

Cabinet
6 June 2012

IRVINE, 6 June 2012 - At a meeting of Cabinet of North Ayrshire Council at 2.00 p.m.

Present

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

Also Present

Alex Gallagher, Tom Marshall, Elizabeth McLardy, Catherine McMillan and Alan Munro.

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 (Education and Skills); I.T. Mackay, Solicitor to the Council, J. Miller, Senior Planning Services Manager and A. Blakely, I.T. Manager (Corporate Services); Y. Baulk, Head of Finance, A. Bodie, Head of Infrastructure and Design and Stephen Humphries, Chief Revenues and Benefits Officer (Finance and Infrastructure); J.M. Macfarlane, Head of Human Resources, J. Montgomery, General Manager (Policy and Service Reform), C. Naismith, Team Manager (Economic Development), K. Dyson, Communications Officer and M. Anderson, Committee Services Officer (Chief Executive's Service).

Also In Attendance

Fiona Mitchell Knight, Lesley McGiffen and Lisa Proctor (Audit Scotland); Christina Naismith (Care Inspectorate); and Douglas Huchison (Education Scotland)

Chair

Councillor Gibson in the Chair.

1. Declarations of Interest

1.1 Advice to Elected Members

Submitted report by the Chief Executive on the requirements of Standing Orders and Section 5 of the Code of Conduct for Councillors in relation to declarations of interest.

Standing Order 16 provides that if any Member of the Council has a financial or non-financial interest in any contract or any other matter as defined by Section 5 of the Councillors' Code Conduct, and is present at any meeting at which that matter is to be considered, he or she must, as soon as practicable after the meeting starts, disclose that he or she has an interest and, importantly, state the nature of this interest. Section 5 of the Code, which was appended to the report, sets out the rules in relation to declarations of interest.

To facilitate such declarations, a heading "Declarations of Interest" routinely appears as the first item on agendas for all meetings of the Council and its Committees. Any Member making a declaration is expected to make a statement which is sufficiently informative as to enable those at the meeting, or anyone reading the Minute, to understand the nature of the interest.

The Committee agreed (a) to note the report; and (b) that Members ensure (i) they are familiar with the requirements of Standing Orders and Section 5 of the Code of Conduct for Councillors in relation to declaring interests and (ii) consider the need to declare financial or non-financial interests in any contract or any other matter as defined by Section 5 of the Councillors' Code of Conduct when attending meetings of the Council and its committees.

1.2 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. Assurance and Improvement Plan 2012-15

Submitted report by the Chief Executive on the Council's updated Assurance and Improvement Plan (AIP) for 2012-15 prepared by the Local Area Network (LAN) of external scrutiny bodies.

Representatives of the LAN were in attendance to outline the Shared Risk Assessment (SRA) process.

The Council's AIP 2012-15, which was set out at Appendix 1 to the report, identified no significant scrutiny risks. Three areas identified as significant risks in the previous year have been downgraded to areas of uncertainty. Asset management is also highlighted as an area of uncertainty. Strategic planning within Social Services and Health and the strategic partnership with NHS Ayrshire and Arran has been downgraded from an area of uncertainty in 2011/12 to no significant risks.

Some core national risk priorities were assessed as part of the SRA process, as detailed in Section 2.4.5 of the report. A summary of scrutiny activity during 2011/12 and details of scrutiny work planned during 2012/13 were provided at Sections 2.4.6 and 2.4.7 of the report.

Members asked questions, and received clarification, on the extent to which it is possible to avoid duplication of effort in terms of the audit process.

Noted.

3. Appointment of Educational Representatives to Cabinet

Submitted report by the Chief Executive on arrangements for appointing three church representatives and others to the Cabinet.

Section 124 of the Local Government (Scotland) Act 1973, requires the Council to appoint three church or denominational representatives to any committee which either advises the authority on any matter relating to the discharge of their functions as education authority or discharges any of those functions of the authority on its behalf. The church representatives outlined at Section 2 of the report are as specified in Section 124 (4) of the 1973 Act.

Section 3 of the report set out proposals for making the necessary appointments. The appendix to the report contained a letter from the National Secular Society on the appointment of religious representatives.

Members asked questions, and received clarification, on any equality implications surrounding the appointment of church representatives. Officers undertook to ensure that the public notice seeking nominations should make it clear that the invitation was extended to all denominational groups.

