

LEADERSHIP PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 17th January 2012 at 10.00 a.m.

Present: Councillors Bill McIntosh (Chair), Douglas Campbell, Peter Convery, Hywel Davies, Nan McFarlane, Robin Reid and Margaret Toner.

Attending: D. Anderson, Chief Executive; L. Bloomer, Executive Director – Development and Environment; H. Garland, Executive Director – Children and Community; V. Andrews, Head of Legal and Administration; K. Leinster, Head of Community Care and Housing; J. McQuillan, Head of Property and Neighbourhood Services; L. Long, Acting Head of Children’s Services; T. Baulk, Chief Accounting Officer; A. Wilson, Head of HR and Organisational Development; H. Carswell, Head of Children’s Services; M. Newall, Head of Planning and Enterprise; R. Cairns, Team Leader Building Standards; L. Jarvie, Policy Officer; C. Downie, Public Communications Officer; D. Knight, Committee Services Officer; and A. Gerrish, Committee Administrative Officer.

Also Attending: David Richardson, Senior Audit Manager, Audit Scotland.

Community Services - Housing and Customer First.

1. Owner Engagement Strategy for Mixed Tenure Housing.

There was submitted a report (issued) of 5th January 2012 by the Executive Director – Children and Community

(1) advising

(a) that since the introduction of Right to Buy legislation in 1981, approximately 11,000 Local Authority properties had been sold to sitting tenants in this area and that while providing greater tenure mix across South Ayrshire, this legislation had introduced challenges in relation to communal repairs and improvements to flatted accommodation where the Council retained an interest;

(b) that the response by the Scottish Government had been to provide powers through two key pieces of legislation as follows:-

- the Tenements (Scotland) Act 2004 provided a structure for the maintenance and management of tenements where title deeds were silent to a particular matter;

and

- the Housing (Scotland) Act 2006 which gave Local Authorities new powers in relation to the carrying out of repairs and maintenance to privately owned houses; and

- (c) that by 2015, South Ayrshire Council should meet the Scottish Housing Quality Standard (SHQS) providing warm, safe and modern accommodation across the sector and as at 31st March 2011, 58.7% of South Ayrshire stock met the SHQS;
- (2) intimating
- (a) that to achieve some elements of the SHQS, investment would be required on external elements of flatted accommodation and in communal areas and that despite these works being required to meet the SHQS, many were not classed as essential repairs and that the Council could not in many cases instruct works without 100% agreement from owners within blocks; and
 - (b) that the share of costs for some owners could be high dependant on the measures proposed to ensure compliance with the SHQS and that to maximise compliance with the SHQS, landlords should be able to evidence engagement with owner occupiers in flatted accommodation;
- (3) recommending
- (a) that there was, therefore, a need for a strategy to outline the approach to be adopted to engage with owner occupiers in mixed tenure blocks across South Ayrshire;
 - (b) that the strategic aim was to engage with and involve owners in common repairs and maintenance in mixed tenure properties and to ensure that owners and the Local Authority met their repairs and maintenance obligations and complied with the requirements of the Scottish Housing Quality Standard by 2015;
 - (c) that where title deeds for properties did not make allowance for specific types of work to be carried out, the Tenements (Scotland) Act 2004 would apply, meaning that work could be instructed by any owner or the Council as long as the majority agreed to the work being carried out; and
 - (d) that where the Council had majority ownership in a mixed tenure block, the Council would instruct works and that the Council's Scheme of Assistance promoted greater responsibility amongst homeowners for the repair and maintenance of their homes including organising works where the Council was not the majority owner with advice and information being offered to home owners to assist them in this process; and
- (4) reporting that the review of the Housing Revenue Account Business Plan and validation of life cycle costs would indicate that sufficient funds were available to support these strategic objectives and to achieve SHQS compliance and that there were financial implications for owner occupiers in mixed tenure blocks where improvements were required to meet the SHQS which would vary dependant on the level of improvements required.

Decided:

- (i) to agree to adopt the Owner Engagement Strategy for Mixed Tenure Housing attached as Appendix 1 of the report; and
- (ii) to approve the implementation of actions included within the strategy.

