

The Executive of North Ayrshire Council
14 December 2010

IRVINE, 14 December 2010 - At a meeting of the Executive of North Ayrshire Council at 2.30 p.m.

Present

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

Also Present

John Ferguson and Ruby Kirkwood.

In Attendance

E. Murray, Chief Executive; I. Colvin, Corporate Director and O. Clayton, Head of Community Care and Housing (Social Services and Health); C. Kirk, Corporate Director and J. Leckie Head of Community and Culture (Education and Skills); A. Herbert, Corporate Director; C. Hatton, Head of Environment and Related Services and A. Kirk, Manager (Design and Property) (Finance and Infrastructure); P. Boyle, Manager (Legal Services) and K. Thomas, Manager (Protective Services) (Corporate Services); A. Durnin, Commercial Support Manager (Building Services), J. Montgomery, General Manager (Policy and Service Reform), K. Dyson, Communications Officer and M. McKeown, Committee Services Manager (Chief Executive's Service).

Chair

Councillor O'Neill in the Chair.

Apologies for Absence

John Reid.

1. Declarations of Interest

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

2. Minutes

The Minutes of the previous meeting of the Executive held on 23 November 2010 were signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3. Strategic Housing Investment Plan (SHIP) 2011-2016

Submitted report by the Corporate Director (Social Services and Health) on the content of the Strategic Housing Investment Plan (SHIP) 2011-2016, and seeking approval for its submission to the Scottish Government.

The revised SHIP, a copy of which was appended to the report, sets out affordable housing investment priorities over a five year period to achieve the six strategic outcomes identified in the consultative draft of the North Ayrshire Local Housing Strategy 2011-2016.

The SHIP is the key statement of affordable housing development priorities in North Ayrshire and will guide the application of funding from the Government's Affordable Housing Investment Programme, as well as any other funding which may become available. All funding for affordable housing investment in North Ayrshire is dependent on the SHIP clearly identifying deliverable affordable housing projects. The affordable development projects included in the SHIP are understood by the Council and its partners to be deliverable within the 5 year planning time frame.

The report summarised the investment location, house sizes, and house type priorities contained within the SHIP and considered how particular needs housing may be delivered. Members asked questions and received clarification in relation to the information presented in the report.

The Executive agreed to (a) approve the terms of the SHIP 2011-2016; and (b) authorise its submission to the Scottish Government; and (c) receive a further report at a future meeting, once the funding available for affordable funding has been announced.

4. Local Housing Strategy 2011-2016: A Vision for North Ayrshire & Interim Scheme of Assistance

Submitted report by the Corporate Director (Social Services and Health) seeking approval of the Local Housing Strategy (LHS) 2011-2016 and the Interim Scheme of Assistance.

The Housing (Scotland) Act 2001 places a statutory duty on Local Authorities to prepare a LHS that sets out the strategic direction to tackle identified areas of need, and to inform future investment in housing and related services. The draft LHS 2011-2016: A Vision for North Ayrshire, a copy of which was appended to the report, sets out the response of the Council and its partners to addressing housing need. The LHS is based around 6 overarching outcomes i.e.

- The supply and quality of housing better meets needs and aspirations;
- Fewer people become homeless;
- Housing support measures promote independent living;
- Housing is sustainable and contributes to stable communities;
- Access to high quality information and advice has improved; and
- The strategic process is open, transparent and accountable.

The LHS has been developed through an extended consultation process. Where appropriate, all relevant comments and feedback have been taken account of to ensure the LHS reflects and addresses current priorities in relation to housing need and investment. These priorities will also inform the LHS Action Plan which is to be developed.

The Housing (Scotland) Act 2006 also requires all Local Authorities to establish a "Scheme of Assistance" to assist private home owners, landlords and private tenants to repair, maintain, improve and adapt their homes. The new measures being introduced are based on the principle that owners of private properties should take the greater responsibility for the repair and maintenance of their properties, but that a range of support and assistance from the local authority should be made available where necessary. In parallel with the LHS, therefore, a draft 'Interim Scheme of Assistance', a copy of which was appended to the report, has also been developed. A fully operational Scheme of Assistance will be prepared and introduced during Spring 2011 and feedback from the Interim Scheme will inform the development of the full Scheme.

The Interim Scheme seeks to put in place provisional measures setting out the circumstances under which North Ayrshire Council and its partners will provide information, financial assistance, advice and practical support to help those living in the private sector repair, maintain, improve or adapt their homes. The Scheme will go live once the Council's Statement of Assistance has been published.

Further to this however, the Council recognises that the type, quality, scope and availability of advice and assistance currently accessible to those in the private sector could be improved further. To this end a dedicated Private Housing Sector staffing resource will be introduced early January 2011. A key part of this team's remit will be to develop and expand the services available within the Interim Scheme of Assistance.

Members asked questions and received clarification in respect of the information presented in the report, and in relation to the operation of the Scheme of Assistance.

