

Cabinet
4 September 2012

IRVINE, 4 September 2012 - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

Present

Willie Gibson, Alan Hill, Marie Burns, Anthea Dickson, John Ferguson, Tony Gurney and Alex McLean.

Also Present

John Easdale and Peter McNamara.

In Attendance

E. Murray, Chief Executive; I. Colvin, Corporate Director, O. Clayton, Head of Service (Community Care and Housing) and L. Raeside, Head of Service (Finance & Performance) (Social Services and Health); L. Friel, Corporate Director and A. Bodie, Head of Infrastructure and Design Services; J. Miller, Senior Planning Services Manager (Corporate Services); Karen Yeomans, Economic Development & Regeneration Project Director; G. Macgregor, Head of Human Resources & Organisational Development, J. Montgomery, General Manager (Policy and Service Reform), D. Moroney, Communications Officer and M. McKeown, Committee Services Manager (Chief Executive's Service).

Chair

Councillor Gibson in the Chair.

1. Declarations of Interest

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

2. Minutes

The Minutes of the previous meeting of the Cabinet held on 21 August were signed in accordance with paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Projects Funded from Landfill Communities Fund (LCF) 2012/13

Submitted report by the Solicitor to the Council on a programme of projects to be funded through the Landfill Communities Fund (LCF) 2012/13.

The LCF is a tax credit scheme which enables the Council, as a Landfill Operator, to contribute money to enrolled environmental bodies to carry out projects that meet environmental objectives contained in the Landfill Tax Regulations.

13 projects have been submitted for funding consideration in 2012/13. An evaluation of each project has been undertaken against the agreed criteria, as summarised in Appendix 1 to the report. Appendix 2 provided more information in respect of each project.

£162,000 is available for disbursement (including £2000 to be redistributed from a previously undelivered project by Drybridge Woodland Group) against project bids totalling £196,706.61. It was therefore proposed that funding in respect of two projects - at Easmor on Arran and Ardrossan Church of the Nazarene - be phased over 2 years. In addition, a staged payment of funds was proposed for the project works suggested by Barrmill Community Association. In total £159,466.81 will be disbursed to projects in 2012/13.

The Cabinet agreed to approve (a) the programme of projects set out in the report, to be funded from the Council's Landfill Communities Fund in 2012/13; (b) that Drybridge Woodland Group be instructed to re-distribute £2,000 to RSPB for conservation works at Bogside, Irvine, providing total funding of £5,000 to the RSPB project in 2012/13; and (c) that any excess monies left over in the current year be allocated to the Easmor footpath project.

4. Grant Offers for Outdoor Access Projects in the Financial Year 2012/13

Submitted report by the Solicitor to the Council on the acceptance of the grant offers for outdoor access projects and the implementation of the associated projects.

The Council has received a grant offer from Transport Scotland to fund cycling, walking and safer streets projects in 2012/13. The offer of £157,000 is subject to minimum spend of 36%, and preferably above 50%, on cycling-related projects to help meet the Cycling Action Plan for Scotland targets.

Corporate Services, working in partnership with relevant Council Services and the North Ayrshire Outdoor Access Forum, and after consultation with other stakeholders, have identified a range of projects for implementation, utilising grant funding and Council budget provision for outdoor access.

Funding applications were also submitted to the Central Scotland Green Network (CSGN) Development Fund and Sustrans Scotland's Community Links Fund to ensure best value and maximise the number of projects that could be delivered. Appendix 1 provided a summary of the applications submitted to the two funds. Offers of funding totalling £286,000 have been received from the CSGN Development Fund and Sustrans Scotland. Appendix 2 provided a breakdown of the projects proposed for implementation.

The Cabinet agreed to (a) approve the acceptance of the grant offers from Sustrans Scotland's Community Links Fund and the CSGN Development Fund; (b) approve the proposed projects and authorise the Solicitor to the Council to implement the works; and (c) authorise the Solicitor to the Council to identify potential projects for 2013/14 onwards in partnership with Elected Members, local communities and the North Ayrshire Outdoor Access Forum.

5. Scottish Government Consultation: Proposals for the Integration of Adult Health and Social Care

Submitted report by the Corporate Director (Social Services & Health) on a proposed Council response to the Scottish Government Consultation on Proposals for the Integration of Adult Health and Social Care.

