

The Executive of North Ayrshire Council  
6 January 2009

**IRVINE, 6 January 2009** - At a Meeting of the Executive of North Ayrshire Council at 2.30 p.m.

**Present**

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

**Also Present**

Anthea Dickson, Alex Gallagher and Elisabeth Marshall.

**In Attendance**

I. Snodgrass, Chief Executive; C. Kirk, Corporate Director and J. Leckie, Head of Service (Educational Services); T. Orr, Corporate Director and R. Small, Head of Infrastructure and Design Services (Property Services); A. Herbert, Assistant Chief Executive (Finance); I.T. Mackay, Assistant Chief Executive and R. Forrest, Planning Services Manager (Legal and Protective); S. Gault, Head of Service (Community Care) (Social Services); J. Montgomery, General Manager, J. Murray, Community Planning Co-ordinator, M. McKeown, Team Leader, Committee Services and J. Stevenson, Communications Officer (Chief Executive's).

**Chair**

Councillor O'Neill in the Chair.

**1. Declarations of Interest**

In terms of Standing Order 16, Councillor McDougall declared an interest in agenda item 8.

**2. 'North Ayrshire - A Better Life' - A Single Outcome Agreement for North Ayrshire 2009-2012: Formal Consultation by North Ayrshire Community Planning Partnership (CPP)**

Submitted report by the Chief Executive on the introduction from April 2009 of a new Single Outcome Agreement (SOA) between North Ayrshire Community Planning Partnership and the Scottish Government covering the period 2009-12.

The new CPP SOA, which will replace the existing SOA for 2008/09 between North Ayrshire Council and the Scottish Government, will update and replace the current CPP Community Plan 2006-2016 and the Council Plan 2008-11. The new SOA is based around a shared set of outcomes (what the CPP hopes to achieve), indicators (how achievements will be monitored) and actions (the changes and improvements that the CPP intends to make).

The SOA covers the work of all community planning partners, with a specific focus on strategic and partnership-based activities. All parties to the Agreement are fully committed to its delivery, and are jointly accountable for doing so. Lead responsibility for delivering against, and reporting on, specific sets of SOA outcomes lies with the CPP Board, CPP Strategic Partnerships and the Community Health Partnership (CHP), as part of the new CPP governance arrangements.

An initial consultation on the draft CPP SOA was held between 31 October and 25 November 2008 and involved all CPP groups, other partnerships, and elected Members. The CPP Board subsequently approved the consultation draft CPP SOA at its meeting on 11 December 2008. The CPP is consulting with each of the statutory partners represented on the CPP Board and will meet in mid February 2009 to agree any final changes to the SOA before it is submitted to the Scottish Government by the 28 February deadline. Thereafter there will be a period of agreement between the CPP and the Scottish Government prior to the SOA being finalised by the end of May 2009.

Following discussion about the approval processes of partner agencies, the Executive agreed to (a) approve the North Ayrshire CPP Single Outcome Agreement (SOA) for 2009-2012 as outlined in the report; and (b) refer the SOA to the Council for approval.

### **3. North Ayrshire Council Single Outcome Agreement (SOA) 2008/09 - Progress Report on Requests of the Scottish Government**

Submitted report by the Chief Executive on the progress against the requests of the Scottish Government included in the North Ayrshire Council Single Outcome Agreement (SOA) 2008/09.

Guidance on the preparation of SOAs between Scottish local authorities and the Scottish Government for 2008/09 allowed Councils to identify and request actions or commitments by the Scottish Government which were required to support the delivery of local SOA outcomes. The Council's 2008/09 SOA identified five principal requests (the 'Asks') of the Scottish Government, as well as other requests within the individual SOA templates. The report summarised the good progress made in relation to the requests included in the Council's SOA.