The Executive agreed to approve (a) the 'Local Housing Strategy 2011-2016: A Vision for North Ayrshire', subject to Scottish Government comments and peer review; (b) the development of a Local Housing Strategy Action Plan; and (c) the 'Interim Scheme of Assistance', with the proviso that any suggestions received during the final round of consultation are taken account of when the revised 'full' Scheme of Assistance is developed during Spring/Summer 2011.

5. Review of Medical Assessment Process for Housing Applications

Submitted report by the Corporate Director (Social Services and Health) on a review of the current medical assessment process and to seek approval to a new assessment process.

At its meeting on 21 September 2010, the Executive considered a report outlining progress of the North Ayrshire Common Ayrshire Housing Register and highlighting areas for further development.

One of the areas highlighted for development related to the medical assessment process for housing applications. The current medical assessment process is provided by a medical advisor appointed by NHS Ayrshire and Arran. This provision will be withdrawn in March 2011. A robust replacement assessment process is required which clearly defines the applicants circumstances, contributes to making best use of the housing stock, and improves the service currently provided. The report set out proposals for a new assessment process, involving:-

- the introduction of three new grades - high, medium and low;
- re-assessment of current applicants on grade 4;
- retention of grades by all current applicants with grade 1, 2 and 3;
- the introduction of an appeal process;
- an amendment of the North Ayrshire Housing Allocation Policy; and
- creation of a new post of Occupational Therapist at Grade 10.

Members asked questions and received clarification in respect of aspects of the proposed new medical assessment procedure, including the proposed new appeals process.

The Executive agreed to the introduction of a new medical assessment process as set out in the report.

6. Review of Community Warden Service

Submitted report by the Corporate Director (Social Services and Health) on the future purpose, role, location and deployment of the Community Warden Service.

At its meeting on 9 December 2009, the Executive agreed that a review of the existing Community Warden Service should be carried out in consultation with Strathclyde Police. Subsequently a consultancy firm, Blake Stevenson, was commissioned in April 2010 to conduct an independent review of the Community Warden Service. A Steering Group of Elected Members, Community Warden service staff, partners from Strathclyde Police and Irvine Housing Association and community representatives was set up to agree the detailed brief and to oversee the progress of the review. The report summarised the approach and methodology adopted by the Steering Group.

A copy of the consultant's report, setting out their findings, analysis, conclusions and recommendations, was appended to the report. The consultant's report concluded that the Community Warden Service in North Ayrshire is valued by community and agency stakeholders and also has an impact in terms of community safety, environmental improvement and community support. The consultant's report identified three strategic issues that need to be addressed i.e.

- Where the Wardens will operate?
- What their purpose and role will be?
- How they will be structured and funded?

The consultants also identified operational issues to be considered following decisions on these strategic issues.

As a consequence of the report findings, the Executive was invited to consider the following recommendations arising from the review:-

- That the purpose of the Service is prioritised, and the range of duties is reduced, to focus mainly on community safety and public reassurance linked to community engagement and support. This would mean discontinuing the Wardens' estate management role (this would revert to Area Housing Teams); and, depending on the future size of areas to be covered, possibly also discontinuing the garden equipment lending scheme.
- That Community Wardens should not have an enforcement role e.g. issuing fixed penalty notices for fly tipping and dog fouling; rather, that they continue their present role of providing advice and support, observing and reporting on issues arising in the community.
- That Community Wardens should not patrol in town centres, and that they continue to work only in residential areas to support communities and reduce their fear of crime.
- That the Community Warden service continues to work in existing areas, but also extends into neighbouring areas to provide greater flexibility of coverage but that the Community Warden service should not cover full multi-member ward areas.
- That a mobile team is created, to be based in Stevenston and covering Ardeer and Hayocks as its core areas.
- That the Community Warden Service remains within the Council.
- That the possibility is explored of introducing volunteer Wardens to work alongside paid Community Wardens.

In parallel to the review by Blake Stevenston, consideration has been given to the future funding of the Warden Services as part of the Council's budget exercise. The Warden Service is currently funded from within the Housing Services General Services budget.

The total Non-HRA budget is £7.2million and, as a result of the saving target set as part of the current budget exercise, there is a need to make savings of £1.4million in this budget over the next three years. As a consequence of this, it was proposed that the Council should reduce the number of Warden Teams by one in order to achieve savings of £172,000 per annum. It was further proposed that the area from which the service is removed should be Pennyburn, Kilwinning. This area was identified as having fairly low level of intensity in terms of "heat" mapping of crime and anti social behaviour statistics.

Members asked questions and received clarification in relation to the findings and recommendations arising from the review, and in relation to the impact of the proposals to reduce the number of Warden Teams by one and to remove the service from Pennyburn, Kilwinning.