The Scottish Government intends to legislate to effect the integration of adult health and social care. It will do this by abolishing the existing Community Health Partnerships, which are committees of NHS Boards, and instructing NHS Boards and local authorities to form integrated Health and Social Care Partnerships (HSCPs), which will be committees of both bodies.

It is expected that HSCPs will be in place by Spring 2014. Their introduction is being taken forward against the background of work that is being undertaken to develop Community Planning Partnerships, including the proposed Community Empowerment and Renewal Bill. The successful establishment of HSCPs will be the first test of these new arrangements.

In May 2012, the Scottish Government published a consultation document seeking views on the legislative and other changes that are required to ensure that integration meets its intended objectives. Responses to the consultation are due by 11 September 2012.

Appendix 1 to the report set out the terms of a proposed Council response to the consultation. The proposed response is supportive of the proposals but recognises that significant work is required, particularly around issues of governance, to ensure that HSCPs function as effectively as possible.

The Cabinet agreed to approve the response for submission to the Scottish Government.

6. SPT Bus Stop and Shelter Management Agreements

Submitted report by the Corporate Director (Finance & Infrastructure) on a proposal to extend existing bus stop and shelter management agreements for a further five year period.

On 1 April 2003, the Council and the former Strathclyde Passenger Transport entered into two agency agreements in respect of the management of bus stops and bus shelters. The initial duration of each agreement was 10 years and both agreements specifically provided that they may thereafter be renewed with the prior written agreement of both parties.

In terms of the agreements, the Council appointed SPT (now Strathclyde Partnership for Transport) as its agent to act on its behalf in relation to the provision of certain services. Details were set out in the report.

The Council and other member Councils have been approached by SPT to consider extending the existing agreements for a further 5-year period to maintain continuity of service. Since 2003, the operation of the existing bus stop and shelter maintenance agreements has been satisfactory, and it was proposed that the Cabinet should agree to extend the existing contracts, as set out in the report.

The Cabinet agreed to extend the existing bus stop and shelter management agreements for a further 5-year period.

7. Closing Orders - Various locations in North Ayrshire

Submitted report by the Corporate Director (Finance and Infrastructure) seeking authority to issue Closing Orders on properties in Dalry, Largs and Skelmorlie, to prevent their occupation until such time as the properties are brought up to a tolerable standard.

The Cabinet agreed to approve the serving of Closing Orders on the properties listed in Appendix 1 to the report.

8. Extension of Community Warden Service

Submitted report by the Corporate Director (Social Services & Health) on the implementation of an enhanced Community Warden Service.

At its Special Budget Meeting on 1 February 2012, the Council considered proposals for the extension of the Community Warden Service and agreed that £145,000 to fund a mobile service be set aside from the £0.976m contribution within the £3.766m investment funds, with a report on its implementation to be submitted to the Executive in due course.

The Community Warden Service currently operates in seven areas with 28 Wardens as follows:-

- Three Towns Mobile Team, based in Saltcoats, covering North Ardrossan, North Saltcoats, Ardeer and Hayocks, Stevenston: 2 Senior Wardens and 10 Wardens;

- Pennyburn Team: 1 Senior Warden and 3 Wardens;
- Vineburgh/Redburn Team: 1 Senior Warden and 3 Wardens;
- Bourtreehill/Broomlands Team: 1 Senior Warden and 7 Wardens;

The report proposed that the existing Three Towns Mobile Team should be enhanced to allow the Community Warden Service to be extended to South Ardrossan, covering the area south of Parkhouse Road/Eglinton Road. To achieve this, while still aiming to provide at least minimum service levels in the seven existing areas, the minimum cover requirement will increase from 16 to 18 Wardens on duty. Projections indicate that, to avoid a significant increase in under-staffing, the current Three Towns Team will need to be increased by 4 Community Warden posts. Although this will increase the overall team from 12 to 16 Wardens, with shift arrangements/rest days, this Team will always have 4 Wardens on rest days and the maximum number on duty each day will be 12. All 4 extra Wardens will in practice be on duty together for only 50% of the shifts, before taking account of their leave and training. For the other 50% of shifts, two of these extra Wardens will be on rest days.

