shall be referred for final determination to such party as the Joint Leaders Meeting (Residual) so agree (the “**Independent Party**”). The Authorities agree that the decision made by the Independent Party will be final and binding upon the Authorities.
- 16.6 The Authorities shall on request promptly supply to the Joint Leaders Meeting (Residual) and/or the Independent Party all such assistance, documents and information as may be required for the purpose of determination and the Authorities shall use all reasonable endeavours to procure the prompt determination of such reference.

- 16.7 The costs of the resolution of any dispute and/or disagreement between the Authorities under this Agreement or the Project shall be paid by the Budget Holder from the Approved Budget and where deemed applicable by the CVWMISG (Residual) shall be reimbursed by the Authorities to the dispute save as may be otherwise directed by the Joint Leaders Meeting (Residual) or Independent Party as the case may be.

17 COMMENCEMENT, DURATION AND TERMINATION

- 17.1 This Agreement shall continue in full force and effect from the Commencement Date until the last date of execution of the Project Agreement, unless terminated earlier in accordance with its terms or unless the Authorities agree unanimously to its termination in writing.

18 CONSEQUENCES OF TERMINATION

- 18.1 Where this Agreement is terminated in accordance with Clauses 13.3 or 17.1, save for the obligations set out in Clause 10 and Clause 20 the Authorities shall be released from their respective obligations described in this Agreement in relation to the furtherance or continuation of the Project. The Authorities agree that any financial liabilities accrued at the date of termination will be shared among them on the basis of the Pro-Rated Share.
- 18.2 The Authorities shall not agree or enter into discussions with a view to agreeing with any Bidder (including any Bidder appointed as preferred or reserved Bidder for the Residual Waste Project) that any of them is or will become liable to that Bidder at the time in question or in the future for any abortive or similar costs or damages of that Bidder or its advisers.

19 NON-DEFAULT TERMINATION

- 19.1 The Authorities agree that in the event this Agreement is terminated for reasons other than those covered by Clauses 13, 14 or 15 above no Authority shall be entitled to claim any termination costs or Loss from any other Authority. In this event each Authority shall be liable for any Loss or any other reasonable losses which arises as a result of the termination in accordance with the agreed Pro-Rated Share. Additionally the Authorities agree that any financial liabilities accrued under this Agreement at the date of termination will be shared between them on the basis of the Pro-Rated Share.

20 CONFIDENTIALITY AND ANNOUNCEMENTS

- 20.1 Each Authority shall, both during the currency of this Agreement and at all times following its termination or expiry, keep private and confidential and shall not use or disclose (whether for its own benefit or that of any third party) any confidential information about the business of and/or belonging to any other Authority which has come to its attention as a result of or in connection with this Agreement, the Project and/or the Residual Waste Project, in particular (but without prejudice to the generality of the foregoing) confidential information relating to the Post Contract Authority Agreement and/or the Project Agreement.
- 20.2 The obligation set out in Clause 20.1 shall not relate to information which:
- 20.2.1 any matter which a party can demonstrate is already or becomes generally available and in the public domain otherwise than as a result of a breach of this Clause;
 - 20.2.2 any disclosure to enable a determination to be made under Clause 16;

- 20.2.3 any disclosure which is required pursuant to any statutory, legal (including any order of a court of competent jurisdiction) or Parliamentary obligation placed upon the party making the disclosure or the rules of any stock exchange or governmental or regulatory authority having the force of law or if not having the force of law, compliance with which is in accordance with the general practice of persons subject to the stock exchange or governmental or regulatory authority concerned;
 - 20.2.4 any disclosure of information which is already lawfully in the possession of the receiving party, prior to its disclosure by the disclosing party;
 - 20.2.5 any disclosure of information by any Authority to any other department, office or agency of the Government or their respective advisers or to any person engaged in providing services to the Authority for any purpose related to or ancillary to this Agreement; or
 - 20.2.6 any provision of information to an Authority's own professional advisers or insurance advisers.
- 20.3 Where disclosure is permitted under Clause 20.2.3 or Clause 20.2.4, the recipient of the information shall be subject to a similar obligation of confidentiality as that contained in this Clause 20 and the disclosing Authority shall make this known to the recipient of the information.
- 20.4 No Authority shall make any public statement or issue any press release or publish any other public document relating, connected with or arising out of this Agreement, the Project, the Residual Waste Project and/or the Post Contract Authority Agreement and/or the Project Agreement which is not in accordance with the Communications Strategy as set out in Schedule Part 8 (excluding any disclosure required by legal or regulatory requirements).
- 21 FREEDOM OF INFORMATION**
- 21.1 Each Authority acknowledges that all of the Authorities are subject to the provisions of the FOISA and the EIR's and each Authority shall where reasonable assist and co-operate with any other Authority (at their own expense) to enable that other Authority to comply with these information disclosure obligations.
- 21.2 Where an Authority receives a request for information under either the FOISA or the EIR's in relation to information which it is holding on behalf of any of the other Authorities in relation to this Agreement, the Project and/or the Residual Waste Project, it shall (and shall procure that its consultants and/or sub-contractors shall):
- 21.2.1 transfer the request for information to the other Authority as soon as practicable after receipt and in any event within ten (10) Business Days of receiving a request for information;
 - 21.2.2 provide the other Authority with a copy of all information relating to that request in its possession or power in the form that the Authority requires within ten (10) Business Days (or such longer period as the Authority may specify) of the Authority requesting that information; and
 - 21.2.3 provide all necessary assistance as reasonably requested by the other Authority to enable the Authority to respond to a request for information within the time for compliance set out in the FOISA or the EIR's.

- 21.3 Where an Authority receives a request for information under the FOISA or the EIR's which relates to this Agreement or the Project and/or the Residual Waste Project, it shall inform the other Authorities of the request for information as soon as practicable after receipt and in any event at least ten (10) Business Days before disclosure and shall use all reasonable endeavours to consult with the other Authorities prior to disclosure and shall consider all representations made by the other Authorities in relation to the decision whether or not to disclose the information requested.
- 21.4 The Authorities shall be responsible for determining in their absolute discretion whether any information requested from them under the FOISA or the EIR's:
- 21.4.1 is exempt from disclosure under the FOISA or the EIR's; or
- 21.4.2 is to be disclosed in response to a request for information.
- 21.5 Each Authority acknowledges that the other Authorities may be obliged under the FOISA or the EIR's to disclose information:
- 21.5.1 without consulting the other Authority where it has not been practicable to achieve such consultation; or
- 21.5.2 following consultation with the other Authorities and having taken their views into account.
- 22 **NO AGENCY OR PARTNERSHIP**
- 22.1 Save as expressly provided otherwise in this Agreement or where a statutory provision otherwise requires, the Authorities shall not in any way whatsoever:
- 22.1.1 be, act or hold themselves out as an agent of the other;
- 22.1.2 make any representations or give any warranties to third parties on behalf or in respect of the other; or
- 22.1.3 bind or hold themselves out as having authority or power to bind the other.
- 22.2 Nothing in this Agreement shall create, or be deemed to create, a partnership between the Authorities.
- 23 **NO THIRD PARTY RIGHTS**
- Nothing in this Agreement shall confer on any third party any benefit or the right to enforce any term of this Agreement.
- 24 **INCONSISTENCY**
- This Agreement and its Schedule shall be read and taken together. In the event of any inconsistency or conflict between the terms of this Agreement and the contents of any of the Schedule Parts, the terms of this Agreement shall prevail.
- 25 **SEVERANCE**
- In the event of any provision of this Agreement being or becoming legally ineffective or unenforceable the remaining provisions of this Agreement shall not be invalidated.

26 **WAIVER**

26.1 The failure to exercise or delay in exercising a right or remedy provided by this Agreement or by law does not constitute or shall not be construed as a waiver of the right or remedy or a waiver of other rights or remedies nor effect the validity of this Agreement.

26.2 A waiver of a breach of any of the terms of this Agreement or of a default under this Agreement does not constitute a waiver of any other breach or default and shall not affect the other terms of this Agreement.

26.3 A waiver of a breach of any of the terms of this Agreement or of a default under this Agreement will not prevent an Authority from subsequently requiring compliance with the waived obligation.

27 **AMENDMENTS**

This Agreement may be amended by the agreement of the Authorities. No amendment to this Agreement shall be binding unless it is in writing and signed by the duly authorised representatives of each of the Authorities and expressed to be for the purpose of such amendment.

28 **LAW AND JURISDICTION**

This Agreement shall be governed by and construed in accordance with the Laws of Scotland and the Authorities irrevocably submit to the exclusive jurisdiction of the Scottish courts.

29 **NOTICES**

29.1 Any notice required to be given by any Authority pursuant to or in connection with this Agreement shall not be effective unless given in writing and sent by first class post or delivered by hand to the address of the Authority to receive that notice as set out above or such alternative address as may be notified in accordance with Clause 29.3.

29.2 A notice served in accordance with Clause 29.1 shall be deemed to have been duly served when received;

29.3 Each Authority shall notify the other in writing within five (5) Business Days of any change in its address for service.

30 **GENERAL**

30.1 Nothing contained or implied herein shall prejudice or affect the Authorities' rights and powers, duties and obligations in the exercise of their functions as local authorities and/or in any other capacity and all rights, powers, discretions, duties and obligations of the Authorities under all laws may at all times be fully and effectually exercised as if the Authorities were not a party to this Agreement and as if the Agreement had not been made.

30.2 This Agreement is personal to the Authorities and no Authority shall assign, transfer or purport to assign or transfer to any other persons any of its rights or sub-contract any of its obligations under this Agreement.

30.3 The Authorities agree to jointly procure and place a Project Insurance Policy to cover and protect them from their liabilities arising from this Agreement and/or the Project. The cost of this policy will be met by and shared by the Authorities on the basis of the Pro-Rated Share. The Authorities agree if

there is any excess to pay on such policy then this will also be shared by the Authorities on the basis of the Pro-Rated Share.

30.4 Each Authority shall at all times take all reasonable steps to minimise and mitigate any loss for which the Authorities are entitled to bring a claim under the Project Insurance Policy pursuant to this Agreement.

30.5 Save where otherwise provided, the Authorities will pay interest on any amount payable under this Agreement not paid on the due date from that date to the date of payment at a rate equal to 2% above the base rate from time to time of the Lead Authority's bank.

31 **Previous Inter Authority Agreement**

31.1 The Authorities agree that upon the Commencement Date of this Agreement the Inter Authority Agreement entered into among East Dumbartonshire Council, East Renfrewshire Council, North Lanarkshire Council and Renfrewshire Council dated 25 April 2012, 27 April 2012, 1 May 2012 and 10 May 2012 shall be superceded by this Agreement and that all work undertaken in relation to the Project prior to the date of this Agreement shall be covered by this Agreement as if this Agreement had always been in place.

32 **COSTS**

The Authorities shall be responsible for paying their own respective costs and expenses in relation to the preparation, execution and implementation of this Agreement.

IN WITNESS WHEREOF these presents typewritten on this and the preceding 22 pages together with the Schedule in 9 Parts are executed by the Parties hereto as follows.

Subscribed for and on behalf of the said East Dunbartonshire Council

at

on

by

Print Full Name Authorised Signatory

Before this witness

.....

Print Full Name Witness

Address

.....

.....

Subscribed for and on behalf of the said East Renfrewshire Council

at

on

by

Print Full Name Authorised Signatory

Before this witness

.....

Print Full Name Witness

Address

.....

.....

Subscribed for and on behalf of the said North Ayrshire Council

at

on

by

.....

Print Full Name

Authorised Signatory

Before this witness

.....

.....

Print Full Name

Witness

Address

.....

.....

Subscribed for and on behalf of the said North Lanarkshire Council

at

on

by

.....

Print Full Name

Authorised Signatory

Before this witness

.....

.....

Print Full Name

Witness

Address

.....

.....

Subscribed for and on behalf of the said Renfrewshire Council

at

on

by

.....

Print Full Name

Authorised Signatory

Before this witness

.....

.....

Print Full Name

Witness

Address

.....

.....

THIS IS THE SCHEDULE IN NINE PARTS REFERRED TO IN THE FOREGOING AGREEMENT AMONG, EAST DUNBARTONSHIRE COUNCIL, EAST RENFREWSHIRE COUNCIL, THE NORTH AYRSHIRE COUNCIL, NORTH LANARKSHIRE COUNCIL AND RENFREWSHIRE COUNCIL

SCHEDULE PART 1

AUTHORITIES SHOULD NOTE THAT THESE PROCUREMENT MILESTONES AND ASSOCIATED CATEGORISATION ARE INDICATIVE ONLY AND MAY BE CHANGED BY THE CVWMISG (RESIDUAL) IN ACCORDANCE WITH THIS AGREEMENT

Procurement Milestones and Approvals Process

MILESTONE KEY PROCUREMENT FUNCTION	RWPG MATTER	CVMISG (Residual)MATTER	MATTER RESERVED TO AUTHORITIES
1. Procurement of Advisers to the Project	Yes		
2. Confirmation of Advisers to the Project		Yes	
3. Review of FOBC (Technical)		Yes	
4. Approval of FOBC (Technical)			Yes
5. Agreement as to recommendation for the Authorities in relation to New Facility Sites and Transfer Sites		Yes	
6. Decision to make available the New Facility Sites or Transfer Sites			Yes
7. Drafting and issuing Prior Indicative Notice	Yes		
8. Preparation of the Descriptive Document and Pre Qualification Questionnaire ("PQQ")	Yes		
9. Agreeing final version of the Descriptive Document and PQQ	Yes		
10. Undertaking soft market testing	Yes		
11. Preparation of Evaluation Criteria for all stages of the procurement process	Yes		
12. Agreeing Evaluation Criteria for all stages of the procurement process	Yes		
13. Drafting OJEU Notice	Yes		
14. Approving OJEU Notice, Descriptive Document, PQQ and evaluation criteria.		Yes	
15. Issuing OJEU Notice, Descriptive Document, PQQ and evaluation	Yes		

MILESTONE KEY PROCUREMENT FUNCTION	RWPG MATTER	CVMISG (Residual)MATTER	MATTER RESERVED TO AUTHORITIES
criteria			
16. Organising open days prior to return of PQQ's and Expressions of Interest	Yes		
17. Evaluation and Long-listing of Bidders	Yes		
18. Agreement of long list		Yes	
19. Inform successful and unsuccessful applicants.	Yes		
20. Drafting Invitation to Submit Outline solutions ("ISOS")	Yes		
21. Reviewing ISOS	Yes		
22. Agreeing ISOS	Yes		
23. Issue ISOS	Yes		
24. Arrange the interviews/bidder presentations	Yes		
25. Evaluation and short listing of ISOS bidders	Yes		
26. Recommendation of ISOS shortlist	Yes		
27. Agreement to ISOS shortlist		Yes	
28. Drafting Invitation to Submit Detailed Solutions ("ISDS")	Yes		
29. Reviewing ISDS	Yes		
30. Agreeing ISDS	Yes		
31. Issue of ISDS	Yes		
32. Evaluation of initial responses to ISDS.	Yes		
33. Organising clarification meetings	Yes		
34. Selection of Bidders to go to Final Refined Solution Stage		Yes	
35. Agreement of Refined Solutions with final short listed bidders	Yes		
36. Agreeing to Close Dialogue and Call for Final Tenders.		Yes	
37. Evaluation of final Bids and recommendation for selection of Preferred Bidder	Yes		
38. Review of final Evaluation Report and selection of Preferred Bidder		Yes	

MILESTONE KEY PROCUREMENT FUNCTION	RWPG MATTER	CVMISG (Residual)MATTER	MATTER RESERVED TO AUTHORITIES
39. Agreement to selection of Preferred Bidder			Yes
40. Approval of final outcome FOBC(Technical)			Yes
41. Clarification and Financial Close	Yes		
42. Dispatch of Alcatel letters	Yes		
43. Agreement and execution of Project Agreement and Post Contract Authority Agreement			Yes
44. Collation of information and provision of information in respect of Project Agreement award procedures required under Regulation the Public Contracts (Scotland) Regulations 2006	Yes		
45. Approval of additional expenditure for the Project of up to 10% of the Approved Budget.		Yes	
46. Approval of additional expenditure for the Project of more than 10% of the Approved Budget			Yes

NB: CVWMISG(Residual) to add Key Stage Reviews to Procurement Milestones.