Whilst agreeing that the status quo was not an option, Members expressed the view that more information was required before decisions could be reached on the future of the Warden Service. A range of possible alternatives were discussed, including (i) operating the Warden Service as set out in the report; (ii) operating the Service on a mobile basis across all areas, with a consequent dilution of service; and (iii) removing the Warden Service all together. Members requested that all options be explored and that a further report be brought back.

Accordingly, the Executive (a) noted the findings and options identified from the review of the current Community Warden Service as detailed in the report; and (b) agreed that a report exploring a range of options for the future delivery of the Warden Service be submitted to a future meeting.

7. Building Services Options Appraisal

Submitted report by the Chief Executive on the outcome of an options appraisal exercise undertaken in respect of the future of Building Services.

On 26 January 2010, the Executive considered a report on potential alternative future service delivery arrangements relating to Building Services. The report sought the Executive's approval to obtain advice on the widest set of options for the future of Building Services to create a sustainable and successful future for the operation.

Capita Symonds were subsequently appointed to work with the Council to conduct a detailed options appraisal into the future of Building Services. A summary of the consultant's report was appended to the report. Central to the options appraisal has been the extent to which an alternative service delivery model could bring added value to the Council by:

- Generating additional income from sources other than North Ayrshire Council
- Delivering contracts more efficiently and at lower cost
- Expanding employment opportunities
- Providing other forms of community benefit to the area

The key findings from the options appraisal exercise were presented in the report. A Strategy has been developed for Building Services to make it "Fit for the Future". This will be delivered by driving improvements in economy, efficiency and effectiveness, and making it ready to face the challenges of reduced public spending and enhanced scrutiny on costs and outcomes.

At the centre of the Strategy is a two-stage approach to securing the future of Building Services. Stage 1 involves revitalising and rebranding the Service. Through this process the Council can make significant improvements in the operational and financial effectiveness of Building Services, capturing those benefits entirely for the Council. Stage 2 will look at creating an arms length model of delivery to bring in additional expertise to enable progression in taking the improvement programme forward. As a pre-requisite of making Building Services fit for the future, the role of the client (Housing Services) and the clients agent (Infrastructure & Design Services) will also need to be clarified, overhauled and strengthened.

Members asked questions and received clarification in respect of the timing of any future move to create an arms length model of delivery.

The Executive agreed to (a) a two stage process to (i) radically re-engineer Building Services to work in a competitive commercial environment to deliver sustained efficiencies and cost benefit to the Council; and, (ii) carry out preparatory work to decide on the preferred Arms-Length model at the same time as it overhauls Building Services through the revitalise and rebrand programme; and (b) review, strengthen and update the role of the client (Housing Services) and the clients agent (Infrastructure and Design Services), to occur at the same time as the revitalise and rebrand programme.

8. Review of Community Facilities and Libraries

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 Scrutiny Committee on 17 January 2011.

Submitted report by the Corporate Director (Education and Skills) on initial proposals in respect of the future of community halls, centres and libraries.

In the face of tightening budgets, the Council is considering a range of potential efficiency measures, including the closure of community halls and centres over a three-year period, and the delivery of library services in a more cost effective manner.

The Council has recently undertaken a number of “Straight Talking” sessions with community representatives in relation to the future budgets and the impact on the provision of services. From the comments made by community representatives at these sessions it is clear that the community (i) would be keen to retain a range of services; (ii) understand that delivery models may have to change; and (iii) are willing to consider the delivery of services on a voluntary basis through local groups. Community representatives did however make it clear that it will take time for the groups to get organised and that the facilities and services cannot be delivered by volunteers without some degree of professional and financial support. The North Ayrshire Federation of Community Associations (NAFCA) has been involved in discussions with the Council and has submitted proposals to the Council for consideration.

The report, which was for information at this stage, presented potential proposals for the phased devolvement or closure of halls and centres over a three year period, and for the future delivery of library services. The potential savings and implications arising from the proposals were set out in the report, although it was recognised that a range of issues would require clarification before any decisions on proposals could be made.

The Council has engaged Grant Thornton to undertake an exercise on the business plan and implications arising from the possible rationalisation of a broad range of community services. One aspect of this review relates to the future of the community facilities, including centres, halls and libraries. While Grant Thornton are analysing the current provision and costs it is appropriate that a Council view built on local knowledge and understanding of the services provided, the location of communities and the facilities and the opportunities that exist within a particular area, be provided to assist in the review process.

Members asked questions and received clarification in respect of the information presented in the report. The importance of consulting with the community going forward was highlighted, as was the need to provide community groups with the information they require to make informed decisions.

The Executive (a) noted the information contained in this paper; (b) agreed that the proposals contained therein be raised with local Elected Members and voluntary groups and fed into the ongoing Grant Thornton Review; and (c) agreed to a request from North Ayrshire Federation of Community Associations (NAFCA) that they be allowed the opportunity to present their own outline proposals to Elected Members.

