

## **LEADERSHIP PANEL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 11th May 2010 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; J. G. Peterkin, Depute Chief Executive and Executive Director – Development and Environment; E. Howat, Executive Director – Corporate Services; H. Garland, Executive Director – Children and Community; V. Andrews, Head of Legal and Administration; D. Alexander, Head of Corporate Resources; K. Leinster, Head of Community Care and Housing; D. Burns, Manager (Housing Policy and Strategy); M. Newall, Head of Planning and Enterprise; K. Dalrymple, Roads Manager; R. Borland, Supervisory Engineer - Lighting; W. Gray, Property and Asset Manager; E. Monson, Neighbourhood Services Manager; K. Briggs, Principal Solicitor; D. Robertson, Communications Manager; and D. Knight, Committee Services Officer.

### **Community Services – Housing and Customer First.**

#### **1. Consultation: Eviction of Tenants in the Social Rented Sector (Protection of Tenants with Rent Arrears).**

There was submitted a report (issued) of 6th April 2010 by the Executive Director – Children and Community

(1) advising

- (a) that in December 2009, Shelter had published a research report titled “Eviction by Social Landlords in Scotland 2008/09” and that their observations had included a lack of consistency among social housing providers in seeking eviction and had recommended that social landlords should provide greater clarity to the courts prior to seeking eviction;
- (b) that as a result of that report and work undertaken by the Scottish Government’s Repossession Group, the Government had launched a consultation process for discussion on the proposals contained in the document “Eviction of Tenants in the Social Rented Sector: Protection of Tenants with Rent Arrears” on 30th March 2010 with responses to the proposals being required by 28th May 2010; and
- (c) that the consultation document outlined the current legislation around the eviction of tenants in the social rented sector and included options to improve the consistency and rigour of pre-eviction processes and procedures and that these options aimed to balance the needs of landlords who had a duty to protect public finances and prevent homelessness along with the needs of tenants; and

(2) detailing the main proposals contained in the consultation document.

Questions were raised by Members of the Panel in relation to the reasons for tenants being in arrears with their rent, whether new tenants could receive advice on budgets and the benefits system and information about the Council's services to prevent rent arrears, the re-housing of evicted tenants and the implications of the consultation for social landlords and the relevant Officers responded accordingly and advised that they would examine the possibility of preparing a welcome pack for new tenants giving information on how to budget, the benefits system and the Council's services.

**Decided:** to approve the proposed response as detailed in Appendix 1 of the report to the Scottish Government's paper: "Eviction of Tenants in the Social Rented Sector: Protection of Tenants with Rent Arrears".

## **2. Review of the Housing Revenue Account (HRA) Business Plan.**

There was submitted a report (issued) of 29th April 2010 by the Executive Director – Children and Community

- (1) reminding the Panel that a briefing paper had been presented to the Community Services Standing Scrutiny Panel on 20th January 2010 (Page 55, paragraph 4) which
  - (a) explained that the current rent increase policy of RPI + 1% would no longer generate sufficient funding to meet the long term maintenance of the housing stock, satisfactorily deliver housing services or deliver the Scottish Housing Quality Standard by 2015; and
  - (b) reported that a review of the HRA Business Plan and the financial assumptions underpinning it, would be carried out during 2010, with a view to establishing a new rental policy in time for 1st April 2011;
- (2) advising
  - (a) that in order to commence this exercise, tenders had been sought from consultants by 18th March 2010 and that 38 companies had expressed an interest in the review, with 13 tenders being received by the closing date; and
  - (b) that a review exercise had been undertaken and tender prices varied from £23,000 to £52,952 and that due to the significance of this piece of work, a 70% weighting had been applied to the quality of the bid and the likelihood of delivering the objectives sought with the cost weighting equating to 30%; and
- (3) reporting that the review of the HRA Business Plan would cost £44,619.00 and could be met from the HRA.

**Decided:** to approve the appointment of Arneil Johnston to undertake the review of the Housing Revenue Account Business Plan.

## **Development and the Environment – Sustainability and the Environment.**

### **3. Street Lighting Maintenance Contract – Extension to Contract Period.**

Reference was made to the Minutes of 27th October 2009 (Page 570, paragraph 4) and there was submitted a report (issued) of 28th April 2010 by the Depute Chief Executive and Executive Director – Development and Environment seeking approval to extend the current Street Lighting Maintenance Contract by a further three months in order to accommodate the collaborative working arrangements with neighbouring local authorities in procuring street lighting maintenance services.

The Supervisory Engineer – Lighting outlined the present position with regard to North Ayrshire Council contract procedures and advised the Leadership Panel that he was confident that the new contract would be in place by 1st October 2010.