Community Services - Social Services.**C****2. Pan Ayrshire Social Work Standby Service.**

Reference was made to the Minutes of the Council of 30th June 2011 (Page 449, paragraph 6) when it had been agreed

- (1) to support this Council's withdrawal from the current Standby arrangements with the West of Scotland Standby Service;
- (2) to approve the preferred alternative option to develop a Pan-Ayrshire standby service alongside strategic partners; and
- (3) to approve the initial management implementation plan and the appointment of a Project Manager for one year,

there was submitted a report (issued) of 5th January 2012 by the Executive Director – Children and Community

- (a) advising
 - (i) that a Project Manager had been appointed in October 2011 to assist in supporting the development of this service; and
 - (ii) that access to professional Social Work assessment was required 24 hours per day and that an analysis of existing referral patterns indicated that the majority of referrals to the West of Scotland Standby Service were by telephone with actual home visits made being minimal, averaging six per calendar month for East Ayrshire, seven for North Ayrshire and three for South Ayrshire;
- (b) proposing
 - (i) that a Pan Ayrshire Out of Hours Social Work Service hosted by East Ayrshire Council be based within Crosshouse Hospital and that the service would operate from 4.45 p.m. to 9.00 a.m. on weekdays and on a 24 hour basis at weekends and holidays;
 - (ii) that moving to a locally delivered Out of Hours Service would provide a quicker and more effective response for residents across the three Ayrshire authorities; and

- (iii) that the delivery of Mental Health Officer Services Out of Hours had posed a challenge to some local authorities and that this was reflected in the differing practices across the three Ayrshire Councils and that other partnerships had addressed this issue by paying a retaining fee to a pool of staff to provide Out of Hours cover, and that accordingly this model be adopted on a pan Ayrshire basis utilising a pool of sessional workers, operating on a standby rota; and
- (c) reporting
- (i) that the existing cost of the West of Scotland Standby Service for the three Ayrshire Authorities had been estimated to not exceed £596,244 per year with this Council's contribution for this year being £120,428; and
 - (ii) that overall, the redesign of the Out of Hours Service and introduction of Mental Health Officer Services would be achievable within the £120,428 existing resource with the major benefit of this proposal being the faster, more efficient and effective delivery of services to residents in South Ayrshire.

Questions were raised by Members of the Panel regarding the differing practices of Mental Health Officers in relation to the delivery of services across the three Ayrshire Councils and the arrangements for and the backfilling of the seconded posts and the Head of Community Care and Housing responded accordingly.

Decided: to approve

- (A) the Council's participation in an Ayrshire wide Out of Hours Standby Service, hosted by East Ayrshire Council;
- (B) the backfilling of any resultant vacancies as a result of the new Standby Service; and
- (C) the development of a pool of South Ayrshire Out of Hours Mental Health Officers through payment of a retaining fee.

Development and the Environment - Sustainability and the Environment.

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3. Proposed arrangements to meet responsibilities under the Flood Risk Management (Scotland) Act 2009.

There was submitted a report (issued) of 5th January 2012 by the Executive Director – Development and Environment

- (1) advising
 - (a) that the Flood Risk Management (Scotland) Act 2009 largely superseded the Flood Prevention (Scotland) Act 1961 and the Flood Prevention and Land Drainage (Scotland) Act 1997;

- (b) that the new Act had important implications for Local Authorities as it gave additional duties and that the Scottish Environment Protection Agency (SEPA) had identified 14 proposed Flood Risk Management (FRM) Districts based on catchment boundaries, one of which, District 12, covered Ayrshire;
- (c) that under Section 34 of the Act a lead Local Authority should be agreed for each of these 14 FRM Districts with each Lead Local Authority being expected to co-ordinate the work done by each individual Council to:-
- prepare the local FRM Plan and arrange any consultation;
 - inform the Scottish Ministers if the Plan was not meeting deadlines; and
 - publicise the final FRM Plan;
- (d) that a lead Local Authority would not be expected to carry out all the work, as it would be a joint effort between all the Local Authorities named for each District and that the lead Local Authority would facilitate the work, arrange meetings etc. for the FRM District and that it would remain the responsibility of each Local Authority to produce all the relevant information relating to flood risk management for their own area; and
- (e) that in a letter, the Scottish Government had suggested that either North Ayrshire Council or South Ayrshire Council would be the appropriate lead Local Authority for the Ayrshire FRM District and that the letter sought agreement by 30th November 2011, however, the Scottish Government had extended the date to 31st January 2012 to allow sufficient time for Elected Members to consider reports;
- (2) proposing that North Ayrshire Council act as lead Local Authority for FRM District 12; as this reflected the greater level of flooding risk and resource that they had compared to South and East Councils; and
- (3) reporting
- (a) that there were no financial implications arising from this report at this time, however, North Ayrshire Council would require support to part fund an extra member of staff to carry out this co-ordination work and this was currently being sought from Scottish Government; and
- (b) that if Government funding was not available, this Council's contribution to this part-time post would be found from within existing resources which included the sum of £100,000 that had been allocated in 2012/13 Budget.

Questions were raised by a Member of the Panel in relation to flooding within properties in Prestwick and discussions with the Forestry Commission regarding tree planting and the Team Leader Building Standards responded accordingly.

Decided: to support the appointment of North Ayrshire Council as lead Local Authority as part of the requirements of the Flood Risk Management (Scotland) Act 2009.