9. Queen Elizabeth 2 Fields Challenge

Submitted report by the Corporate Director (Education and Skills) on the submission of a number of playing fields and open areas as the local nomination for the Queen Elizabeth 2 Fields Challenge.

The National Playing Fields Association, operating as Fields in Trust, is undertaking a challenge to protect 2012 playing fields and spaces across the country. The project is being undertaken to build on lasting legacy from Queen Elizabeth 2 Fields Diamond Jubilee, the London Olympics 2012 and the 2014 Commonwealth Games in Glasgow 2014. Fields in Trust has set a target of 214 protected spaces in Scotland. Fields in Trust have invited Councils to nominate fields or open spaces. Once nominated, Fields in Trust will carry out a public review of fields to be included in the project.

Protected fields cannot be lost, for any development, in perpetuity. However, given a reasonable case and a replacement or betterment of current facilities, Fields in Trust may be willing to negotiate a redesignation of a particular field. Fields in Trust aims to create a legacy of convenient and free access for everyone to be more active and engage in physical activity and sport.

The Executive agreed that the following playing fields and areas of green open space be put forward as submissions for further consideration by Fields in Trust:

- Largs, Bowencraig;
- West Kilbride, Nethermiln/Kirkton Glen;
- Formal Garden, Eglinton Park, Kilwinning;
- Kilwinning Sports Club, Recreation Ground Kilwinning (post expansion);
- Kilbirnie Ladeside Playing fields;
- Beith Orr's Trust Public Park
- Spiers Trust, Beith;
- Dalry Public Park;
- Irvine, Annick Playing Fields;
- Ormidale playing fields, Brodick, Arran;
- Stevenston Shore.

10. Sundry Debtors Write Off

Submitted report by the Corporate Director (Finance and Infrastructure) on balances written off under delegated powers and requesting authority to write off individual balances over £1,000.

The Council's Financial Regulations provide that sums due to the Council may be written off when all avenues for recovery have been exhausted and where the sums are considered to be irrecoverable.

Since 1 April 2010, 604 individual accounts below £1,000, and with a cumulative value of £61,424.48, have been written off under delegated powers. It was proposed that a further 84 accounts in excess of £1,000, and totalling £63,587.63, also be written off. Recovery action will continue where possible.

The Executive (a) noted the sums written off under delegated powers; and (b) authorised the write off of balances totalling £63,587.63, as set out in the report.

11. Fairlie: 85 Main Road

Submitted report by the Corporate Director (Finance and Infrastructure) on the poor condition of the property at 85 Main Road, Fairlie, and seeking authority to serve a Closing Order on the owners of the property to prevent its occupation.

The Executive agreed to authorise the serving of a Closing Order on the owners of the property.

12. Treasury Management Mid Year Report 2010/11

Submitted report by the Corporate Director (Finance and Infrastructure) on the Treasury Management position of the Council in the first half of financial year 2010/11.

The Chartered Institute of Public Finance and Accountancy (CIPFA) issued a revised Code of Practice for Treasury Management in November 2009. The revised Code requires that Elected Members be provided with regular monitoring reports on treasury management activities. The Executive has previously agreed to receive reports on a twice-yearly basis.

The report provided (i) an analysis of the current economic position facing the Council; (ii) forecasts for Interest Rates (Sector Treasury Services); and (iii) a summary of position of the Council's Treasury Management Investment and Borrowing Strategy.

Members asked questions and received clarification in relation to the information presented in the report and in particular with regard to the ongoing efforts to recover outstanding Icelandic bank deposits.

The Executive agreed to (a) note the report; and (b) approve the proposed increase in investment limits for Government backed banking institutions from £10m to £15m.

13. General Services Capital Programme 2010/11

Submitted report by the Corporate Director (Finance and Infrastructure) on updated projections on the General Services capital programme for 2010/11.

At its meeting held on 31 August 2010, the Executive considered a report which indicated an underspend of £1.665m on the capital programme for 2010/11.

Subsequently on 21 September, the Executive agreed to allocate funding of £0.495m to additional projects identified by officers. A further £0.160m was approved to finance the acquisition of the Stevenston Institute in Largs. No decision was taken on the remaining projected underspend of £1.010m, pending further work to be undertaken by officers in confirming projections for the current year, the impact of reduced government support for capital projects in future years and new capital bids being submitted by officers as part of the review of the 2011/12 capital programme.

The Capital Working Group has reviewed the capital projects being undertaken in the current year and considered explanations provided by officers on projected variances from the approved budgets. A summary of the latest position, showing a total projected underspend for the year of £5.430m, was appended to the report.

Projects totalling £5.690m are currently projected to be underspent due to delays in commencement of works compared to original budget assumptions. This funding will, therefore, be re-phased to 2011/12. The report highlighted the significant 'genuine' projected underspends and overspends on the capital programme. An overspend of £0.205m is now forecast. This will be accommodated within the £1.789m allowance for flexibility within the 2010/11 approved budget.

