

Cabinet
14 May 2013

IRVINE, 14 May 2013 - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

Present

Willie Gibson, Alan Hill, John Bruce, Marie Burns and Tony Gurney; and Very Reverend M. Canon McManus (Church Representative).

Also Present

Robert Barr, Matthew Brown, John Ferguson, Donald Reid and Robert Steel.

In Attendance

L. Friel, Corporate Director, Y. Baulk, Head of Finance and Property, P. Doak, Senior Manager (Internal Audit and Risk Management) and T. Reaney, Team Manager (Corporate Procurement) (Finance and Corporate Support); C. Hatton, Corporate Director, R. McCutcheon, Head of Environment and Related Services and K. McMunn, Senior Environmental Health and Trading Standards Manager (Development and Environment); C. Kirk, Corporate Director (Education and Skills); I. Colvin, Corporate Director and O. Clayton, Head of Community Care and Housing (Social Services and Health); and A. Fraser, Head of Democratic and Administration Services), K. Dyson, Communications Officer and M. Anderson, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Gibson in the Chair.

Apologies for Absence

Anthea Dickson and Alex McLean; and Mark Fraser and Elizabeth Higon (Church Representatives).

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 accuracy of the Minutes of the previous Ordinary and Special meetings of the Cabinet, both held on 30 April 2013, was agreed and the Minutes signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Call In and Petition: St. Luke's Primary School: Accommodation Pressures

Submitted report by the Chief Executive on the outcome of consideration by the Scrutiny and Petitions Committee of a call in request and petition in relation to accommodation pressures at St. Luke's Primary School, Kilwinning.

At its meeting on 26 March 2013, the Cabinet received a report on capacity issues relating to St. Luke's Primary School, Kilwinning and agreed that Option 1 (relocate the existing early years provision from St. Luke's primary school to St. Winning's primary school) be approved as the preferred option for consultation.

At its Special meeting on 25 April 2013, the Scrutiny and Petitions Committee considered a call in request and petition with 212 signatories in relation to this matter. The Committee agreed to scrutinise the decision taken by the Cabinet on 26 March 2012 in conjunction with the petition. Following a vote, the Committee agreed to recommend to the Cabinet Option 2 (provide a further 2 class extension to St. Luke's Primary School).

Councillor Gurney, as Cabinet Member for Education Attainment and Achievement, explained his original rationale for supporting Option 1, but indicated that, in the light of local Members' support for Option 2 and the flexibility within the Capital budget to support this option, he would wish the Cabinet to accept the recommendation of the Scrutiny and Petitions Committee.

The Cabinet agreed to accept the recommendation of the Scrutiny and Petitions Committee to approve Option 2 (provide a further 2 class extension to St. Luke's Primary School).

4. Asset Management Plans - Update on Progress

Submitted report by the Corporate Director (Finance and Corporate Support) on developments in the management of Council assets during 2012/13 and the proposed workplan for 2013/14.

Appendices 1-6 of the report provided information on progress in terms of the six themed Asset Management Plans approved by the former Executive of the Council on 28 February 2012. The report outlined the current position and key developments in terms of Property, Roads, Housing, Open Space, Fleet and ICT, as well as setting out the Governance arrangements in place to oversee the implementation of the actions within each action plan.

Members asked questions, and received clarification, on progress in terms of Action PAMP_A01a within Appendix 1, which was described as 95% complete, but significantly adrift of target.

The Cabinet agreed to (a) note the progress made by Council services in implementing the 2012/13 asset management action plans; and (b) approve the themed action plans for 2013/14 set out in the appendices.

5. The Future Provision of Burial Space

Submitted report by the Corporate Director (Development and Environment) on a proposed strategic approach to the future provision of burial space within North Ayrshire.

The Council is responsible for the operation of 40 Cemeteries and Churchyards within the area. Of these, 18 continue to receive burials. An assessment of the remaining available burial space has identified that, at current projections, 10 of the 18 cemeteries which continue to receive burials will reach capacity over the next 10 years.