4. **Draft South Ayrshire Open Space Strategy.**

There was submitted a report (issued) of 5th January 2012 by the Executive Director – Development and Environment

- (1) advising
 - (a) that a draft open space strategy had been prepared to provide a coordinated approach to the provision, development, upkeep and maintenance of quality open space by South Ayrshire Council for the residents and visitors of South Ayrshire Council; and
 - (b) that the provision of a strategy fulfilled the recommendation of Scottish Government Planning Policy which recommended that a strategic and long term approach to managing open space should be adopted by the Local Authority and that the development of an overarching document such as this would also assist with Service Planning and day to day provision; and
- (2) proposing
 - (a) that the draft Open Space Strategy as outlined in Appendix 1 of the report set out a vision for the provision, management and maintenance of open spaces in South Ayrshire which Strategy was intended to ensure the quality, appropriate management and accessibility of parks and other open spaces and to identify the need for new or improved facilities where there were deficits in provision;
 - (b) that the Strategy had the potential to assist with the delivery of the Council's Community Plan, and, in particular promoting improved health and wellbeing, social inclusion, a more sustainable environment and sustainable economic growth; and
 - (c) that it was intended that the Open Space Strategy would assist in setting the strategic direction for open space in relation to several other plans and strategies such as the sports and leisure strategy.

Questions were raised by Members of the Panel in relation to privately owned land, the management of woodland and protecting the interests of the local people and whether a timetable could be produced which outlined the key aspects of the tasks to be completed each year and the Head of Property and Neighbourhood Services responded accordingly.

Decided: having recorded their appreciation of the work undertaken by Head of Property and Neighbourhood Services and his staff, to agree

- (i) that the draft South Ayrshire Open Space Strategy and associated draft Environmental Report be made available for public consultation; and
- (ii) that a subsequent finalised draft taking account of any comments be brought back to this Panel for approval.

Corporate and Community Planning - Resources and Performance.

5. Use of Repairs and Renewals Fund.

There was submitted a report (issued) of 9th January 2012 by the Executive Director – Corporate Services

- (1) advising
 - (a) that the Council had transferred £4.141m of funds to the Repairs and Renewals Fund during 2011/12 with a view to facilitating asset improvements and efficiencies in future years with draws of £0.939m having already been approved, leaving a balance of £3.591m;
 - (b) that the need for cemetery wall repairs at various locations across South Ayrshire had been identified, with an immediate requirement to undertake work at Ayr Cemetery, at a cost totalling £250,000; and
 - (c) that the financial benefits were difficult to quantify, however, there was a health and safety risk which would be mitigated by undertaking this work and that failure to undertake this work might result in a total collapse of the wall and damage to graves which would be very costly to reinstate, both in terms of the financial implications and reputationally for the Council; and
- (2) proposing that the sum of £250,000 be allocated from the Repairs and Renewals Fund to undertake this work.

A question was raised by a Member of the Panel requesting details of the repairs to be carried out at Cemeteries and the Head of Legal and Administration advised that she would circulate a briefing note to Elected Members outlining the work.

Decided: to approve expenditure of £250,000 on cemetery wall repairs from the Repairs and Renewals Fund.

6. Audit Scotland Charges – 2011/12 Audits.

There was submitted a report (issued) of 10th January 2012 by the Executive Director – Corporate Services

- (1) advising
 - (a) that Audit Scotland set an ‘indicative fee range’ in respect of each body which represented a 10 per cent flexibility (up or down) against an ‘indicative fee’;
 - (b) that the ‘indicative fee’ for South Ayrshire had been constructed based on the following:-
 - an assessment of the local risk areas for the body;
 - an assessment of the governance and accountability arrangements, the control environment and the risk assessment procedures;
 - an initial review of internal audit and the reliance that could be placed on its work;

- a review of the outcomes from previous audits;
- a review of the arrangements for producing the financial statements;
- any issues that might impact on the audit opinion; and
- an allowance for first year set-up costs;

(c) that the 'indicative fee range' for South Ayrshire Council was £256,460 to £313,450 (*£284,140 to £326,660 in 2010/11*) and that Audit Scotland had provided a fee proposal which set the 'agreed fee' £290,000; and

(2) proposing

(a) that the proposed total charges for the 2011/12 audit were £290,000 (*£312,000 in 2010/11*) and that a budget of £302,000 was held within the Miscellaneous Services/ HRA budget; and

(b) that in addition, the Council would receive a one-off rebate equivalent to 8 per cent of the 2010/11 fee.

Decided: to approve the total charges for the 2011/12 Audit in the sum of £290,000 (*£312,000 in 2010/11*) which would be accommodated within the Miscellaneous Services / HRA Budget.

