

North Ayrshire Council
30 August 2016

IRVINE, 30 August 2016 - At a Special Meeting of North Ayrshire Council at 2.00 p.m.

Present

Robert Barr, John Bell, Matthew Brown, John Bruce, Marie Burns, Ian Clarkson, Joe Cullinane, Anthea Dickson, John Easdale, John Ferguson, Alex Gallagher, Willie Gibson, Tony Gurney, Alan Hill, John Hunter, Elizabeth McLardy, Grace McLean, Catherine McMillan, Peter McNamara, Ronnie McNicol, Louise McPhater, Tom Marshall, Jim Montgomerie, Alan Munro, Irene Oldfather, David O'Neill, Donald Reid, Robert Steel and Joan Sturgeon.

In Attendance

E. Murray, Chief Executive; L. Friel, Executive Director and M. Hogg, Head of Finance (Finance and Corporate Support); J. Butcher, Executive Director (Education and Youth Employment); C. Hatton, Executive Director (Place); K. Yeomans, Executive Director (Economy and Communities); S. Brown, Head of Service (Children, Families and Criminal Justice) (Health and Social Care Partnership); A. Fraser, Head of Democratic Support, C. Andrew, Senior Manager (Legal Services), M. Gilmour, Senior Communications Officer (Media and Internal Communications) and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

Also In Attendance

C. Larsen, Chair (Haysholm School Parent Council) and S. Cousar, Chair (Stanecastle School Parent Council) (Agenda Item 9).

Chair

Depute Provost Barr in the Chair (Agenda Items 1-5) and Provost Clarkson in the Chair (Agenda Items 5-10).

Apologies for Absence

Very Reverend Matthew Canon McManus and Elizabeth Higton (Religious Representatives) (Cabinet (Education))(Agenda Item 9).

1. Depute Provost's Remarks

The Depute Provost welcomed those present to the meeting and dealt with preliminary matters.

Thereafter, the Depute Provost invited the Council, in terms of Standing Order 2.2, to consider a written request from the Ardrossan and Saltcoats Herald and the Irvine Herald to film and photograph proceedings.

Councillor O'Neill, seconded by Councillor McNamara, moved that 'establishing' still photographs be permitted, but that no filming or further photographs of the proceedings be allowed.

As an amendment, Councillor Steel, seconded by Councillor Bruce, moved that the request to film and photograph proceedings be granted.

On a division, there voted for the amendment 3 and for the motion 23, and the motion was declared carried.

Accordingly, the Council agreed to permit 'establishing' still photographs, but not to allow filming or further photographs of the proceedings.

The meeting stood adjourned to allow the photographs in question to be taken, reconvening with the same Members and officers present and in attendance.

2. Apologies

The Depute Provost invited intimation of apologies for absence. There were no Elected Member apologies. Apologies were, however, recorded in respect of lay Members of Cabinet (Education) with regard to Agenda Item 9.

3. Declarations of Interest

There were no declarations of interest in terms of Standing Order 10 and Section 5 of the Councillors' Code of Conduct.

There were no declarations of the Party Whip.

4. Order of Business

The Depute Provost agreed, in terms of Standing Order 9.3, to vary the order of business to allow earlier consideration of the report of the Returning Officer in respect of the Ward 1 (Irvine West By-Election) and to consider resignations and proposed appointments.

The Depute Provost also intimated his intention to consider an Urgent Motion in terms of Standing Order 9.4, such consideration to take place immediately following Agenda Item 8(a) (Motions).

5. Report of the Returning Officer

Submitted report by the Chief Executive on the outcome of the by-election for Ward 1 (Irvine West) held on 11 August 2016.

The Council agreed to note (i) the outcome of the Ward 1 (Irvine West) By-Election and the election of Louise McPhater and (ii) that the new Member had signed the Declaration of Acceptance of Office on 12 August 2016.

6. Resignations and Proposed Appointments

The Depute Provost invited the Council to note the resignation of Councillor Joan Sturgeon as Provost and to consider a nomination received in respect of this post.

Councillor Cullinane, seconded by Councillor Bell, moved that Councillor Ian Clarkson be appointed as Provost. There being no amendment, the motion was declared carried.

Accordingly, Councillor Clarkson was appointed to the office of Provost of North Ayrshire Council.

Following a short recess during which he was presented with the Chain of Office, the Provost assumed the Chair. He thanked Members for his appointment, asserted his intention to do his utmost in the service of the Council, and expressed his appreciation of the work carried out by former Provost Sturgeon, particularly with regard to her charity work.