SCHEDULE PART 2

CVWMISG (Residual)

Chairperson

Gavin Whitefield (Project Owner)

East Dunbartonshire Council

David Devine (Project Sponsor)

East Renfrewshire Council

Andrew Corry (Project Sponsor)

The North Ayrshire Council

Craig Hatton (Project Sponsor)

North Lanarkshire Council

Kenneth Wilson (Project Sponsor)

Renfrewshire Council

Shona MacDougall (Project Sponsor)

Or deputies in accordance with Clause 7.4

SCHEDULE PART 3

RESIDUAL WASTE PROJECT GROUP

RWPG Role	Name	Organisation	Position
Project Director	Kenneth Wilson	North Lanarkshire Council	
Project Leader	Ian Telford	North Lanarkshire Council	
Authority Representative	David Cullen	North Lanarkshire Council	Project Team
Authority Representative	Jackie Hampton	North Lanarkshire Council	Project Team
Authority Representative	Fiona Hughes	Renfrewshire Council	Project Team / Lead Procurement Officer
Authority Representative	Robert Colquhoun	North Lanarkshire Council	Lead Finance Officer
Authority Representative	Barbara Walker	Renfrewshire Council	Lead Legal Officer
Authority Representative	Lindsay Kellock	North Lanarkshire Council	Lead Planning Officer
Authority Representative			
External Advisers			
Financial Adviser		Grant Thornton	
Legal Adviser		Pinsent Masons	
Insurance Adviser		TBC	
Technical Adviser		SLR Consulting	
Project Assurance		Scottish Futures Trust	

- The RWPG will be the forum where detailed issues are discussed, work is commissioned and reports are considered before going up to the CVWMISG(Residual) for decision. The RWPG is a forum where detail is dealt with. It is not the forum for taking a strategic overview of the Project. As such it will meet more frequently than the CVWMISG(Residual).
- The RWPG should organise its work through a number of work streams covering each of the important areas of the Project.
- The way work streams input across the Project needs to be managed and this can be difficult as the Project is complex and may require a number of work streams. One way to ensure this is for each work stream to have a chair who would be a member of the RWPG.
- This approach ensures that each work stream has direct input at RWPG and CVWMISG(Residual) level (through the Project Director) and that each work stream is kept apprised of the work being done by the others although clearly the Project Director and Project Leader also have a role to ensure this.
- In the event that the RWPG cannot agree on any matters then the issue will be referred to the CVWMISG(Residual) in accordance with the dispute resolution provisions.

SCHEDULE PART 4

NOT USED

SCHEDULE PART 5

Heads of Terms

The following heads of terms have been agreed between the Authorities to be expanded to become the Post Contract Authority Agreement to be negotiated and entered into in accordance with the provisions of this agreement. These heads of terms are intended to explain in plain language the intentions and roles of the Authorities.

1 **Joint Decision-Making**

It is essential at construction and operational phases of the Residual Waste Project to have joint decision-making at both member and officer level. The Authorities are using the Lead Authority model in the Inter-Authority Agreement for the procurement phase. The Lead Authority Model will also be adopted in the Post Contract Authority Agreement.

There will be a graded set of decision classifications so that decision making is at an appropriate level through delegated authorities, reserving critical (executive) decisions for all Authorities. Timescales for decision making will be introduced.

On-going management of the Project will involve a number of areas that require consents or approvals. Some of these may fall to be decided by a single Authority (for example, where only its operations or facilities are affected). Others will require unanimity (for example, changes in key sub-contractors by the Provider or in its funding arrangements). Other areas may permit majority voting, but these are likely to be few.

2 **Appointment of one Authority as sole contracting Authority¹**

[The Authorities will need to authorise the appointment of an Authority as the sole contracting Authority and that each of the other Authorities would indemnify the contracting Authority accordingly. Reciprocal indemnities would be given by the contracting Authority to the other Authorities.]

3 **Project and Financial Management**

The contracting Authority shall appoint a contract manager to manage the Project Agreement and the Residual Waste Project generally.

Best practice Project Management arrangements will also be in place.

The financial Regulations of the Lead Authority shall apply.

A single interface will be essential in the contract management of the construction phase(s) of the Project and, and a common approach will need to be considered in the context of matters requiring consent of the Authorities under the Project and areas such as Changes in requirements. There will also need to be a coordinated approach between the Authorities in respect of the day to day management of the operational phase(s) of the ultimate waste solution(s).

The Authorities will need to devise a method of payment of the Unitary Charge to the Provider.

¹ Identical resolutions in respect of indemnities to be passed by each authority are recommended. Note that authorities will need to carefully consider this Clause depending on which parties are entering into the Project Agreement with the PFI Contractor.

4 **Allocation of Contract Operational and Capital/Borrowing Costs of Ultimate Waste Solution, and Third Party or other Income.**

It is intended that that the proposed residual waste treatment and disposal service will be procured on the basis that costs and risks associated with the service will be as detailed in the Project Agreement in return for the sums payable in terms of the Project Agreement. However any costs (whether revenue including taxation or capital including land/property) associated with the Residual Waste Project ultimate waste solution which fall to be borne by the Authorities,, or third party income, profit share, refinancing gains derived from the Agreement will be shared between the Authorities in proportions which accord with their relative tonnages of waste which are subject to this Project Agreement at its date of commencement, and if more than one ultimate waste solution then in the proportions which accord with their relevant tonnages of waste delivered to each solution at the date of commencement of operation of that solution. This may be subject to the Change Protocol particularly in terms of tonnages of waste which will be adjusted (and consequentially liabilities and entitlements reapportioned) on the basis outlined in the Project Agreement²

5 **Not used**

6 **Volume Obligations relating to Contract Waste**

There will be an obligation on the Authorities to commit residual waste in volumes to be agreed for the purposes of meeting the tonnage requirements under the project agreement except for a *de minimis* level of residual waste that by its nature in terms of composition or structure must go to landfill. The Authorities will undertake to each other not to commission and or undertake any procurement and/or project that seeks or would procure the delivery of all or any part of the Residual Waste Project outside the terms of the Project Agreement subject to partial termination at Paragraph 9 below. . If any authority fails to meet its tonnage requirement then that authority will be responsible for any consequent liability that might arise or be due under the Project Agreement.

7 **Single approach, Changes in the Project, and dispute resolution**

To maximise the economies of scale within the Project, the Authorities will need to determine a level of commonality in the Project documentation (for example, in the Construction Requirements and Service Specifications) and provide a single interface (wherever possible) with the Provider.

There will be a Change Protocol in the Project Agreement (changes may include for e.g. in service levels, waste tonnages, sites and opening hours). An Authority seeking a Change should pay for it. In requesting a Change, however, the impact on the other Authorities would need to be considered and addressed (as appropriate) by the Authority requesting the Change. There may be grounds where a Change is not feasible, perhaps where this would prejudice the operations of one of the Authorities. An example might be a change in policy/strategy of one Authority which impacts on the individual business cases at financial close of the other [insert number] Authorities. Matters such as these may require a “veto” right for the Authority that would be prejudiced.

A method of dispute resolution will need to be settled in case of disputes arising between the Authorities and a single approach by the Authorities in a dispute with the Provider.

² WIDP acknowledges that there may be circumstances where departures from the adjustment to the simple tonnage formula may be considered for specific local circumstances.

8 **Termination**

The Authorities will need to agree the level of compensation payable by an Authority wishing to terminate on a voluntary basis and how it is to be paid and received by the other Authorities.

9 **Payment Mechanism and Performance Monitoring**

The extent to which each Authority is liable to contribute to the Unitary Charge will need to be addressed. This may be on a straight tonnage basis or on a composition of the waste supplied to the Provider. Payment liabilities will be drawn in such a way as to ensure that so far as possible individual authorities do not bear additional costs as a consequence of the actions or failures of other authorities.

Where the Service is deficient or there are incidences of deductions, there may be an abatement to the Unitary Charge or there may be increased costs due to the alternative costs of disposal. Deductions from payments may be incapable of individual attribution to any particular Authority and will need to be apportioned on an agreed basis across the payments. Areas where direct attribution can be made will need to be discussed and settled.

To the extent that defaults can arise in relation to a single Authority (as opposed to across all Authorities), the relevant triggers for remedies will need to be settled on an individual and aggregate basis.

10 **Liability to the Provider caused by one of the Authorities**

Actions taken by one Authority may give rise to a liability for that Authority or all other Authorities to the Provider. The extent of recompense to the Provider and/or to the other Authorities will need to be settled.

Some liabilities will need to be shared on a straight percentage of tonnage basis where they cannot be attributed to the actions of a single Authority. Others, for example, failure to grant access to a site by one Authority, are clearly the responsibility of a single Authority. Such a failure to give access may cause delay in the construction programme for all Authorities and the Provider may claim a Delay Event or Compensation Event. In addition to payments to be made to the Provider as a result of this, the other Authorities may incur additional costs. The Authority “at fault” would need to pay for these, as appropriate.

11 **TUPE**

Where staff are transferred under TUPE to the Provider by all Authorities, the costs will be blended into the Unitary Charge. The extent to which there should be any cross accounting between the Authorities to recognise the differences in terms and conditions between these staff will need to be considered. The Provider is likely to upgrade all staff transferred to the highest level to avoid claims of constructive dismissal and in order to comply with the Code on Two Tier Workforces. Consideration will need to be given to the staff on termination, partial termination or expiry of the Project Agreement.

12 **Insurance**

Insurance issues for each of the Authorities in respect of their liabilities to the Provider and/or each other will need to be considered in detail. It will be necessary to determine the handling and application of Insurance proceeds.

13 **Site risks**

Whether any risks associated with ground conditions or contamination that do not fall to be borne by the private sector fall to be borne by one or more Authorities will depend upon which ultimate waste solution is located at that Site and which Authority or Authorities propose to use that solution. Sharing of the liability for these issues will need to be addressed.

The Authorities may need to agree a mechanism which evaluates and moderates the impact of the final Site(s) for the ultimate waste solution(s) as between the Authorities.

Planning and Licensing are regulatory matters for each Authority. Additional and/or external costs associated with applications in respect of Sites will be Costs associated with the ultimate waste solution and will be allocated in accordance with Paragraph 4 above.

14 **Destination of assets on expiry or early termination**

The Authorities will need to agree between themselves the ultimate destination and ownership of assets on expiry or earlier termination of the Project. During the Project, appropriate land arrangements can be put in place. On termination or expiry, however, continued access to the facilities should be considered and planned. This is another area of potential complication where part of the Project could terminate early as opposed to termination of the whole Project. The Authorities will need to agree responsibility for the remediation of land after expiry or termination of the Project Agreement.

15 **Legislative change**

Any costs/risks associated with a change in law will be shared between the Authorities in proportions which accord with their relative tonnages of waste which are subject to the Project Agreement, and if more than one ultimate waste solution, then in the proportions which accord with their relevant tonnages of waste delivered to each solution proportionately according to the level of costs/risks brought about by the change in law in relation to each solution.

16 **Interfaces with Other Waste Projects:**

Consideration will need to be given to the interface between this Project and other residual waste projects across the Authorities outside the scope of this Agreement and associated timescales and risks. The Authorities will need to ensure that their commercial arrangements for waste collection align with the service under the Project Agreement

17 **Boiler Plate Clauses³**

Definitions and interpretation

Recitals

³ Authorities to insert boiler plate Clauses here.

Commencement and duration

Assignment

Entire agreement

Maladministration, Fraud and Anti corruption

Notices

Jurisdiction

Waiver

Third party rights

Fol/ EIR

Confidentiality and DPA

No agency/partnership (otherwise than under the agreement)

Severability

Force Majeure

Variation

18 **Step Down**

Agreement as to what level of detail should be included in terms of stepping down the rights and liabilities from the PA needs to be reached by the Authorities.

SCHEDULE PART 6 – FUNCTIONS AND DUTIES OF PERSONS IN KEY ROLES

Part 1 – Functions and Duties of the Project Owner

The Project Owner represents the Lead Authority and the Clyde Valley CPP (Residual) and has responsibility at a strategic level for the successful delivery of the project.