**Decided:** that, under the provisions of paragraph 16.3 of the Council's Standing Orders Relating to Contracts, approval be granted to the Head of Planning and Enterprise to negotiate a three month extension until 30th September 2010 to the current Lighting Maintenance Contract with Centre Great Ltd.

## **Corporate and Community Planning – Resources and Performance.**

### **4. Housing and Council Tax Benefit – Performance Monitoring – Position at 31st March 2010.**

There was submitted a report (issued) of 29th April 2010 by the Head of Corporate Resources

- (1) advising of the service improvements being undertaken to help achieve the full range of national housing and Council Tax benefit performance standards;
- (2) detailing the position as at 31st March 2010 which highlighted the benefits service performance in key target areas; and
- (3) informing
  - (a) that between 1st April 2009 and 31st March 2010, 4,515 new claims had been received, which represented an increase of 12 per cent in comparison with the previous financial year and that this additional demand and associated increase in required administration meant that new claims were processed during 2009/10 on average within 21 days, which exceeded the target of 19 days;
  - (b) that similarly, during 2009/10, the number of housing and Council Tax benefit claimants who had experienced a change in their circumstances (due to reduced working hours, etc.) increased by 100 per cent in comparison with the previous financial year and as this category of work was less resource intensive (than new claims), the average speed of processing such change of circumstances was 11 days, which improved on the target of 13 days;

- (c) that in respect of housing benefit overpayment recovery, deductions from ongoing housing benefit were credited to the oldest periods of overpayment until full settlement was achieved and that in view of this, although 75 per cent of overpayments for 2009/10 had been recovered during the course of the financial year, a further 35 per cent of prior year overpayments had also been recovered against a recovery target of 22 per cent;
- (d) that in line with increased numbers of benefit claims submitted during 2009/10, and as part of the housing benefit data matching service operated between the Department for Work and Pensions (DWP) and local authorities, a greater number of potentially fraudulent claims had been highlighted for investigation and that the Council's counter-fraud staff therefore had achieved 60 sanctions relating to fraudulent benefit claims, which exceeded the target of 58 sanctions;
- (e) that although in excess of 43,000 benefit amendments had been processed during 2009/10, the level of complaints increased to 21 and that the Council strived to reduce the level of complaints year on year and meet the Council's service standards;
- (f) that the gross administration cost per case for housing and Council Tax benefit during 2009/10 would be finalised once the annual accounts were completed in June 2010;
- (g) that the closure of the benefits offices each day until 10.00 am and all day on Wednesdays was allowing staff, on a weekly basis to process 34 per cent of claims/ adjustments whilst progressing a further 14 per cent of other aspects of claim-associated work which, in turn, was enabling staff to provide a more focused and responsive service to benefits claimants; and
- (h) that in light of continuing reduced levels of benefit administration subsidy from the DWP, it was important that all stakeholders of the Council's benefits service provided greater claimant support to cope with ongoing/ high demands and the use of self-service technology, including a rules-based electronic benefit claim form which the claimant could complete themselves, or with limited support from stakeholders, was being rolled out across area housing offices and that this functionality would also be made available during the current financial year to registered social landlords operating within South Ayrshire.

**Decided:**

- (i) to approve the contents of this report; and
- (ii) to request the Head of Corporate Services to provide a further quarterly report on service delivery to a future meeting of this Panel.

**5. Discretion to Reduce Council Tax Discount on Second Homes and Long Term Empty Properties.**

Reference was made to the Minutes of the Policy and Resources Sub-Committee on Resource Management of 4th May 2005 (Page 258, paragraph 4) when that Sub-Committee had approved a reduction of Council Tax discount on second homes from 50 per cent to 25 per cent with effect from 1 September 2005 and there was submitted a joint report (issued) of 29th April 2010 by the Executive Director – Corporate Services and Executive Director – Children and Community

- (1) advising that as at 31st March 2010, the discount had generated a total of £1,168,360 in additional funding, for use for affordable housing and had been used as follows:-
  - £40,000 to Ayrshire Housing to assist with the installation of energy efficiency measures in their development at Maidens;
  - £413,824 to 42 Council new build homes at Thornyflat; and
  - £675,000 to form part of the funding package for a further Council new build proposal to be submitted to the Scottish Government by 30 April 2010;
  
- (2) indicating
  - (a) that the Single Outcome Agreement as part of the Concordat with the Scottish Government had recognised the need for housing and detailed 'increasing the supply of affordable housing' as a key priority;
  - (b) that housing need in South Ayrshire was estimated as being a requirement for approximately 200 additional homes per year, plus a requirement for permanent housing to meet the need generated through the statutory requirement to abolish priority need in 2012 and that the Council had consistently failed to meet this additional homes target; and
  - (c) that the Strategic Housing Investment Plan (SHIP) detailed the Council's investment in affordable housing based on the priorities identified in the Local Housing Strategy and that in addition to the 460 affordable homes which were planned over the five year period, the document detailed a number of additional sites that could be brought forward should additional funding become available and that the SHIP was required to demonstrate how the Council would use a range of means at its disposal to assist the development of affordable housing;
  