The Provost then invited the Council to note the resignations of Councillors Gibson and Hill as Leader and Depute Leader of the Council respectively, and to consider a nomination received in respect of each of these positions.

Councillor McNamara, seconded by Councillor Montgomerie, moved that Councillor Cullinane be appointed as Leader of the Council. There being no amendment, the motion was declared carried.

Thereafter, Councillor Gallagher, seconded by Councillor Montgomerie, moved that Councillor Bell be appointed as Depute Leader of the Council. There being no amendment, the motion was declared carried.

Accordingly, the Council agreed to appoint Councillors Cullinane and Bell as Leader and Depute Leader of the Council, respectively.

7. Committee and Outside Body Appointments

Submitted report by the Chief Executive on proposed changes to committee and outside body appointments.

On 17 August 2016, a written requisition was received from Councillors Brown, Burns, Dickson, Ferguson, Hill, McLean, McMillan and Sturgeon, requesting a Special Meeting of the Council to consider the resignation of the SNP Administration and to make arrangements for a new Council to be formed.

On 23 August 2016, the former Leader and Depute Leader of Council submitted a signed document listing the SNP Group Member resignations from the positions referred to at Section 2.2 of the report. Subsequently, on 24 August 2016, Councillor Bruce advised that he did not agree to resign as Cabinet Member, Portfolio-holder for Education, Attainment and Achievement, or member of COSLA's Education, Children and Young People Executive Group, nor did he authorise the SNP Group to tender his resignation from those positions.

As a preliminary matter, the Chief Executive sought clarification as to whether the SNP Leader or Depute Leader had authority to submit Councillor Bruce's resignation from the above-mentioned positions on his behalf. Councillor Gibson advised that he did not have such authority.

Thereafter, the Chief Executive invited Members to consider each of the proposals set out at Section 3 of the report and contained in Appendix 1 to the report, with the exception of the aforementioned positions held by Councillor Bruce, which would be the subject of separate consideration in terms of the Urgent Motion.

The Council then unanimously agreed:-

- (a) to approve the following Cabinet Member and Portfolio appointments, namely (i) Councillor Cullinane as Finance and Corporate Support Portfolio and Cabinet Member, (ii) Councillor Bell as Cabinet Member, (iii) Councillor McPhater as Communities Portfolio and Cabinet Member, (iv) Councillor McNamara as Health and Social Care Portfolio and Cabinet Member, (v) Councillor Montgomerie as Place Portfolio and Cabinet Member and (vi) Councillor Gallagher as Economy Portfolio and Cabinet Member;
- (b) to note the resignation of Councillor Dickson as Chair of the Integration Joint Board and Councillor Gibson as Chair of the Staffing and Recruitment Committee, with both continuing to serve as ordinary Member of their respective committees;
- (c) to note the resignation of Councillor Gibson as a member and Chair of the Community Planning Partnership Board and, given this position is held by the Leader of the Council, approve the appointment of Councillor Cullinane as his replacement;
- (d) to note the following replacements made by the Labour Group in terms of the Council's Scheme of Administration, namely (i) Councillor Cullinane to replace Councillor Gallagher on the Ayrshire Shared Services Joint Committee, (ii) Councillor Munro to replace Councillor Clarkson on the Licensing Committee and Board, (iii) Councillor Easdale to replace Councillor Bell on the Police and Fire and Rescue Committee and (iv) Councillor Cullinane to replace Councillor McNamara on the Staffing and Recruitment Committee; and

- (e) to note that proposed changes to the Scheme of Administration in respect of the size of the Cabinet, arrangements for chairing the Appeals Committee, and Audit and Scrutiny functions would be the subject of consideration in terms of a separate Motion to the Council.

Councillor Cullinane, seconded by Councillor Bell, moved that the Council approve the proposed replacements and, where appropriate, Chair appointments, as set out at Appendix 1 to the report, with the exception of the appointment to the COSLA Education, Children and Young People Executive Group, given that this would be the subject of separate consideration in terms of the Urgent Motion.

As an amendment, Councillor Hunter, seconded by Councillor Bruce, moved that the Council approve the proposed replacements and, where appropriate, Chair appointments as set out at Appendix 1 to the report, with the exception of the appointment to the COSLA Education, Children and Young People Executive Group, given that this would be the subject of separate consideration in terms of the Urgent Motion, subject to the appointment of Councillor McNicol, rather than Councillor Munro, as Chair of the Licensing Committee.

Councillor Cullinane agreed to withdraw his motion in favour of the amendment, which then became the substantive motion. There being no amendments, the substantive motion was declared carried.