The Project Owner may need to have delegated authority in some areas to carry out functions as follows:

- provide direction and strategic leadership for the project and as such is accountable to the Lead Authority and the Clyde Valley CPP (Residual)
- in this capacity a key responsibility of the Project Owner will be to engage at a political level where this is necessary.
- The Project Owner's involvement in the project will be on a part time basis.
- The Project Owner's role should not be split or shared amongst a number of individuals.
- There must be no ambiguity about who is fulfilling the role of Project Owner.
- The Project Owner will ensure that the Lead Authority and the Clyde Valley CPP (Residual) receive regular reports on project progress and is alerted to issues that impact on Project timescales or milestones.
- The Project Owner is responsible for alerting the Lead Authority and the Clyde Valley CPP (Residual) if the Project is likely to be delayed or has other major difficulties, such as additional demands on finance.
- Notwithstanding the involvement of others at a senior level in the Project, the Project Owner retains personal responsibility for the success of the Project
- Chairperson and chairs critical decisions of the CVWMISG(Residual)
- Nominated Lead Officer of the Clyde Valley CPP (Residual)
- Reports and communicates decisions of the CVWMISG(Residual) to the Clyde Valley CPP (Residual)

Part 2 – Functions and Duties of the Project Sponsors

The Project Sponsors require to have delegated authority to carry out the following functions;

- Recognising the scale and complexity of this Project a Project Sponsor reports to the Project Owner.
- The Project Sponsor should be at Senior Executive level within the relevant Authorities.
- The Project Sponsor must be able to provide more direct input to the Project than can be expected of the Project Owner.
- The Project Sponsor should ensure that the Project is sufficiently resourced.
- The input of a Project Sponsor will be part time
- An important responsibility of a Project Sponsor will be to provide support to the Project Director whilst also supervising their effectiveness.
- It is not necessary for the Project Sponsors to be technically qualified, as he or she will be supported by a Project Director and the Project Leader (who will work full time on the Project).

Part 3 - Functions and Duties of Project Director

The Project Director requires to have delegated authority to carry out the following functions;

- Chair the RWPG

- The Project Director should bring the risk register to each meeting of the RWPG and the CVWMISG(Residual) with red risks highlighted along with proposed mitigating actions.
- The Project Director should provide a high level report on project progress to each CVWMISG(Residual) meeting. This report should clearly identify issues where decisions are required and those issues that are delaying progress on the Project.
- Supervise and oversee the Project Leader
- Ultimate responsibility for delivery of the Project to the CVWMISG(Residual)
- Be at all times be up to date with the issues being dealt with by the RWPG and each work stream
- Ensure administration and project management functions for all aspects of the RWPG meetings in advance and notes and an issues log should be issued by the second working day after the meeting.
- Establishing Officers Groups as required

Part 4 – Functions and Duties of Project Leader

The Project Owner and Sponsors, through the CVWMISG(Residual) should appoint a full time Project Leader and ensure that he or she has adequate financial and human resources to run the Project effectively.

The Project Leader requires to have delegated authority to carry out the following functions;

- The Project Leader has responsibility for driving the Project forward on a day to day basis and must therefore have a considerable degree of authority. He brings reports on project progress and issues requiring decisions to the CVWMISG(Residual) via the Project Director. He provides the Project with visible leadership.
- The scale and range of issues to be overcome for the successful delivery of this Project are such that the Project Leader must be a full time appointment and without responsibility for any other matters. He must be able to concentrate exclusively on the Project and with as little distraction from other issues as possible.
- The Project Leader is the senior individual working on the Project on a full time basis. As such his responsibilities are wide-ranging, complex and time consuming. He must have adequate support from a team of individuals working on the Project either on a full- time or part-time basis.
- The Project Leader shall deputise for the Project Director as and when required.
- The Project Leader will lead and supervise the Project Evaluation Team and all interaction with Bidders.
- Be at all times be up to date with the issues being dealt with by the RWPG and each work stream
- Liaise with the Authorities
- Ensuring Project activities are organised and conducted within the framework of governance and delivered on time, on budget and to agreed quality standards.
- Provide day to day management support to the Project Director on any issues resulting from the Project's activities.
- Coordinating external liaisons with partner organisations, current and potential stakeholders, current and potential funders, facilitators, contractors/consultants and networking contacts.
- Day to day management and coordination of workstreams and the Project Management Plan.
- Provide reports on each work stream for Project Director
- Development and maintenance of risk register
- Ensure staff within the RWPG have access to and receive appropriate management and direction, appropriate systems of communication and consultation
- Undertaking such delegated duties as may be decided by the CVWMISG(Residual) or Project Director.
- Collating and preparing full briefing notes for RWPG meetings
- Issue agendas for RWPG meetings in advance and notes and an issues log should be issued by the second working day after the meeting.

SCHEDULE PART 7

CVWMISG (Residual) Functions and Terms of Reference

- Reports to those members of the Clyde Valley CPP (Residual) represented by the Authorities participating in the Project All decisions of the CVWMISG(Residual) will be by majority with each authority having one vote
- The CVWMISG(Residual) shall be entitled to make decisions which bind their respective Authorities as required under this Agreement
- The CVWMISG(Residual) makes decisions as required by this Agreement and decisions relating to procurement milestones as required by Schedule Part 1
- Any member shall be expected to send an alternative representative to meetings if they are unable to attend
- All decisions are expected to be made by all members present at meetings
- The Chairperson does not vote
- The CVWMISG (Residual) shall refer any matter on which they are unable to make a decision to those members of the Clyde Valley CPP (Residual) who represent their organisations in accordance with the dispute resolution provisions in Clause 16
- The Chairperson will call meetings at times to be notified in advance and issue the agenda.
- In the event that a special meeting is required the Chairperson will notify the members as soon as possible of the date, time, location and reason for the special meeting
- The Chairperson shall be responsible for organising clerking and issuing all minutes of meetings on their behalf.
- Provides direction to the RWPG so that decisions are made in a timely manner to ensure deadlines are met

SCHEDULE PART 8

Communications Strategy

The Project Director and Project Leader will prepare a Communications Strategy which shall be submitted to the CVWMISG (Residual) for approval.

SCHEDULE PART 9 – PRO-RATED SHARE

Pro-Rated Share

The Authorities have agreed on the basis of tonnages that for the purposes of this Agreement all costs and expenses arising as a result of this Agreement shall (unless expressly stated otherwise) be pro-rated as follows:

East Dunbartonshire Council	13.9%
East Renfrewshire Council	8.9%
North Ayrshire Council	16.9%
North Lanarkshire Council	41.6%
Renfrewshire Council	18.6%

NORTH AYRSHIRE COUNCIL

Agenda Item 11

4 December 2012

Cabinet

Subject: **Shaping Scotland's Court Services: A Consultation Response**

Purpose: To advise the Cabinet of a consultation paper on the future of Courts in Scotland and to submit a formal response on behalf of the Council.

Recommendation: That the Cabinet approves the response to the Scottish Court Service consultation on the future of Scottish Courts as set out in Appendix 1 to this report.

1. Introduction

- 1.1 The Scottish Court Services (SCS) are responsible for all Courts in Scotland including the JP Courts, having assumed responsibility for these in 2009. As part of a review of how justice is delivered in Scotland, SCS have issued a consultation paper in which they seek views of interested organisations and individuals to proposals to achieve a radical review of how and where justice is administered throughout Scotland.

2. Current Position

- 2.1 The Courts are established in a hierarchy, dependant on the business to be undertaken. In criminal justice, the High Court deals with the most serious of offences. Sheriff and Jury Courts deal with less serious criminal matters, whilst Sheriffs sitting alone deal with much of the non-major criminal business. JP Courts deal, at a local level, with minor criminal and statutory offences.
- 2.2 The proposals conveyed in the paper set out a reduction in the number of venues where the High Court will sit. At present, it sits permanently in Glasgow, Edinburgh and Aberdeen and in other Sheriff Court Houses across Scotland, including Kilmarnock. The intention would be to reduce the number of such venues for the High Court to Glasgow, Edinburgh and Aberdeen and a circuit of venues in the east and west of Scotland, but not including Kilmarnock.

- 2.3 Sheriff and Jury cases are currently undertaken in 47 out of the 49 Court Houses in Scotland. It is proposed to reduce these to 16, including both Kilmarnock and Ayr. The justification for this is the volume of business which currently exists across Scotland.
- 2.4 A new judicial position of Summary Sheriff is proposed and these officer bearers will sit in all of the Sheriff Courts not identified for closure. This would not affect the business currently undertaken in Kilmarnock.
- 2.5 There is a proposal that centres of specialism should be established to focus on certain key areas of criminal business, taking advantage of expertise of Sheriffs. No clear proposals are outlined in the paper; however, it is clear that pilot schemes would be considered to establish the effectiveness of such arrangements.
- 2.6 The number of JP Courts in Scotland reflect the historical past of justice in Scotland. The review looks at the effectiveness of these Courts and this includes the volume of business conducted and the proximity of JP Courts to other Court premises. In this vein, the proposal is to close the JP Court in Irvine and transfer the business to Kilmarnock Sheriff Court House. Other JP Courts in Scotland's more rural areas are similarly targeted for closure.
- 2.7 The intention is to seek the views of parties to the consultation, consider these and present proposals to the Scottish Parliament which will thereafter make decisions based on the Report from SCS.

3. Proposals

- 3.1 The Council is given the opportunity of responding to this consultation paper. While not directly providing Court Services, the Council has close links with Courts through many of its functions including Social Services and Health, Licensing and Regulatory Services. A proposed response to the consultation paper is attached as Appendix 1 to this Report.
- 3.2 In responding, our focus has been on the lower levels of justice, particularly the proposed loss of the JP Court in Irvine. It is recognised that the current premises, the Townhouse in Irvine, is not wholly fit for purpose in terms of facilities appropriate for a modern Court; however, the loss of this facility to North Ayrshire would be quite significant. Responses have focused on the economic loss of such a facility as well as the issue of travel for those using the Court.

- 3.3 There is also interest in the establishment of a Specialist Court in North Ayrshire. In discussions with Social Services and Health, it is noted that Courts focusing on domestic abuse, drug and alcohol abuse and young offenders would be of interest. There is evidence that there is a high level of these areas of criminal business within North Ayrshire. This area would benefit from a Court being based in North Ayrshire. It is, however, recognised that, for such Specialist Courts to be effective, the business which it would deal with from North Ayrshire alone would be unsustainable. Accordingly, it is proposed that business from other Ayrshire Council areas could also be dealt with at this Court. This would also logically fit in with the role of Ayrshire and Arran Health Board having co-terminus boundaries.
- 3.4 It is proposed that approaches are made to East and South Ayrshire Councils to seek support for the establishment of a Specialist Court which would serve all the Ayrshire area and possibly further west of Scotland areas. Offering to be a pilot area for such a Specialist Court will enhance the Council's recognition of the importance of justice and equally justice being delivered locally.
- 3.5 That the Cabinet approves the response to the Scottish Court Service consultation on the future of Scottish Courts as set out in Appendix 1 to this report.

4. Implications

Financial Implications

- 4.1 None in connection with this consultation response.

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 Retention of a Court in North Ayrshire will support the priority of making North Ayrshire a safer place to live and work.

5. Consultations

- 5.1 The Chief Executive and Corporate Director of Social Services and Health have been involved in discussions in the response to this consultation paper.

6. Conclusion

- 6.1 The proposals for changes to Courts in Scotland will affect North Ayrshire. Retention of Court Services in North Ayrshire is considered a priority and establishing a Specialist Court will achieve this.



IAN T MACKAY
Solicitor to the Council

Reference : ITM/FG

For further information please contact Ian T Mackay, Solicitor to the Council on telephone number 01294 324387

Background Papers

Consultation document

SCOTTISH COURT SERVICE
CONSULTATION ON PROPOSALS FOR A COURT STRUCTURE FOR THE FUTURE

Response Form
Incorporating the Respondent Information Form

September 2012

**SCOTTISH COURT SERVICE CONSULTATION
PROPOSALS FOR A COURT STRUCTURE FOR THE FUTURE**

RESPONDENT INFORMATION FORM

Please return this form with your response to ensure that we handle your response appropriately.

1. Name/Organisation

Organisation Name

North Ayrshire Council

Title

Mr

Surname

Mackay

Forename

Ian

2. Postal Address

Cunninghame House

Irvine

Postcode: KA12 8EE

Telephone: 01294 324385

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

3. Permissions

I am responding as:

an individual

☐

a group or organisation

☒

Please enter an X in the appropriate box

If you are responding as an **individual**, please answer question 4(a) and, if appropriate, question 4(b).

If you are responding as a **group or organisation** the name and address of your group or organisation will be made available to the public and published on the Scottish Courts web site. Please mark the appropriate box in question 5 to indicate whether you are content for your response to be made public.

4. Permissions as an individual

(a)

Do you agree to your response being made available to the public (in paper copy and/or on the Scottish Courts web site)?

YES ☐

NO ☐

Please enter an X in the appropriate box

(b)

Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please enter an X in ONE of the following boxes

Yes, make my response, name and address all available ☐

Yes, make my response available, but not my name and address ☐

Yes, make my response and name available, but not my address ☐

5. Permissions as a group/organisation

Are you content for your response to be made available?

YES ☒

NO ☐

Please enter an X in the appropriate box

CONSULTATION ON PROPOSALS FOR A COURT STRUCTURE FOR THE FUTURE

RESPONSE FORM

The proposals and questions are set out on the following pages of this form.

Please enter your response within the box of the question you are responding to. The box will expand to allow for your text.

Please return the completed respondent information form and your response to the consultation

by e-mail to: courtstructures@scotcourts.gov.uk

by post to: Scottish Court Service
Field Services Directorate
Court Structures Consultation
1A Parliament Square
Edinburgh, EH1 1RF

Your response should reach us by noon on Friday, 21 December 2012.

The High Court Circuit

Pages 23 to 25 of the Consultation Paper.

Proposal 1

The proposal for change to the court structure supporting the High Court Circuit is that:

- (a) the High Court should sit as a court of first instance primarily in dedicated High Court centres in Edinburgh, Glasgow and Aberdeen;
- (b) additional sitting capacity should be provided only in designated sheriff courts in the east and west of the country;
- (c) there should remain the opportunity for a sitting of the High Court to be held at another location when the Lord Justice General or the Lord Advocate considers that to be in the interests of justice;
- (d) these changes to the current arrangements should be phased over the period to 31 March 2015, and that during this period, additional capacity, when required, could be provided from a bank of courts, which would be Greenock, Paisley, Dumbarton, Livingston and Dunfermline.

Question 1 Do you agree with the proposed structure of sittings of the High Court at first instance?

Response

No.

Question 2 If you disagree with the proposed structure of sittings of the High Court at first instance, or a specific aspect of the proposal, please say:

(a) why you disagree, and

(b) how you would prefer the sittings structured, being as specific as you can about how your preference would operate in practice.

Response

The choice of Greenock as a circuit location for the High Court does not appear to be logically established, in that it has only been on the circuit list since 2010. Kilmarnock has traditionally been chosen as the venue for the High Court for many years.

