

Cabinet
6 November 2012

IRVINE, 6 November 2012 - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

Present

Willie Gibson, Marie Burns, Anthea Dickson, John Ferguson, Tony Gurney, Alan Hill and Alex McLean; and, for Education Business, M. Fraser, E. Higon and Very Reverend M. Canon McManus (Church Representatives), G. Smith (Teaching Representative) and R. Kean and H. McIntosh (Pupil Representatives).

Also Present

Donald Reid.

In Attendance

E. Murray, Chief Executive; L. Friel, Corporate Director (Finance and Corporate Support); I. Colvin, Corporate Director, O. Clayton, Head of Service (Community Care and Housing) and Lisbeth Raeside (Finance and Performance) (Social Services and Health); C. Kirk, Corporate Director and M. Armstrong, Head of Service (Logistics and Infrastructure) (Education and Skills); C. Hatton, Corporate Director (Development and Environment); I. Mackay, Solicitor to the Council and C. Andrew, Senior Manager (Legal Services) (Corporate Services); J. Montgomery, General Manager (Policy and Service Reform); D. Moroney, Communications Officer and M. Anderson, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Gibson in the Chair.

1. Declarations of Interest

In terms of Standing Order 16 and Section 5 of the Code of Conduct for Councillors, Councillor Dickson, as a Director of North Ayrshire Citizens Advice Service, declared an interest in Agenda Item 9 (Financial Advice Services in North Ayrshire) and took no part in its determination.

2. Minutes

The Minutes of the previous meeting of the Cabinet held on 23 October 2012, were signed in accordance with paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Scotland's Schools for the Future: Phase 3 Investment

Submitted report by the Corporate Director (Education and Skills) on the outcome of a funding application to the Scottish Government to invest in North Ayrshire schools.

Following a successful funding application to the Scottish Government for its Phase 3 programme of investment in Scottish schools, the Council has been offered revenue support of £22.445m for the replacement of Auchenhavie and Ardrossan Academies.

Table 1 of the report summarised two options for using the funding support. Option 1 would see the development of a campus incorporating James McFarlane school, Haysholm school, Auchenhavie Academy and Ardrossan Academy, and Option 2 the replacement of Auchenhavie and Ardrossan Academies only. The report recommended support for Option 1, with the campus to be located in the Three Towns area on a site to be selected in consultation with Elected Members of Wards 4, 5 and 6.

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

- proposed action in the event of the consultation process failing to find support for the project among the local community;
- the extent to which facilities and teaching staff would be shared across the campus;
- the anticipated timescale for the consultation exercise and drawing down of the funding; and
- proposals for hubco to undertake responsibility for the maintenance of the infrastructure of the building, rather than for catering and cleaning.

The Cabinet agreed to (a) note and accept the indicative offer received from the Scottish Government, as contained in the report; (b) approve Option 1 as the agreed approach; (c) receive statutory public consultation documents at a future Cabinet meeting, including a recommendation on a suitable location for the proposed campus; (d) hold a workshop with local Members to consider a suitable location; and (e) receive updates on the progress of the proposals at future Cabinet meetings.

4. School Transport to St Matthew's Academy

Submitted report by the Corporate Director (Education and Skills) on changes to the current school transport policy in relation to pupils transferring to St Matthew's Academy from P7 from a non-denominational primary serving the communities of North Ayrshire.

The current school transport policy provides school transport for secondary aged children who live 3 or more miles from their catchment school. When St. Matthew's Academy was opened in 2007, the catchment area took in the whole of North Ayrshire Council. However, given the expected demand for places and the resulting transport costs, it was agreed that, from the 2013/2014 school session, pupils attending a North Ayrshire Council non-denominational primary school in Primary 7 and wishing to enrol at St Matthew's Academy for their secondary education, would not be entitled to free school transport to St Matthew's Academy. Since the introduction of this policy and over the past 6 school sessions at St. Matthew's, the demand for places and transport has not been as high as originally envisaged. In addition, it is considered that the application of different eligibility criteria in relation to St. Matthew's may be open to challenge through equalities legislation.