The draft capital programme for 2011/12 was approved in February 2010. As part of the work that is currently underway to formalise the 2011/12 capital programme, some services have submitted new funding bids for consideration. Based on the latest information available from Scottish Government and COSLA, it is anticipated that the Council's capital funding will reduce by approximately £2.5m in 2011/12.

A Members' Seminar will be held on 20 December to consider the 2011/12 - 2013/14 capital programme. Details of the additional funding bids and the implications of the finance settlement will be issued to Members at the seminar.

The Executive (a) noted the current position in relation to the 2010/11 and 2011/12 capital programmes; (b) approved the revisions to the capital programmes to reflect the phasing issued outlined in the report; and (c) noted that information on the 2011/12 capital programme will be made available at the Members' seminar which will take place on 20 December.

14. Montgomerie Park, Irvine

Submitted report by the Solicitor to the Council on the legal position regarding the recovery of landscaping maintenance charges from the residents at Montgomerie Park, Irvine, and seeking agreement to make new arrangements for the future recovery of these charges.

In January 2003, the Council agreed to the disposal of ground known as Montgomerie Park, Irvine, to housing developers. The land was divided into 14 housing sites, plus community facilities and landscaped areas, with each site having capacity for between approximately 50 to 125 house plots. 3 of the sites have been sold to private housing developers and a 4th to Irvine Housing Association. The Housing Association site has been developed, as have the Robertson Homes and Persimmon Homes sites. The 3rd site is currently under development by its owners (Barratts).

Before the sale of the 1st site, the Council recorded a Deed of Conditions over the whole of the Montgomerie Park area. One of the purposes of the Deed was to regulate the carrying out of landscape maintenance and drainage over that part of the Montgomerie Park area which was not to be used for housing or any other development, and which fell outwith the boundaries of the development sites. Scottish Woodlands was commissioned to undertake these maintenance works on behalf of the Council.

The Deed of Conditions also contains a provision which states that residents who had purchased properties at Montgomerie Park should pay landscape maintenance charges to the Council and ultimately to their successors in title to the landscape maintenance areas. There has been considerable ongoing resistance by a number of residents in the area to the payment of these landscape maintenance charges.

Whilst the Deed of Conditions was based on industry standards at the time it was drawn up, legal opinion obtained by the Council now makes it clear that the Council cannot recover any landscaping maintenance charges from existing residents and indeed will have to repay the charges that have already been paid by residents. The figure for repayment for the residents in the Robertson Homes and Persimmon developments could amount to approximately £15,000.

In the circumstances, it was proposed that the Executive accepts that the Council will have to be responsible for the cost of landscaping charges for at least the sites sold to Robertson Homes and Persimmon Homes. It was further proposed that contact be made with Irvine Housing Association and Barratts to include their sites as part of a fresh Deed of Conditions giving their residents specific legal rights to the landscape maintenance areas. Finally, it was proposed that the services of specialist legal advisers be engaged to prepare and place on the Land Register a new/revised Deed of Conditions which will impose on future residents at Montgomerie Park a legally enforceable duty to pay landscape maintenance charges.

Members asked questions and received clarification in relation to the length of time taken to resolve the matter, the conflicting advice provided to Elected Members on the issue, and the mechanism for repayment of fees to residents of Montgomerie Park.

The Executive agreed to accept the proposals set out in the report.

15. Control of Dogs (Scotland) Act 2010

Submitted report by the Solicitor to the Council on the Control of Dogs (Scotland) Act 2010 which imposes new duties and responsibilities on the Council in relation to the control of dogs, in addition to existing Dog Warden duties.

The 2010 Act updates the law on control of dogs, enabling Councils to impose measures on the owner or person in charge of a dog where there is a failure to keep the dog under control. The objective of the Act is to ensure that dogs that appear to be out of control are brought and kept under control, minimising the number of dogs which become dangerous through irresponsible ownership. The legislation commences operation on 26 February 2011.

Currently the Council's principal responsibility for dogs is dealing with strays under Section 149 of the Environmental Protection Act 1990. Under that Act, the Council must appoint Dog Wardens to seize and detain stray dogs found in public places in the district. Strays dogs are taken to a Dog Pound and are kept for a statutory 7 day period, after which, if not reclaimed by the owner, the majority are given away to Dogs Trust for rehoming. This function is discharged by the Environmental Health Service.

The 2010 Act places additional responsibilities on the Environmental Health Service, which must appoint an Authorised Officers under the Act, enforce Dog Control Notices served and monitor their effectiveness, and provide training for Authorised Officers. The report summarised the main provisions of the new Act.

The Executive (a) noted the implications for the Environmental Health Service in discharging their duties in terms of the 2010 Act; and (b) agreed to appoint the 3 Pest Control Officer/Dog Wardens within the existing Environmental Health establishment as Authorised Officers under the Act.