Accordingly, the Council agreed to approve the following replacements and Chair appointments, namely (i) Councillor Gibson as Leader of the largest Minority Group; (ii) Councillor McNamara as Chair of the Integration Joint Board; (iii) Councillor McNicol as Chair of the Licensing Committee; (iv) Councillor Cullinane as Chair of the Staffing and Recruitment Committee; (v) Councillor Cullinane as Chair of the Ayrshire Shared Services Joint Committee; (vi) Councillor Cullinane on the COSLA Convention, replacing Councillor McNamara; (vii) Councillor McNamara on the COSLA Community Justice Sub-Group, with Councillor Dickson as his substitute; (viii) Councillor McPhater on the COSLA Community Wellbeing Executive Group; (ix) Councillor Gallagher on the COSLA Development, Economy and Sustainability Executive Group; (x) Councillor McNamara on the COSLA Health and Wellbeing Executive Group; (xi) Councillor Cullinane on the COSLA Resources and Capacity Executive Group; (xii) Councillor Montgomerie on the COSLA Sports, Art and Culture Working Group; (xiii) Councillor Cullinane on the COSLA Strategic HR Management Executive Group; (xiv) Councillor Cullinane as Chair of the Community Planning Partnership Board; (xv) Councillor Cullinane on the Economic Development and Regeneration Board, replacing Councillor McNamara; (xvi) Councillor Gallagher as Chair of the Local Employability Partnership.

8. Councillors' Remuneration: Senior Councillors

Submitted report by the Executive Director (Finance and Corporate Support) which advised the Council of the Councillors' remuneration levels per the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007.

The Council agreed (a) to note the recommended remuneration and expenses outlined in the Regulations; and (b) approve the posts of significant responsibility which hold a Senior Councillor salary, as set out within Section 2 of the report.

9. Motions

(a) a Motion by Councillor Cullinane, seconded by Councillor Bell, in the following terms:-

"Following the resignation of the administration we propose the following changes:-

That Council agrees to:

1. Combine the Audit and Scrutiny and Petitions Committees. Accordingly Council agrees to make the following changes to the Scheme of Administration: - to remove Sections 5 Audit Committee and 14 Scrutiny and Petitions Committee and in place thereof add a new Section 5, being an Audit and Scrutiny Committee as follows:

Constitution

Seven Members of the Council excluding any Members of the Cabinet and comprising three Members nominated by the Administration, two Members nominated by the main Opposition Group, and two others.

Chair

The Chair of the Committee will not be a Member of the Administration and will be appointed by the Council.

Quorum

Three Members of the Committee will constitute a quorum.

Delegated Powers

The Audit and Scrutiny Committee does not have delegated powers. All recommendations of the Committee will be considered by Cabinet.

Functions Referred

The functions of the former Audit and Scrutiny and Petitions Committees will be referred to the Committee.

2. To remove the existing Members of the former Audit and Scrutiny and Petitions Committees;
3. To appoint Councillor Hunter as Chair of the Audit and Scrutiny Committee, and to invite the Labour and SNP Groups and the Independent/Conservative Members to appoint their Members to the Committee;
4. To agree that a timetable for meetings of the Audit and Scrutiny Committee be submitted to the September meeting of Council;
5. To amend the Scheme of Administration to reduce the composition of Cabinet from seven to six Members;
6. To amend the Scheme of Administration to amend the Chair of the Appeals Committee to the following "The Chair of the Committee will be appointed by Council", and to amend the Constitution of the Appeals Committee to "The Appeals Committee will comprise a pool of 10 Members, including the Chair and all standing Members of the Staffing and Recruitment Committee, or if unavailable their named substitutes from that Committee. Out of this pool, three Members, one of whom shall be the Chair, and one a Member (or their substitute) from the Staffing and Recruitment Committee, will determine each individual appeal. Committee Services will select the Members on an equitable basis, having regard to availability."
7. To appoint Councillor Munro as Chair of the Appeals Committee.
8. To remove the following first named Councillor from Chair appointments and to replace them by the second named Councillor, the removed Chair to remain an ordinary Member of the Committee or Board:-

Local Development Plan Committee – Councillor Burns by Councillor Gallagher
 Police and Fire and Rescue Committee - Councillor Burns by Councillor Easdale
 Ayrshire Valuation Joint Board - Councillor Brown by Councillor Reid

9. To remove the following first named Councillor from the following appointments and to replace them by the second named Councillor:-

Economic Development and Regeneration Board - Councillor Burns by Councillor Gallagher
 Integration Joint Board - Councillor McMillan by Councillor Easdale
 Flood Risk Local Plan District Steering Group - Councillor Gurney by Councillor Montgomerie
 North Ayrshire Ventures Trust - Councillor Burns by Councillor McPhater
 Strathclyde Partnership for Transport - Councillor Bruce by Councillor Reid"

Prior to speaking to his motion, Councillor Cullinane took the opportunity, following his appointment as Leader of the Council, to pay tribute to Councillors Sturgeon, Gibson and McNamara in their roles as Provost, Leader of the Council and Leader of the Labour Group.