The proximity of Greenock to Paisley will make the choice of Greenock unnecessary while Kilmarnock could serve the sheriff districts of both Kilmarnock and Ayr.

Question 3 What impact would our proposals for High Court sittings at first instance have on you?

Please give reasons for your answer.

Response

The withdrawal of the High Court from Kilmarnock will result in greater travel commitments for all those within Ayrshire who otherwise would be able to access the Court in Kilmarnock much more conveniently.

Consolidating sheriff and jury business and other shrieval specialisation

Pages 27 to 31 of the Consultation Paper.

Proposal 2

The proposal for changes to the supporting structure for sheriff and jury business and the exclusive civil, administrative and miscellaneous jurisdiction of the sheriff is that:

- (a) in the mainland jurisdictions, sheriff and jury business should routinely be held only at the sheriff courts of: Glasgow, Aberdeen, Inverness, Edinburgh, Livingston, Paisley, Dumbarton, Kilmarnock, Airdrie, Hamilton, Ayr, Dumfries, Perth, Dundee, Falkirk and Dunfermline;
- (b) in the mainland jurisdictions, as the body of summary sheriffs became established, the sixteen sheriff and jury centres would become centres of shrieval specialism in the civil, administrative and miscellaneous jurisdiction of the sheriff, where business in those jurisdictions would be dealt with;
- (c) the sheriff courts at Lerwick, Kirkwall, Stornoway, Lochmaddy and Portree would continue to hear all business within the jurisdiction of the sheriff;
- (d) the changes, being dependent on the deployment of sheriffs and summary sheriffs, court capacity becoming available and the development of the use of video and other communications technology in court proceedings, would be progressively introduced over a period of ten years.

Question 4 Do you agree with the proposals for a supporting court structure for sheriff and jury business?

Response

Yes.

Question 5 If you disagree with the proposals for sheriff and jury business, please say:

(a) why you disagree, and

(b) how you would prefer the provision of court facilities for sheriff and jury business to be structured, being as specific as you can about how your preference would operate in practice.

Response

Not applicable.

Question 6 Do you agree with the proposal that the sheriff and jury centres should become centres of specialism in the civil, administrative and miscellaneous jurisdiction exclusive to sheriffs?

Response

No.

Question 7 If you disagree with the proposal that sheriff and jury centres should become centres of shrieval specialism, please say:

(a) why you disagree, and

(b) how you would prefer the exercise of the sheriff's exclusive civil, administrative and miscellaneous jurisdiction to be structured, being as specific as you can about how your preference would operate in practice.

Response

While stating that the sheriff and jury centres should not become centres of shrieval specialism, we feel that such centres should not be limited only to sheriff courts where the sheriff and jury will sit. Our explanation on this is set out in fuller terms under Question 23.

Question 8 What impact would the hearing of sheriff and jury business only in these sixteen centres have on you?

Please give reasons for your answer.

Response

None.

Question 9 What impact would shrieval specialisation based in the sheriff and jury centres have on you?

Please give reasons for your answer.

Response

See answers to Question 7 and Question 23.

Justice of the peace courts in towns where there is no sheriff courthouse

Pages 34 to 36 of the Consultation Paper.

Proposal 3

The proposal for the five justice of the peace courts in towns where there is no sheriff courthouse is that:

- (a) the justice of the peace courts at Coatbridge, Cumbernauld, Annan, Irvine and Motherwell should close and the business be transferred to a justice of the peace court sitting in the sheriff courthouse for the district;
- (b) these changes, which are dependent on there being sufficient capacity in the respective sheriff courthouses, should be phased over the financial years 2013/14 and 2014/15.

Question 10 Do you agree with the proposals for the justice of the peace courts at Annan, Coatbridge, Cumbernauld, Irvine and Motherwell?

Response

No.

Question 11 If you do not agree with the proposals, please say:

(a) why you disagree, and

(b) what court structure would you prefer to support the business of these justice of the peace courts, being as specific as you can about how your preference would operate in practice.

Response

The loss of the JP court in Irvine will result in economic loss to the town. It will also add to the travel issues for those currently attending the JP court. North Ayrshire is a large geographic area with communities as far a field as Skelmorlie in the North as well as the Islands of Cumbrae and Arran, both of which may have members of the community who may have reason to attend the JP court. To transfer the business to Kilmarnock Sheriff Court building will add time and expense for these communities. While that it is suggested that the sheriff court business is already undertaken in Kilmarnock for those members of the community in North Ayrshire, and that this will result in little extra inconvenience, we feel that with many of those attending the JP court coming from areas which are referred to as among the 5% most deprived areas on the Scottish Index of Multiple Deprivation and this will add further pressure on such individuals.

We would prefer to see the retention of a JP court which could make use of shared facilities with other public bodies such as the Council. In addition, we propose to seek the establishment of a specialist court located within North Ayrshire focusing on domestic abuse or substance misusing offenders, as examples of areas of crime which are increasing and within North Ayrshire represent a significant societal problem.

Question 12 What impact would the closure of these justice of the peace courts have on you?

Please give reasons for your answer.

Response

As stated in 11 above, the loss of the JP court will mean greater pressure on those required to attend to court. There will also be down turn in the expenditure of those connected with the court in the town of Irvine. This will also deprive North Ayrshire of any judicial service making it one of only a handful of local authority areas with no court facilities.

If Kilmarlock Sheriff Court is retained on the High Court circuit this will mean pressure on the Sheriff Court and consequently difficulty in accommodating the JP court both in terms of space and all the capacity for sheriffs to deal with all the business.

The Justice of the Peace Courts at Portree, Stornoway and Wick

Page 37 of the Consultation Paper.

Proposal 4

The proposal for the justice of the peace courts at Portree, Stornoway and Wick is that these courts should be disestablished and that all summary criminal business be heard in the local sheriff court.

Question 13 Do you agree with the proposal to disestablish the justice of the peace courts at Portree, Stornoway and Wick?

Response

Not applicable.

Question 14 If you disagree with the proposal to disestablish these justice of the peace courts, please say

(a) why you disagree, and

(b) what alternative proposal you would prefer to see in place, being as specific as you can about how your preference would operate in practice.

Response

Not applicable.

Question 15 What impact would the disestablishment of the justice of the peace courts at Portree, Stornoway and Wick have on you?

Please give reasons for your answer.

Response

Not applicable.

Sheriff courts with low volumes of business

Pages 38 to 40 of the Consultation Paper.

Proposal 5

The proposal for the five courts falling below our measure for low volume is that:

- (a) sheriff courts and justice of the peace courts should cease to be held in Dornoch, Duns, Kirkcudbright and Peebles, a sheriff court should cease to be held at Rothesay, and the court buildings and court accommodation in those places should be closed;
- (b) the business from these courts should be transferred to the neighbouring sheriff court districts and be heard at the sheriff courthouse in Tain, Jedburgh, Dumfries, Edinburgh and Greenock respectively;
- (c) the changes be achieved during the year 2013/14.

Question 16 Do you agree with the proposal to close the sheriff courts and justice of the peace courts at Dornoch, Duns, Kirkcudbright, Peebles and the sheriff court at Rothesay and transfer the business into the neighbouring sheriff court districts of Tain, Jedburgh, Dumfries, Edinburgh and Greenock respectively?

Response

Not applicable.

Question 17 If you disagree with the proposals regarding these courts, please say:

(a) why you disagree, and

(b) how you would prefer the sheriff court and justice of the peace court provision for these districts structured, being as specific as you can about how your preference would operate in practice.

If you are commenting on only some of the courts affected, please indicate to which court(s) your answer relates.

Response

Not applicable.

Question 18 How would the closure of any of these courts affect you?

Please give reasons for your answer and indicate to which court(s) your answer relates.

Response

Not applicable.

Sheriff courts in proximity to each other

Pages 38, 39 and 42 to 44 of the Consultation Paper.

Proposal 6

The proposal for the sheriff courts that are in proximity to another sheriff court where there is capacity to take additional business, or that capacity will become available as a consequence of other changes, is that:

- (a) sheriff courts and justice of the peace courts should cease to be held in Alloa, Cupar, Dingwall, Arbroath, Haddington and Stonehaven and the court buildings and court accommodation in those places should be closed;
- (b) the business from these courts should be transferred to the neighbouring sheriff court districts and be heard at the sheriff courthouse in Stirling (solemn business in Falkirk), Dundee, Inverness, Forfar, Edinburgh and Aberdeen respectively;
- (c) the changes should be phased over the two years 2013/14 and 2014/15, or as the necessary capacity becomes available.

Question 19 Do you agree with the proposals to close the sheriff courts and justice of the peace courts at Alloa, Cupar, Dingwall, Arbroath, Haddington and Stonehaven and transfer the business into the sheriff court districts of Stirling/Falkirk, Dundee, Inverness, Forfar, Edinburgh and Aberdeen respectively?

Response

Not applicable.

Question 20 If you disagree with the proposals to close these courts, please say:

(a) why you disagree, and

(b) how you would prefer the sheriff court and justice of the peace court provision for these districts structured, being as specific as you can about how your preference would operate in practice.

If you are commenting on only some of the courts affected, please indicate to which court(s) your answer relates.

Response

Not applicable.

Question 21 How would the closure of any of these courts affect you?

Please give reasons for your answer and indicate to which court(s) your answer relates.

Response

Not applicable.

Sheriff court district boundaries

Page 46 of the Consultation Paper.

Question 22 If you consider that the boundary of any sheriff court district should be redrawn, please specify what changes you would like to see made, and give your reasons for the changes you propose.

Response

Although not part of the review, the issue of sheriff district boundaries is of concern. The sheriff district of Kilmarnock covers the whole of the local authority area of North Ayrshire plus part of East Ayrshire which was formerly known as Kilmarnock and Loudoun District between 1975 and 1996. It would be better to take the opportunity, if districts are to be revised, to align the district with the local authority boundaries bringing the whole of East Ayrshire into the Kilmarnock Sheriff Court district.

General Questions

Question 23 If there are any aspects of this consultation paper about which you wish to comment and an opportunity to do so has not arisen in any of the earlier questions, please let us have your comments here.

Response

The proposal to close the JP court in Irvine and move to Kilmarnock would result in there being no judicial presence in North Ayrshire. This would deprive the area of a key public service and send a message to the communities that justice is something dispensed only from a distance. There has been a court in North Ayrshire for many years and every effort should be taken to maintain a court presence in the area.

If the case for retention of a JP Court in North Ayrshire cannot be made, the Council would wish to present a case for establishing a specialist court in the area. The consultation document refers to shrieval specialisation and to establish centres located where sheriff and jury business will be conducted.

As stated in response to Question 7, the Council considers that there is merit in extending the area of specialist courts and a pilot for the establishment of a court specialising in domestic abuse, substance misusing offenders or young offenders. The volume of such cases, particularly in the West of Scotland, in our view justifies consideration of such specialism within a dedicated court based in North Ayrshire.

We recognise that such a court could not be justified only dealing with such business arising in this local authority area. However, the close proximity of neighbouring authorities such as East and South Ayrshire could create a catchment area with sufficient business to merit the proposed location. Equally, the coterminosity of the Health Board serving all Ayrshire and having a greater role to play in the administration of justice, could be a further justification for such a proposal.

The business which, it is proposed to put to Kilmarnock Sheriff Court with the closure of Irvine JP Court and the Sheriff and Jury business, creates pressure on the court facilities and the availability of Sheriffs, whereas with the transfer of specialist court business to North Ayrshire this could free up such resources.

A business case for such a pilot specialist court could be worked up to support the justification for a) the establishment of such a specialist court; and b) its location in North Ayrshire

Question 24 If there are any aspects of the provision of court services in Scotland about which you wish to comment, express a view or offer an idea, and an opportunity to do so has not arisen any of the earlier questions, please let us have your comments, views and ideas here.

Response

See 23 above

F

NORTH AYRSHIRE COUNCIL

Agenda Item 12

4 December 2012

Cabinet

Subject: **Revision to the Affordable Housing Supply Programme and Development of an Older People Resource Centre in Largs**

Purpose: To seek Cabinet approval for (a) the submission of a revised Strategic Local Programme (SLP) to the Scottish Government; (b) the development of an older people resource centre at the Stevenson Institute site, Largs; (c) agreement to transfer the Housing element of the Stevenson Institute land to the HRA at whatever value is returned by the District Valuer; and (d) commencing the tendering process to appoint the design team for the Council House Building project at John Galt Primary School.

Recommendation: That the Cabinet approves (a) the content of the revised SLP and that this should be submitted to the Scottish Government; (b) the proposal to develop an older people resource centre at the Stevenson Institute site, Largs; (c) the transfer of the Housing element of the Stevenson Institute land to the HRA at whatever value is returned by the District Valuer; and (d) the commencement of the tendering process to appoint the design team for the John Galt Primary School project.

1. Introduction

- 1.1 In May 2012, the Scottish Government published a guidance note which detailed changes to the future operation of the Affordable Housing Supply Programme (the budget used to provide subsidy to Councils and Registered Social Landlords for building new affordable homes). The most significant change was the move to three-year budget allocations, referred to by the Government as "Resource Planning Assumptions" (RPA).

- 1.2 In a report to the Cabinet on 21 August 2012, Housing Services advised that the North Ayrshire RPA award for 2012 - 2015 was £9,361,000. However, only £3,398,000 of this was 'new money', the balance (£5,963,000) being money previously committed by the Government for projects approved as part of last year's Innovation and Investment Fund. On this date, Housing Services also received Cabinet approval to submit the Strategic Local Programme, which detailed how the RPA would be allocated, to the Scottish Government.
- 1.3 It was agreed that the £3,398,000 would be used to develop 80 units at John Galt Primary School, Irvine and 48 units at Vineburgh phase 4, Irvine. These projects will be delivered by North Ayrshire Council and Cunninghame Housing Association, respectively.
- 1.4 On 5 September 2012, the Government further advised Housing Services that an additional development subsidy allocation of £544,000 had been awarded to North Ayrshire for the period 2012-2015.
- 1.5 As a result of this subsidy increase, the Government has requested that the SLP is amended to reflect how this additional income will be allocated, and resubmitted to them.

2. Current Position

Identifying New Projects

- 2.1 When considering how best to use the additional £544,000 subsidy award, Housing Services firstly considered the slippage programme originally identified and submitted to the Cabinet on 21 August 2012.
- 2.2 At that time, the following potential projects were identified to be brought forward should additional funding be allocated to the Council as a result of slippage in the overall Scottish Government Affordable Housing Programme:
 - Open Market 'Second Hand' Purchase - Arran;
 - Off the Shelf Purchase, The Courtyard, Irvine;
 - Beithglass Rd, Skelmorlie;
 - Kelburn Hotel, Fairlie; and
 - Harbourside, Ardrossan.