Since the 2008/09 SOAs were agreed, the Scottish Government has worked with SOLACE and COSLA to achieve a more consistent approach to the Asks. As a result, all request of the Scottish Government will in future be categorised as either Strategic Asks, Policy Asks, Funding Asks, or Local Asks. The distinction between each category was summarised in the report. The new CPP SOA will reflect the guidance from the Scottish Government.

The Executive agreed (a) to noted the progress made; and (b) that the Scottish Government be requested to clarify the timescale for taking forward improvements to the A737 trunk road.

#### **4. West Kilbride Community Centre**

Submitted report by the Corporate Director (Educational Services) on a proposal that the Council explores a possible joint funding arrangement with the Moffat Trust to enable refurbishment and improvement works to be carried out at West Kilbride Community Centre.

West Kilbride Community Centre is one of the largest centres in North Ayrshire and is managed by West Kilbride Community Association. The Association has been operating the facility successfully and has developed a business plan to increase the use and viability of the centre. The Centre is however in need of refurbishment and improvement works to allow its potential use to be maximised. In 2006 the Council replaced the roof of the building which secured the building's future subject to internal improvements being carried out.

The Association has investigated possible avenues for accessing external funding to support their proposals and the Council has worked with the Association to seek a funding package from the Lottery. To date Lottery funding has not been forthcoming due to the Lottery requirement that the applicant owns the property and the reluctance of the Association to take on ownership. The Moffat Trust has indicated a willingness to contribute match funding to fund improvement works to the centre and the opportunity provided by this offer may enable the Council to start the process towards the refurbishment of the centre. The scale and cost of the project will be the subject of a further report to the Executive prior to any joint venture being agreed and taken forward. Meantime the Council will support the Association in a further application to the Lottery and an approach may also be made to NHS Ayrshire and Arran.

The Executive agreed (a) in principle, to a joint funding arrangement with the Moffat Trust as outlined in the report; (b) to receive a further report in due course on the outcome of discussions on the way forward and on the Community Association's business plan for the future of the building; and (c) that the Council works with the Association to identify possible additional funding sources.

#### **5. Review of Letting Charges and Local Contract for Community Facilities**

**NOTE: This item was subject to the call-in procedure per the Council's Scheme of Administration. Please refer to the Minutes of the Meeting of the Special Scrutiny Committee of 19 January 2009.**

Submitted report by the Corporate Director (Educational Services) on the outcome of a consultation with North Ayrshire Federation of Community Associations (NAFCA) on a proposed new scheme of charges for community facilities and on a proposed community contract to govern the joint operations of community associations and the Council.

At its meeting on 19 February 2008, the Executive agreed that a consultation exercise be undertaken with NAFCA on a proposed new scheme of charges for community facilities. Following this meeting a Review Group comprised of representatives from NAFCA and officers from Educational Services was established to undertake a review of the existing charging scheme. The Group was chaired by Councillor McNamara and met on 5 occasions between May and December 2008.

During the course of its work, the Group agreed that there was a need to simplify the existing letting scheme by reducing the classifications of types of community facility and types of user groups. Considerable discussion took place on the actual charges to be levied on different types of user groups. The proposed new charging scheme, a copy of which was appended to the report, reflects the views of the Group on both the need to move to a more economic charging structure while providing support for the most vulnerable groups and the organisations which work within communities. The Group also concluded that there was a need to reconsider the 'community contract' between the Council and individual community associations. A new community contract has been drawn as appended to the report and it was proposed that this should be adopted as the agreement between individual associations and the Council. An appropriate arrangement for the signing of the contract will be arranged with NAFCA.

In conjunction with NAFCA, steps will be taken to inform users of community facilities of the new scheme of charges prior to its implementation in April 2009. There will also be annual consultation with NAFCA to enable the scheme of charges to be reviewed and updated on an annual basis. A letter from NAFCA in support of the work of the Group was tabled.