In determining new sites for cemeteries, it is necessary to undertake intrusive ground investigation works to ensure that the site has adequate natural drainage, is not subject to mine workings, is free from contamination, has an adequate depth of soil to enable multiple interments and has a topographical consistency. Any site must also be located in an area of tranquility, have good public transport and road links and be adequately served by utilities for the associated buildings. In addition to the capital requirements associated with the development of new cemeteries, additional revenue budgets are required for their operation and maintenance.

The report identified an opportunity, as part of a sustainable strategic approach to the provision of burial space, to provide future burial space based on the previously agreed Council localities. The development of a smaller number of larger cemeteries on an area by area basis would afford a more cost effective approach to the duty to provide sufficient burial space within the area.

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

- the extent to which increasing land values could be taken into account when planning the future development of cemeteries; and
- the identified need for burial space to be located in an area of tranquility.

The Cabinet agreed that, as existing cemeteries reach capacity, future burial space be provided on a locality basis.

6. Copeland Crescent and Kames Street Road Reinstatement

Submitted report by the Corporate Director (Social Services and Health) seeking approval for Housing Services to draw on £150,000 of the uncommitted Housing Revenue Account (HRA) balances to fund the reinstatement of the road at Copeland Crescent and Kames Street, Millport.

As part of the Council's amenity housing development at Copeland Crescent and Kames Street, Millport, excavation took place to install a sewer and other services. When this work commenced, the existing road construction did not meet the highway specification. The necessary excavations and heavy site traffic have also deteriorated the road significantly since the development began. The cost of reinstatement work is £150,000.

The report recommended that the cost of the work be instead met from the uncommitted HRA balance.

The Cabinet agreed to (a) approve the use of £150,000 from existing HRA uncommitted balances for the required road repairs at Copeland Crescent and Kames Street, Millport; and (b) the Council's Roads Service carries out the agreed repair.

7. Consultation Responses

7.1 Making Justice Work: The Courts Reform (Scotland) Bill

Submitted report by the Chief Executive on the details of the consultation paper Making Justice Work: The Courts Reform (Scotland) Bill and its implications and seeking agreement to the Council's response to the Scottish Government.

The draft Courts Reform (Scotland) Bill takes into account the recommendations of Lord Gill's Review. Section 2.3-2.14 of the report summarised the pertinent parts of the Bill, including the proposal that actions up to the value of £150,000 be dealt with by the Sheriff Court rather than the Court of Session, and the creation of a new judicial tier of "Summary Sheriff".

Appendix 1 to the report set out a proposed response to the consultation. Section 3 of the report summarised the main points within the response, including arequest for the establishment of a specialist court, on a satellite basis within North Ayrshire, for consideration of housing, family law or child referral cases, to facilitate court attendance by those from more disadvantaged backgrounds.

Members asked questions, and received clarification, on the likelihood of success in terms of securing the establishment of a 'family court' in North Ayrshire.

The Cabinet agreed to (a) approve the comments set out in Appendix 1 as the Council's response to the consultation; and (b) instruct officers to prepare a proposal for a Specialist Court.

7.2 Scottish Government Consultation: Creating a New Food Body in Scotland

Submitted report by the Chief Executive on a proposed response to the Scottish Government Consultation, Creating a New Food Body in Scotland.

Following the outcome of the Scudamore Review, the Scottish Government intends to bring forward legislation to create a stand-alone body in Scotland for food safety and standards, feed safety and standards, nutrition, food labelling and meat inspection policy and operational delivery. These devolved functions are currently carried out in Scotland by the UK-wide Food Standards Agency (FSA), which is accountable to all four Parliaments/Assemblies in the UK.

The new food body will carry out all the functions currently delivered by the FSA in Scotland. The consultation seeks views on whether the new food body could usefully expand its role and responsibilities beyond those functions. It is also consulting on how the new food body's independence from Government and the food industry could be assured.