The Cabinet agreed (a) that the Chief Executive invite the Church of Scotland and the Roman Catholic Church to appoint representatives to the Cabinet, or renominate the previous representatives being Mr Gordon McConnell for the Church of Scotland and the Very Reverend Matthew Canon McManus for the Roman Catholic Church; (b) to issue a public notice seeking nominations from church or denominational groups to fill the third position; (c) to co-opt a non-voting representative of the professional teaching associations, nominated by the Local Negotiating Committee for Teachers, to join the Cabinet, and to invite Mr Gordon Smith to continue in this role; (d) to appoint 2 non-voting pupil representatives (1 male, 1 female), being Members of the Youth Council, to attend meetings of the Cabinet to give a pupil perspective on educational matters; and (e) to recommend to Council that the Scheme of Administration be amended to provide for these appointments in the constitution of the Cabinet when considering educational matters.

4. Revised Policy for Rating of Lands & Heritages Partly Unoccupied for a Short Time

Submit report by the Corporate Director (Finance and Infrastructure) seeking approval to change the Council's policy for short term empty relief for non-domestic property with effect from 1 April 2011.

The Council adopted the short term empty property relief policy of the former Strathclyde Regional Council in 1996. At present, the policy defines “short-term” as a minimum of 1 month and a maximum of 3 months. Under the current short-term policy empty property relief is only awarded to industrial property that is occupied and where part of the property then becomes unoccupied.

Over the last 18 months, it has become evident that the current economic recession is having a significant impact on local business in terms of sustaining employment, cash flow and meeting their rates liability. In the circumstances, the policy is considered no longer fit for purpose and it is proposed to change it retrospectively from 1 April 2011 to provide as much support as possible to local business during this difficult economic period. Sections 3.2-3.3 of the report summarised the proposed changes to the policy, which was set out at Appendix 1 to the report. The full costs of the short-term empty property relief will be met by the Scottish Government through the Rates Pool.

Members asked questions, and received clarification, on the impetus for the proposed changes and the background to the policy itself.

The Cabinet agreed to approve the revised policy for short term empty property relief for non-domestic property with effect from the 1 April 2011, as set out at Appendix 1 to the report.

5. Lease of part of the Churchyard of the Former Barony Church, West Kilbride

Submitted report by the Corporate Director (Finance and Infrastructure) on the changes to the actual area of land occupied by West Kilbride Community Initiative Limited at Barony Church.

At its meeting on 1 March 2011, the former Executive agreed to a lease being granted to West Kilbride Community Initiative Limited, to facilitate the extension of the former church building to provide a café. Subsequent to the original planning submission, the company altered its proposals, resulting in an application for amended planning permission, which was also granted. The development, including decking area, has now been completed, but occupies a different shape to either of the previous plans, as shown at Appendix 1. In the circumstances, the report proposed that the lease be adjusted to reflect the actual area occupied.

Councillor McLardy was invited to address the meeting on her concerns in respect of this matter.

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

- the planning history of the matter and options open in terms of enforcement;
- the inaccuracy of the information contained in the organisation's planning application in terms of ownership or control of the land in question;
- the organisation's actions in building on land, part of which was not owned by, or leased to, it;
- whether construction of the decking had impacted upon graves located within the grounds of the former church; and
- the discrete issues for the Council as landowner and Planning Authority.

The Cabinet agreed (a) not to approve the amendment to the lease of the Barony Church, West Kilbride, to reflect the actual area of occupancy; and (b) that West Kilbride Community Initiative Limited be instructed to remove the decking in question within a reasonable time period to be defined by Officers.

6. Kirktonhall, 1 Glen Road, West Kilbride

Submitted report by the Corporate Director (Finance and Infrastructure) on the applications received for the property transfer of Kirktonhall to third sector organisations and to recommend actions in respect of these applications.

Kirktonhall has been identified as being suitable for transfer to third sector organisations as it is surplus to Council requirements and has generated strong interest from community groups. Three applications have been received for the property, from the Kirktonhall Business Centre Group, the West Kilbride Community Initiative Limited (WKCIL) and Creative Life International Society Limited. Section 2 of the report summarised the outcome of the assessment process. Applying the assessment criteria and balancing the risks and benefits of each proposal, the report recommended that further discussions be undertaken with the Kirktonhall Business Centre Group to ensure a robust Business Plan is in place prior to agreeing the transfer of Kirktonhall with associated terms and conditions. The report also recommended that the work is progressed in a reasonable timescale in order to minimise the risk of the property deteriorating further.