The Executive (a) noted the outcome of the consultation exercise with NAFCA and recorded its appreciation of the Group's work; (b) agreed to approve (i) the scheme of charges as indicated in appendix 1 to the report; and (ii) the terms of the community contract between community associations and the Council as outlined in appendix 2 to the report; and (c) agreed that the scheme of charges be reviewed annually in association with NAFCA.

## **6. Irvine: Bailey Bridge Replacement: Report on Tenders**

Submitted report by the Corporate Director (Property Services) on tenders received in respect of the contract to replace the Bailey Bridge in Irvine.

At its meeting held on 3 June 2008, the Executive received a report by the Corporate Director (Property Services) on the replacement of the Bailey Bridge, Irvine. At that time the Executive agreed (a) that funding should be identified to meet the estimated shortfall of £1.036m against the capital allocation for the project; and (b) to receive a report at a future meeting relating to four additional phases of the project.

Subsequently, expressions of interest were invited from experienced contractors under the European Union (EU) procurement process for restricted tendering for the construction of the works. A pre-qualification questionnaire was then issued to all contractors who confirmed an interest and, following an assessment of their submissions, six contractors were invited to tender for the works. Five contractors returned their tenders by the 8 December 2008 deadline. The returned tenders were checked by the Council's consultants, URS Corporation, and a comprehensive tender report was received. In addition to the main contract, tenderers were asked to price four optional contracts for additional phases of the scheme, which may be carried out during the main contract or later subject to funding being identified.

The results of the tender process were summarised in the appendix to the report. The lowest tender received for the main contract is considerably above the budgeted provision, whilst the tendered costs of the proposed optional elements are below the estimated costs. A number of factors explain the increased cost of the main contract, including the lack of availability and increased cost of the required steel tubing, as well as the impact of the worldwide financial situation. There has also been an increase in other costs associated with the main contract including design, utility costs, and additional ground investigation and topographical survey works.

Given the situation, URS, the designers of the bridge have been asked to examine their design to see if savings can be identified. In the circumstances, the Corporate Director (Property Services) requested that the Executive continue the matter to its next meeting to allow a detailed options report to be prepared.

Members discussed the issues raised and reiterated the importance of the bridge replacement for the town of Irvine.

The Executive agreed to continue the matter to its next meeting on 27 January 2009.

## **7. Local Government Finance Settlement 2008/09: Additional Funding to Local Authorities through Revenue Support Grant from the Zero Waste Fund**

Submitted report by the Corporate Director (Property Services) on the Council's share of funding transferred by the Scottish Government from the Zero Waste Fund to the Local Government Finance Settlement 2008/09.

The Scottish Government has allocated £16.7 M from the Zero Waste Fund to the Local Government Finance Settlement 2008/09, of which North Ayrshire Council's share is £437,000. The sums allocated are to be directed toward the 2013 Landfill Diversion targets in particular and, to this end, discussions have taken place at the Ayrshire Joint Strategic Waste Management Project Group. The Group will consider how best to use the funding allocated and a further report will be brought back to the Executive at a future meeting.

The Executive agreed to receive a further report at a future meeting on the Ayrshire Joint Strategic Waste Management Project Group's proposals for utilising the funding allocations.

## **8. North Ayrshire CCTV Company Limited**

Submitted report by the Assistant Chief Executive (Legal and Protective) seeking authorisation for the payment of a grant of £100,000 to North Ayrshire CCTV Limited.

North Ayrshire CCTV Limited carries out public open space CCTV monitoring in several of the town centres and residential areas in North Ayrshire. The company was established in 1997 and 4 Councillors form part of the Board of Directors. The company provides a valuable service in support of the Council's key objective of a safer community for the residents of North Ayrshire.

The company has received limited revenue funding from the Council although capital has been used to purchase cameras over the years. In 2007/08 the Council contributed £44,000 towards the cost of running the company. Funding from the Regeneration Outcome Agreement and Community Safety Forum in the same year amounted to £140,000. In 2008/09 the new Fairer North Ayrshire Fund allocated £50,000 to the company, with Community Safety continuing funding of £40,000. Funding from Strathclyde Police remains constant at £32,500 per annum. The company has presented a Business Plan for 2008/11, a copy of which was appended to the report, which details the company's operations and financial status. As part of its revenue budget process for 2008/09, the Council agreed in February 2008 to allocate £100,000 to the CCTV company. The company is seeking payment of this grant.