The current Three Towns Team is based in a two bedroomed Council house in North Saltcoats. This property, originally set up to accommodate a team of 5 Wardens, has had to be adapted to meet the operational needs of the 12 staff now based there following the reconfiguration and expansion of the Service. Although Community Wardens spend most of their working day patrolling, they all require to attend together at their base at the start and end of each shift. A new base, most likely a three-bedroomed Council house, will need to be identified and then adapted to accommodate the expanded Three Towns Team. It was proposed that the Team continue to be based in Saltcoats, as the most central location, so that 'down time' spent travelling to and from patrols in Stevenston and Ardrossan is minimised.

The expanded Three Towns Team will need an additional vehicle to transport Wardens to and, where necessary, within the new patrolling area of South Ardrossan to ensure a prompt response, particularly in relation to complaints about antisocial behaviour and requests for assistance; and also for delivering items of garden equipment to residents throughout the area as part of the lending scheme. The Junior Wardens programme will also have to be extended to the new area in 2013.

As the proposed new area will take in Ardrossan town centre, it will be important to explain the role and powers of Community Wardens to the resident and business communities. This will help to minimise unrealistic expectations e.g. about Wardens responding to reports of criminal offences such as shoplifting and drunken, aggressive or violent behaviour, which Wardens are not empowered to deal with other than to phone for the police to attend. Wardens will continue their present role of providing advice and support, observing and reporting on issues arising throughout the community.

Budget provision of £145,000 has been made for a trial period during the financial year 2012/13. The anticipated costs for a full year are employee costs of £105,832 and ancillary costs (training, administration, vehicle, fuel, Junior Wardens, garden lending) of £20,700, giving a total of £126,532. One-off set up costs of approximately £12,000 will also be incurred for additional IT and office equipment, and for moving to and adapting the new base.

As new staff will not be recruited and trained to a suitable standard before mid-December 2012 at the earliest, there will be no opportunity to evaluate the impact of the new Service before budget proposals need to be submitted for 2013/14. Evaluation after a 12 month trial period will be undertaken in conjunction with the two-yearly resident satisfaction survey due to be carried out in all Community Warden areas around January to March 2014. Budget provision of £126,532 for the Service in South Ardrossan will therefore need to be in place for at least the full financial year 2013/14 to allow the evaluation findings to be considered and a decision made on its future.

Members asked questions and received clarification on the implementation of the proposals and on arrangements for evaluating the impact of the new Service.

The Cabinet agreed to approve the proposals for the enhancement of the Community Warden Service as set out in the report.

9. Largs Matters Business Improvement District

Submitted report by the Chief Executive on the proposed establishment of a Business Improvement District for Largs Town Centre.

Under the provisions of the Planning etc. (Scotland) Act 2006, and related Regulations, Largs Matters (as BID Proposer) have notified the Council and the Scottish Government of their intention to hold a ballot by November 2012 with the intention of creating a Business Improvement District (BID) in Largs Town Centre.

A BID is a precisely defined geographical area of a town, commercial district or tourism and visitor area, where businesses in the district vote to invest collectively in local improvements resulting in an improved business environment and improved local economic growth.

The report (a) provided details of the aims of the Largs BID Project which, if successful, will support a variety of initiatives over a 5 year period, (b) summarised the arrangements for the management of the BID and the collection of the BID levy (if businesses in the proposed BID vote for it); and (c) outlined arrangements for conducting the ballot.

Members asked questions in relation to the potential for the future extension of BIDs to other towns in North Ayrshire.

The Cabinet agreed (a) to approve (i) the payment of £30,000 per annum for 5 years as a contribution to the core funding of the Largs BID and (ii) an additional one off payment of £18,000 to purchase the necessary computer software to enable Financial Services to administer and collect the annual BID levy; and (b) that, in the event of the ballot for the Largs BID being successful, to instruct the relevant Services to contribute to the required levy.

10. Pilot Programme of Insulated Rendering Works to Timber Houses

Submitted report by the Corporate Director (Finance & Infrastructure) on a proposed pilot project and intended future strategy to improve the energy efficiency and overall condition of all timber houses.

The Council owns around 2000 'non traditional' houses which can be difficult to heat and which have low insulation levels. This includes 253 Swedish and Weir style externally timber clad houses in the towns of Ardrossan, Irvine, Dalry, Beith and Kilbirnie. Timber clad houses in particular are difficult to render using traditional mortar based systems.