Members requested clarification on the current estimated value of the property. The Head of Infrastructure and Design Services undertook to provide the requested information to Members.

The Cabinet agreed to (a) authorise the Corporate Director (Finance and Infrastructure) to take forward negotiations with the Kirktonhall Business Centre Group as the preferred group with a view to the future transfer of Kirktonhall subject to an assessment of the group's Business Plan; and (b) note that a further report on the outcome of the above assessment and negotiated terms and conditions of any transfer will be brought back to the Cabinet for approval.

7. Proposed Multi Fuel Power Station at Hunterston: Public Inquiry

Submitted report by the Solicitor to the Council on the action taken to engage legal representation for the Council in the forthcoming Public Inquiry.

On 9 November, 2011, the Council agreed to object to an application by Ayrshire Power Limited for consent under the Electricity Acts for the construction of a multi fuel power station at the Hunterston Peninsula. This resulted in Scottish Ministers ordering a Public Inquiry to determine whether consent should be given to construct the power station as proposed.

The Council's Legal Services do not have the resources to undertake a major Public Inquiry and so external advisors have been sought. The Chief Executive, in consultation with the Leader and Depute Leader of the Council, agreed to instruct the appointment of Mr James Findlay, QC to represent North Ayrshire Council at the Inquiry. Mr Findlay will be supported by Junior Counsel, who will provide the necessary assistance the QC requires. The estimated cost of £150k will be met from the 2011/12 underspend.

Members asked questions, and received clarification, on whether the estimated cost included the calling of expert witnesses.

The Cabinet agreed to homologate the actions taken by the Chief Executive to engage the services of Legal Counsel to represent North Ayrshire Council at the Hunterston Public Inquiry.

8. Service Plans 2012/13

Submitted report by the Chief Executive seeking approval of the Service Plans 2012/13.

Services have produced their Service Plans for 2012/13 in accordance with the Service Planning and Budgeting Guidance issued in June 2011. There are six Service Plans in total, as set out in the Appendices to the report.

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

Chief Executive's Service

- plans for the expenditure of the additional funds provided by the Scottish Government to tackle youth unemployment in North Ayrshire;

Corporate Services

- the performance of the Council's IT Service Desk;
- the terms of the SOCITM Customer Satisfaction Survey;
- action to promote digital inclusion and its role in assisting job seekers to apply for posts online;
- issues surrounding the provision of a secondary data centre and arrangements for the recovery of service applications and data in the event of a disaster within the main data centre;

Education and Skills

- promoting the Council's success in terms of early years education and promoting leadership in secondary schools;
- political decision making as an identified risk within the Service Plan;

Social Services and Health

- the Joint Equipment Service;
- the Service's capacity for improvement;
- the identification of those over 65 as vulnerable older people;
- interpreting the Service's performance in terms of the number of people in receipt of home care;
- recognising the role of key staff in responding to the failure of any independent care provider; and

Finance and Infrastructure

- refurbishing the Council's housing stock and its role in helping to tackle fuel poverty and improve energy efficiency.

The Cabinet agreed to (a) approve the Service Plans for 2012/13 as set out at Appendices 1 - 6, (b) agree to receive 6-monthly progress reports at future meetings; and (c) note that a report would be submitted to a future meeting of the Cabinet on the Council's business continuity and disaster recovery procedures.

9. Policy Boards

Submit report by the Chief Executive on approval to establish 6 cross-party Policy Boards to assist in the preparation of policy proposals for consideration by Cabinet.

In light of the anticipated work programme for Cabinet, the report proposed the creation of cross-party Policy Boards reflecting the portfolios of Cabinet, as set out at Section 2.2 of the report. The report proposed the establishment of the following 6 Policy Boards, each consisting of up to 10 Elected Members and with more detailed remits to be considered at the next meeting of the Cabinet :-

- Education Attainment and Achievement Policy Board, chaired by Councillor Tony Gurney;
- Economy and Employment Board, chaired by Councillor Marie Burns;

- Health and Social Care Body Board (including Integration and Housing), chaired by Councillor Anthea Dickson;
- Environment and Infrastructure Policy Board, chaired by Councillor John Ferguson;
- Finance and Corporate Support Policy Board, chaired by Councillor Alex McLean; and
- Community Empowerment Policy Board, chaired by Councillor Alan Hill

Members asked questions, and received clarification, on the inclusion of Corporate Procurement within the remit of the Finance and Corporate Support Policy Board.