- 2.3 There is significant housing investment underway on Arran at present, with 56 new affordable homes being delivered by Irvine Housing Association at Benlister South, Lamlash. The £8.9m project already has £2.44m of Scottish Government subsidy committed against it. The Council will fund a further £800k of the development costs. This level of housing investment will ensure an ongoing development programme on the island until June 2014.
- 2.4 In addition to the Benlister project, Trust Housing Association recently completed 24 new units in Corrie. For these reasons, it was decided not to progress the open market purchase proposal for Arran.
- 2.5 Of the remaining projects, Cunninghame Housing Association has included Beithglass Rd, Kelburn Hotel and Harbourside, Ardrossan as potential projects for development under their Innovation Bid (which if approved by the Scottish Government will be funded from outwith the RPA). Until such time as the outcome of this bid is announced, these projects will not be considered for progress through RPA subsidy.
- 2.6 The remaining 'Courtyard' project was then considered along with a review of any other development opportunities which have arisen since the original SLP was submitted.

Stevenson Institute, Largs

- 2.7 One such opportunity is the Council owned 'Stevenson Institute' site at Largs, which has now become a viable development option. The Executive of North Ayrshire Council agreed on 21 June 2011 to develop the site as a temporary car park until such time as a permanent community facility could be funded.
- 2.8 The town of Largs has the highest development priority ranking within the Local Housing Strategy. The proposed Stevenson Institute project would realise both a Social Services Resource Centre and 11 new one and two bedroom Council house amenity flatted properties for rent. The revised draft SLP allocates £330,000 of the RPA subsidy to the project.
- 2.9 The Stevenson Institute proposal is a joint project, which would be delivered in partnership by both Housing and Social Services. Indicative development costs, and how these will be funded, are detailed in the 'Financial Implications' section of this report.

- 2.10 The provision of a Resource Centre facility for older people within Largs (which has the highest percentage of older people on the mainland) would also assist in achieving the key strategic aim of shifting the balance of care, i.e. to provide services within the community as opposed to care homes and hospital settings.
- 2.11 The resource centre would provide daily support for very vulnerable older people who require rehabilitation to become independent or maximise their independence. The centre would support carers and provide specialist input for people with dementia and their families. It would also be a flexible resource for older people with low level needs to prevent them requiring significant services in the future. This could include:
- information and advice, particularly money advice;
 - support accessing Self Directed care;
 - minor equipment and adaptations;
 - community alarm and telecare; and
 - access to social activities and health improvement advice.
- 2.12 The resource centre model has been developed in line with the reshaping care agenda for older people and aims to be flexible and reflect the changing needs of the local community.
- 2.13 The Stevenson Institute site is currently held on the General Fund portfolio. The Cabinet are asked to agree to transfer the Housing element of the land at whatever value is returned by the District Valuer. Further information in relation to this point is included in the 'Financial Implications' section of this report.

Courtyard, Irvine

- 2.14 The Irvine/Kilwinning sub housing market area has the highest level of need in mainland North Ayrshire, after the North Coast.
- 2.15 It is proposed that the remaining RPA balance, of £214,000, is allocated to Irvine Housing Association to part fund the purchase of six 2 bedroom apartments at the Lovell Courtyard development in Irvine, as identified in the original slippage programme.
- 2.16 The SLP has now been revised to reflect the information given in this report, and is shown in Appendix 1.

John Galt Primary School Project

- 2.17 It is a condition of the Scottish Government funding that subsidy will be paid on issue of practical completion certificates for projects, and only if these are issued before 31 March 2015.
- 2.18 In order that the Council secures the planned financial assistance allocated in the SLP, it is now necessary to progress the previously approved John Galt project, to ensure the challenging completion timeline is met.
- 2.19 To ensure delivery of all 80 units by the funding deadline, the construction element of the project will be tendered as two separate contracts (each for 40 units). This will ensure that all 80 units can be completed within the forecast one-year construction period. For this reason the John Galt development has been amended from a single project of 80 units in the original SLP, to a two-phase project, each for 40 units, in the revised SLP. There are no anticipated impacts on the costs or funding requirements of the project.
- 2.20 Again, to meet the requisite completion dates, permission is now sought from the Cabinet to commence the tendering process in terms of appointing a single Design Team for both phases of the John Galt project (see 'Financial Implications' section for details of indicative budget).

3. Proposals

- 3.1 The Cabinet is invited to approve (a) the revised SLP shown in Appendix 1 of this report, for submission to the Scottish Government; (b) the proposal to develop an older people resource centre at the Stevenson Institute site, Largs; (c) the transfer of the Housing element of the Stevenson Institute land, held within the General Fund, at whatever value is returned by the District Valuer; and (d) the commencement of the tendering processes to appoint the Design Team for the John Galt project.

4. Implications

Financial Implications

- 4.1 It should be noted that all budgets are indicative. This is because the indicative budget setting process takes place before the design process has been undertaken (though some early design work has been done for the Stevenson Institute project). During the design process, additional costs may be incurred as a result of design feature, sustainability or building regulation requirements, or because additional residential density may be achievable.

Stevenson Institute

Indicative Costs

- 4.2 The indicative costs for the Stevenson Institute project (shown in Table 1) have been split pro-rata between Housing and Social Services based on the anticipated overall construction spend (56%/44% respectively).

Table 1: Indicative Budget for Stevenson Institute (11 units and 1 older people resource centre)

Cost Element	Housing Services (Residential)	Social Services (Res Centre)	Sub Total	Comments
Unit Costs (residential £93,600 per unit)	£1.030	£0.820	£1.850	Residential unit costs, and Resource Centre costs provided by Finance (QS)
Contingency (residential £4,000 per unit)	£0.044	£0.040	£0.084	Residential figure based on cost plan for Redstone project - an estimated figure has been used for the care home
Construction Contract	56%	44%	£1.934	
Other costs (Topo/SI/RCC/Eco-Homes/DIA/Legals etc)	£0.083	£0.067	£0.150	A small allowance for assorted arising costs (such as topo surveys, SIs, Legals etc)
Design Team fees	£0.107	£0.086	£0.193	Design Team costs approx 10% of construction costs as per (CPU)
Total project costs	£1.264	£1.013	£2.277	

- 4.3 A recent valuation of John Galt Primary School site carried out by the District Valuer in relation to a proposed Council house building project indicated a zero affordable housing land value. In order for the District Valuer (DV) to provide an opinion of the value they require a range of information including the number, type and size of the flatted units, the tenure and anticipated rents, the amount of government funding that is available, construction costs and the site extents of the proposed development. Depending on these factors the value of land for Council house building projects may be nominal however the DV requires to go through the valuation process to establish this. The DV also requires to take into account the planning position, any special assumptions and emerging RICS guidance on the valuation of land for affordable housing in Scotland. It is therefore proposed that the Cabinet should agree to transfer the part of the site of the Stevenson Institute used for the development of social housing at the value indicated within the DVs report.

Funding

- 4.4 For Stevenson Institute, Housing Services will fund their portion of the costs as follows:
- Scottish Government Grant: £0.330m
 - Capital Contribution from Revenue (CFCR): £0.364
 - Affordable Housing Account: £0.132m
 - Prudential Borrowing: £0.354
 - HRA House Building Fund: £0.084
- 4.5 Social Services capital costs for the Stevenson Institute project have been discussed by the Council's Capital Programme and Assets Group. £200,000 has been earmarked in the General Fund capital budget for the Stevenson Institute development. In addition to this, it is proposed to fund the balance through a virement of £300,000 per annum from the Private Sector Housing Grant (PSHG) budget in each of the following years: 2013/14, 2014/15, 2015/16. The pattern of spend for last year and projection for this year (£640,000), suggests that the remaining balance of £700,000 would still deliver the required services from the PSHG.
- 4.6 Following direction from the Council's Infrastructure and Design Services, spend of the indicative capital requirement for the project should be phased, as follows:
- 2013/14 - 20%
 - 2014/15 - 78.8%
 - 2015/16 - 1.5%
- 4.7 Social Services has existing revenue funding of £131,329 per annum and this would be incorporated into the new scheme. There is currently a waiting list for day/support opportunities in the Largs area. The existing revenue funding would not be sufficient to expand the service and deal with those currently on the waiting list. This would require an additional £108,000 per annum. The intention would be to invest in the service over time, after savings have been delivered and as efficiencies are realised through the reshaping care process. This level of additional funding would remove the waiting list for services in the area.

John Galt Primary School

- 4.8 The indicative cost for the John Galt project in Irvine is £10.341m. Housing Services will fund the project as follows:

- Scottish Government Grant: £1.274m
- Capital Contribution from Revenue (CFCR): £2.649
- Affordable Housing Account: £1.186m
- Prudential Borrowing: £2.572
- HRA House Building Fund: £2.660

Human Resource Implications

- 4.9 These are no human resource implications associated with this proposal.

Legal Implications

- 4.10 There are no immediate legal implications emerging from the proposals in this paper.

Equality Implications

- 4.11 There are no equality implications associated with this proposal.

Environmental Implications

- 4.12 There are no direct environmental implications from the proposals in this paper.

Implications for Key Priorities

- 4.13 The project supports the Single Outcome Agreement between North Ayrshire Council and the Scottish Government, specifically National Outcome 10 - "We live in well-defined, sustainable places where we are able to access the amenities and services we need" and Local Outcome 10b - "Availability of affordable housing has improved" and National Outcome 6- "We live longer, healthier lives" and Local Outcomes 6a - "Health and well-being throughout life have improved" and 6d "More vulnerable people are supported within their own communities".

5. Consultations

5.1 Various Council departments have been consulted by Housing Services in the preparation of this report:

- Planning Services;
- Financial Services;
- Estates Services (Infrastructure & Design); and
- Social Services

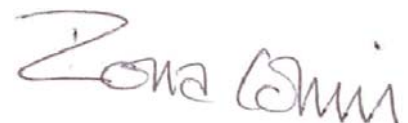
5.2 The Council has consulted with local RSL partners on the implications of the resource planning assumptions and the potential impact on new supply programmes.

5.3 Ongoing consultation is held between North Ayrshire Council's Housing Service and the Scottish Government's Local Area Team, in order to maximise any opportunity which may arise in terms of reallocated funding.

6. Conclusion

6.1 This report provides details on how the additional funding from the Scottish Government could be used to further develop our Affordable Housing Supply Programme.

6.2 As part of the revised Affordable Housing Supply Programme, Cabinet approval is sought for the commencement of a joint Housing/Social Services project to develop an older people resource centre, and residential flatted properties, at the Stevenson Institute site in Largs.



IONA COLVIN

Corporate Director (Social Services and Health)

Reference :

For further information please contact Olga Clayton, Head of Community Care and Housing on telephone number 01294 324626

Background Papers

None

STRATEGIC LOCAL PROGRAMME

Local Authority: North Ayrshire
 RPA: 2012 - 2015: £9,905

New money for Local £3,942

Project Address	Developer	Units		Total	Units by Type		Please specify *	Total (should equal Units)	Greene Standards (tick to)	Est. Start Fin. Year	Est. Completion Fin. Year**	Total Project Cost	Grant per Unit (3p equivalent excl.)	TOTAL SG Grant
		Rehab	Off the Shelf		Gen Needs	Part Needs								
Vineburgh #4, Irvine (Social Rent)	Cunningham HA	0	0	48	46	2	AmW Bung	48	-	2013	2015	£ 5,557	£ 0.044	£ 2,124
	CHA	0	0	48	46	2	0	48	-	-	-	£5,557	£ 0.044	£ 2,124

Project Address	Developer	Units		Total	Units by Type		Please specify *	Total (should equal Units)	Greene Standards (tick to)	Est. Start Fin. Year	Est. Completion Fin. Year**	Total Project Cost	Grant per Unit (3p equivalent excl.)	TOTAL SG Grant
		Rehab	Off the Shelf		Gen Needs	Part Needs								
John Galt, Irvine (Social Rent) Phase 1	NAC	0	0	40	35	5	AmW Chr	40	-	2013	2015	£ 5,200	£ 0.016	£ 0,637
	NAC	0	0	40	35	5	0	40	-	-	-	£ 5,200	£ 0.016	£ 0,637

Project Address	Developer	Units		Total	Units by Type		Please specify *	Total (should equal Units)	Greene Standards (tick to)	Est. Start Fin. Year	Est. Completion Fin. Year**	Total Project Cost	Grant per Unit (3p equivalent excl.)	TOTAL SG Grant
		Rehab	Off the Shelf		Gen Needs	Part Needs								
John Galt, Irvine (Social Rent) Phase 2	NAC	0	0	40	35	5	AmW Chr	40	-	2013	2015	£ 5,200	£ 0.016	£ 0,637
	NAC	0	0	40	35	5	0	40	-	-	-	£ 5,200	£ 0.016	£ 0,637

Project Address	Developer	Units		Total	Units by Type		Please specify *	Total (should equal Units)	Greene Standards (tick to)	Est. Start Fin. Year	Est. Completion Fin. Year**	Total Project Cost	Grant per Unit (3p equivalent excl.)	TOTAL SG Grant
		Rehab	Off the Shelf		Gen Needs	Part Needs								
Stevenson Institute, Largs*	NAC	0	0	11	0	11	AmW Chr	11	-	2013	2015	£ 2,475	£ 0.030	£ 0,330
	NAC	0	0	11	0	11	0	11	-	-	-	£ 2,475	£ 0.030	£ 0,330

* This is a joint project with NAC Social Services and will include the provision of a Social Services Day Care Centre on the site.

Project Address	Developer	Units		Total	Units by Type		Please specify *	Total (should equal Units)	Greene Standards (tick to)	Est. Start Fin. Year	Est. Completion Fin. Year**	Total Project Cost	Grant per Unit (3p equivalent excl.)	TOTAL SG Grant
		Rehab	Off the Shelf		Gen Needs	Part Needs								
Courtyard - Lovell Development (Irvine) Off the Shelf Purchases	Irvine HA	0	6	6	6	0	-	6	-	2013	2014	£ 0,631	£ 0.036	£ 0,214
	Irvine HA	0	6	6	6	0	0	6	-	-	-	£ 0,631	£ 0.036	£ 0,214

Consultation has been undertaken with Cunningham Housing Association, Irvine Housing Association and Trust Housing Association, the main developing organising RSLs in North Ayrshire. Within the Council consultation has been undertaken between Housing Services, Financial Services, Infrastructure & Design Services, Planning Services. Ongoing consultation has been carried out throughout the process with the local Scottish Government office in Hamilton.