A proposed response to the consultation was set out at Appendix 1 to the report.

Members asked questions, and received clarification, on whether the new body would have sufficient powers to fulfil its responsibilities.

The Cabinet agreed to approve the response set out at Appendix 1 to the report as the Council's response to the consultation.

7.3 Food Standards Agency Consultation on New Proposed Enabling Primary Food and Feed Legislation Provisions

Submitted report by the Chief Executive on a proposed response to the Food Standards Agency Consultation on New Proposed Enabling Primary Food and Feed Legislation Provisions.

The consultation document contained the following key proposals:-

- provision of a scheme to enable Scottish Ministers to make any food business operator display the outcome of an official food inspection;
- the potential for Scottish Ministers to create new enforcement sanctions, if required; and
- the ability to detain any food, where there are reasonable grounds to suspect that it does not meet the requirements of food law in relation to food standards or labelling.

A proposed response to the consultation was set out at Appendix 1 to the report.

The Cabinet agreed to approve the response set out at Appendix 1 to the report as the Council's response to the consultation.

8. Change Programme: Progress as at 31 March 2013

Submitted report by the Chief Executive on the updated position in respect of the Council's Change Programme.

Section 2 of the report provided an update on a number of elements of the Change Programme, including the following:-

- consultation on the proposed Three Towns Campus and latest Garnock Academy proposals;
- the review of Senior Phase and Post 16 Education;
- work on Bridgegate House;
- the Early Intervention and Prevention programme
- work in relation to Altering Service Demand;
- the Corporate Transport Facility;
- the long term goal of adopting a "corporate landlord" approach to the management of the Council's properties;
- Customer Services and the refreshed website;
- Community Asset Transfer;
- the review of transactional processes across HR and Payroll;
- Phase 2 of the Business Support review; and
- the proposed development of a cohesive strategy and action plan for a Sustainable North Ayrshire.

The report proposed that future reporting on the Change Programme will take place on a quarterly basis, aligned with the financial year.

Noted.

9. Assurance and Improvement Plan 2013-16

Submitted report by the Corporate Director (Finance and Corporate Support) on the Council's updated Assurance and Improvement Plan (AIP) for 2013-16 prepared by the Local Area Network of external scrutiny bodies.

The Council's AIP for 2013-2016 was attached at Appendix 1 to the report. Three categories of risk are defined within the AIP, namely "scrutiny required", "no further information required" and "no scrutiny required".

No scrutiny is required currently in relation to the 3 core national risk priorities set out at Section 2.4 of the report. This is an improvement on the position identified in the previous risk assessment. There are 4 areas within the Council, previously identified as 'further information required', where the risk assessment has now improved to 'no scrutiny required'. These were listed in Section 2.7 of the report.

Following the shared risk assessment, there will be no external scrutiny activity directed specifically at North Ayrshire Council over the period 2013-2016. However, the report noted that some national scrutiny activity has been identified in which North Ayrshire will participate. Details were provided at Section 2.9 of the report.

Members asked questions, and received clarification, on whether the Council's participation in some external scrutiny activity was on a voluntary basis.

Noted.

10. Reuse, Recycling and Recovery of Bulky Waste

Submitted report by the Corporate Director (Finance and Corporate Support) on a proposal to invite tenders for the reuse, recycling and recovery of bulky waste.

The Council has a Recycling of Bulky Waste contract with Lowmac Alloys Ltd. This contract is due to expire on 30 September 2013, with a new contract due to be in place with effect from 1 October 2013. A contract must be tendered and awarded in sufficient time to allow transition to a new service provider, if appropriate.

The report proposed that the contract be advertised on the basis of a five year contract with the option to extend for a further two years. The annual value of the contract is approximately £485,000.

The Cabinet agreed to approve the commencement of a formal tender exercise for the reuse, recycling and recovery of bulky waste.