The Executive agreed to (a) note the company's business plan for 2008-2011; and (b) authorise the Assistant Chief Executive (Legal and Protective) to make a grant of £100,000 to the company.

## **9. Urgent Item**

The Chair agreed the following item be considered as a matter of urgency to allow a response to be sent to the Scottish Government by the 12 January 2009 deadline.

## **10. National Planning Framework for Scotland 2 (NPF2): Proposed Framework: Call for Views**

Submitted report by the Corporate Director (Property Services) on a proposed Council response to a Scottish Government consultation on the proposed National Planning Framework 2 for Scotland.

The Scottish Government published the National Planning Framework 2 (NPF2) for consultation on 12 December 2008. The NPF2 aims to guide Scotland's spatial development to 2030 and sets out strategic development priorities to support the Scottish Government's promotion of Sustainable Economic Growth. The Local Government and Communities Committee will consider the Framework with a particular focus on the planning aspects. The Transport, Infrastructure and Climate Change Committee will look at infrastructure and climate change aspects, with the Economy, Energy and Tourism Committees, focusing on economic development and energy matters. Under the Planning etc (Scotland) Act 2006, the Scottish Ministers are required to lay the Framework before the Scottish Parliament for a period of 60 days and are to have regard for any report made by the Parliament before finalising it. On this basis, the Parliament requires to debate the Framework by the end of February 2009. Written views have been called for by 12 January 2009 and the Committee may seek verbal evidence.

The profile of Ayrshire is greatly enhanced in the proposed Framework notably by:-

- Extension of the Key Economic Corridor to Central Ayrshire with identification of a core area for coordinated action, as identified in the Ayrshire Joint Structure Plan
- Recognition of Hunterston as a national development
- Recognition of Prestwick Airport as one of four national developments for strategic airport enhancement
- Recognition of the economic development potential for the Energetics Cluster at Ardeer
- Designation of improved rail connectivity in the West of Scotland as a national development
- Continued support for the Irvine Bay Urban Regeneration Company and its proposals for new residential development around Irvine Harbour, a new marina at Ardrossan, an eco village and watersports centre at Stevenston, as well as seafront improvements and the creation of new woodland.
- Reference to bypasses at Dalry and Kilwinning which would help to reduce conflict between local and long distance traffic on the A737 and improve journey time reliability.
- Recognition that in North and East Ayrshire there are opportunities to integrate green infrastructure initiatives with the wider Central Scotland Green Network.

The terms of a proposed response to the Scottish Government was set out in the report. The response:-

- Broadly welcomes the enhanced profile for Ayrshire set out in the proposed Framework;
- Requests that the Councils have the opportunity to participate in the associated Action Plan;

- Requests that the Scottish Government be asked to provide clarification on the lack of precision between the description of development which provides for a "clean coal fired power station, container transshipment hub, maritime construction and decommissioning yard and associated energy and industrial development", and the elements covered by the designation which are described as "carbon capture ready coal fired power station and fuel storage yard, biomass/gas fired power station, container transshipment hub, maritime construction and decommissioning yard, downstream industrial processes, associated environmental works;
- Seeks clarification on the additional requirements for infrastructure reinforcement arising from the proposals for Hunterston;
- Requests that the statements on radioactive waste are fully explained; and
- Welcomes the inclusion of the Kilwinning bypass in NPF2 and requests that should be subject to continued design development and a future intervention recognised in the Strategic Transport Projects Review.