Completed by: Trudi Fitzsimmons Date: 15/11/2012

STRATEGIC LOCAL PROGRAMME (SLIPPAGE PROJECTS)

Local Authority:
RPA - 2012 - 2015:

North Ayrshire
£9.905

New money for Local Programmes

£3.942

Project Address	Developer	Units		Total	Units by Type		Please specify*	Total (should equal)	Greener Standard	Est. Start Fin. Year	Est. Completion Fin.	Total Project Cost	Grant per Unit (3p)	TOTAL SG Grant
		Rehab	Off the Shelf	New Build	Gen Needs	Part Needs			s (enter Y		on Fin.			
Second Hand Market Purchases, Arran (Mid Market Rental) (Arran)	Trust HA	0	9	0	9	0	-	9		2013	2015	£ 1.260	£ 0.050	£ 0.450
		0	9	0	9	0		9				£ 1.260	£ 0.050	£ 0.450

Project Address	Developer	Units		Total	Units by Type		Please specify*	Total (should equal)	Greener Standard	Est. Start Fin. Year	Est. Completion Fin.	Total Project Cost	Grant per Unit (3p)	TOTAL SG Grant
		Rehab	Off the Shelf	New Build	Gen Needs	Part Needs			s (tick to		on Fin.			
Beithglass Road, Skelmorie (Social Rental)	Cunninghame HA	0	0	30	24	6	0	30		2013	2015	£ 3.120	£ 0.040	£ 1.200
		0	0	30	24	6	0	30				£ 3.120	£ 0.040	£ 1.200

Project Address	Developer	Units		Total	Units by Type		Please specify*	Total (should equal)	Greener Standard	Est. Start Fin. Year	Est. Completion Fin.	Total Project Cost	Grant per Unit (3p)	TOTAL SG Grant
		Rehab	Off the Shelf	New Build	Gen Needs	Part Needs			s (tick to		on Fin.			
Kelburn Hotel, Fairlie	Cunninghame HA	0	0	18	9	9	Am/W/Chr Flats	18		2013	2015	£ 1.959	£ 0.037	£ 0.670
		0	0	18	9	9	0	18				£ 1.959	£ 0.037	£ 0.670

Project Address	Developer	Units		Total	Units by Type		Please specify*	Total (should equal)	Greener Standard	Est. Start Fin. Year	Est. Completion Fin.	Total Project Cost	Grant per Unit (3p)	TOTAL SG Grant
		Rehab	Off the Shelf	New Build	Gen Needs	Part Needs			s (tick to		on Fin.			
Harbourside, Ardrossan (social rent)	Cunninghame HA	0	0	40	34	6	Am/W/Chr	40		2013	2015	£ 4.160	£ 0.040	£ 1.600
Harbourside, Ardrossan (NSSE)	Cunninghame HA	0	0	12	12	0		12		2013	2015	£ 1.248	£ 0.040	£ 0.480
		0	0	52	46	6	-	52				£ 4.160	£ 0.040	£ 2.080

Consultation has been undertaken with Cunninghame Housing Association, Irvine Housing Association and Trust Housing Association, the main developing organising RSLs in North Ayrshire. Within the Council consultation has been undertaken between Housing Services, Financial Services, Infrastructure & Design Services, Planning Services. Ongoing consultation has been carried out throughout the process with the local Scottish Government office in Hamilton.

Completed by:

Trudi Fitzsimmons

Date:

15/11/2012

NORTH AYRSHIRE COUNCIL

Agenda Item 13

4 December 2012

Cabinet

Subject: Treasury Management Mid-Year Report 2012/13

Purpose: To provide Members with a Treasury Management update for the period 1 April to 31 October 2012.

Recommendation: That the Cabinet agrees to note the contents of this report.

1. Introduction

- 1.1 The Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management (revised November 2009) was adopted by North Ayrshire Council on 10 August 2010. The revised Code requires that Elected Members are provided with regular monitoring reports on treasury management activities. North Ayrshire Council receives reports on a twice yearly basis ensuring that the Council is embracing best practice in accordance with CIPFA's Code of Practice.

2. Current Position

2.1 Global Economy

- 2.1.1 The Eurozone sovereign debt crisis continues with investor confidence remaining weak as successive "rescue packages" have first raised, and then disappointed, market expectations. Greece has failed yet again to achieve deficit reduction targets and so may require another (third) bailout. The uncertainty created by the continuing crisis is having a major effect in undermining business and consumer confidence not only in Europe and the UK, but also in America and the Far East/China.
- 2.1.2 Concern has been rising that the Chinese economy is heading for a slowdown whilst America has been hampered by political deadlock which prevents a positive approach to countering weak growth. Whether the result of the recent presidential election will remedy this deadlock is debatable, but urgent action will be required early in 2013 to address the US debt position. In September, however, the Federal Reserve did announce an aggressive stimulus programme for the economy with a third round of quantitative easing focused on boosting the stubbornly weak growth in job creation.

2.2 UK Economy

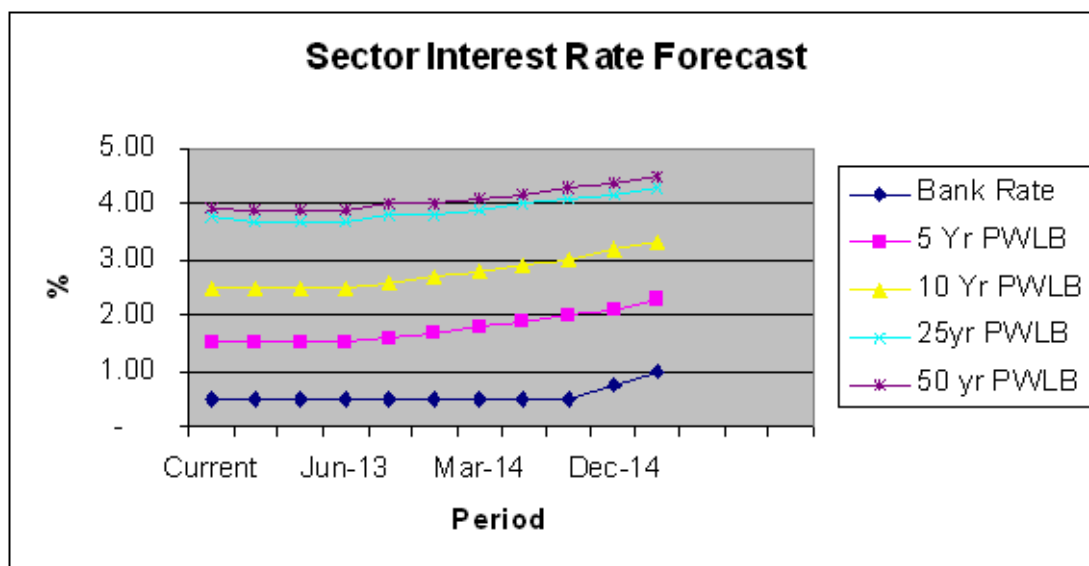
- 2.2.1 The UK GDP rose by 1.0% in the third quarter of 2012, the strongest quarterly GDP growth in five years. On the year, however, the economy remained flat. Data suggests that the figure was boosted by ticket sales for the Olympics and a rebound from the previous three months when the extra public holiday dented output.
- 2.2.2 Inflation continues to deviate from the government's 2% target with the Consumer Prices Index (CPI) standing at 2.7% in October with the Retail Prices Index (RPI) at 3.2%.
- 2.2.3 The Bank of England quarterly inflation report in August pushed back the timing of the return to trend growth and also lowered its inflation expectations.

2.3 Outlook for the remainder of 2012/13

- 2.3.1 The longer term outlook is affected by the following:-
 - Low growth in the UK is expected to continue, with a low Bank Rate for at least 24 months, coupled with a possible further extension of quantitative easing. This will keep investment returns depressed.
 - The expected longer run trend for Public Works Loans Board (PWLB) borrowing rates is for them to rise, primarily due to the need for a high volume of gilt issuance in the UK, and the high volume of debt issuance in other major western countries. However, the current safe haven status of the UK may continue for some time, tempering any increases in yield.
 - The forecast on interest rates assumes that growth starts to recover in the next three years to a near trend rate of 2.5%. However, if the Eurozone debt crisis worsens as a result of one or more countries having to leave the Euro, or low growth in the UK continues longer, then the Bank Rate is likely to be depressed for even longer than in this forecast.

2.4 Sector's Interest Rate Forecast

2.4.1 The following table shows how Sector, the Council's treasury advisers, project interest rates over the coming months and years.



2.4.2 From 1 November 2012 the Government reduced by 20 basis point (0.2%) the interest rates on loans from the PWLB to principal local authorities who submitted information on their plans for capital spending and associated long-term borrowing. North Ayrshire Council is eligible for these 'certainty rates' which are reflected in the table above.

2.4.3 The graph demonstrates that PWLB rates are not expected to rise before September 2013 which eases the pressure on the Council to borrow in the short term to take account of advantageous rates.

2.5 The Council's Treasury Management Strategy and Annual Investment Strategy update

2.5.1 The Council's annual Treasury Management Strategy Statement (TMSS) for 2012/13, which includes the Annual Investment Strategy, was approved by North Ayrshire Council on 4 April 2012. There are no proposed policy changes to the TMSS at this time.

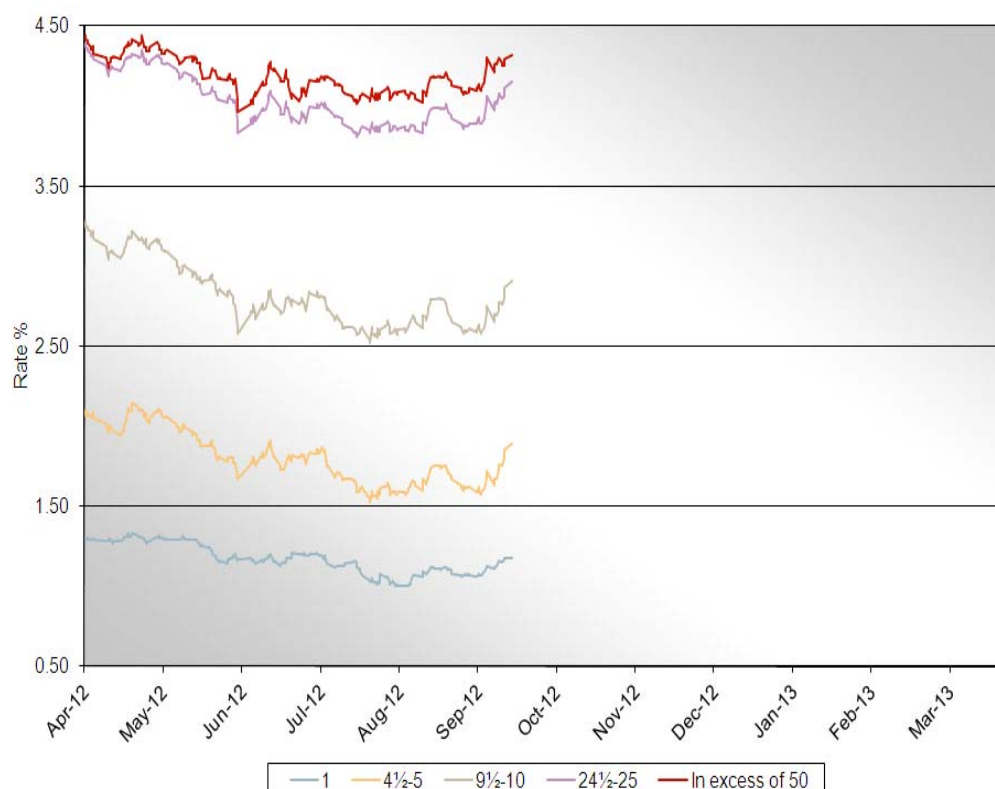
2.6 Investments

- 2.6.1 In accordance with the Code, it is the Council's priority to ensure security of capital and liquidity, and to obtain an appropriate level of return which is consistent with the Council's risk appetite. At present, it is a very difficult investment market in terms of earning the level of interest rates commonly seen in previous decades as rates are very low in line with the 0.5% Bank Rate. The continuing Eurozone sovereign debt crisis, and its potential impact on banks, prompts a low risk and short term strategy. Given this risk adverse environment, investment returns are likely to remain low.
- 2.6.2 Deposits currently held by North Ayrshire Council total £42.350m, an analysis of which can be found in Appendix 1 to this report.
- 2.6.3 The current weighted average rate of return for the Council's investments is 1.741% which compares favourably with peer authorities' rates of return. North Ayrshire is one of 12 local authorities that are members of an investment bench-marking group run by Sector, the Council's treasury advisers. The weighted average rate of return for the bench -marking group is 1.52%.
- 2.6.4 The Council has budgeted for a 1% annual rate of return on its investments in 2012/13. As illustrated above, current performance is 0.741% above the budgeted return.
- 2.6.5 The Treasury Management Strategy approved by the Council on 4 April 2012, increased investment limits in Government backed institutions to £25m in order to provide sufficient scope for depositing cash balances with approved institutions. The approved limits detailed in the Annual Investment Strategy were not breached during the first seven months of 2012/13.

2.7 Borrowing

- 2.7.1 Due to the overall financial position and the underlying need to borrow for capital purposes (the Capital Financing Requirement - CFR), the estimated borrowing requirement for 2012/13 is £11.376m.
- 2.7.2 The Council's usual source of long term borrowing is the Public Works Loans Board (PWLB). The graph below shows the movement in PWLB rates during the first half of 2012/13:-

PWLB Rates 2012-13



- 2.7.3 There has been no requirement for the Council to undertake any external borrowing so far in the financial year due to the short-term use of cash balances which are currently held..
- 2.7.4 Debt rescheduling opportunities are severely limited in the current economic climate and consequently no debt rescheduling has been undertaken during the first seven months of 2012/13.
- 2.7.5 The Head of Finance will continue to monitor interest rates and look to secure new long term borrowing when prudent to do so in order to minimise the ongoing costs of borrowing.
- 2.7.6 A summary of the movements in borrowing and investments during 2012/13 can be found in Appendix 1. There has been a reduction of £9.508m in the net borrowing position due to an overall more favourable cash flow.