16. Irvine Area Accommodation: Main Building Strategy

Submitted report by the Chief Executive seeking approval to progress the Irvine Main Building Strategy.

The Irvine Area Accommodation Strategy is linked to the 'Our Future Working Environment' work stream in the Council's Change Programme. The aim of the work stream is to identify £2.5 million of savings from the Council's property assets.

The main office accommodation within Irvine is spread across Cunninghame House, Bridgegate House and Perceton House. None of the buildings are currently at capacity in terms of the number of staff that are based there, which is inefficient and costly.

A proposed Irvine Main Building Strategy was appended to the report. The re-design of the exterior of Bridgegate House, offers an opportunity to refurbish the internal space. This will allow additional staff to be based at Bridgegate and enable customer facing Services to be focused at that location in a modern, flexible and efficient space. Refurbished office accommodation will also provide a much needed improvement to the current working environment for staff.

In addition to the proposed changes at Bridgegate, Cunninghame House will be refocussed to house primarily back office and support functions, with an emphasis on minimising customer facing services provided from that office.

Staff from Perceton will be consolidated into both of the town centre buildings as appropriate. This will allow the Perceton site to be vacated and sold, providing both a capital receipt to help fund the refurbishment costs of Bridgegate and a reduction in on-going revenue costs. In addition to the main office buildings, the consolidation of other smaller offices and leased premises will also take place.

The Executive agreed to approve the proposals set out in the Irvine Main Building Strategy, as appended to the report.

17. Financial Assistance to Outside Bodies 2010/11

Submitted report by the Chief Executive on an application for financial assistance received from an Outside Body.

The Executive agreed to award North Ayrshire & Arran Scout Council £891.14.

18. Fraudulent Activities - Review of Procedures

Submitted report by the Corporate Director (Finance and Infrastructure) on the new procedures in place to address the potential of fraudulent activities.

At the Council meeting held on 1 December, 2010, the Council's Monitoring Officer presented a report on his investigation into a fraud which had been perpetrated on the Council. The report detailed the background to the fraud, the actions taken throughout the matter and conclusions on the overall position. The Members of the Council asked a series of questions in relation to the report and explanations were provided.

The Monitoring Officer's report proposed that an Action Plan should be presented to a future meeting of the Executive by the Corporate Director (Finance and Infrastructure), setting out steps that will prevent fraudulent activities being perpetrated on the Council in future. The Action Plan has been prepared and was appended to the report. The Corporate Director (Finance and Infrastructure) highlighted the key actions included in the Action Plan.

The Executive agreed to approve the Action Plan.

19. Residential Childcare Strategy

Submitted report by the Corporate Director (Social Services and Health) on changes within residential childcare services.

In June 2006, the former Social Services Committee approved proposals to build 4 new 6 bedded children's units to replace 4 older style units over a phased period between 2006/11.

Since 2006, 2 units - Dalrymple Place and McKellar Avenue - have been closed, and two new purpose built units - Achnamara and The Meadows - opened. In December 2009, the Executive agreed that the capacity levels at both Achnamara and The Meadows be temporarily varied from 6 to 8 placements. It was proposed that this variation should be continued for a further 12 months.

2 further 6 bedded units at Pennyburn, West Byrehill and Redstone Avenue, Kilwinning, are due for completion by April and June 2011 respectively. When these units are opened, it is proposed that 2 older units will close i.e. Harley Place and Seaton Terrace. Overall capacity within the units will reduce from 36 to 33 placements, in line with the 2006 Strategic Review of Residential Children's Services and Fostering Services.

A communication strategy has been put in place to ensure effective communication with the local communities where the final two new units are to be located. The site manager for each build has delivered regular newsletters to those neighbours with a notifiable interest. Any enquiries made to the site managers have been responded to and resolved. Prior to the units opening, those with a notifiable interest, and representatives from residents groups, will be invited to view the units and meet staff. As has happened with the first two new units, the unit manager and staff will be expected to develop positive relationships and maintain regular contact with neighbours.

There has been a steady reduction in the over capacity within the residential units over the past five years. In 2005 there were 41.25 placements compared with 35.7 in 2010. It is anticipated that this figure will further reduce as a consequence of the Council's Fostering Strategy. As a result of variation of capacity levels and the improved balance of care placements between residential units and foster care, the units rarely operate over registered numbers. This has greatly assisted the Council in meeting Care Commission standards. Inspection grades have improved for all residential children's units over the past 12 months. All have received grade 5 (very good), with one unit receiving a grade 6 (excellent), the highest inspection grade possible.

The Executive (a) approved the extension of the variation of registration for both The Meadows and Achnamara Children's Unit for a further 12 month period; (b) noted the projected completion dates for the proposed new units at Redstone Avenue and Pennyburn, West Byrehill sites; and (c) noted the communication strategy in place to ensure effective communication with the communities where these 2 new units are to be located.