- (3) reporting
  - (a) that it was estimated that reducing Council Tax discount on 1,100 second homes and long term empty property owners would generate an additional £146,000, resulting in £395,000 per annum for affordable housing use;

(b) that this additional funding would assist the Council in taking forward priorities identified within the affordable housing programme and would enable additional homes to be built to meet the needs of households in South Ayrshire with the priorities for funding being identified as:-

- Care in the Community new build – in particular, to support costs where properties required additional works to meet the particular needs of residents;
- to support further Council new build projects;
- to enable the development of RSL new build where costs were high due to extraordinary construction or acquisition costs;
- to support the development of affordable housing on Council sites landbanked for affordable housing use; and
- to promote the use of energy conservation within new build projects; and

(4) indicating that a further report would be submitted to this Panel, in due course, by the Head of Community Care and Housing in relation to these increased amounts, if approved.

Questions were raised by Members of the Panel in relation to the number of properties that had been affected when the discount had been reduced from 50% to 25% including the net gainers and the net losers and the arrangements in publicising this change in policy to the Council Tax payers affected, and the relevant Officers responded accordingly and advised that the information requested on the number of properties affected would be forwarded to the Members of the Panel.

**Decided:**

- (i) to approve the reduction of Council Tax discount on second homes and long term empty properties from 25 per cent to 10 per cent with effect from 1st April 2011; and
- (ii) to note that, in addition to a press release and publicity on the Council's external website, the Council Tax section would write to approximately 1,100 Council Taxpayers affected by this change in policy.

**6. Write-off of Housing Benefits Overpayments.**

There was submitted a report (issued) of 29th April 2010 by the Head of Corporate Resources

- (1) outlining procedures for the write-off of housing benefit overpayments once all attempts to recover such debts had been exhausted (and without prejudice to future recovery);
- (2) seeking approval to write-off housing benefit overpayments of £112,731.46 in accordance with the Council's policy; and
- (3) advising that the accounts submitted for write-off would be contained within the existing bad debt provision.

**Decided:** to approve the write-off of housing benefit overpayments totalling £112,731.46 as detailed in the Appendix of the report.

## 7. **General Services Capital Programme 2010/11.**

There was submitted a joint report (issued) of 28th April 2010 by the Depute Chief Executive and Executive Director – Development and Environment and Executive Director – Corporate Services

(1) advising

(a) that the Council (Special) on 10th February 2010 had agreed: -

- to approve capital expenditure of £15,349,000 for 2010/11; and
- to allow over-programming of £550,000;

(b) that the Leadership Panel at its meeting on 13th April, 2010 (Page 218, paragraph 8) had approved the recommendations contained within the Masonhill Crematorium Options Appraisal Report to replace the cremators at Masonhill Crematorium and to install mercury abatement equipment, using a combination of capital funding and a finance lease; and

(c) that the amount of capital funding required for this was estimated at £387,000 and that currently, the approved Capital Programme contained a budget of £600,000 in relation to this project and therefore, £213,000 of funding might be released back to the Programme to fund other projects; and

(2) seeking approval for proposed changes to the approved General Services Capital Programme 2010/11 as follows:-

<b>Budgeted Over Programming Figure</b>	<b><u>£(550,000)</u></b>
<b>Reductions Requested: -</b>	
Masonhill Crematorium	<u>£ 213,000</u>
<b>Increases Requested: -</b>	
Installation of Auto-Shutdown Software PCs	£(82,000)
Loft Insulation	£(71,000)
Troon Town Hall Kitchen Replacement	£(60,000)
	<b><u>£(213,000)</u></b>
<b>REVISED OVER PROGRAMMING</b>	<b><u>£(550,000)</u></b>

Questions were raised by Members of the Panel in relation to the possible provision of extra toilets in the Troon Town Hall and flooding issues and the relevant Officer responded accordingly.

**Decided:**

- (a) to approve the proposed adjustments to the Programme as detailed in Section 4 of the report; and
- (b) to agree that the Depute Chief Executive and Executive Director – Development and Environment be authorised to enter into negotiations with Weir and McQuiston (Scot) Ltd. the Company currently employed on refurbishment work to Troon Town Hall, to extend their contract to include work to the kitchen, in accordance with the provisions of the Standing Orders Relating to Contracts, as proposed in Section 4.2.5 of the report.