The Cabinet agreed to (a) the establishment of 6 cross-party Policy Boards to support its work; and (b) request that the Chief Executive brings forward detailed remits for these Boards to the next meeting.

10. Bridging Finance to North Ayrshire Citizens Advice Service

Submitted report by the Chief Executive seeking homologation of the offer of bridging finance of £13,960 to North Ayrshire Citizens Advice Service (NACAS).

On 26 March 2012, NACAS announced that its intention to close its offices on Arran and in Kilbirnie and Largs from June 2012 as a result of increasing numbers of clients and reduced public sector funding. The Chief Executive wrote to the NACAS Board asking it to postpone such action until the review of the Council's support for financial advice services currently being undertaken by Social Services and Health was complete. This review includes input from NACAS and is due to report by the end of September 2012.

As a result of this, further meetings were held between officers from Social Services and representatives of the NACAS Board to discuss the way forward. Following these further meetings, it was agreed to offer NACAS bridging finance of £13,960 from the Social Services and Health budget to postpone the closure of offices until the end of September 2012.

The Cabinet agreed to (a) homologate the offer of bridging finance of £13,960 to North Ayrshire Citizens Advice Service; and (b) receive a further report after the completion of the review currently being undertaken by Social Services and Health.

11. Committed to Excellence Award

Submitted report by the Chief Executive on the "Committed to Excellence" status awarded to the Council by Quality Scotland.

The Council is committed to participating in Quality Scotland's "Levels of Excellence" recognition programme, which is a European-wide programme based on the EFQM Excellence Model. Quality Scotland's vision is to make business excellence a national characteristic.

Quality Scotland invited the Council to highlight three specific improvement projects for validation which summarised in a written submission, as highlighted at Section 2.2 of the report. Accredited EFQM assessors from Quality Scotland confirmed at the end of the process that the Council had successfully demonstrated that it is "Committed to Excellence". This status will last for two years, during which the Council can use the "Committed to Excellence" logo on its various communications. The Provost will attend the Quality Scotland Scottish Awards for Business Excellence Awards 2012 event on 19 June to collect the award.

Noted.

12. Blue Badge Reform

Submitted report by the Corporate Director (Social Services and Health) on recent and forthcoming changes to the Blue Badge scheme.

Since the beginning of January 2012 to date, Social Services and Health has processed a total of 525 blue badge applications, of which 249 have been discretionary applications requiring further assessment. From 1 September 2012, the regulations will provide mandatory independent mobility assessments (IMAs) which will be undertaken by the local authority based on information provided by a GP. There will be an annual funding transfer of £19,000 from Health to the Council's Social Services and Health service from 1 April 2012.

The current charge for a blue badge in North Ayrshire is £20, as per the revised charging policy introduced in June 2011. The Council does not charge for replacement badges (lost or stolen) but, under the new process, Northgate will charge local authorities £4.60 for each new and replacement badge issued.

Noted.

13. Coastal Communities Fund bid – Millport Pier

Submitted report by the Chief Executive on the Stage one application submitted to the Coastal Communities Fund for the renovation of Millport Pier.

The Government has introduced a new programme called the Coastal Communities Fund to support economic development projects in coastal areas across the UK. It will have around £23 million available each year for projects.

A cross departmental working group of officers has identified two potential projects, as set out in Section 1 of the report. Of these, the regeneration of Millport Pier was assessed as representing the best fit with the Council's Economic and Regeneration Strategy. A bid for funding was made in April 2012 with a business plan and capital delivery plan to be completed prior to the end of September 2012. If successful, proposals for match-funding will require to be brought forward.

Noted.

14. 3 Year Microsoft Enterprise Agreement 2012/2015 - Report on Tenders

Submitted report by the Solicitor to the Council on tenders received for the procurement of a 3 Year Microsoft Enterprise Agreement.