The report proposed that properties in two areas of Kilbirnie – at Castle Drive/Park View area (34 houses) and Auchenhove Crescent/Stockbridge Crescent area (26 houses) - should be included in a pilot programme of insulated render works, to be funded from the Housing Capital Programme 2012/13. The report summarised the approach to taking the pilot forward and set out the expected benefits arising from the works.

If the pilot proves successful, then consideration will be given to entering into a framework contract and developing a programme of works to be rolled-out over the forthcoming 4-year period.

Noted.

11. Councillors' Induction and Development Programme

Submitted report by the Chief Executive on completion of the Councillors' Induction Programme, and on the next steps in Councillors' Development and Training.

As part of the Council's approach to Continuous Professional Development (CPD) for Elected Members (which is based on a national framework developed by the Improvement Service), a comprehensive Induction Programme was put in place for new and returning Councillors following the local elections in May 2012.

The Induction Programme was underpinned by the Improvement Service Notebooks issued in the Induction Pack and published on the Members' Section of Navigate with links. The Programme introduced Council Services, considered strategic issues, and included seminars on a range of key topics.

Over the 15 sessions the average attendance was 20 out of 30 Councillors. The average attendance of new Councillors was 9 out of 11. The sessions benefitted greatly from the attendance of senior returning Councillors who already had knowledge of the Council's Services and strategic issues.

A number of issues were raised and addressed during the course of the Induction Programme, details of which were summarised in the report. These issues will be considered as part of future events.

Further training opportunities for Members are being arranged on a range of topics. A structured programme of development training will be ongoing, and progress on the key issues raised in the Induction Seminars will be reported through committees etc. All Councillors will be offered interviews with a designated Policy and Performance Officer to evaluate induction training to date and to assess development needs. Online self assessment (Improvement Service Programme) and follow up interviews to prepare Councillor Personal Development Plans (PDPs) will be completed by end of March 2013.

Councillors' records of training undertaken is recorded by the Chief Executive's Service and is published on the Council Website annually.

Noted.

12. Scottish Secure Tenancies (Proceedings for Possession) (Pre Action Requirements) (Scotland) Order 2012

Submitted report by the Corporate Director (Social Services & Health) on the new requirements under the Scottish Secure Tenancies (Proceedings for Possession) (Pre Action Requirements) (Scotland) Order 2012.

The Housing (Scotland) Act 2010 introduced 'pre-action' requirements that landlords must satisfy in all rent arrears cases before serving a notice on tenants. This notice advises the tenant that the landlord is considering court action to recover possession of the property because of the tenants' rent arrears. Pre-action requirements aim to provide further protection for tenants facing eviction for rent arrears.

The Scottish Secure Tenancies (Proceedings for Possession) (Pre Action Requirements) (Scotland) Order 2012 clarifies what is expected of social landlords in relation to meeting the requirements of the 2010 Act. On 18 June 2012, the Scottish Government also issued statutory Guidance for Social Landlords to sit alongside the new requirements. Details of the seven pre-action requirements were set out in the report.

Landlords must meet the pre-action requirements for all notices of proceedings involving rent arrears which are served on a tenant and any qualifying occupiers on or after 1 August 2012. The requirements do not apply to any notices served prior to this date and which is in force on the date court action is raised.

The Council has a low level of evictions while having a high rate of rent collection and low level rent arrears. This has been due mainly to its approach to rent arrears, which seeks to prevent arrears arising, promotes early intervention, offers tenancy support and debt advice and regularly monitors performance and outcomes. This also reflects the Council's approach in its Eviction Policy where eviction is used as a last resort. This approach has been commended by the Scottish Housing Regulator.

Despite this approach the introduction of the new requirements, along with the impending welfare reforms, represents a considerable challenge in relation to the collection of rent.

In light of the above, there will be a requirement to review the Council's rent arrears and eviction policies and further reports making recommendations will be submitted to the Cabinet. Whilst the Council's current procedures are robust, this review will ensure that all actions are being taken to minimise debt. In the meantime staff briefing and training sessions have already been carried out and changes made to IT systems and arrears procedures to accommodate the new requirements with effect from 1 August 2012.

Noted.