Thereafter, Councillor Cullinane advised of the following amendments to his motion, namely (i) to delete point 5 above, given that it would be the subject of separate consideration in terms of the undernoted Urgent Motion and (ii) to clarify that the proposed replacement of Councillor Brown with Councillor Reid as Chair of the Ayrshire Valuation Joint Board constituted a recommendation to the Board.

As an amendment, Councillor Hill, seconded by Councillor Gibson, moved that the Council approve the motion, as amended, subject to the deletion of the proposal that Councillor Reid replace Councillor Brown as Chair of the Ayrshire Valuation Joint Board.

Members then asked questions of officers and of the movers of the motion.

Thereafter, on a division, there voted for the amendment 13 and for the motion, as amended, 13. There being a parity of votes, the matter was determined by the drawing of lots, whereby the motion, subject to deletion of point 5 and the replacement on the Ayrshire Valuation Joint Board being a recommendation to that Board, was declared carried.

(b) an Urgent Motion by Councillor Cullinane, seconded by Councillor Bell, in the following terms:-

"1. That Council agreed to make the following changes to appointments:-

Cabinet - remove Councillor Bruce

Portfolio holder for Education and Youth Employment - remove Councillor Bruce and replace with Councillor Bell

COSLA Education, Children and Young People Executive Group - replace Councillor Bruce with Councillor Bell

2. That Council agreed to amend the Scheme of Administration to reduce the composition of Cabinet from seven to six Members."

In introducing his motion, Councillor Cullinane spoke of the high regard in which he held Councillor Bruce and indicated that the intention of the motion was simply to make changes necessary to the effective formation of a new Administration.

There being no amendment, the motion was declared carried.

The Council then adjourned, reconvening at 4.00 p.m. with the same Members and Officers present and in attendance, with the exception of Councillors Brown, Ferguson, Gurney, Hill, McLardy, McLean and Marshall.

10. Statutory Public Consultation on Proposed Development of new Additional Support Needs (ASN) Provision for North Ayrshire

Submitted report by the Executive Director (Education and Youth Employment) on a Statutory Public Consultation on a proposal to develop a new ASN school for North Ayrshire. A Proposal Document was set out at Appendix 1 to the report.

The Executive Director (Education and Youth Employment) advised on the Statutory Public Consultation in respect of the proposals, making reference to expressions of support for the proposed arrangements submitted by the Religious Representatives on the Council's Cabinet (Education) who had been unable to attend the Special Meeting of the Council.

The Provost then invited C. Larsen, Chair of Haysholm Parent Council, accompanied by S. Cousar, Chair of Stanecastle School Parent Council to address the meeting. Ms Larsen, speaking on behalf of the Parent Councils of Haysholm, James McFarlane, James Reid and Stanecastle Schools and the parents of pupils of those schools, expressed support for the proposals for a new ASN school for North Ayrshire and her appreciation of the informal consultation which had already taken place.

Members then asked questions of officers in respect of any plans for pupils with additional support needs who attended Dreghorn Primary School, and the formal public meeting arrangements set out at Section 12.7 of the Proposal Document.

Thereafter, Councillor Cullinane, seconded by Councillor Gibson, moved that the Council approve the recommendations set out in the report. There being no amendment, the motion was declared carried.

Accordingly, the Council agreed to (a) note the positive outcome of pre-consultation stakeholder engagement; (b) approve the commencement of a Statutory Public Consultation on 12 September 2016 on the proposal to create a new 2-18 school, located at the site adjacent to Auchendarvie Academy resulting in the closure and amalgamation of Haysholm, James McFarlane, James Reid and Stanecastle Schools; (c) approve the creation of a new early years provision at Annick Primary School to replace the current provision at Stanecastle School; (d) issue the Proposal Document attached at Appendix 1 to the report and invite all interested parties to make written representation on the proposal to the Executive Director (Education and Youth Employment) no later than 4 November 2016; (e) receive a report on the responses to the consultative process at a future meeting of the Cabinet (Education) or Council, as appropriate.

The Meeting ended at 4.20 p.m.