2.8 Prudential Indicators

2.8.1 It is a statutory duty for the Council to determine and keep under review the Council's approved borrowing limits and prudential indicators. A list of the council's current indicators and limits are shown for information in the under-noted table. The figures in the table exclude the long-term liabilities in connection with the assets acquired under PPP contracts.

Prudential Indicator	2012/13 Estimate £m	At 31/10/12 £m	Comments
in Capital Financing Requirement	281.099	257.728	Variance due to capital programme slippage in 2011/12 and 2012/13
Gross External Borrowing	259.146	210.364	Variance due to capital programme slippage and use of internal funds
Investments	21.000	42.350	Variance due to capital programme slippage
Net Borrowing	238.146	168.014	Variance due to capital programme slippage and use of internal funds
Authorised Limit External Debt	345.264	345.264	
Operational Boundary External Debt	313.876	313.876	
Fixed Interest Rate Exposure	210.364	210.364	
Variable Interest Rate Exposure	-	-	
Principal Sums Invested > 364 days	1,000	1,000	
Maturity Structure of Borrowing Limits	Upper Limit	At 31 October 2012	
< 12 months	40%	0%	
12 months to 2 years	40%	2%	
2 years to 5 years	50%	9%	
5 years to 10 years	75%	13%	
> 10 years	100%	75%	

2.9 Icelandic Deposits - update

- 2.9.1 On 28 October 2011, the Icelandic Supreme Court ruled that UK local authorities' claims in the administration of Landsbanki and Glitnir qualified as priority claims under Icelandic bankruptcy legislation, confirming the earlier decision of the Reykjavik District Court. This means that the values of North Ayrshire Council's claims are final and will, at the very least, be equal to the value of the original deposits plus accrued interest.
- 2.9.2 In the case of Landsbanki, the Winding Up board made payouts to North Ayrshire Council on 17 February, 29 May and 9 October 2012 which amounted to £2.481m. This figure includes £0.038m which is being held in an Escrow account in Icelandic kroner at present. Future payouts amounting to £2.766m are anticipated in stages over the next 7 years.
- 2.9.3 As regards Glitnir, the Winding Up board made a payment to North Ayrshire Council on 16 March 2012 which amounted to 100% of the principal and interest paid to the maturity date of 21 January 2009. An amount of £1.908m is being held in an Escrow account in Icelandic kroner.
- 2.9.4 Recovery of amounts held in Escrow is subject to the impact of exchange rate fluctuations. The Icelandic government is seeking to unwind the currency restrictions on a phased basis by the end of 2015 in an effort to normalise its capital markets.

3. Proposals

- 3.1 It is proposed that the Cabinet note the contents of this report.

4. Implications

Financial Implications

4.1 General Services

- 4.1.1 **Interest on revenue balances** - the Council budgeted for £0.330m of interest to the General Fund on its revenue balances in 2012/13. It is currently estimated that the actual interest will be broadly in line with budget.

- 4.1.2 **Capital financing costs** - the Council budgeted £21.107m for financing costs and expenses on debt for 2012/13. At this point in the financial year, an underspend of £0.300m on these debt financing costs is forecast for the year to 31 March 2013. The main reasons for the underspend are the continuing strategy to delay new external long term borrowing resulting in savings on external interest costs and also slippage in the capital programme. The Council will continue to take a pragmatic approach by utilising cash and short term borrowing when required.

4.2 *Housing Revenue Account*

- 4.2.1 **Interest on HRA revenue balances** - the Council budgeted £0.109m of interest to the HRA on revenue balances held in 2012/13. It is currently estimated that actual interest will be £0.150m.
- 4.2.2 **Capital financing costs** - the HRA budgeted £7.128m for financing costs and expenses on debt for 2012/13. Estimates at this stage suggest an overspend of £0.069m on these debt financing costs which is largely offset, however, by the projected additional interest on the HRA revenue balance.

Human Resource Implications

- 4.3 There are no human resource implications.

Legal Implications

- 4.4 There are no legal implications.

Equality Implications

- 4.5 There are no equality implications.

Environmental Implications

- 4.6 There are no environmental implications.

Implications for Key Priorities

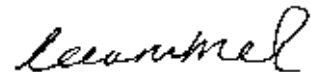
- 4.7 Treasury Management activities for the period 1 April to 31 October 2012 helped support outcome 15b - "Public services are more efficient and effective".

5. Consultations

- 5.1 No consultation has taken place on the contents of this report.

6. Conclusion

- 6.1 The Treasury Management Strategy Statement and treasury management indicators provide a framework in which to take forward the Council's treasury activities in the context of the effective control of the risks associated with those activities and the pursuit of optimum performance consistent with those risks. This mid-year review report demonstrates that the treasury management activities carried out during the period 1 April to 31 October 2012 have been consistent with the Treasury Management Strategy Statement 2012-13 and have complied with the treasury management indicators set out in the strategy statement.



LAURA FRIEL
Corporate Director (Finance and Corporate Support)

Reference :

For further information please contact Hazel Hair, Senior Manager (Financial Management) on telephone number 01294 324548.

Background Papers

0

Borrowing & Investment Position as at 31 October 2012						
	Balance at 1 April 2012	New Borrowing	Debt Repayment	Debt Rescheduling	Cash Movements	Balance at 31 October 2012
	£m	£m	£m	£m	£m	£m
<u>Long Term Borrowing</u>						
PWLB - fixed	150.254	-	-	-	-	150.254
Market Loans	60.110	-	-	-	-	60.110
	210.364	0.000	0.000	0.000	0.000	210.364
<u>Short Term Borrowing</u>						
Temporary Loans	-	-	-	-	-	0.000
North Ayrshire Leisure Ltd	0.754	-	-	-	0.442	1.196
	0.754	0.000	0.000	0.000	0.442	1.196
Total External Borrowing	211.118	0.000	0.000	0.000	0.442	211.560
<u>Investments</u>						
Fixed Term Deposits	11.000	-	-	-	15.000	26.000
Call Accounts	21.400	-	-	-	-5.050	16.350
	32.400	0.000	0.000	0.000	9.950	42.350
Net Borrowing	178.718	0.000	0.000	0.000	-9.508	169.210

Analysis of Investments as at 31 October 2012							
Borrower	Principal £m	Start Date	Maturity Date	Interest Rate %	% of Total Investment %	Credit Rating Long Term	Credit Rating Short Term
Bank of Scotland	5.450	-	Call	0.75	12.9	A	F1
Bank of Scotland	5.000	09/08/2012	09/08/2013	2.85	11.8	A	F1
Bank of Scotland	10.000	13/09/2012	13/09/2013	2.70	23.6	A	F1
Clydesdale Bank	0.450	-	Call	0.50	1.1	A	F1
Royal Bank of Scotland	10.000	22/08/2012	21/08/2013	2.25	23.6	A	F1
Royal Bank of Scotland	10.450	-	Call	0.75	24.6	A	F1
Western Isles Council	1.000	18/04/2013	18/04/2013	10.5625	2.4		
	42.350				100.0		

Credit Ratings Definition:-

A' Long Term Rating - High credit quality 'A' ratings denote expectations of low default risk. The capacity for payment of financial commitments is considered strong. This capacity may, nevertheless, be more vulnerable to adverse business or economic conditions than is the case for higher ratings.

F1' Short Term Rating - Highest credit quality. Indicates the strongest capacity for timely payment of financial commitments, may have an added '+' to denote an exceptionally strong credit feature.

NORTH AYRSHIRE COUNCIL

Agenda Item 14

4 December 2012

Cabinet

Subject:	Procurement Exercise - Supply of uPVC Windows
Purpose:	To seek the approval of Cabinet to award a contract for the supply of uPVC windows
Recommendation:	That Cabinet approves the award of contract to Andrew Wright Holdings 2010 Ltd

1. Introduction

- 1.1 At its meeting on 21 August 2012, the Cabinet agreed that a procurement exercise be undertaken for the supply of uPVC windows, with an initial contract term of 3 years and an option to extend by up to a further 2 years. The value of the contract is £3.5 million and the procurement exercise was undertaken following the European Union regulations.
- 1.2 Building Services complete an annual installation programme of windows on behalf of Housing Services as detailed within the Housing Revenue Account Business Plan.
- 1.3 The supply of these goods is not covered within any Scotland Excel framework.

2. Current Position

- 2.1 The Nova Group Limited were awarded a contract in January 2012, for the supply of uPVC windows for a contract term of 12 months with an option to extend by 18 months. An extension to the contract for 18 months was offered and declined by the Nova Group Limited due to economic pressures. The Nova Group Limited proposed a counter-offer of a 2 month extension. This was accepted. The revised contract end date is 4 March 2013.
- 2.2 On 14 September 2012, an open EU procurement exercise was undertaken, with a tender return date of 24 October 2012. Expressions of interest from 31 suppliers and 5 tender submissions were received.

- 2.3 The tenders were evaluated using the pre-determined criteria of 80/20 quality/price ratio having first satisfied the minimum standards. The preferred supplier is Andrew Wright Holdings 2010 Limited. Details of the scoring outcome can be seen in Appendix 1.

3. Proposals

- 3.1 The Cabinet is invited to approve the award of uPVC window supply to Andrew Wright Holdings 2010 Ltd.

4. Implications

Financial Implications

- 4.1 The value of this contract is estimated at £700k per annum, provision for which is contained within the Capital Plan of the Housing Revenue Account Business Plan.

Human Resource Implications

- 4.2 There are no implications.

Legal Implications

- 4.3 The procurement exercise has been undertaken in accordance with European Union procurement regulations. The award process will require a mandatory standstill period of not less than 10 days to be allowed prior to confirmation of the contract award.

Equality Implications

- 4.4 All tenderers complied with the Council standard questionnaire on equality.

Environmental Implications

- 4.5 All tenderers complied with the specification for the windows.

Implications for Key Priorities

- 4.6 The window replacement programme contributes to the following Single Outcome Agreement outcomes:-
- 10a the quality of social housing has improved
 - 15b public services are more efficient and effective

Community Benefit Implications

- 4.7 Andrew Wright Holdings 2010 Limited will continue employment of over 60 staff and will offer apprenticeships to school leavers.

5. Consultations

- 5.1 This report has been prepared in conjunction with the Corporate Procurement Unit.
- 5.2 The Invitation to Tender document was developed by the Corporate Procurement Unit in consultation with Building Services and Infrastructure and Design Services

6. Conclusion

- 6.1 The Council has completed a procurement exercise for the supply of uPVC windows. Andrew Wright Holdings 2010 Limited have been evaluated as the preferred supplier.



CRAIG HATTON
Corporate Director (Development and Environment)

Reference :

For further information please contact Chris Garbutt, Category Manager,
Corporate Procurement Unit on telephone number 01294 324541

Background Papers

Tender documentation



NORTH AYRSHIRE

COUNCIL

Tender Outcome Report
For Recommendations over £350K

Supply of uPVC Windows to North Ayrshire Council

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Tender Outcome Report For the procurement of uPVC Windows for North Ayrshire Council

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 Supply of uPVC Windows to North Ayrshire Council 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 Supply of uPVC Windows to North Ayrshire Council.

3 Background

- 3.1 North Ayrshire Council required to establish a contract for Supply of uPVC Windows for Infrastructure and Design Services.
- 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 (commencing on 5th March 2013 and ending on 4th March 2016) plus the option to extend for a further two 12 month periods.
- 3.4 The estimated total value of the overall contract (including any possible extensions and all collaborative partners) is £3,500,000 with an estimated annual budgetary spend to North Ayrshire Council of £700,000.

4 Tender Notice, Interest and Returns

- 4.1 A formal contract notice was advertised using the Open procedure in the Official Journal of the European Union and Public Contracts Scotland Procurement Portal from 19th September 2012 with a return date of 24th October 2012 at 12 noon.
- 4.2 The contract notice attracted 31 expressions of interest from a wide range of potential suppliers of which 5 companies 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 80%

Quality 20%

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

	Score
a) Provide an in-depth methodology proposing how accessing and surveying properties and supplying all goods will be completed.	10%
b) Provide evidence of contingency plans in place to ensure delivery timescales, outstanding orders and other performance indicators will be consistently met.	5%
c) Provide evidence of customer service processes.	2%
d) Describe how this tender would benefit the North Ayrshire Council area in terms of employment and subcontracting opportunities.	3%

6 Evaluation Results

6.1 Price 80%

Contractors were asked to submit prices for an estimated number of uPVC windows covering a range of window specifications and delivery which gave the following results and scores:

Company	Price Tendered (Year 1)	Ranking	Score as % of overall marks (Max 80%)
Andrew Wright Windows	£1,227,639	1	80%
Nova Group Limited	£1,537,020	3	64%
Pyramid Joinery and Construction Ltd	Did not meet minimum criteria		
Sidey Ltd	£1,330,558	2	74%
Walker Profiles Ltd	£1,334,231	2	74%

6.2 Quality 20%

The assessment of the quality responses took place between 25th October 2012 and 9th November 2012 at Building Services, North Ayrshire Council, Portland Place, Stevenston, KA20 3NN. The Tender Evaluation Panel consisted of:

- Area Manager, Finance & Property Services, Housing Assets & Investments
- Senior Contract Supervisor, Finance & Property Services, Housing Assets & Investments
- Material and Procurement Manager, Finance & Property Services, Housing Assets & Investments
- Contract Officer, Finance & Property Services, Housing Assets & Investments

Andrew Wright Windows

Andrew Wright Windows scored 17.2% out of a possible 20% and were fully compliant or above with all sections of the quality criteria. Out of all the submissions, Andrew Wright Windows scored highest in the benefits to North Ayrshire section.

Nova Group Limited

Nova Group Limited scored 19.5% out of a possible 20% and scored maximum points in the methodology and customer service aspects of the quality criteria.

Pyramid Joinery and Construction Ltd

As Pyramid Joinery and Construction Ltd did not meet the minimum criteria in stage one, their tender did not progress to this stage.

Sidey Ltd

Sidey Ltd scored highest in the quality evaluation, scoring the maximum 20%. They gained maximum points in three of the four sections but their submission in terms of benefits to the North Ayrshire area was only satisfactory.

Walker Profiles Ltd

Walker Profiles Ltd scored well in three of the sections, however as they didn't make a satisfactory response to all four sections their tender did not meet the minimum standard in this stage and could not progress to the price evaluation stage.