In approving the terms of the response, Members agreed that the Scottish Government be advised that the Council was not satisfied that NPF2 had demonstrated a need to extend a presumption in favour of decommissioning and that the Scottish Government be requested to clarify what is involved in, and the justification for, the decommissioning aspect of the marine construction and decommissioning yard element. Members also requested that the response indicate the Council's willingness to provide oral evidence. The local Members present were given the opportunity to address the Executive on the issues raised.

The Executive agreed to approve the terms of the proposed response to the Scottish Government, subject to the additions discussed at the meeting.

## **11. Exclusion of Public**

The Executive resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting, the press and the public for the following item of business on the grounds indicated in terms of Paragraph 12 of Part 1 of Schedule 7A of the Act.

## **12. Kilbirnie: 1 August 2008: Report on Flooding Incident**

Submitted report by the Corporate Director (Property Services) on the aftermath of the flooding incident in Kilbirnie and Glengarnock on 1 August 2008.

Heavy rain in the Kilbirnie and Glengarnock area caused the River Garnock to burst its banks on the morning of 1 August 2008 causing flooding at locations in Kilbirnie and Glengarnock. Along with other Council services involved on the day, Roads Services responded quickly to the incident.



The response included sandbagging properties as required; repairing the breach in the riverbank at the site of the former dye works site at Muirend Street, Kilbirnie; using gully emptiers to draw water out of areas of ponding on the carriageways; and sweeping debris off the footways and carriageways and some of the pathways into houses.

Subsequently, Roads Services commissioned a flooding consultant, Royal Haskoning, to provide a formal record of the flood by way of a detailed description of the event, the number of private and commercial properties affected, approximate flood depths, indicative flood extent maps and flood mechanisms. The consultant's report, entitled *Kilbirnie 1st August 2008 Flood Event Report*, was appended to the report. As well as the Flood Event Report, Royal Haskoning was asked to undertake a more detailed study to provide additional flood risk management advice and services relating to the flood event. A copy of the consultant's report entitled *Kilbirnie, 1st August 2008 Flood Investigation report* was also appended to the report.

Since the flood event of 1 August, Roads Services have continued to monitor the condition of the riverside walls along the site of the former dye works site at Muirend Street and further works have been undertaken to reinforce the riverbank using rock armour. As an additional safeguard, a flood bund has been constructed along the whole length of the site. These measures are intended to restore the level of flood defence to that existing prior to the flood of 1 August but not increase it in order that flood risk to adjacent properties is not altered. The final flood protection will either be provided as part of the development of the site or as part of a future flood protection scheme for the town.

With regard to flood protection works in Kilbirnie and Glengarnock, the studies and hydraulic modelling carried out by Royal Haskoning, which represent only the feasibility stage of the project, will be passed over to one of the consultants recently appointed under Road Services' new framework agreement for consultancy services. The new consultant will develop options for flood alleviation works for Kilbirnie, Glengarnock and Dalry which will form the basis of public consultation. Following the public consultation exercise, a flood protection scheme will be taken forward by the Council under the new flooding legislation. The Scottish Government has not yet indicated any funding mechanism for flood protection schemes, which for Kilbirnie, Glengarnock and Dalry, may be in the region of £15-18m. The Council has expressed its concerns over future funding arrangements in its response to the Flooding Bill consultation and these views have been reinforced in a written response to the Financial Memorandum to the Bill and by the flooding officer in oral evidence to the Finance Committee. Regardless of the final format of the new flooding legislation, a report on any proposed flood protection scheme will be submitted to the Executive in due course. The promotion of a formal flood protection scheme for the River Garnock catchment is identified within the Council Plan 2008-2011 as a key action in support of the outcome of making communities safer and better protected.

The local Member present was given the opportunity to address the Executive on the issues raised.

The Executive (a) noted (i) the response made by Roads Services and other Council responses to the flood event; (ii) the findings of the reports by Royal Haskoning; and (iii) the proposals for future flood protection works; and (b) agreed that appropriate information on the flood event be made available to the public.

The meeting ended at 4.00 p.m.