Members received clarification on any wider equalities implications for school transport policy associated with other schools in North Ayrshire.

The Cabinet agreed that the school transport policy be amended to provide free school transport to all pupils who are entitled to transport and who are enrolling in St Matthew's Academy from Primary 7 to Secondary 1.

5. North Ayrshire Children's Panel Advisory Committee: Appointment

Submitted report by the Chief Executive on proposed appointments to North Ayrshire Children's Panel Advisory Committee (CPAC).

At a recent meeting, the CPAC agreed to increase the membership of the Committee to six in preparation for the transfer to the new Ayrshire Area Support Team when the Children's Hearing (Scotland) Act 2011 is implemented in June 2013. Interviews took place on 5 October 2012 and, at a CPAC meeting on 11 October 2012, it was agreed to recommend to the Cabinet that Mrs Elynn Crone and Mrs Anne Kerr be appointed as the Council's representatives on the CPAC, Mrs Crone, as a member and Mrs Kerr as a sub member.

The Cabinet agreed to confirm the appointment of Mrs Elynn Crone as a member and Mrs Anne Kerr as a sub member of North Ayrshire Children's Panel Advisory Committee.

6. The Barony Centre, West Kilbride

Submitted report by the Solicitor to the Council on legal issues in respect of the Lease to West Kilbride Community Initiative Limited (WKCIL) of ground at the Barony Centre, Main Street, West Kilbride and on a proposed extension to the Lease.

Previous reports to the Cabinet on 6 June and 21 August 2012 outlined the difficulties regarding the lease of ground to the Initiative. At its meeting on 21 August 2012, the Cabinet agreed to instruct the Solicitor to the Council to obtain the Opinion of Counsel on the prospects of a successful legal challenge to the Lease as granted to WKCIL, on the basis that the ground which was approved by the Executive on 1 March 2011 is not as shown on the Lease granted by the Council in 2012. An Opinion has now been obtained from Counsel which clearly advises that the Council would not be successful in pursuing action against WKCIL.

The report proposed that, in the circumstances, no further legal action should be undertaken in respect of the ground currently leased to WKCIL. It was recommended that an additional area of ground, as shown on the plan at Appendix 1 to the report, be leased to WKCIL for the purposes of housing heating and ventilation equipment and for no other purpose, with the rent payable increased on a pro rata basis from £400 p.a. to £500 p.a.

The Cabinet agreed to (a) take no further steps to remove the wooden decking from the site of the former churchyard; (b) extend the ground leased to West Kilbride Community Initiative Limited to accommodate heat and ventilation equipment on a pro rata basis; and (c) regularise the Lease to reflect the ground occupied by West Kilbride Community Initiative Limited, including the decking area as constructed.

7. Better Regulation: A Consultation Response

Submitted report by the Solicitor to the Council on the consultation paper issued by the Scottish Government on the proposal for a Better Regulation Bill.

The Scottish Government has issued a consultation paper on a proposal to introduce legislation to address the way in which many regulatory procedures are undertaken across Scotland in areas such as planning, economic development and licensing. The aim would be to address variations which are considered to be in some cases hindering the smooth operation of businesses and other community activities.

The consultation paper proposed the introduction of a range of provisions set out at Section 2.2 of the report, including the application of "sunsetting" provisions and a common commencement date for all new regulations. A proposed consultation response was provided at Appendix 1 to the report, and the key points summarised at Section 3.

The Cabinet agreed to approve the proposed written response as set out in Appendix 1 to the report.

8. Kinship Care Scheme

Submitted report by the Corporate Director (Social Services and Health) on the current kinship care arrangements and the changes required to develop and improve the scheme.

The Council previously agreed that those eligible for kinship care payments would be restricted to children who were subject to Section 70 of the Children (Scotland) Act 1995, or to a residence order under Section 11 of the Children (Scotland) Act 1995. Work has now been undertaken to review the criteria used.