13. Corporate Equality Group

Submitted report by the Chief Executive being the Minutes of the Corporate Equality Group meeting on 12 June 2012.

Noted

14. Education Attainment and Improvement Policy Board: Minutes of 13 August 2012

Submitted report by Corporate Director (Education and Skills) being the Minutes of the Meeting of the Education Attainment and Improvement Policy Board held on 13 August 2012.

Noted

15. Implementation of the New SPSO Guidelines

Submitted report by Solicitor to the Council on the proposed change to the Council's formal complaints procedure.

The Scottish Public Services Ombudsman (SPSO) has produced a new two stage Complaints Handling Procedure which all Councils are to adopt by 1 April 2013.

A Complaints Handling Review Group has been working to produce a new Complaints Handling Procedure for North Ayrshire Council, together with an Implementation Plan. The proposed Complaints Handling Procedure was presented at Appendix 1 to the report. Appendix 2 set out the Implementation Plan.

In order for the Council to comply with SPSO requirements, the revised Procedure and Implementation Plan must be submitted to the SPSO for review no later than September 2012. The SPSO does not require Social Service complaints to be covered by the new Procedure as they are currently subjected to a separate review. Social Services will therefore be incorporated after the other Services in 2013/14.

Noted.

16. Copeland Crescent, Millport - Appointment of Contractor

Submitted report by the Corporate Director (Social Services & Health) on the award of a construction contract for the development of 12 new amenity standard Council housing units at Copeland Crescent, Millport, and on increased funding to meet additional construction costs.

In October 2011, the former Executive was advised that funding had been awarded by the Scottish Government for the purpose of developing 12 new amenity standard Council homes on Cumbrae. The Copeland Crescent project, which is the first new-build project undertaken by the Council specifically for older people, has been identified as an opportunity to develop an innovative exemplar of new supply older people's housing in North Ayrshire.

The report set out the exercise undertaken to identify a contractor. Following this exercise, Morris and Spottiswood Ltd has been identified as the company who submitted the lowest tender, citing construction contract costs of £2,012,406. The project Quantity Surveyor has identified elements of the Copeland Crescent project which have resulted in this higher than anticipated cost. These items, and the rationale for their inclusion, were shown in Appendix 2 to the report.

A further project expense results from how the Design Team (Architect, Engineer, Quantity Surveyor, CDM Co-ordinator and Development Agent) was appointed. It is general practice that Design Team fees are based on a percentage of the overall construction cost. Therefore, an increase in the construction cost will mean an increase to the fees charged by the Design Team. Assuming Design Team fees increase by the same percentage as the construction contract, it can be estimated that an anticipated £37,000 will be required to cover this additional cost.

The revised estimated budget required for the Copeland Crescent project following receipt of the tenders is therefore in the region of £2,163,806 (allowing for professional fees of approximately £151,400 and construction costs of £2,012,406). This is an overall estimated increase of £529,406. Housing Services will continue to work with the design team and the contractor throughout the duration of the project, to seek cost saving measures, in order to deliver a value for money product at this site.

The Cabinet agreed (a) to approve the award of the construction contract, at a value of £2,012,406 to Morris and Spottiswood Ltd, for the construction of 12 units of new amenity houses at Copeland Crescent, Millport; and (b) that the budget allocated for the Copeland Crescent project should be supplemented by income from the Council House Building Fund in order that the higher than anticipated construction costs can be met.

17. Procurement Exercise: Provision of Tenants Home Contents Insurance

Submitted report by the Corporate Director (Social Services & Health) on the procurement exercise undertaken for the provision of Tenants' Home Contents Insurance and seeking approval to award the contract.

In June 2012 an advert was placed in the Official Journal of the European Union for the procurement of provision of Tenants Home Contents Insurance. The contract period is three years with the option to extend for up to a further two years, extensions being offered in periods of one year. The estimated contract value is £103,727 per annum (£518,635 over the anticipated life of the contract).

Six companies expressed an interest on Public Contract Scotland; three of whom completed and submitted tenders. The report summarised the evaluation process undertaken.

The Cabinet agreed to award the contract for the provision of Tenants Home Contents Insurance to JLT, for the contract period of three years with the option to extend for up to a further two years, as set out in the report.

The meeting ended at 3.20 p.m.