7. Exclusion of press and public.

The Panel resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, that the press and public be excluded from the meeting during consideration of the remaining items of business on the grounds that they involved the likely disclosure of exempt information in terms of paragraphs 1, 8 and 9 of Part 1 of Schedule 7A of the Act.

8. Leasing Consultancy Service.

There was submitted a report (issued to Members only) of 9th January 2012 by the Executive Director – Corporate Services recommending the appointment of an external provider for a leasing consultancy/ advisory service to the Council for the period from 1st February 2012 to 31st January 2015.

Decided: to approve the appointment of Sector Treasury Services as leasing advisors to the Council for the period from 1st February 2012 to 31st January 2015.

9. Proposed Lease of factory at 1A Whitfield Drive, Ayr.

There was submitted a report (issued to Members only) of 5th January 2012 by the Executive Director – Development and Environment seeking approval to grant a lease of the vacant factory unit at 1A Whitfield Drive, Ayr as identified on the plan attached as an Appendix of the report.

Decided: to approve a lease of 1A Whitfield Drive, Ayr for a period of ten years on Full Repairing and Insuring (FRI) terms with a stepped rental as detailed in paragraph 4 of the report, to The Pet Food Co (Ayr) subject to planning permission being obtained for the change of use to storage and distribution and associated retail and on such other terms and conditions as might be agreed by the Executive Director - Development and Environment when concluding the legal transaction.

10. Lease of House at 9 Arrol Park, Ayr.

There was submitted a report (issued to Members only) of 5th January 2012 by the Executive Director – Development and Environment

- (1) seeking approval to enter into a 10 year lease of the property at 9 Arrol Park, Ayr and to enter into a development agreement with NHS Ayrshire and Arran relating to required adaptations; and
- (2) outlining the financial implications.

Decided:

- (a) to approve the lease from NHS Ayrshire and Arran of the house at 9 Arrol Park for a period of 10 years and on such other terms and conditions as might be agreed by the Executive Director - Development and Environment when concluding the legal transaction;
- (b) to agree that the Council enter into a development agreement with NHS Ayrshire and Arran regulating the provision of works required to adapt the property to suit South Ayrshire Council's requirements; and
- (c) to approve the virement associated with funding the recurring revenue costs as outlined at 5.1 in the report.

11. Co-mingled Dry Recyclate Contract.

There was submitted a report (issued – Members only) of 5th January 2012 by the Executive Director – Development and Environment seeking approval to replace the Council's Co-mingled Dry Recyclate (CDR) contract.

Decided: having recorded their appreciation of the work undertaken by Head of Property and Neighbourhood Services and his staff, to approve the award of the contract to Regen Waste Ltd. as detailed in the report and Appendix .

12. NHS Ayrshire and Arran Waste Contract.

There was submitted a report (issued to Members only) of 5th January 2012 by the Executive Director – Development and Environment

- (1) advising
 - (a) that the Council had historically provided waste collection and recycling services to NHS Ayrshire and Arran premises within South Ayrshire for a number of years; and
 - (b) that in 2005, the NHS had decided that they would seek competitive tenders for this work for all of their Ayrshire and Arran premises, by way of advertising a three-year contract for the work and that this contract stipulated that the NHS only wanted to deal with one office and one supplier (or individual suppliers working together) for the whole of the Ayrshire and Arran area for the provision of these services; and
- (2) seeking approval to submit a joint tender with East and North Ayrshire Councils for the NHS Ayrshire and Arran waste contract.

Decided: to agree that Officers submit a joint tender together with East and North Ayrshire Councils for the NHS Ayrshire and Arran waste contract.

13. Review of Criminal Justice Team Structure.

There was submitted a report (issued to Members only) of 10th November 2011 by the Executive Director – Children and Community seek approval to implement the reviewed structure for Criminal Justice in order to respond to revisions within the Criminal Justice and Licensing (Scotland) Act 2010.

Questions were raised by Members of the Panel seeking clarification of the financial implications and whether the proposed structure would provide enough support to the service users and the Acting Head of Children's Services responded accordingly.

Decided: to approve

- (1) the re-designation of posts as outlined in Section 4 of the report;
- (2) a reduction of identified posts and additional posts to give an overall increase of 2.4fte as outlined in Section 4 of the report; and
- (3) the ring fencing of interviews to Criminal Justice staff subject to ability and qualification.

14. **Capita Cash Receipting Contract - Renegotiation and Extension.**

There was submitted a report (issued to Members only) of 12th January 2012 by the Executive Director – Corporate Services seek approval for the extension of the current licence.

Decided: to authorise the Executive Director – Corporate Services to extend the Capita cash receipting contract beyond the current period due to end on 31st March 2016 for a further three years, from 1st April 2016 to 31st March 2019.

The meeting ended at 10.50 a.m.