The report proposed that, in order to make the system more flexible, it would no longer be a requirement for a child or a young person to be subject to a Section 70 Order in order for their kinship carer to be eligible to receive a kinship care payment. However, as kinship care is an alternative to residential/foster care, there would be a requirement for social work involvement in the initial placement before any kinship care placement could be made. A full assessment would require to be undertaken and the carer approved at a kinship panel prior to a kinship payment being made. The report also proposed that all kinship and residence payments be paid via Section 22, which would allow for payments to continue to 18 years of age.

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

- the flexibility afforded by the proposals;
- whether the change to the criteria would result in a significant increase in the number of kinship care payments; and
- the scope for imposing a supervision order at a later date, if required.

The Cabinet agreed to approve the recommendations set out in Sections 3.1-3.5 of the report.

9. Financial Advice Services in North Ayrshire

Submitted report by the Corporate Director (Social Services and Health) on the outcome of the mapping of financial advice services in North Ayrshire and seeking approval for the future focus of delivery of these services.

As part of the Service Access change project being developed by Social Services and Health, it is proposed that the Council's Money Matters service in future concentrate on those areas of work that contribute to the wider objectives of Social Services, namely advising people already engaged with Social Services and Housing Services, income maximisation, outreach in areas where there is a high incidence of child poverty, and managing the MacMillan Money Matters service on behalf of all three Ayrshire Councils. The report proposed that the funding provided from the Money Matters budget to CLASP and 1st Alliance Credit Union continue unchanged.

Four options were presented for North Ayrshire Citizens Advice Service (NACAS), ranging from a "do nothing" option to full funding of the NACAS corporate strategic plan. The cost of each option was set out in the table at Section 3.9 of the report, the figures provided being in addition to the core grant of £170,000 p.a. For each option, the costs in 2012/2013 could be met from savings in the Money Matters budget planned for 2013/2014 but already achieved, with the balance sought from the Council's proposed Welfare Reform fund. The advantages and disadvantages of each option were analysed at Sections 3.10-3.13 of the report. Option 2 (part-funding of the NACAS corporate strategic plan) was recommended as the preferred option.

Members asked questions on the following:-

- the proposal to retain existing levels of funding for CLASP and the nature of the Council's contract with the organisation; and
- the number of clients seeking advice on the Money Matters services referred to in Sections 3.2 and 3.3 of the report.

The Head of Service (Finance and Performance) (Social Services and Health) undertook to provide information to Members of the Cabinet on (i) the full range of services provided by CLASP on behalf of the Council, beyond the financial inclusion outreach service; and (ii) the footfall figures in respect of the Money Matters services referred to in Sections 3.2 and 3.3 of the report.

The Cabinet agreed (a) the future priorities for delivery of advice services by the Council's Money Matters service; (b) to extend interim funding to North Ayrshire Citizens Advice Service to enable the existing service to be maintained until 31 March 2013, at a cost of £29,109 in addition to the bridging finance already approved for the period to September 2012; and (c) to take forward Option 2, as set out in the report, for the future funding of NACAS to be considered as a call against the proposed Welfare Reform Fund.

10. Empty Homes: Bid for 'North Ayrshire Empty Homes Recyclable Loan Fund'

Submitted report by Corporate Director (Social Services and Health) on a Scottish Government initiative which offers funding for the purpose of bringing empty properties back into use.

The report set out a proposal to submit a bid for £200,000 from the Scottish Government Empty Homes Loan Fund, to be used to provide income for a 'North Ayrshire Empty Homes Recyclable Loan Fund'. Among the aims of the fund, would be an increase in the number of affordable homes in North Ayrshire and the provision of incentives for owners of empty homes to bring their properties back into use. Repayments to the fund would again be offered as loans.

Loans would be offered at a 0% interest rate for an agreed duration of no longer than 4 years to owners of properties which have been vacant for more than six months. The overall loan value would be capped at £15,000 and secured on the property to mitigate risk to the Council. Other conditions in respect of the loans, together with penalties associated with a failure to repay the loan or use it for its agreed purpose, were summarised in Section 3 of the report.

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

- the anticipated level of take-up from the fund;
- whether there was a closing date for applications to the fund; and
- when the Scottish Government funding would be available to draw down.

The Cabinet agreed to approve the funding bid, as summarised within the report.