20. The Scottish Children's Reporter Administration Annual Report 2009/10

Submitted report by the Corporate Director (Social Services and Health) on the Scottish Children's Reporter Administration Annual Report 2009/10.

The children's hearings system is the care and justice system for Scotland's children and young people. A fundamental principle is that children who commit offences, and children who need care and protection, are dealt with in the same system, as these are often the same children. At the heart of the system are Children's Reporters, who receive referrals about children because some aspect of their life is giving cause for concern. Referrals are made to the Reporter from a number of sources including police, social services and education and health.

The Reporter investigates each referral and determines whether compulsory measures of intervention are necessary. If such measures are required, a children's hearing will be held. A children's hearing consists of three panel members who listen to the child's circumstances and then decide what measures are required. The most common outcome is for a supervision requirement to be made. Social Services and Health have a statutory duty to implement supervision requirements. Supervision requirements last for a year unless an early review is requested. Various conditions can be written into the supervision requirement including that the child be placed with foster carers, in a residential school or in secure accommodation. In most cases the children's hearing decides that a child should remain at home with support from Social Services and Health and other agencies.

The Scottish Children's Reporter Administration (SCRA) has a responsibility for ensuring the effective operation of the children's hearings system. SCRA publish annual reports, and their 2009/10 report was published on the 28 October 2010. The report and its appendices summarised some of the key statistical information contained in the SCRA Annual Report, and highlighted the comparative position of North Ayrshire against other authorities. The Annual Report indicates that North Ayrshire children are over represented in the children's hearings system. In population terms, North Ayrshire had the highest number of referrals to the Reporter in Scotland in 2009/10 and the second highest number of children's hearings in Scotland.

Senior managers and staff in Social Services and Health have discussed the information presented in the SCRA Annual Report, and discussions will take place with partner agencies to seek solutions to the over representation of North Ayrshire's children in the children's hearings system. Action is required to address the high volume of referrals to the Reporter and the high number of children's hearings.

The Executive noted that Social Services and partner agencies will continue to look at ways of reducing the number of referrals to the Reporter and the number of children's hearings.

21. Contract Award for the Supply of Fresh Fruit & Vegetables to East Ayrshire Council, Inverclyde Council, North Ayrshire Council & South Ayrshire Council

Submitted report by the Corporate Director (Finance and Infrastructure) on tenders received for a proposed collaborative fresh fruit & vegetables contract, and seeking agreement to award contracts.

Fresh fruit & vegetables is currently supplied to the three Ayrshire Councils and Inverclyde Council, through existing Scotland Excel Contracts. Scotland Excel no longer includes these commodities within its portfolio, and so the 4 Councils require to put their own contracting arrangements in place. The Scotland Excel contracts have been extended meantime.

To ensure Best Value, the Councils agreed to adopt a collaborative approach with regards to tendering, with North Ayrshire Council's Corporate Procurement Unit acting as the procurement lead. Contracts will however be awarded on a Council by Council basis and each Council is responsible for all contractual liabilities associated with, and for the administration of, their own contract.

A restricted tendering process was followed under the European Union (EU) procurement process. A contract advert was placed in both the Public Contracts Scotland website and the Official Journal of the European Union on 23 April 2010. 6 Pre Qualification Questionnaires (PQQS) were received by the deadline of 24 May 2010 and these were evaluated by service representatives from all 4 Councils. All 6 applicants met the minimum requirements and were invited to tender. 5 tenders were received.

Tenders were evaluated in August. As a result of inconsistencies in the units of measurement submitted by tenderers, and to ensure an open, transparent and non-discriminatory evaluation process, a post tender clarification pricing matrix was issued to all tenderers. All 5 tenders submitted their pricing matrix by 18 October 2010. The report provided details of the outcome of the tendering and evaluation process.

The Executive agreed to approve the award of contracts for the supply of fresh fruit and vegetables to George Carruthers, on behalf of the 4 Councils, for an initial period of 36 months, with provision for extension of the contract for up to a further 24 months, all as set out in the report.

22. Shewalton Landfill Site: Procurement of Works

Submitted report by the Corporate Director (Finance and Infrastructure) seeking approval to utilise the negotiated procedure to procure works to the Shewalton Landfill Site.

On 20 April 2010, the Executive received a report on the procurement exercise undertaken in respect of works to cap Cell 2 and to construct Cell 4 and an associated access road, at Shewalton Landfill Site, Irvine. The contract for these works was awarded to Wills Bros Ltd. Since the contract was awarded the works undertaken by Wills Bros Ltd have progressed satisfactorily and are scheduled to be completed within contractual timescales, adjusted for contractual compensation events associated with weather and unforeseen ground conditions.

Cell 3 is scheduled to reach its capacity by February 2011. Halcrow Group Ltd., the Council's retained consultants for the development of the Shewalton landfill site, have prepared construction drawings and supporting specifications to partially cap Cell 3. As part of the environmental management of the site, an opportunity has arisen to reduce the leachate drained and/or mechanically removed from the site, as required by the Pollution, Prevention and Control (PPC) permit, through the provision of a temporary cap to the area of Cell 2 that remains uncapped at the future abutment with Cell 5.