11. Measured Term Contract 2013-16 - Gas Soundness and Repairs Including Boiler Servicing

Submitted report by the Corporate Director (Finance and Corporate Support) on a proposal to invite tenders for the procurement of a gas soundness and repairs contract, including boiler servicing, testing and repairs.

Property Management and Investment manage a range of specialist Measured Term Contracts relevant to the Council's operational properties. The current contract gas soundness and repairs expires on 31 March 2014, with no further option available to extend.

The report proposed that the contract be advertised as an open tender on the basis of a three year contract with the option to extend for a further two years. The annual value of the contract is expected to be approximately £150,000.

The Cabinet agreed to approve the commencement of a tendering exercise for the procurement of a gas soundness and repairs contract, including boiler servicing, testing and repairs.

12. Measured Term Contract 2013-16: Water Quality Management Service

Submitted report by the Corporate Director (Finance and Corporate Support) on a proposal to invite tenders for the procurement of a water quality management service.

Among the specialist Measured Term Contracts managed by Property Management and Investment, is a contract in respect of a water quality management service, which is a statutory requirement for all of the Council's operational properties. The current contract expires on 31 March 2014 with no further options to extend.

The report proposed that the contract be advertised as an open tender for a period of three years with the option to extend for a further two years. The annual value of the contract is approximately £100,000.

The Cabinet agreed to approve the commencement of a tendering exercise for the procurement of a water quality management service.

13. Measured Term Contract 2013-16: Fire Alarms and Emergency Lighting

Submitted report by the Corporate Director (Finance and Corporate Support) on a proposal to invite tenders for the procurement of a measured term contract for fire alarms and emergency lighting.

One of the specialist Measured Term Contracts managed by Property Management and Investment is in respect of fire alarms and emergency lighting. The current contract expires on 31 March 2014 with no further option to extend.

The report proposed that the contract be advised using the restricted process on the basis of a three year contract with the option to extend for a further two years. The annual value of the contract is approximately £136,000.

The Cabinet agreed to approve the commencement of a tendering exercise for the procurement of a measured term contract for Fire alarms and emergency lighting.

14. Montrose House Replacement

Submitted report by the Corporate Director (Finance and Corporate Support) on progress in respect of the replacement of Montrose House care home.

An initial cost estimate for the new facility (based on a sketch plan and using industry standard cost indices) was prepared by the Council's in-house Quantity Surveyors to give a basis for the initial capital bid in February 2012. The estimated construction cost of the new care home was then updated by the external quantity surveyors in February 2013. Section 2 of the report provided background information in respect of the revised cost, which is now projected at £5.537m. This exceeds the current budget available by £0.850m.

Section 2.19 of the report presented a number of options to address the funding position, including the approval of additional funding for the project. The report noted that the 2013/14 capital plan currently has uncommitted funding of £0.613m which could be used to assist with this project and that the remaining funding of £0.237m required could be met from the Council's Capital Fund.

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

- measures to ensure that estimates for future projects are as accurate as possible, taking into account the high specification required; and
- the capacity of the new Montrose House facility.

The Cabinet agreed to (a) note the additional costs of the Montrose House replacement; (b) approve additional capital funding of £0.850m for the project; and (c) approve the award of the construction contract to South West Scotland HubCo.

15. Housing Revenue Account Business Plan Implementation Group: Minutes of Meeting held on 26 February 2013

Submitted report by the Corporate Director (Social Services and Health) on the Minutes of the meeting of the Housing Revenue Account Business Plan Implementation Group held on 26 February 2013.

Noted.

16. South West Hub Territory Partnering Board: Minutes of Meeting held on 7 March 2013

Submitted report by the Corporate Director (Finance and Corporate Support) on the Minutes of the meeting of the South West Hub Territory Partnering Board held on 7 March 2013.

Noted.

The meeting ended at 3.15 p.m.