Following discussions with the Council's Procurement Service, an ITQ (Invitation to Quote) was raised via the Buying Solutions website on 20 March 2012. The criterion for the award of the contract was Most Economically Advantageous Tender, evaluated on the basis of Cost 60% and Quality 40%. Four responses to the ITQ process were received and fully evaluated. The highest scoring proposal was submitted by Insight, as shown in Section 2.4 of the report.

Based on current Microsoft Office usage, 2,600 devices would be licensed at a cost of £260,832 per annum for 3 years. There is a facility within the agreement to true up or true down by 10%.

The Cabinet agreed to the procurement of a 3-year agreement for a Microsoft Office Enterprise Agreement through Insight.

15. Family Support Service

Submitted report by the Corporate Director (Social Services and Health) on a tender exercise to appoint a provider to deliver a Family Support Service, providing early intervention services to parents with children 0-8 years in order to build capacity and capability.

The Community Planning partners have recognised that a step change is required in order to achieve North Ayrshire's vision of "a better childhood", and reduce the need for crisis interventions in later life. One of the early intervention proposals to be funded from the Council's budget is a Family Support Service. There is a need to provide intensive support to vulnerable families, to help with household organisation and ways of creating a more structured family environment within the home.

The provider will link with the range of Community Planning partners including Social Services and Health, Health, Education and Skills and third sector organisations. Funding of £400k has been allocated to the Family Support Services for each of the next 3 years, beginning in 2012/13.

The Cabinet agreed to a tender exercise to appoint a provider to deliver the Family Support Service for an initial period of 1 year, with the option to extend on an annual basis for up to three years.

16. Procurement Exercise - Tenants Home Contents Insurance

Submitted report by the Corporate Director (Social Services and Health) on tenders for the provision of Tenants Home Contents Insurance for North Ayrshire Council tenants.

Since 1995, the Council has offered tenants the option of obtaining household contents insurance under a Tenants Contents Insurance Scheme. Currently all tenants have the option of applying for standard insurance cover of £9,000 to £35,000. The cost of £9,000 of cover is £2.10 per fortnight, with special premiums available for pensioners. The current contract ends on 30 September 2012.

Members asked questions, and received clarification, on the need to tender under the European Union procurement regulations.

The Cabinet agreed (a) to authorise an Open Tendering exercise for the provision of Home Contents Insurance for a period of three years, with the option of extending the contract for two further twelve month periods, with tender responses to be submitted via the Public Contracts Scotland portal; and (b) that a written explanation be provided to Members on the necessity to tender in terms of the European Union procurement regulations.

17. Bridgegate Streetscape Improvements

Submitted report by the Corporate Director (Finance and Infrastructure) on the contract for the main contractor to carry out the construction work associated with the improvements to the streetscape within the Bridgegate area of Irvine.

Section 1 of the report provided details of the planned improvements to the Bridgegate area and gave details of the tendering exercise undertaken. Three tenders were received and reviewed in terms of both cost and quality (60: 40 Cost:Quality Ratio). The results were set out in Appendix 1 to the report.

Progress in relation to the project will continue to be reported to the Irvine Area Committee.

The Cabinet agreed (a) to note progress relating to the Bridgegate Streetscape Improvements, and (b) that the contract be awarded to Land Engineering (Scotland) Limited for the value of £1,781,120.48.

18. Approval to Award Business Gateway Services in Mainland Ayrshire

Submitted report by the Chief Executive on the tender of Business Gateway Services post October 2012 in Mainland Ayrshire (in collaboration with East Ayrshire Council and South Ayrshire Council).

Section 1 of the report provided details of the Business Gateway service. A restricted tendering process was followed under the European Union procurement process. Six Pre Qualification responses were received and evaluated, with 4 subsequently invited to tender. One supplier declined to submit a tender. The tender report was set out at Appendix 1 to the report.

The Cabinet agreed that Lanarkshire Enterprise Services Limited be awarded the contract for the provision of Business Gateway Services in Mainland Ayrshire from October 2012 to September 2017 (in collaboration with East Ayrshire Council and South Ayrshire Council), with a 3-month hand-over period with the current contractor from July to September 2012.

19. Economic Development, Business Development Approvals Committee - Minutes of Meeting held on 24 April 2012

Submitted report by the Chief Executive on the Minutes of the Meeting of the Economic Development, Business Development Approvals Committee held on 24 April 2012.

Noted.

The meeting ended at 4.25 p.m.