It is necessary to formally procure contractors to undertake these works. As the value of the works falls below the threshold at which the European Union procurement regulations apply, Section 7.6 of the Council's Standing Orders Relating to Contracts and Contract Procedure Rules allows for the negotiated tendering procedure to be utilised to extend an existing contract. It was proposed that the Council negotiate with Wills Bros Ltd. for the provision of the works.

The Executive agreed to (a) authorise the Head of Environment & Related Services, in consultation with the Council's Procurement Service, to negotiate terms with Wills Bros Ltd. to construct a partial cap to Cell 3 and a temporary cap to the remaining section of Cell 2 at the Shewalton Landfill Site; and (b) receive a report on the outcome of the negotiations at a future meeting for consideration and, if appropriate, contract award.

23. Bridgegate House: Internal Design

Submitted report by the Chief Executive on the award of a contract to design the interior of Bridgegate House.

The exterior of Bridgegate House is currently being redesigned and remodelled by Ian Springford Architects as part of a joint initiative with Irvine Bay Urban Regeneration Company to help regenerate Irvine's town centre environment. On 1 June 2010, the Executive authorised the issuing of a tender for the internal design at Bridgegate House. The internal and external redesign will rejuvenate a building that is not up to current standards.

A formal tendering exercise was undertaken for the internal architect works, with notices placed in the Official Journal of the European Union and the Public Contracts Scotland website.

Over 100 expressions of interest were received and Pre-Qualification Questionnaires (PQQs) were issued to all interested parties. 18 PQQs were received in August. These were evaluated and scored against the criteria set out at the start of the process. This included evaluating the amount of relevant experience each architectural practice had with similar projects. Following evaluation, 10 architects were invited to tender. 9 competent tenders were returned.

Following evaluation, details of which were presented in the report, it was proposed that the contract for the internal design of Bridgegate House be awarded to Ian Springford Architects. The total value of the contract, based on an estimated project cost of £6.1 million, will be £249,490 (excluding VAT).

The Executive agreed to accept the tender from Ian Springford Architects to provide architectural services for the internal design of Bridgegate House.

24. Refurbishment and Extension: Caley Court, Stevenston

Submitted report by the Corporate Director (Finance and Infrastructure) on the acceptance of a tender for the refurbishment and extension of Caley Court, Stevenston.

The General Services Capital Programme provides for the refurbishment and extension of Caley Court, Stevenston, to provide new office accommodation for mental health, Independent Living, Learning Disabilities, Addiction Services and NHS Ayrshire & Arran.

The contract for the works was advertised through the Public Contracts Scotland website, with interested contractors requiring to submit a Pre-Qualification Questionnaire (PQQ). The completed PQQs were assessed for general technical experience, project specific experience, health and safety and financial suitability. Tenderers were selected from the highest scoring PQQs. Completed tenders were assessed on the basis of lowest price only, as quality standards were defined in the specification within the contract documents. The appendix to the report provided details of the tenders received.

The Executive agreed to approve the acceptance of the lowest competent tender in the sum of £1,361,438.11, as submitted by Ashleigh (Scotland) Limited.

25. Tenders for General Building Works on behalf of Building Services

Submitted report by the Chief Executive on the acceptance of tenders for general building works requiring to be carried out within North Ayrshire Council properties.

As part of the Housing, Building, Response and Planned Maintenance Service Level Agreement, Building Services are tasked with carrying out general maintenance and repairs to properties within North Ayrshire. Some works require to be subcontracted out.

Expressions of interest in the contract for general building and repair works were invited through the Public Contract Scotland website in July 2010. Service delivery was requested by means of a measured term contract for three years, with the possibility of two individual year extensions thereafter. 102 companies noted interest in the Pre-Qualification Questionnaire (PQQ) and 33 companies submitted completed applications. Following PQQ evaluation in August, 23 tenders for six lots were invited.

14 tenders were subsequently received. Following an evaluation exercise, details of which were presented in the report, it was proposed that the Executive agree that lots be awarded as follows:-

- Lot 1 - Groundwork - CK Contracts Ltd
- Lot 2 - Drainage - CK Contracts Ltd
- Lot 3 - Brickwork - CK Contracts Ltd
- lot 4 - Roofing - CK Contracts Ltd
- Lot 5 - Joinery - cancelled (The amount subcontracted out, if any, is not sufficient for tender purposes).
- Lot 6 - Door entry - Fortress Security Ltd
- Lot 7 - Plaster and Rendering.- CK Contracts Ltd

The Executive agreed to authorise the acceptance of the tenders as submitted by both CK Contracts Ltd and Fortress Security Ltd, on the terms set out in the report.

The meeting ended at 5.15 p.m.