**8. Belleisle Estate, Ayr.**

There was submitted a joint report (issued) of 29th April 2010 by the Depute Chief Executive and Executive Director – Development and Environment and Executive Director – Children and Community

- (1) advising
  - (a) that Belleisle Estate had been identified in the Council's Parks and Public Open Spaces Recreation and Landscape Strategy of 2001 as a "traditional large park containing visitor attractions and other quality facilities that can accommodate a wide range of leisure activities and is suitable for 'day out' activities" and that this Strategy would be updated within the next twelve months, but would continue to recognise the importance of the Belleisle Estate in the hierarchy of green spaces within South Ayrshire;
  - (b) that the Council had commissioned a Feasibility Study which had been produced in March 2007 generating substantial proposals for upgrading the Estate, including the Golf Courses and Clubhouse;
  - (c) that Belleisle Conservatory had been closed to the public in 2006 because of increased vandalism to the fabric of the building, which, in turn, caused repeated health and safety risks to the public and employees and led to increasing repair costs and that the Conservatory had since been boarded up to prevent access with all valuable items having been removed and placed in secure storage;
  - (d) that since the publication of the 2007 Study, a number of factors had changed:-
    - the Pets Corner facility and the Hotel had also both now closed; and
    - the Council had commissioned a wider review of Golf across the Council area; and

- (e) that while the Estate continued to be well managed and maintained, there were a number of opportunities that could be examined, both in terms of general and specific projects that would assist in preventing further decline in its condition and use; and
- (2) outlining a number of proposed key actions relating to Belleisle Estate as follows:-
- an application to the Heritage Lottery Fund (HLF) which offered grants for projects that regenerated parks under their Parks for People Programme;
  - the use of the site of the former Pets Corner;
  - the lease of Belleisle Hotel; and
  - the restoration of Belleisle Conservatory.

Concerns were raised by Members of the Panel in relation to the future upgrading and development of Belleisle and Rozelle Estates and Corsehill Park, the Feasibility Study that had been commissioned, the disposal or lease of Belleisle Hotel, including the use of the golf clubhouse facility, working with community groups and the application to the Heritage Lottery Fund and the relevant Officers responded accordingly.

**Decided:**

- (i) to note the potential for a Heritage Lottery Fund submission for Belleisle Estate;
- (ii) to authorise Officers to continue dialogue with HLF, including the submission of a Stage One bid and to agree that a further report be submitted to the Leadership Panel outlining the implications for future capital and revenue funding in the event of the Stage One bid being successful;
- (iii) to agree to support the establishment of a wider community group, a 'Friends of Belleisle Estate', and to work with such a Group to explore potential community engagement, voluntary work, grant funding and other opportunities;
- (iv) to approve the seeking of 'Expressions of Interest' in the former Pets Corner area;
- (v) to approve the formal termination of the lease of Belleisle Hotel and thereafter, the marketing of the property, including the former Gate Lodge, for disposal by lease or sale; and
- (vi) to note the current position with regard to the Conservatory and to agree to continue to support the partnership with Solayr to seek the restoration of this building.

**9. Exclusion of Press and Public.**

The Panel resolved, in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, that the press and public be excluded from the meeting during discussion of remaining business on the grounds that they involved the likely disclosure of exempt information in terms of paragraphs 6 and 9 of Part 1 of Schedule 7(A) of the Act.

**Community Services - Housing and Customer First.**

**10. Appointment of Design Team for House Building Project at Thornyflat in Ayr.**

There was submitted a report (issued to members only) of 4th May 2010 by the Depute Chief Executive and Executive Director – Development and Environment seeking approval for the appointment of the Design Team for the development of 42 new Council houses at Thornyflat in Ayr.

Questions were raised by Members of the Panel in relation to the house builders erecting eco-homes and using recycled materials and why one tender had received a negative score and the relevant Officer responded accordingly and advised that he would forward the information on the assessment of the tender to the Panel.

**Decided:** to approve the appointment of the following Design Team for the New Build Council Housing Project at Thornyflat in Ayr, the cost to be met from the overall project budget:-

- Architect: Anderson Bell Christie ;
- Quantity Surveyor: Neilson Binnie-Mckenzie;
- Structural Engineer: - Scott Bennett Associates Ltd.; and
- CDM Co-ordinator: CDM (Scotland) Ltd.

**Community Services – Social Services.**

**11. Outcome of the Complaints Review Committee.**

There was submitted a report (issued to members only) of 28th April 2010 by the Head of Legal and Administration informing of the outcome of the Complaints Review Committee which had been held on 31st March 2010 and

- (1) outlining how the Complaints Review Committee had reached its conclusions as detailed in the Appendix of the report; and
- (2) recommending that on the basis of these conclusions, the Complaint was not upheld and the Committee did not see fit to make any recommendations on this matter.

**Decided:** to note the conclusions reached by the Complaints Review Committee following the Hearing on 31st March 2010 as detailed in the Appendix of the report.

The meeting ended at 11.10 a.m.