11. Future Delivery of Building Services

Submitted report by Corporate Director (Finance and Infrastructure) on the outcome of an exercise to identify the most suitable arm's length model for the future delivery of Building Services.

In April 2011, Building Services were aligned with Environment and Related Services to progress the implementation of the Revitalise and Re-brand programme. Specialist support was procured to advise on the most suitable arm's length model for Building Services and detailed work has now been completed, as outlined in Section 2 of the report. A number of scenarios has been modelled, from existing services to new clients, new services to current internal clients, and new services to new clients. Five models were examined, as detailed in Section 2.20-2.42 of the report. Model 5 (continued delivery of the Revitalise and Re-brand model) was recommended.

The Cabinet agreed that (a) the continued and enhanced delivery of the Revitalise and Re-brand programme be implemented by October 2013, (b) where value for money can be demonstrated through appropriate schedules of rates, Building Services be utilised to undertake additional Council work-streams; (c) pilot schemes be continued and developed further for internal works that require new skills within the service and are, therefore, procured externally; (d) a shadow team be established within the service for large projects that are currently procured externally to gain an understanding of how the service needs to develop to compete for these work-streams; (e) the Cabinet receive an annual business report setting out progress against the improvement actions, benchmarking information, additional work-streams secured and market conditions, as well as a forward look to ensure the service anticipates market changes and opportunities to ensure a sustainable service is maintained; (f) a procurement exercise be undertaken for the supply, installation and maintenance of an appropriate ICT based property repairs and maintenance system, including a comprehensive job costing module; and (g) the Head of Environment and Related Services, in consultation with the Council's Procurement Service, negotiate terms with

Xmbrace to extend the implementation of the workflow scheduling system currently utilised within the responsive and void repairs areas across the whole service.

12. Sophos Anti-Virus Contract - Renewal of Support and Maintenance

Submitted report by Solicitor to the Council on the renewal of the Sophos Anti-Virus support and maintenance contract for Education devices.

The Council's Education desktop devices are currently protected by Sophos anti-virus software under a 3-year agreement. A strategic approach was taken to roll out the Sophos security product set across all relevant Education devices. To enable a continued strategy of deploying and enhancing the existing functionality already imbedded within Education IT hardware, the Council has negotiated a price with Sophos for an enhanced product set which provides additional device control, at a unit cost which is much lower than in the existing support contract. The cost of support and maintenance over the past 3 years was £4.20 per device. Support and maintenance for the next 3 years will be £33,500 at a unit cost of £3.35 per device.

The Cabinet agreed to (a) approve the use of the Negotiated Procedure to renew the Sophos contract to provide the Council with ongoing anti-virus and malware protection across the Education estate; and (b) authorise the Solicitor to the Council to conclude the new contract.

13. Contract for Family Support Service

Submitted report by Corporate Director (Social Services and Health) on the procurement exercise undertaken for the provision of a Family Support Service and seeking approval for the award of a contract.

Three tender submissions were received. Stage One of the tender evaluation assessed the responses to the minimum criteria. Two organisations failed to meet the minimum criteria at Stage One and, therefore, were not evaluated at Stage Two. One organisation progressed to Stage Two of the evaluation, which assessed the organisation's tender submission on the basis of 60% quality and 40% price. The preferred supplier, following the evaluation, is Quarriers.

The Cabinet agreed to approves the award of the contract for the provision of a Family Support Service to Quarriers, for the contract period of two years, with the option to extend for up to a further two years.

14. Minutes of Corporate Health and Safety Group and 1st Tier JCC

Submitted report by Chief Executive on the Minutes of the meetings of the Corporate Health and Safety Group and 1st Tier JCC held on 20 September 2012.

Noted.

15 Community Empowerment Policy Board

Submitted report by the Corporate Director (Education and Skills) on the Minutes of the Meeting of the Community Empowerment Policy Board held on 17 September 2012.

Noted.

16. Health and Social Care Policy Board

Submitted report by the Corporate Director (Social Services and Health) on the Minutes of the Meeting of the Health and Social Care Policy Board held on 8 October 2012.

Noted.

The meeting ended at 3.25 p.m.