The summary of the quality element is shown in the table below:

Company	Score as % of overall marks (Max 20%)	Ranking
Andrew Wright Windows	17%	3
Nova Group Limited	20%	1
Pyramid Joinery and Construction Ltd	Not assessed – failed minimum financial requirements	
Sidey Ltd	20%	1
Walker Profiles Ltd	Did not meet minimum quality criteria	

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:

Company	Actual Price	Pricing Score	Quality Score	Total Score	Total Ranking
Andrew Wright Windows	£1,227,639	80%	17%	97%	1
Nova Group Limited	£1,537,020	64%	20%	84%	3
Sidey Ltd	£1,330,558	74%	20%	94%	2

8 Recommendation

- 8.1 The recommendation of the Tender Evaluation Panel is that a Contract be awarded to: Andrew Wright Windows, 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, to issue Letters of Acceptance 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, a paper will go forward to Cabinet seeking approval of this recommendation.

Chris Garbutt
Category Manager
Corporate Procurement Unit
X 32 4541

16 November 2012

Signed for and on behalf of: Building Services

Print Name: _____

Signed: _____

Date: _____

NORTH AYRSHIRE COUNCIL

Agenda Item 15

4 December 2012

Cabinet

Subject: **Procurement Exercise - Provision of Organic Waste Treatment Services**

Purpose: To seek the approval of Cabinet approval to award a contract for Organic Waste Treatment Services.

Recommendation: That the Cabinet agrees to award a contract to NPL Estates Limited for Organic Waste Treatment.

1. Introduction

- 1.1 At its meeting on 10 April 2012, the former Executive agreed to undertake a procurement exercise to secure Organic Waste Treatment Services for the proposed garden and food waste collection service.
- 1.2 In order to increase the number of suppliers and thus competitiveness of the procurement exercise the tender documentation included the option to utilise transfer facilities provided by the Council to enable suppliers to bulk transfer the material to facilities located outside the immediate area.
- 1.3 A contract period of 8 years with an option to extend, on an annual basis, for up to a further 2 years was agreed. This period reflects the investment required by the market to provide facilities of this nature.
- 1.5 A formal tender was advertised, in line with European Union Procurement Regulations, on 10 August 2012.
- 1.6 These services are not within the Scotland Excel procurement framework.

2. Current Position

2.1 The evaluation process consisted of two stages:-

Stage 1 – The evaluation process required that Tenderers meet the minimum requirements as specified within the Invitation to Tender.

Stage 2 – Tenderers who successfully passed the Stage 1 Evaluation were evaluated against the Stage 2 Price and Quality criteria.

2.3 Five completed tenders were received and evaluated against the following Stage 1 pre-qualification criteria:-

Compliance with minimum requirements - a number of influencing factors have been considered:-

- Compliance with NAC Terms and Conditions of Contract;
- Waste journey information;
- Satisfactory references;
- Experience in treating similar waste;
- Service Delivery Plan; and
- Financial standing.

2.4 All of the submissions received met the Stage 1 criteria and were taken forward for quality and price evaluation.

2.5 The Tender Outcome Report is attached at Appendix A. NPL Estates Limited has scored highest against the stated evaluation criteria offering a service that enables the addition of food waste to the existing brown bin service. William Tracey Ltd will provide operational management of the facility utilised to treat the material delivered.

2.6 The commencement date of the contract is 18 December 2012 to allow the new contractor to mobilise resources.

3. Proposals

3.1 That Cabinet agrees to award a contract to NPL Estates Limited for Organic Waste Treatment.

4. Implications

Financial Implications

- 4.1 The value of the contract on offer is approximately £700,000 per annum (£7,000,000 over the potential full period of the contract - 8 years plus the option to extend by a further 2 x 12 month periods). Budgetary provision exists within the Waste Management budget.

Human Resource Implications

- 4.2 None.

Legal Implications

- 4.3 The procurement exercise has been undertaken in line with EU Procurement regulations.

Equality Implications

- 4.4 The equality credentials of companies submitting tenders has formed part of the evaluation process.

Environmental Implications

- 4.5 The environmental credentials of companies submitting tenders has formed part of the evaluation process.
- 4.6 The services offered will assist the Council in meeting the requirements of the national waste agenda.
- 4.7 The output material from the facility will meet the PAS100 quality standard for compost.

Implications for Key Priorities

- 4.8 The proposals will contribute towards the achievement of the following SOA objectives:-
- 12a: Our environment is protected and enhanced;
 - 14a: Recycling of waste has increased and the amount of waste going to landfill has decreased; and
 - 14b: The Public sector's carbon footprint has reduced.

Community Benefit Implications

- 4.9 NPL are to construct a suitable facility to deliver the contract at Ardeer. This will create a number of short-term employment opportunities during the construction phase and long term opportunities in the operation of the facility.

5. Consultations

- 5.1 The Council's Legal, Procurement and Estate services have been consulted upon the contents of the report and are content with the proposals.
- 5.2 Discussion has taken place with representatives of Zero Waste Scotland regarding the specification for the provision of the service.

6. Conclusion

- 6.1 A tender exercise has identified NPL Estates Ltd as the preferred contractor. The new contractual arrangements will enable the commencement of a co-mingled food and garden waste collection service in the new year.



CRAIG HATTON
Corporate Director (Development and Environment)

Reference :

For further information please contact Chris Garbutt, Category Manager,
Corporate Procurement Unit on telephone number 01294 324541

Background Papers

Tender documentation



NORTH AYRSHIRE

COUNCIL

Tender Outcome Report
For Recommendations over £350K

Organic Waste Treatment Services

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Invitation to Tender for the Provision of Organic Waste Treatment Services

1 Purpose

- 1.1 The purpose of this document is to summarise the invitation to tender process and present a recommendation for the Provision of Organic Waste Treatment Services award. The recommendation is based on the results of the tender evaluation carried out on the responses to the Provision of Organic Waste Treatment Services 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 Provision of Organic Waste Treatment Services

3 Background

- 3.1 North Ayrshire Council required to establish a Contract for the Provision of Organic Waste Treatment Services and 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.
- 3.2 The Contract Period is for eight years (8) years with two further optional extensions of twelve (12) months each and the estimated total value of the overall contract, including all possible extensions, is £6,919,497.

4 Tender Notice, Interest and Returns

- 4.1 A formal contract notice was advertised in the Official Journal of the European Union (OJEU) and the Public Contracts Scotland Procurement Portal using the Open process on 10 August 2012 with a tender return date of 21 September 2012.
- 4.2 The contract notice attracted seventeen (17) expressions of interest from a wide range of potential providers of which five (5) submitted offers.

5 Evaluation Process

- 5.1 The evaluation of 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:

- | | |
|--|-----|
| a) Functional and Technical compliance with the specification: | 35% |
| <i>Service Delivery</i> | 15% |
| <i>Management Supervision and administration</i> | 8% |
| <i>Environmental Considerations</i> | 10% |
| <i>Community Benefits</i> | 2% |
| b) Permitting / planning | 5% |

- 5.3 The assessment of the criteria took place on 15 October 2012 at Montgomerie House, Kilwinning.
- 5.4 The Tender Evaluation Panel consisted of:
- Acting Head of Environment & Related Services
 - Acting Waste Services Manager
 - Category Manager
 - AEA Technology (Technical Consultants)

6 Evaluation Results

6.1 Price 60%

A high level summary of the tendered prices received and scores are detailed below. These prices represent the full contract duration including all available extension periods and take account of the effect of additional costs for the Council such as transporting the material from its Shewalton Transfer site to the tenderers preferred bulking area.

Company	Price Tendered	Ranking	Score as % of overall marks
Billy Bowie SP Ltd	£6,068,248.86	1	60.00
Lowmac Alloys	£7,459,497.32	3	48.81

NPL Estates Ltd	£6,919,497.58	2	52.62
Scottish Water Horizons	£9,779,000.00	5	37.23
TEG Environmental	£8,543,920.00	4	42.61

6.2 Quality 40%

The Evaluation of the Technical Aspects of the tender responses was carried out by the Tender Evaluation Panel. In general, the panel considered the quality of documentation submitted was overall of a poor standard and a summary of the Evaluations Panel's comments are as follows;

On the basis of the evaluation of the Organic Waste Treatment contract tender submission documents provided by NAC, the Council have received two tenders which meet the requirements of the Specification in all areas. These tenders were received from:

- TEG Environmental Limited 28%
- NPL Estates Limited 27.4%

One tender fails to meet the tender specification in one area, environmental considerations, but still manages to achieve the third highest score.

- Scottish Water Horizons Limited 26.4%

Two of the tenders have failed to meet the requirements of the Specification in a number of areas and have achieved low scores, these are

- Billy Bowie Special Projects Limited; 12%
- Lowmac Alloys 8.2%

The summary of the quality element is shown in the table below:

Company	Score	Ranking
Billy Bowie SP Ltd	17.14	4
Lowmac Alloys	11.71	5
NPL Estates Ltd	39.14	2
Scottish Water Horizons	37.71	3
TEG Environmental	40.00	1

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:

Company	Price (£)	Pricing Score	Quality Score	Total Score	Total Ranking
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Billy Bowie SP Ltd	£6,068,248.86	60.00	17.14	77.14	3
Lowmac Alloys	£7,459,497.32	48.81	11.71	60.52	5
NPL Estates Ltd	£6,919,497.58	52.62	39.14	91.76	1
Scottish Water Horizons	£9,779,000.00	37.23	37.71	74.94	4
TEG Environmental	£8,543,920.00	42.61	40.00	82.61	2

8 Recommendation

- 8.1 The recommendation of the Tender Evaluation Panel is that a Contract be awarded to: NPL Estates Limited, 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, to issue Letters of Acceptance 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, a paper will go forward to Cabinet recommending the award as detailed in this report.

Chris Garbutt
Category Manager
Corporate Procurement Unit
X 32 4541

16 November 2012

Signed for and on behalf of: Environmental and Related Services

Print Name: _____

Signed: _____

Date: _____

NORTH AYRSHIRE COUNCIL

Agenda Item 16

4 December 2012

Cabinet

Subject: Community Empowerment Policy Board

Purpose: To submit the minutes of the meeting of the Community Empowerment Policy Board held on 5 November 2012.

Recommendation: The the Cabinet agrees to note the minutes.

1. Introduction

- 1.1 The second meeting of the Community Empowerment Policy Board.

2. Current Position

2.1 **The key issues discussed were:**

- Community Halls and Centres Working group
- Meeting with NAFCA
- Community Asset Transfer policy and toolkit
- Developing the role of the Third Sector, including procurement of services
- Nurturing Communities
- Community asset transfer/purchase requests for consideration
- Events in community centres

3. Proposals

- 3.1 It is proposed that Cabinet notes the Minutes, which are attached at Appendix 1.

4. Implications

Financial Implications

- 4.1 There are no financial implications arising from this report.

Human Resource Implications

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

Legal Implications

- 4.3 There are no legal requirements arising from this report.

Equality Implications

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

Environmental Implications

- 4.5 There are no environmental implications arising from this report.

Implications for Key Priorities

- 4.6 There are no key priorities implications arising from this report.

5. Consultations

None required

6. Conclusion

- 6.1 That the Cabinet notes the Minutes.



CAROL KIRK
Corporate Director (Education and Skills)

Reference :

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

Background Papers

-

At a meeting of the **Community Empowerment Policy Board of North Ayrshire Council** held on 5 November 2012 at 2pm in Cunninghame House, Irvine.

Members Present:

Cllr John Bruce; Cllr Ian Clarkson; Cllr Highgate; Cllr Ruth Maguire; and Cllr Ronnie McNicol.

In Attendance:

Mark Armstrong, Head of Service, Education and Skills and Audrey Sutton, Head of Service, Education and Skills

Chair

Cllr Alan Hill

Apologies for Absence:

Cllr McNamara

1. **Welcome:** Cllr Hill welcomed the members of the Board to the second meeting of the group.
2. **Matters arising:** previous minutes would be brought back to the group.
3. **Community Halls and Centres Working group:** membership and remit. There was an update in relation to the position of the Administration i.e. that groups should be supported to manage their own facility where possible. It was agreed that a short term working group to examine and enhance the relationship between the Council and community associations should consist of Cllrs Hill, Maguire, McNamara and McNicol, and should include representatives from community associations and Council officers.
4. **Meeting with NAFCA:** Cllr Hill and Audrey Sutton met with NAFCA. A productive discussion had taken place and feedback from NAFCA had been positive. The Council is seeking to develop clearer structure re options to move forward and how to progress towards asset transfer – a stepping stones approach, with more guidance and support for organisations. The working group will develop this further and a discussion paper will be taken to the first meeting of that group and brought back to the Policy Board.
5. **Community Asset Transfer policy and toolkit:** this was presented to the Board for discussion and members can now make comments on an ongoing basis. The guidance includes a model business plan and sample heads of terms for discussion re possible leases. Support for organisations will be on a case by case basis. Audrey Sutton will meet Laura Friel to finalise detail of the policy. The policy and guidance will be discussed with the short term working group. Part of the process will be to allocate a key worker from Community Development to provide capacity building support. Timeframes are to be considered with individual organisations dependent on individual cases. Additional information in respect of external organisations is also provided, in order to introduce external support and checks and balances into the process. A glossary of terms to assist understanding/accessibility will also be added. Feedback from members is welcome.

- 6. Developing the role of the Third Sector, including procurement of services:**
This is a Scottish Government pilot programme. The process will provide opportunities for the Council to move to a more formal SLA with the Third Sector
- 7. Interface.** An opportunity to be part of a national pilot (5 local authorities) has been accepted by North Ayrshire. Representation from the Policy Board would be helpful. A model in relation to procurement/commissioning will also be developed. It is proposed to have 3 seminars between December 2012 and January 2013.
- 8. Nurturing Communities:** A draft proposal was circulated to obtain members' views on developing a more capacity building approach to community development grants. Officers briefed the board on the draft report, the background to which was disbursement of community development grants and demand exceeding supply. The group agreed that groups need to be encouraged and supported to apply for external funding but competition for funding is increasing and this is an issue. Discussion took place around availability of external funding post-Olympics; leasing issues in relation to Big Lottery were clarified; amount and range of officer input was discussed; it was agreed that a phased roll out over two years would be appropriate; and ongoing monitoring of impact of the policy to mitigate unintended consequences would take place through area committees and the Community Empowerment Policy Board. It was also agreed that case studies would be available to promote good practice.
- 9. Community asset transfer/purchase requests for consideration:** permission was sought to enter discussions with further applicants.
- 10. Events in community centres:** an update was provided in relation to boxing. Any occasional licence for any contact sport will now come to the Licensing Committee for decision.
- 11. AOCB:** none